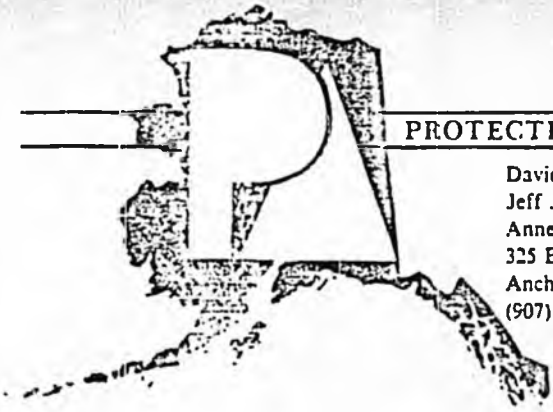


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PROTECTION AND ADVOCACY FOR THE DEVELOPMENTALLY DISABLED

David Maltman-Director
Jeff Jesse-Staff Attorney
Annely Germaine-Coordinator
325 East 3rd, 2nd Floor
Anchorage, AK 99501
(907) 274-3658

Jan Maas-Advocate
419 6th St., Rm. 232
Juneau, AK 99801
(907) 586-1627

Patricia Pennellia-Advocate
763 7th Ave.
Fairbanks, AK 99701
(907) 456-1070

March 14, 1984

Mr. Steve Hole
Education Administrator
Department of Education
Pouch F
Juneau, Alaska 99811

Dear Steve,

This letter is to provide you with the proposed amendment to HB 194 we discussed on March 9, 1984, regarding the availability of due process hearings. We suggest the following amendment:

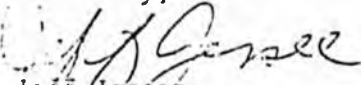
Sec. 14.30.195 HEARINGS (a) The department shall by regulation provide for administrative hearings which may be initiated by parents or educational agencies and to be conducted under AS 14.30.180 - 14.30.350 whenever the parent or educational agency:

- (1) Proposes to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free appropriate public education to the child, or
- (2) Refuses to initiate, change or consent to the identification, evaluation, or educational placement of the child or the provision of a free appropriate public education.

It is our understanding that this amendment would eliminate the need for Sec. 14.30.337 requiring parents to ensure that their child attends a special education program by allowing an educational agency to initiate a due process hearing when a parent refuses to consent to an initial evaluation or placement.

Thank you for your help on this. If you have any further questions or believe that another alternative would be better, please let me know.

Sincerely,


Jeff Jesse
Staff Attorney

JJ:dw

SECTIONAL ANALYSIS CS HB 194 (Finance)
March 8, 1984 (Revised)

- Section 1 Makes changes in conformity with federal requirements that free public educational services be provided to exceptional persons in need of them through their twenty-first year, and that those services be appropriate to the actual student needs.
- Sections 2-3 Make changes in conformity with federal requirements.
- Section 4 Sets out the federally required process for determining the needs and program placement respecting exceptional children.
- Section 5 Sets out the process for resolving disputes which arise from the requirements imposed by this chapter.
- Section 6 Establishes the pre-existing Governor's Council for the Handicapped and Gifted as the federally required state advisory council on matters associated with programs for exceptional children.
- Section 7 Language clean-up.
- Section 8 New statutory requirement. Although already required by regulations adopted under the authority expressly granted by sec. 14.30.250, this section would require that persons employed as school district directors of special education programs possess appropriate training in education administration.
- Section 9 Clarifies requirements for a substitute teacher of exceptional children.
- Section 10 Sec. 272 sets out the specific rights granted to parents of exceptional children by federal law. Sec. 274 sets out the federal requirements respecting the affirmative action required of school districts to locate and arrange for services for exceptional children. Sec. 276 sets out the federal requirements generally associated with the concept of mainstreaming, or making sure that exceptional children are treated and served as non-exceptional children to the maximum extent practicable. Sec. 278 sets out the process and content required of individualized education program plans for exceptional children.

- Section 11 Clarifies and cleans up the requirements and process for transferring exceptional children to schools or programs outside their school districts of residence.
- Section 12 Clarifies the scope of services considered necessary for the child's program.
- Section 13 Makes it clear that disagreement over the transfer of an exceptional child does not eliminate the school district's obligation to provide services to the student.
- Section 14 Clarifies the meaning of the section which deals with services provided to hospital or home bound exceptional children.
- Section 15 Sec. 14.30.315 makes clear that state aid for programs for gifted students is conditioned upon prior state approval of those programs. Sec. 325 largely restates the existing federal requirements on the subject.
- Section 16 Sec. 14.30.335 would give the department the authority to alter requirements imposed upon school district programs for exceptional children in conformity with changes in the federal law which may occur from time to time.
- Section 17 Clarification.
- Section 18 Would adopt the existing federal definitions of all of the listed items except (3), (4)(C) and (7).
- Section 19 Would repeal various sections replaced or made unnecessary by this Act.
- Section 20 Effective date.

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: March 7, 1984

REQUEST

Bill/Resolution No.: CSHB-194(Fin)
Title: ...exceptional children...

Sponsor: Governor
Requestor: House Finance
Date of Request: 3-7-84

FISCAL DETAIL

Agency Affected: Education
Program Category Affected: Elementary and Secondary Education
BRU, Program or Subprogram(s) Affected: Exceptional Children, Foundation Program

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS: N/A

FULL-TIME						
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

The bill has no fiscal impact on this department.

ANALYSIS: Attach a separate page for analysis

Prepared By: Steve Hole *[Signature]* Phone: 465-2800
Division: Commissioner's Office Date: 3-7-84

Approved by Commissioner: Harold Raymond *[Signature]* Date: 3-7-84
Agency: Education

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

12/1/83