

SB

40

SFIN

FILE

SB 40

was referred to the
Senate Finance
Committee

No hearing was held
on this bill

CS FOR SENATE BILL NO. 40()

**IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - FIRST SESSION**

BY

**Offered:
Referred:**

Sponsor(s): SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the education of children with disabilities and of gifted children;**
2 **relating to the Governor's Council on Disabilities and Special Education; and providing**
3 **for an effective date."**

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

5 *** Section 1. AS 14.16.050(a) is amended to read:**

6 (a) The following provisions apply with respect to the operation and
7 management of a state boarding school as if it were a school district:

8 (1) requirements relating to school district operations:

9 (A) AS 14.03.030 - 14.03.050 (defining the school term, day in
10 session, and school holidays);

11 (B) AS 14.03.083 - 14.03.140 (miscellaneous provisions
12 applicable to school district operations);

13 (C) regulations adopted by the board under authority of
14 AS 14.07.020(a) that are applicable to school districts and their schools, unless

1 the board specifically exempts state boarding schools from compliance with a
2 regulation;

3 (D) AS 14.12.150 (authorizing school districts to establish and
4 participate in the services of a regional resource center);

5 (E) AS 14.14.050 (imposing the requirement of an annual
6 audit);

7 (F) AS 14.14.110 (authorizing cooperation with other school
8 districts);

9 (G) AS 14.14.140(b) (establishing a prohibition on
10 employment of a relative of the chief school administrator);

11 (H) AS 14.18 (prohibiting discrimination based on sex in
12 public education);

13 (2) requirements relating to the public school funding program and the
14 receipt and expenditure of that funding:

15 (A) AS 14.17.500 (relating to student count estimates);

16 (B) AS 14.17.505 (relating to school operating fund balances);

17 (C) AS 14.17.500 - 14.17.910 (setting out the procedure for
18 payment of public school funding and imposing general requirements and
19 limits on money paid);

20 (3) requirements relating to teacher employment and retirement:

21 (A) AS 14.14.105 and 14.14.107 (relating to sick leave);

22 (B) AS 14.20.095 - 14.20.215 (relating to the employment and
23 tenure of teachers);

24 (C) AS 14.20.220 (relating to the salaries of teachers
25 employed);

26 (D) AS 14.20.280 - 14.20.350 (relating to sabbatical leave
27 provisions for teachers);

28 (E) AS 23.40.070 - 23.40.260 (authorizing collective
29 bargaining by certificated employees), except with regard to teachers who are
30 administrators and except that the board may delegate some or all of its
31 responsibilities under those statutes;

1 (F) AS 14.25 (provisions regarding the teachers' retirement
2 system);

3 (4) requirements relating to students and educational programs:

4 (A) AS 14.30.180 - 14.30.350 (relating to educational services
5 for [EXCEPTIONAL] children with disabilities);

6 (B) AS 14.30.360 - 14.30.370 (establishing health education
7 program standards);

8 (C) AS 14.30.400 - 14.30.410 (relating to bilingual and
9 bicultural education).

10 * Sec. 2. AS 14.30.180 is amended to read:

11 **Sec. 14.30.180. Purpose.** It is the purpose of AS 14.30.180 - 14.30.350 to

12 (1) provide an appropriate public education for each child with a
13 disability [EXCEPTIONAL CHILDREN] in the state who is [ARE] at least three
14 years of age but less than 22 years of age;

15 (2) allow procedures and actions necessary to comply with the
16 requirements of federal law, including 20 U.S.C. 1400 - 1487 [20 U.S.C. 1400 - 1485]
17 (Individuals with Disabilities Education Act).

18 * Sec. 3. AS 14.30.186(a) is repealed and reenacted to read:

19 (a) Special education and related services shall be provided by

20 (1) a borough or city school district for a child with a disability residing
21 within the district;

22 (2) the board of a regional educational attendance area operating a school
23 in the area for a child with a disability residing in the area served by the school;

24 (3) the borough, city school district, or regional educational attendance
25 area in which a treatment facility or a correctional or youth detention facility is located
26 for a child with a disability placed at the facility;

27 (4) a state boarding school established under AS 14.16 for a child with a
28 disability enrolled at a state boarding school; or

29 (5) a school district that provides a statewide correspondence study
30 program for a child with a disability who is enrolled in the program.

31 * Sec. 4. AS 14.30.186(e) is amended to read:

1 (e) If the parent of a child with a disability [EXCEPTIONAL CHILDREN
2 BEING EDUCATED AS PROVIDED UNDER AS 14.30.010(b) MAY RECEIVE
3 SPECIAL EDUCATION AND RELATED SERVICES AS PROVIDED UNDER
4 AS 14.30.180 - 14.30.350. THE EXCEPTIONAL CHILD OF A PARENT WHO]
5 elects to educate the child as allowed under AS 14.30.010(b), the child may not be
6 compelled to receive the special education and related services provided under
7 AS 14.30.180 - 14.30.350.

8 * Sec. 5. AS 14.30.186 is amended by adding a new subsection to read:

9 (f) The department shall, by regulation, establish standards for the allocation of
10 financial responsibilities and the coordination of the provision of special education and
11 related services among the educational agencies listed in (a) of this section when more
12 than one educational agency is responsible for providing those services.

13 * Sec. 6. AS 14.30.191(a) is amended to read:

14 (a) A school district shall obtain the written informed consent of the child's
15 parent before an initial evaluation or placement of a child with a disability in a
16 program of special education and related services.

17 * Sec. 7. AS 14.30.191(b) is amended to read:

18 (b) After initial placement in a program of special education and related
19 services and not less than once every three years for as long as the child is assigned to
20 the program, a [AN EXCEPTIONAL] child with a disability shall receive an
21 educational evaluation [FOR THE IDENTIFICATION AND CLASSIFICATION OF
22 EXCEPTIONAL CHILDREN].

23 * Sec. 8. AS 14.30.191(c) is amended to read:

24 (c) Before a school district initiates or refuses a change in the [A CHILD'S]
25 placement or educational program of a child with a disability, the district shall
26 notify the child's parent.

27 * Sec. 9. AS 14.30.191(d) is amended to read:

28 (d) Upon completion of an [THE] evaluation or reevaluation under this
29 section [AND BEFORE PLACEMENT], the school district shall provide to the parent
30 of each [EXCEPTIONAL] child evaluated under this section an opportunity to
31 participate in the determination of the

1 (1) child's eligibility for special education and related services:
2 [FOR CONSULTATION ABOUT THE EVALUATION. A CONSULTATION
3 MUST BE AVAILABLE AFTER EACH REEVALUATION OF THE CONDITION]
4 and

5 (2) educational placement of the [EXCEPTIONAL] child if the child
6 is determined to be eligible for special education and related services.

7 * Sec. 10. AS 14.30.191 is amended by adding new subsections to read:

8 (h) A school district shall provide written notice of its decision under this
9 section to the parent of the child. The notice must include a description of the
10 procedural safeguards available to the parent and child under federal law.

11 (i) In this section, "hearing" means a due process hearing under AS 14.30.193.

12 * Sec. 11. AS 14.30.193 is repealed and reenacted to read:

13 **Sec. 14.30.193. Due process hearing.** (a) A school district or a parent of a
14 child with a disability may request a due process hearing on any issue related to
15 identification, evaluation, or educational placement of the child, or the provision of a
16 free, appropriate, public education to the child. A request is made by providing written
17 notice to the other party to the hearing. A parent shall make a request for a due process
18 hearing under this section not later than 12 months after the date that the school district
19 provides the parent with written notice of the decision with which the parent disagrees.
20 A school district shall make its request for a due process hearing in accordance with the
21 time limit established by the department by regulation.

22 (b) If a due process hearing is requested by either a school district or a parent, the
23 school district shall contact the department to request appointment of a hearing officer.
24 The department shall select a hearing officer through a random selection process, from a
25 list maintained by the department under (g) of this section. Within five working days
26 after receipt of the request, the department shall provide to the school district and the
27 parent a notice of appointment, including the name and a statement of qualifications, of
28 the hearing officer that the department determines is available to conduct the hearing.

29 (c) The school district and the parent each have the right to reject, without stating
30 a reason, one hearing officer appointed under this section. The rejecting party shall
31 notify the department of that rejection in writing within five days after receipt of the

1 department's notice of appointment. If a hearing officer is rejected under this subsection,
2 the department shall, within five working days after receipt of the written rejection,
3 provide a notice of appointment, including the name and a statement of qualifications, of
4 another hearing officer that the department determines is available to conduct the
5 hearing. Each appointment is subject to a right of rejection under this subsection by a
6 party who has not previously rejected an appointment.

7 (d) After a hearing officer is appointed and the time for rejection under (c) of
8 this section has expired, the hearing officer shall immediately inform the parent and
9 the school district of the availability of the mediation process provided under
10 AS 14.30.194 and encourage use of that process to attempt to resolve the disagreement
11 between the parent and the school district. If the mediation process does not result in
12 settlement of all of the issues, the hearing officer shall conduct a hearing in
13 conformance with the requirements of federal law, including 34 C.F.R. 300.507 - 509.
14 After the hearing is completed, the hearing officer shall issue a written decision that

15 (1) upholds the school district's decision; or

16 (2) overturns the school district's decision with specific instructions for
17 modification of the identification, evaluation, educational placement, or provision of the
18 education program by the district.

19 (e) A hearing officer's decision under this section is final and binding on the
20 school district and parent unless appealed under (f) of this section. Notwithstanding a
21 decision by the hearing officer, a child may not be evaluated, placed, transferred, or
22 compelled to receive special education or related services from the school district until
23 the period for filing an appeal under (f) of this section has expired or, if an appeal is
24 filed, until the appellate review process has been completed.

25 (f) A hearing officer's decision under this section is a final administrative
26 order, subject to appeal to the superior court for review in the manner provided under
27 AS 44.62.560.

28 (g) The department shall maintain a list of qualified hearing officers and shall
29 provide for qualification of hearing officers through a training program that is open to
30 all individuals who meet the criteria set by the department by regulation. The list of
31 qualified hearing officers shall be maintained as a public record.

1 (h) For purposes of this section, a student with a disability aged 18 - 21 has the
2 same rights and obligations under this section as a parent of a child with a disability.

3 * Sec. 12. AS 14.30 is amended by adding a new section to read:

4 Sec. 14.30.194. Mediation. (a) The department shall, by regulation,
5 establish and implement a voluntary mediation process in conformance with the
6 requirements of federal law, including 34 C.F.R. 300.506. The department shall
7 encourage the use of mediation for settlement of disputes under AS 14.30.180 -
8 14.30.350.

9 (b) The department shall

10 (1) maintain a list of individuals who are qualified mediators
11 knowledgeable in the federal and state statutes and regulations relating to the
12 provision of special education and related services; and

13 (2) provide for qualification of mediators through a training program
14 that is open to all individuals who meet the criteria set by the department by
15 regulation.

16 * Sec. 13. AS 14.30.231 is amended to read:

17 Sec. 14.30.231. Advisory panel [COMMITTEE]. The Governor's Council
18 on Disabilities and Special Education established under AS 47.80 shall serve as the
19 state [AN] advisory panel [COMMITTEE], the function of which is to provide
20 information and guidance for the development of appropriate programs of special
21 education and related services for [EXCEPTIONAL] children with disabilities.

22 * Sec. 14. AS 14.30.250 is amended to read:

23 Sec. 14.30.250. Teacher qualifications. A person may not be employed as a
24 teacher of [EXCEPTIONAL] children with disabilities unless that person possesses a
25 valid teacher certificate and, in addition, the [SUCH] training that [AS] the
26 department requires [MAY REQUIRE] by regulation.

27 * Sec. 15. AS 14.30.270 is amended to read:

28 Sec. 14.30.270. Substitutes. AS 14.30.250 does not prohibit the employment
29 of a person, otherwise qualified to serve as a substitute teacher, to serve as a substitute
30 teacher of [EXCEPTIONAL] children with disabilities.

31 * Sec. 16. AS 14.30.272 is amended to read:

1 **Sec. 14.30.272. Procedural safeguards.** (a) A school district shall inform
2 the parent of a [AN EXCEPTIONAL] child with a disability of the right

3 (1) to review the child's educational record;

4 (2) [,] to review evaluation tests and procedures;

5 (3) [,] to refuse to permit evaluation or a change in the child's
6 educational placement;

7 (4) [,] to be informed of the results of evaluation;

8 (5) [,] to obtain an independent evaluation by choosing a person from a
9 list provided by the school district or by choosing a person by agreement between the
10 parent and school district;

11 (6) [,] to request a due process [AN IMPARTIAL] hearing;

12 (7) [,] to appeal a hearing officer's decision; and

13 (8) [, AND] to give consent or deny access to others to the child's
14 educational record.

15 (b) The department shall establish, by regulation, impartial procedures for a
16 school district to follow for due process hearings [UNDER AS 14.30.193] to comply
17 with requirements necessary to participate in federal grant-in-aid programs, including
18 20 U.S.C. 1400 - 1487 [20 U.S.C. 1400 - 1485] (Individuals with Disabilities
19 Education Act).

20 * **Sec. 17.** AS 14.30.274 is amended to read:

21 **Sec. 14.30.274. Identification of [EXCEPTIONAL] children with**
22 **disabilities.** Each school district shall establish and implement written procedures to
23 ensure that all [EXCEPTIONAL] children with disabilities under the age of 22 for
24 whom the agency is responsible under AS 14.30.186 to provide special education
25 and related services [WHO RESIDE IN THE DISTRICT] are identified and located
26 for the purpose of establishing their need for special education and related services.

27 * **Sec. 18.** AS 14.30.276 is amended to read:

28 **Sec. 14.30.276. Least restrictive environment.** Each school district shall
29 ensure that, to the maximum extent appropriate, [EXCEPTIONAL] children with
30 disabilities, including children in public or private institutions or other care facilities,
31 are educated with children who are not children with disabilities [EXCEPTIONAL]

1 and that special classes, separate schooling, or other removal of [EXCEPTIONAL]
2 children with disabilities from the regular educational environment occurs only when
3 the nature or severity of the child's disability [EXCEPTIONALITY] is such that
4 education in regular classes with the use of supplementary aids and services cannot be
5 achieved satisfactorily.

6 * Sec. 19. AS 14.30.278 is repealed and reenacted to read:

7 **Sec. 14.30.278. Individualized education program.** A school district shall
8 develop an individualized education program for special education and related
9 services for each eligible child with a disability. The plan must be completed not later
10 than 30 days after the determination of the child's eligibility. Each individualized
11 education program shall be developed and periodically reviewed and revised as
12 necessary in conformance with federal requirements, including 34 C.F.R. 300.340 -
13 350.

14 * Sec. 20. AS 14.30.285(a) is amended to read:

15 (a) The department shall institute a statewide program for the education of
16 [EXCEPTIONAL] children with disabilities [,] to ensure that whenever possible
17 children are educated in the state at locations in or near their resident school district.

18 * Sec. 21. AS 14.30.285(b) is amended to read:

19 (b) An identified [EXCEPTIONAL] child with a disability may be sent to an
20 educational program or residential school outside the child's community or school
21 district if the child resides in a community or school district where an appropriate
22 educational program cannot reasonably be made available and if the school district
23 [DEPARTMENT] determines that provision of special education and related services
24 in another educational program or residential school is appropriate. If the school
25 district approves [AND THE DEPARTMENT APPROVE] the enrollment of a [THE
26 EXCEPTIONAL] child with a disability in another educational program or
27 residential school outside the child's community or school district and the child is
28 enrolled, the child's education expenses shall be paid as follows:

29 (1) except as otherwise provided by (2) of this subsection, the sending
30 district shall pay all costs associated with the transfer;

31 (2) the department may provide financial assistance to the school

1 district for a child's education provided for in (1) of this subsection under regulations
2 adopted by the department.

3 * Sec. 22. AS 14.30.285(e) is amended to read:

4 (e) The educational assessment of a [AN EXCEPTIONAL] child with a
5 disability that indicates that the educational program that is locally available is
6 inappropriate for the needs of the child must conform to the standards set out in
7 AS 14.30.191.

8 * Sec. 23. AS 14.30.285(f) is amended to read:

9 (f) A school district shall obtain informed [THE] consent of the child's parent
10 before a child may be transferred to a school outside the district in which the child
11 resides.

12 * Sec. 24. AS 14.30.285(g) is amended to read:

13 (g) The withholding of informed consent by a parent [OR
14 DEPARTMENTAL APPROVAL] for the transfer of a [AN EXCEPTIONAL] child
15 with a disability under this section does not relieve a school district of the obligation
16 to provide special education and related services to the [AN EXCEPTIONAL] child
17 [UNDER AS 14.30.186].

18 * Sec. 25. AS 14.30.325(a) is amended to read:

19 (a) The department shall [MAY] by regulation provide for the appointment of
20 surrogate parents to represent a child with a disability [EXCEPTIONAL
21 CHILDREN] in matters relating to the provision of an appropriate public education.

22 * Sec. 26. AS 14.30.335 is amended to read:

23 **Sec. 14.30.335. Eligibility for federal funds.** Notwithstanding any other
24 provision of AS 14.30.180 - 14.30.350, the department may do all things necessary to
25 qualify for federal funds that are available to the state for the education of
26 [EXCEPTIONAL] children with disabilities.

27 * Sec. 27. AS 14.30.340 is amended to read:

28 **Sec. 14.30.340. Provision of special education in a private school, home, or**
29 **hospital setting.** (a) If a parent of a [AN EXCEPTIONAL] child with a disability
30 enrolls the child in a private school, including a religious school, at the parent's
31 expense or teaches the child at home, the school district in which the child resides [IS

1 LOCATED] shall make special education and related services available in
2 conformance with federal requirements, including 34 C.F.R. 300.450 - 462. A
3 parent teaching the parent's child at home may refuse special education and
4 related services for the child [AN INDIVIDUALIZED EDUCATION PROGRAM
5 UNDER AS 14.30.278].

6 (b) If a physician certifies in writing, and if the child's individualized
7 education program under AS 14.30.278 provides [TEAM THEN DETERMINES]
8 that a child's bodily, mental, or emotional condition does not permit attendance at a
9 school and the child's parents do not elect to teach the child at home as permitted
10 under AS 14.30.010(b), the school district in which the child is located shall enroll the
11 child in public school and provide the child with special education and related services
12 in conformance with the child's [AN] individualized education program [UNDER
13 AS 14.30.278] at the child's home or at a medical treatment facility.

14 * Sec. 28. AS 14.30.347 is amended to read:

15 Sec. 14.30.347. Transportation of [EXCEPTIONAL] children with
16 disabilities. When transportation is required to be provided as a related service, a
17 child with a disability [SERVICES, AN EXCEPTIONAL CHILD] shall be
18 transported [CARRIED] with children who are not children with disabilities
19 [OTHER CHILDREN] if the district provides transportation to [OTHER] children in
20 the district, except when the nature of the physical or mental disability is such that it is
21 in the best interest of the [EXCEPTIONAL] child with a disability, as provided in
22 the child's individualized education program [DETERMINED BY THE SCHOOL
23 DISTRICT], that the child be transported separately. State reimbursement for
24 transportation of [EXCEPTIONAL] children with disabilities shall be as provided for
25 transportation of all other pupils except that eligibility for reimbursement is not
26 subject to restriction based on the minimum distance between the school and the
27 residence of the exceptional child with a disability.

28 * Sec. 29. AS 14.30.350(2) is repealed and reenacted to read:

29 (2) "child with a disability" means a child with one or more of the
30 following:

31 (A) mental retardation;

- 1 (B) learning disabilities;
2 (C) emotional disturbance;
3 (D) deafness;
4 (E) deaf-blindness;
5 (F) hearing impairment;
6 (G) orthopedic impairment;
7 (H) other health impairment;
8 (I) speech or language impairment;
9 (J) visual impairment;
10 (K) multiple disabilities;
11 (L) early childhood development delay;
12 (M) autism;
13 (N) traumatic brain injury;

14 * Sec. 30. AS 14.30.350(8) is repealed and reenacted to read:

15 (8) "parent" means a

- 16 (A) child's natural or adoptive parent;
17 (B) child's guardian, but not the state if the child is in the legal
18 custody of the state;
19 (C) person who is acting in the place of a child's natural or
20 adoptive parent, such as a grandparent or stepparent with whom the child lives,
21 or a person who is legally responsible for the child's welfare; and
22 (D) child's surrogate parent who has been appointed under
23 AS 14.30.325;

24 * Sec. 31. AS 14.30.350(9) is repealed and reenacted to read:

25 (9) "related services" means services described in 34 C.F.R. 300.24;

26 * Sec. 32. AS 14.30.350(10) is repealed and reenacted to read:

27 (10) "school district" means a borough school district, a city school
28 district, a regional educational attendance area, a state boarding school, and the state
29 centralized correspondence study program;

30 * Sec. 33. AS 14.30.350(11) is repealed and reenacted to read:

31 (11) "special education" means an educational program described in 34

1 C.F.R. 300.26;

2 * Sec. 34. AS 14.30.350 is amended by adding new paragraphs to read:

3 (12) "due process hearing" means a hearing conducted under
4 AS 14.30.193;

5 (13) "informed consent" means that

6 (A) a child's parent has been fully informed, in the parent's
7 native language or other mode of communication, of all information relevant to
8 the activity for which consent is sought;

9 (B) the parent understands and agrees in writing to the carrying
10 out of the activity for which the parent's consent is sought;

11 (C) the consent describes that activity and lists any records that
12 will be released and to whom; and

13 (D) the parent understands that the granting of consent is
14 voluntary on the part of the parent and may be revoked at any time.

15 * Sec. 35. AS 14.30 is amended by adding a new section to read:

16 **Article 3A. Education for Gifted Children.**

17 **Sec. 14.30.352. Programs for gifted children.** Every school district shall
18 establish educational services for gifted children that provide for student identification,
19 student eligibility, student learning plans, and parental and student participation,
20 including an appropriate review process, consistent with regulations adopted by the
21 department.

22 * Sec. 36. AS 14.30.640 is amended to read:

23 **Sec. 14.30.640. Eligibility for service.** The services of the agency shall be
24 available to school districts that serve children whose special education needs occur
25 infrequently, who require specialized services not normally available in the school
26 district, and who cannot be easily served by local school district personnel because of
27 the low number of students in the district in need of the particular service. The agency
28 may provide services to a child with a disability [EXCEPTIONAL CHILDREN], as
29 that term is defined in AS 14.30.350.

30 * Sec. 37. AS 29.60.599(7) is amended to read:

31 (7) "school district" means a borough school district, a city school

1 district, or a regional educational attendance area under AS 14 [HAS THE
2 MEANING GIVEN IN AS 14.30.350];

3 * Sec. 38. AS 44.21.410(a) is amended to read:

4 (a) The office of public advocacy shall

5 (1) perform the duties of the public guardian under AS 13.26.360 -
6 13.26.410;

7 (2) provide visitors and experts in guardianship proceedings under
8 AS 13.26.131;

9 (3) provide guardian ad litem services to children in child protection
10 actions under AS 47.17.030(e) and to wards and respondents in guardianship
11 proceedings who will suffer financial hardship or become dependent upon a
12 government agency or a private person or agency if the services are not provided at
13 state expense under AS 13.26.112;

14 (4) provide legal representation in cases involving judicial bypass
15 procedures for minors seeking abortions under AS 18.16.030, in guardianship
16 proceedings to respondents who are financially unable to employ attorneys under
17 AS 13.26.106(b), to indigent parties in cases involving child custody in which the
18 opposing party is represented by counsel provided by a public agency, to indigent
19 parents or guardians of a minor respondent in a commitment proceeding concerning
20 the minor under AS 47.30.775;

21 (5) provide legal representation and guardian ad litem services under
22 AS 25.24.310; in cases arising under AS 47.15 (Uniform Interstate Compact on
23 Juveniles); in cases involving petitions to adopt a minor under AS 25.23.125(b) or
24 petitions for the termination of parental rights on grounds set out in
25 AS 25.23.180(c)(3); in cases involving petitions to remove the disabilities of a minor
26 under AS 09.55.590; in children's proceedings under AS 47.10.050(a) or under
27 AS 47.12.090; in cases involving appointments under AS 18.66.100(a) in petitions for
28 protective orders on behalf of a minor; and in cases involving indigent persons who
29 are entitled to representation under AS 18.65.100 and who cannot be represented by
30 the public defender agency because of a conflict of interests;

31 (6) develop and coordinate a program to recruit, select, train, assign,

1 and supervise volunteer guardians ad litem from local communities to aid in delivering
2 services in cases in which the office of public advocacy is appointed as guardian ad
3 litem;

4 (7) provide guardian ad litem services in proceedings under
5 AS 12.45.046;

6 (8) establish a fee schedule and collect fees for services provided by
7 the office, except as provided in AS 18.85.120 or when imposition or collection of a
8 fee is not in the public interest as defined under regulations adopted by the
9 commissioner of administration;

10 (9) provide visitors and guardians ad litem in proceedings under
11 AS 47.30.839;

12 (10) provide legal representation to an indigent parent of a child with
13 a disability; in this paragraph, "child with a disability" has the meaning given in
14 AS 14.30.350 [PARENTS UNDER AS 14.30.195(e)].

15 * Sec. 39. AS 47.80.090(9) is amended to read:

16 (9) provide information and guidance for the development of
17 appropriate special educational programs and services for a child with a disability
18 [EXCEPTIONAL CHILDREN] as defined in AS 14.30.350;

19 * Sec. 40. AS 47.80.900(6) is amended to read:

20 (6) "person with a handicap" means a person with a developmental
21 disability as defined in (7) of this section or a person who is hard of hearing, deaf,
22 speech impaired, visually handicapped, seriously emotionally disturbed,
23 orthopedically or otherwise health impaired, or who has a specific learning disability;
24 the term includes a child with a disability [BUT IS NOT LIMITED TO
25 "EXCEPTIONAL CHILDREN"] as defined in AS 14.30.350;

26 * Sec. 41. AS 14.30.186(b), 14.30.195, 14.30.315(b), 14.30.350(3), 14.30.350(5),
27 14.30.350(6), and 14.30.350(7) are repealed.

28 * Sec. 42. The uncodified law of the State of Alaska is amended by adding a new section to
29 read:

30 TRANSITION: REGULATIONS. (a) The state Board of Education and Early
31 Development may immediately proceed to adopt regulations necessary to implement the

1 changes made by this Act. The regulations take effect under AS 44.62 (Administrative
2 Procedure Act), but not before the effective date of the statutory change.

3 (b) To the extent they are not inconsistent with the statutory changes made by this
4 Act, regulations adopted by the state Board of Education and Early Development and in effect
5 on July 1, 2001, continue in effect until amended or repealed by the board, and may be
6 enforced and implemented.

7 * Sec. 43. The uncodified law of the State of Alaska is amended by adding a new section to
8 read:

9 REVISOR'S INSTRUCTIONS. The revisor of statutes is requested to change the
10 following:

11 (1) the heading of Article 3 of AS 14.30 from "Education For Exceptional
12 Children" to "Education for Children With Disabilities";

13 (2) the catchline of AS 14.30.285 from "Transfers of exceptional children" to
14 "Transfers of children with disabilities."

15 * Sec. 44. Section 42(a) of this Act takes effect immediately under AS 01.10.070(c).

16 * Sec. 45. Except as provided in sec. 44 of this Act, this Act takes effect July 1, 2001.

**SENATE COMMITTEE REPORT
First Committee of Referral**

DATE: 1/17/01

FURTHER: Finance

Date of 5-Day Notice: _____
(in accordance with Uniform Rule 23)

DATE TURNED
IN TO OFFICE: 04/28/01

Health, Education and Social Services Committee considered **SENATE BILL NO. 40**

"An Act relating to the education of children with disabilities and of gifted children; relating to the Governor's Council on Disabilities and Special Education; making conforming amendments; and providing for an effective date."

and recommends:

- be replaced with _____ CS SB 40 (HES)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

Senate Bill:

- same title
- new title

House Bill:

- same title
- technical title
- new: SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Zero	FN#
DEED	11/14/00		X	2

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<i>[Signature]</i>			✓	
<i>[Signature]</i>			✓	
<i>[Signature]</i>			✓	
<i>[Signature]</i>				✓
CHAIR: <i>[Signature]</i>	✓			