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Lauterbach
5/8/02

HOUSE CS FOR SENATE BILL NO. 345(RLS)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY THE HOUSE RULES COMMITTEE

**Offered:
Referred:**

Sponsor(s): SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to statewide school district correspondence study and to centralized
2 correspondence study; relating to the delay of the reduction of supplementary public
3 school funding; relating to funding the Alaska Challenge Youth Academy program;
4 relating to medical assistance for rehabilitative services for certain children with
5 disabilities; relating to agreements to pay medical assistance for covered services paid
6 for or furnished to eligible children with disabilities by a school district; and providing
7 for an effective date."

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

9 * Section 1. AS 14.07.050 is amended to read:

10 Sec. 14.07.050. Selection of textbooks. Textbooks for use in the public
11 schools of the state, including a district offered statewide correspondence study
12 program, shall be selected by district boards for district schools. Nothing in this
13 section precludes a correspondence study student, or the parent or guardian of a

1 correspondence study student, from privately obtaining or using textbooks or
2 curriculum material not provided by the school district.

3 * Sec. 2. AS 14.07 is amended by adding a new section to read:

4 Sec. 14.07.175. Powers relating to statewide correspondence study. (a)
5 The board may adopt regulations regarding statewide correspondence study programs.
6 A regulation applicable to a statewide correspondence study program conducted by
7 Alyeska Central School, a charter school, or a school district must

8 (1) specify that, once the department has approved an initial statewide
9 correspondence program application, the district is not required to submit a new
10 application more frequently than every five years unless the program is designated as
11 deficient or in crisis under AS 14.03.123(a);

12 (2) provide that an enrolled student shall be monitored by a certificated
13 teacher or appropriately trained personnel employed by the governing body; the
14 review of student work by certificated teachers must occur at least quarterly, except as
15 required by a student's individual education program under AS 14.30.180 - 14.30.350
16 or as required in the education plan developed for the student under 29 U.S.C. 794;
17 and

18 (3) provide that the governing body conducting the correspondence
19 program has the duty and authority to establish procedures for

20 (A) the review, selection, and use of correspondence
21 curriculum materials before they are introduced into the correspondence
22 curriculum; and

23 (B) approving or disapproving home-designed courses.

24 (b) In this section, "district" has the meaning given in AS 14.17.990.

25 * Sec. 3. AS 14.08.111(9) is amended to read:

26 (9) establish procedures for the review and selection of all textbooks
27 and instructional materials, including textbooks and curriculum materials for
28 statewide correspondence programs, before they are introduced into the school
29 curriculum; the review includes a review for violations of AS 14.18.060; nothing in
30 this paragraph precludes a correspondence study student, or the parent or
31 guardian of a correspondence study student, from privately obtaining or using

1 textbooks or curriculum material not provided by the school district;

2 * Sec. 4. AS 14.14.090(7) is amended to read:

3 (7) establish procedures for the review and selection of all textbooks
4 and instructional materials, including textbooks and curriculum materials for
5 statewide correspondence programs, before they are introduced into the school
6 curriculum; the review includes a review for violations of AS 14.18.060; nothing in
7 this paragraph precludes a correspondence study student, or the parent or
8 guardian of a correspondence study student, from privately obtaining or using
9 textbooks or curriculum material not provided by the school district;

10 * Sec. 5. AS 14.17.490(d) is amended to read:

11 (d) Beginning in fiscal year 2004 [2000], if a district receives more public
12 school funding under AS 14.17.410 than the district received in the preceding fiscal
13 year, any amount received by the district under this section shall be reduced. The
14 amount of the reduction required under this subsection is equal to the amount of
15 increase from the preceding fiscal year in public school funding multiplied by 40
16 percent. In this subsection, "public school funding" does not include funding under
17 this section.

18 * Sec. 6. AS 14.30 is amended by adding a new section to read:

19 **Sec. 14.30.740. Funding for Alaska Challenge Youth Academy program.**

20 (a) Each fiscal year, the department shall allocate funding for the Alaska Challenge
21 Youth Academy program in an amount equal to the base student allocation multiplied
22 by seven for each residential student and the base student allocation multiplied by 6/10
23 for each nonresidential student, minus the amount received by the program in federal
24 matching grant funds. The determination of the number of residential and
25 nonresidential students shall be made by the department on October 1 of the prior
26 year.

27 (b) In this section,

28 (1) "base student allocation" means the amount established under
29 AS 14.17.470;

30 (2) "nonresidential student" means a student who receives services but
31 does not reside at the program site;

- 1 (3) "program" means the Alaska Challenge Youth Academy program;
2 (4) "residential student" means a student who resides at the program
3 site.

4 * Sec. 7. AS 47.07.030(b) is amended to read:

5 (b) In addition to the mandatory services specified in (a) of this section and the
6 services provided under (d) of this section, the department may offer only the
7 following optional services: case management and nutrition services for pregnant
8 women; personal care services in a recipient's home; emergency hospital services;
9 long-term care noninstitutional services; medical supplies and equipment; advanced
10 nurse practitioner services; clinic services; rehabilitative services for children eligible
11 for services under AS 47.07.063, substance abusers, and emotionally disturbed or
12 chronically mentally ill adults; targeted case management services for substance
13 abusers, chronically mentally ill adults, and severely emotionally disturbed persons
14 under the age of 21; inpatient psychiatric facility services for individuals age 65 or
15 older and individuals under age 21; psychologists' services; clinical social workers'
16 services; midwife services; prescribed drugs; physical therapy; occupational therapy;
17 chiropractic services; low-dose mammography screening, as defined in
18 AS 21.42.375(e); hospice care; treatment of speech, hearing, and language disorders;
19 adult dental services; prosthetic devices and eyeglasses; optometrists' services;
20 intermediate care facility services, including intermediate care facility services for the
21 mentally retarded; skilled nursing facility services for individuals under age 21; and
22 reasonable transportation to and from the point of medical care.

23 * Sec. 8. AS 47.07 is amended by adding a new section to read:

24 **Sec. 47.07.063. Payment for certain services furnished or paid for by a**
25 **school district.** (a) The department may pay medical assistance under this chapter to
26 a school district on behalf of an eligible child with a disability for services covered
27 under this chapter that are furnished or paid for by the school district if

28 (1) the school district and the department have entered into an
29 agreement requiring the school district to reimburse the department for any state
30 financial share required by the federal government;

31 (2) the services are

1 (A) included in the child's individualized education program
2 developed under AS 14.30.278; and

3 (B) otherwise eligible for reimbursement under this chapter;

4 (3) the child is a child with a disability who

5 (A) is eligible for medical assistance under this chapter for the
6 services; and

7 (B) complies with all applicable provisions of this chapter for
8 that assistance;

9 (4) the school district fully complies with billing, auditing, and
10 reporting required under the approved state plan described in AS 47.07.040;

11 (5) reimbursement of payment for the services under this section does
12 not exceed reimbursement allowable for the services under this chapter; and

13 (6) all other requirements of federal and state law are met.

14 (b) Notwithstanding any contrary provision of state law, the school district
15 shall allow the department access to medical, financial, and other records of the child
16 that are in the possession of the school district in order to verify eligibility for services
17 under this chapter. The department shall keep information received under this
18 subsection confidential to the same extent as the school district is required to keep the
19 information confidential under law.

20 (c) The department may adopt regulations to carry out this section.

21 (d) In this section, unless the context otherwise requires,

22 (1) "child with a disability" has the meaning given in AS 14.30.350;

23 (2) "school district" has the meaning given the term "district" in
24 AS 14.17.990, but includes a state boarding school established under AS 14.16.010.

25 * Sec. 9. The uncodified law of the State of Alaska is amended by adding a new section to
26 read:

27 **APPLICABILITY.** Section 5 of this Act does not affect any reductions under
28 AS 14.17.490(d) for state fiscal years 2000, 2001, and 2002.

29 * Sec. 10. The uncodified law of the State of Alaska is amended by adding a new section to
30 read:

31 **TRANSITION: REGULATIONS.** The Department of Health and Social Services

1 and the state Board of Education and Early Development may proceed to adopt regulations
2 necessary to carry out the changes made by this Act. The regulations take effect under
3 AS 44.62 (Administrative Procedure Act), but not before the effective date of the statutory
4 change implemented by the regulations.

5 * **Sec. 11.** Section 10 of this Act takes effect immediately under AS 01.10.070(c).

6 * **Sec. 12.** Sections 5 - 9 of this Act take effect July 1, 2002.