

ALASKA LEGISLATURE COMMITTEE FILES 1983-1984 86/2

2240 HESS HB 194 - HB 196 2240

HB

1944

COMMITTEE REPORT

HOUSE

FINANCE

FURTHER:

2/11/83

Date: 5/24/83

Mr. Speaker:

The Committee on H.B.S.S. has had HB 194

An Act relating to the education of exceptional children;
and providing for an effective date.

under consideration and reports it back as follows:

do pass do not pass

do pass with attached amendments(s)

replace with CS for HB 194 same title
 new title
and recommends _____

AND attaches a "Letter of Intent" New Fiscal Note
 reports it back without recommendation Zero Fiscal Note Attached

referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

[Signature]
[Signature]
[Signature]
[Signature]
[Signature]
[Signature]
[Signature]
[Signature]
[Signature]
[Signature]

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Alaska State Legislature

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House of Representatives HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

M E M O R A N D U M

TO: House HESS Committee

Date: May 24, 1983

FROM: Linda Otey, Committee Aide *lo*

RE: Revision of the Proposed Draft/
CS for HB 194 (HESS)

The following changes have been made from the direction of the Committee at the May 23rd. H.E.S.S meeting:

- 1). Page 3, Line 28 to Page 4, Lines 1&2:

Sec. 14.30.191, with the advice of the drafter, was repealed and re-enacted for ease of legibility. This amendment was suggested by the Dept. of Education to include the participation of the Dept. of H & S S (see position paper attached by DH&SS).

- 2). Page 5, Lines 9-28:

Reinserted Section 12 pertaining to the transfer of exceptional children. This language now excludes the 'cost to the sending district' provision of the original bill but retains the necessary language of the revision. The cost remains with the state in this CS, consequently, a new fiscal note of \$700,000 is attached.

- 3). Page 6, Lines 14-22:

Reinserts current law revisions with the exclusion of the 5% cap on ADM for Special Education. (See attached May 23 proposed amendments by Rick Robertson, Asst. A.G.)

- 4). Page 3 Lines 15-19:

14.30.191(b) was previously repealed. At the direction of the Committee, this section has been retained to allow for parental participation before completion of the evaluation, rather than relying on the regulation process for this input. Sec. 20 (repealer section) now excludes 14.30.191(b).

- 5). Page 7, Lines 14-24:

Sec. 18 AS 14.30.347 was previously repealed. The draft retains this section with a minor revision on line 15 of page 7. Repealer section (Section 20) excludes 14.30.347 in this version.

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House of Representatives HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

M E M O R A N D U M

TO: House H.E.S.S. Committee

FROM: Linda Otey, Committee Aide

SUBJ: Proposed CS for HB 194

DATE: May 23, 1983

At the last H.E.S.S. meeting on Saturday, May 21, the Committee asked the following questions in regard to the Draft of CS HB 194:

Rep. Herrmann: 1. Effects of AS 14.30.191(d) removing coordination between Department of Health and Social Services and Department of Education. The new language directs Department of Education to establish regulations or require the school districts to establish standards and procedures for the identification and classification of exceptional children.

2. The Department of Health and Social Services will be in attendance and will provide the Committee with a position paper.

Rep. Davis: 1. Asked staff to check on repealers in the proposed CS:

Sec. 20; Pg 9.	14.30.330
14.30.186(c) & (d) -	14.30.340
14.30.191(b) -	14.30.347
14.30.260 -	
14.30.280 -	

Rick Robertson, Assistant Attorney General will also be available to address these repealers. (Statutes attached)

- Rep. Tischer:
1. Requested that Department of Education be present to address "Regulations" currently "on hold" for enabling legislation.
 2. Also requested Department of Education to address 5% Cap for special education. The Department currently does this by regulation.

Note: Assistant Attorney General Rick Robertson was not present at the last meeting. In speaking with him earlier today, he suggested that the committee cannot simply delete Sections 12 and 15 in their entirety; but only the changes from current law. He will prepare amendments with the committee's intent allowing for current law to remain through these sections of the bill.

Note: New fiscal note attached by Dept. of Educ.

Article 3. Education for Exceptional Children

Section	Section
180. Purpose	285. Transfers of exceptional children
185. Repealed	295. Repealed
186. Coverage	300. Repealed
190. Repealed	305. Children hospitalized or confined to their homes
191. Educational assessment	310. Repealed
200. Repealed	320. Repealed
230. Repealed	330. Application for enrollment
231. Advisory committee	340. When not required to enroll
240. Repealed	345. Repealed
250. Teacher qualifications	347. Transportation of exceptional children
260. Exception to qualifications	350. Definitions
270. Substitutes	
280. Psychologist qualifications	

Sec. 14.30.180. Purpose. It is the purpose of sections 180-350 of this chapter to provide competent education services for the exceptional children in the state who are at least three years of age and for whom the regular school facilities are inadequate or not available. (Sec. 1 ch 120 SLA 1959; am Sec. 1 ch 144 SLA 1970; am Sec. 1 ch 79 SLA 1974)

Sec. 14.30.185. Repealed. (Sec. 59 ch 98 SLA 1966)

Sec. 14.30.186. Coverage. (a) A borough or city school district shall provide for special services for exceptional children represented by not less than five children residing in the district.

(b) The board of a regional educational attendance area shall provide for special services in a school in the area for exceptional children represented by not less than five children residing in the area served by the school.

Repealed by CS HB 194

(c) Nothing in this section shall prevent special services from being offered to classifications represented by less than five children. *CS removed "less than five"*

Repealed by CS HB 194

(d) A school district or a regional educational attendance area required by secs. 10-305 of this chapter to provide special services for exceptional children may cooperate with one or more school districts or regional educational attendance areas in providing special classes. If, under the cooperative agreement, there are no special classes offered within a school district or regional educational attendance area, exceptional children may attend special classes in the cooperating school district or regional educational attendance area providing the special classes.

meaning unclear

(Sec. 2 ch 81 SLA 1965; am Sec. 1 ch 46 SLA 1966; am Sec. 46 ch 98 SLA 1966; am Sec. 22 ch 46 SLA 1970; am Secs. 2, 3 ch 144 SLA 1970; am Secs 23, 24 ch 124 SLA 1975)

Sec. 14.30.190. Repealed. (Sec. 4 ch 144 SLA 1970)

Sec. 14.30.191. Educational assessment. (a) Before placement in a special education program and not less than once a year for as long as the child is assigned to a special education program, an exceptional child shall receive an educational assessment for the identification and classification of the learning, mental and physical status of the child.

Repealed by CS HB 194

(b) ~~Upon completion of the assessment and before placement~~ ^{before} the school district shall provide to the parent or guardian of each exceptional child, an opportunity for ~~consultation~~ ^{evaluation} about the assessment. ~~A consultation will be available after each reevaluation of the condition and placement of the exceptional child.~~

addressed in prop & procedures - parent already participate

(c) If a parent or guardian believes that the educational assessment of his child is in error, he may request an independent examination and evaluation of the child. If a substantial discrepancy exists between the educational assessment of the school district and the independent evaluation, and if the parent or guardian so requests, a hearing shall be held before a hearing officer in order to resolve the discrepancy between evaluations and to determine the appropriate educational program placement for the exceptional child. The Department of Education shall adopt regulations for the conduct of hearings authorized by this section, for the appointment and qualifications of the hearing officer. Regulations adopted and proceedings conducted under this section are subject to the Administrative Procedure Act.

(d) The Department of Education and the Department of Health and Social Services shall cooperatively establish by regulation diagnostic standards for the identification and classification of the learning, mental and physical status of exceptional children. Standards relating to special education programs, individual or general, shall remain the responsibility of the Department of Education in conjunction with the local education agency. (Sec. 5 ch 144 SLA 1970; am Sec. 6 ch 104 SLA 1971; am Sec. 2 ch 79 SLA 1974)

Sec. 14.30.200—14.30.220. Repealed. (Sec. 5 ch 70 1963)

Sec. 14.30.230. Repealed. (Sec. 6 ch 144 SLA 1970)

Sec. 14.30.231. Advisory committee. The commissioner of education and the commissioner of health and social services shall establish an advisory committee, the function of which is to provide information and guidance for the development of appropriate special education programs and services for exceptional children. Membership of the advisory committee shall include, but not be limited to, persons representing local education agencies, state agencies, parent groups and organizations concerned with programs and services for exceptional children. (Sec. 7 ch 144 SLA 1970; am Sec. 6 ch 104 SLA 1971)

Sec. 14.30.240. Repealed. (Sec. 5 ch 70 SLA 1963)

Sec. 14.30.250. Teacher qualifications. No person shall be employed to teach a class for exceptional children unless he possesses a valid teacher certificate, and, in addition, such training as the department may require by regulations. (Sec. 9 ch 120 SLA 1959; am Sec. 47 ch 98 SLA 1966)

*Repealed by
CS HB 194* ←

Sec. 14.30.260. Exception to Qualifications. The school board for a district or regional educational attendance area may waive part of the qualifications for teachers as set out in section 250 of this chapter, if necessary, during the first school year special services are offered in the district or area.

(Sec. 10 ch 120 SLA 1959; am Sec. 6 ch 125 SLA 1961; am Sec. 48 ch 98 SLA 1966; am Sec. 23 ch 46 SLA 1970; am Sec. 25 ch 124 SLA 1975)

Sec. 14.30.270. Substitutes. Section 250 of this chapter does not prohibit the employment of a person, otherwise qualified to serve as a substitute teacher, to serve as a teacher of a class for exceptional children. (Sec. 12 ch 120 SLA 1959; am Sec. 49 ch 98 SLA 1966)

*Repealed by
CS HB 194* ←

Sec. 14.30.280. Psychologist qualifications. The minimum standards for a psychologist are the minimum standards set out in the state classification plan for a psychologist, and such additional requirements as the department prescribes by regulation. (Sec. 11 ch 120 SLA 1959; am Sec. 2 ch 125 SLA 1961; am Sec. 50 ch 98 SLA 1966)

Sec. 14.30.285. Transfers of exceptional children. (a) The Department of Education shall institute a statewide program for the education of exceptional children, to insure that whenever possible children are educated in the state at locations in or near their resident school district.

(b) The identified exceptional child may be sent to another school district or in-state educational program if the child resides in a district or school attendance area where an adequate program of education for an exceptional child is not available and if the commissioner of education determines that another school district or in-state educational program is adequate to meet his needs. If the school district approves the enrollment of the exceptional child in another school district or in-state institution and the child is enrolled, the child's education expenses shall be paid as follows:

(1) the sending school district shall pay the receiving district or institution an amount of money equal to the sending district's local cost-per-pupil rate;

(2) the Department of Education shall pay the remainder of the annual cost of the child's education above that provided for in (1) of this subsection.

(c) The identified exceptional child may be sent out of the state for special education if the child resides in a district or school attendance area where the educational program offered is not appropriate for the needs of the child and if the commissioner of education determines it is not feasible for the child to be enrolled in a special program in the state. If the Department of Education approves the enrollment of an exceptional child in an out-of-state institution and the child is enrolled in the institution, the child's education expenses shall be paid by the Department of Education.

(d) For the purposes of this section a child's education expenses are limited to the actual cost of necessary care, transportation and instruction, including room and board, while attending the designated institution.

(e) The educational assessment of an exceptional child which indicates that the educational program which is locally available is inappropriate for the needs of the child shall conform to the standards set out in section 191 of this chapter.

(f) No child may be transferred to a school outside the district in which the child resides without the consent of the parent or guardian. (Sec. 2 ch 46 SLA 1966; am Secs. 8, 9, ch 144 SLA 1970; am Sec. 6 ch 71 SLA 1972; am Sec. 3 ch 79 SLA 1974)

Sec. 14.30.295. Repealed. (Sec. 4 ch 79 SLA 1974)

Sec. 14.30.300. Repealed. (Sec. 5 ch 70 SLA 1963)

Sec. 14.30.305. Children hospitalized or confined to their homes. Special instructional services for exceptional children who are hospitalized or confined to their homes may be provided by a school district. A child who receives at least 10 hours of instruction per week may be counted as a pupil in average daily membership when computing state support under the public school foundation program. (Sec. 2 ch 46 SLA 1966)

Sec. 14.30.310. Repealed. (Sec. 5 ch 70 SLA 1963)

Sec. 14.30.320. Repealed. (Sec. 5 ch 70 SLA 1963)

Sec. 14.30.330. Application for enrollment. (a) The parent or guardian of an exceptional child, or the school administrator, for exceptional children residing in the district or area in which the administrator is employed, shall make application for the enrollment of the child. If the administrator makes the application, it shall be with the full knowledge and consent of the parent or guardian.

(b) The application shall be on forms provided by the department and shall be submitted to the governing body of the district in which the child resides. When an application is submitted to a school board, it shall be forwarded to the commissioner.

(c) Final certification of a student for special services is the responsibility of the commissioner. The child shall undergo evaluation as defined by regulation of the department by qualified personnel for the purpose of determining whether or not the child is capable of receiving benefit from enrollment in a special education program. If determined eligible and capable of receiving benefit, and upon approval of the application by the commissioner, the child shall be recommended for enrollment. (Sec. 17 ch 120 SLA 1959; am Sec. 4 ch 125 SLA 1961; am Sec. 51 ch 98 SLA 1966; am Sec. 12 ch 144 SLA 1970)

Repealed by CS#B194

Sec. 14.30.340. When not required to enroll. No handicapped child may be required to enroll in a special education program if the parent or guardian of the child certifies to the satisfaction of the school board of the public school system where the child resides that the child is receiving adequate educational advantages. A child shall be excused from the compulsory education requirements if a physician certifies in writing that the child's bodily, mental or emotional condition does not permit his attendance at school. (Sec. 18 ch 120 SLA 1959; Sec. 6 ch 125 SLA 1961)

Repealed

Sec. 14.30.345. Repealed. (Sec. 59 ch 98 SLA 1966)

Sec. 14.30.347. Transportation of exceptional children. When transportation is required to be provided as part of special services, exceptional children shall be carried with other children, except when the nature of their physical or mental handicaps is such that it is in the best interest of the exceptional children, as determined by the school district, that they be transported separately. State reimbursement for transportation of exceptional children shall be as provided for transportation of all other pupils except that eligibility for reimbursement shall not be subject to restriction based on the minimum distance between the school and the residence of the exceptional child. (am Sec. 1 ch 52 SLA 1976)

Repealed

Sec. 14.30.350. Definitions. (1) "exceptional children" means children who differ markedly from their peers to the degree that they are better served by placement in a special learning program designed to serve their particular exceptionality; these children may be identified in the following categories:

HCS HOUSE BILL NO. 194 (HESS)

For an Act entitled: "An Act relating to the education of exceptional children; and providing for an effective date."

This Department is generally supportive of HB 194 but has one specific suggestion for improvement: on page 4, lines 2-5 retaining a consultation role for the Department of Health and Social Services in establishing the standards and procedures for identification and classification etc., would ensure the best efforts of both departments in this process. Specifically, on line 2, after department, add "in consultation with the Department of Health and Social Services."

There are several important improvements that will occur in special education programming as a result of this bill's passage; therefore, the Department of Health and Social Services supports this bill with the change discussed above.

RECOMMENDED BY:

E.S. Rabeau
E.S. Rabeau, M.D., Director
Division of Public Health

DATE:

May 23, 1983

APPROVED BY:

Robert London Smith, Ph.D.
Commissioner
Department of Health and
Social Services

DATE:

Alaska State Legislature

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Repealed by
CSHB 194

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Repealed by
CSHB 194

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Repealed
by HSB 194
35

← (b) Upon completion of the assessment and before placement, the school district shall provide to the parent or guardian of each exceptional child, an opportunity for consultation about the assessment. A consultation will be available after each reevaluation of the condition and placement of the exceptional child.

(c) If a parent or guardian believes that the educational assessment of his child is in error, he may request an independent examination and evaluation of the child. If a substantial discrepancy exists between the educational assessment of the school district and the independent evaluation, and if the parent or guardian so requests, a hearing shall be held before a hearing officer in order to resolve the discrepancy between evaluations and to determine the appropriate educational program placement for the exceptional child. The Department of Education shall adopt regulations for the conduct of hearings authorized by this section, for the appointment and qualifications of the hearing officer. Regulations adopted and proceedings conducted under this section are subject to the Administrative Procedure Act.

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(c) The identified exceptional child may be sent out of the state for special education if the child resides in a district or school attendance area where the educational program offered is not appropriate for the needs of the child and if the commissioner of education determines it is not feasible for the child to be enrolled in a special program in the state. If the Department of Education approves the enrollment of an exceptional child in an out-of-state institution and the child is enrolled in the institution, the child's education expenses shall be paid by the Department of Education.

(d) For the purposes of this section a child's education expenses are limited to the actual cost of necessary care, transportation and instruction, including room and board, while attending the designated institution.

(e) The educational assessment of an exceptional child which indicates that the educational program which is locally available is inappropriate for the needs of the child shall conform to the standards set out in section 191 of this chapter.

(f) No child may be transferred to a school outside the district in which the child resides without the consent of the parent or guardian. (Sec. 2 ch 46 SLA 1966; am Secs. 8, 9, ch 144 SLA 1970; am Sec. 6 ch 71 SLA 1972; am Sec. 3 ch 79 SLA 1974)

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(b) The application shall be on forms provided by the department and shall be submitted to the governing body of the district in which the child resides. When an application is submitted to a school board, it shall be forwarded to the commissioner.

(c) Final certification of a student for special services is the responsibility of the commissioner. The child shall undergo evaluation as defined by regulation of the department by qualified personnel for the purpose of determining whether or not the child is capable of receiving benefit from enrollment in a special education program. If determined eligible and capable of receiving benefit, and upon approval of the application by the commissioner, the child shall be recommended for enrollment. (Sec. 17 ch 120 SLA 1959; am Sec. 4 ch 125 SLA 1961; am Sec. 51 ch 98 SLA 1966; am Sec. 12 ch 144 SLA 1970)

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Repealed by CS#B194

Amended

Repealed

HB 194

BILL HB0194
PAGE 00228
DATE 02/11/83
CHAMBER HOUSE
TEXT

HOUSE BILL NO. 194 by the Rules Committee by request of the governor, entitled:

"An Act relating to the education of exceptional children; and providing for an effective date."

was read the first time and referred to the Health, Education & Social Services and Finance Committees.

HB 194 was accompanied by two zero fiscal notes and the following transmittal letter:

BILL HB0194
PAGE 00229
DATE 02/11/83
CHAMBER HOUSE
TEXT

Dear Mr. Speaker:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to the education of exceptional children. This bill updates existing statutes which require special services for gifted and handicapped children.

Alaska law has required that special services be provided exceptional children since 1965. Through enactment of the Education for all Handicapped Children Act (P.L. 93-142) in 1975, Congress made federal funds available for the education of handicapped children and established various requirements to be met by participating states. This bill amends existing statutes to assure that Alaska is in compliance with those requirements.

In addition, this bill makes minor changes in the method by which certain services are funded. The bill requires schools to pay for the services provided to children who are transferred for the purpose of receiving adequate services and places a ceiling on the number of gifted students for whom special state funds are available. These changes are made to encourage local responsibility and effective use of state funds.

Sincerely,
/s/Bill Sheffield
Bill Sheffield
Governor

BILL HB0194
PAGE 01526
DATE 05/25/83
CHAMBER HOUSE
TEXT

The Health, Education and Social Services Committee has had HOUSE BILL NO. 194 (education of exceptional children; effective date) under consideration, recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 194 (Health, Education and Social Services) (same title) and reports it back as follows: Fritz (Co-Chairman), Tischer (Co-Chairman), Goll, Koponen, Davis, and Herrmann recommend do pass. A Fiscal note was attached. HB 194 was referred to the Finance Committee. Fiscal note appears in House Journal Supplement No. 68.

COMMITTEE REPORT

HOUSE

3/12
Rules

(11)

FURTHER:

5/25/83

Date: 2-9-84

Mr. Speaker:

The Committee on FINANCE has had HB 194

"An Act relating to the education of exceptional children; and providing for an effective date."

under consideration and reports it back as follows:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for HB 194 (Fin) same title
 new title
- and recommends DO PASS
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation Zero Fiscal Note Attached
3-7-84
- referred to the _____ Committee

MEMBERS SIGNING

DO PASS

Robert H. Adams

R. P. Bithenworth

T. H. Martin

W. Furnace

John L. ...

Gene ...

Tom ...

Shirley ...

...

MEMBERS HAVING

OTHER RECOMMENDATIONS:

Robert H. Adams

CHAIRMAN

Exceptional
Children
(education of)

HOUSE BILL NO. 194, by the Rules Committee by request of the Governor. Relates to education of exceptional children. Updates statutes in order to conform with federal law (see accompanying letter from the Governor). Sections of the bill provide the following:

--in cases involving enrollment of an exceptional child in another school district, the sending school district shall pay the child's educational expenses (currently the sending district pays an amount equal to its local cost-per-pupil rate and the Dept. of Education pays the remainder of the annual cost of the child's education);

--deletes reference to school districts providing special instructional services for exceptional children who are hospitalized or confined to their homes. Provides for state support of such programs.

--provides for state support of programs for gifted children, stating that support under the Public School Foundation Program for special education and related services is limited to not more than five percent of the average daily membership of the district or educational attendance area.

--adds section allowing the Dept. of Education, by regulation, to provide for the appointment of surrogate parents to represent exceptional children in matters relating to the provision of an appropriate public education.

--rewrites section defining "exceptional children", adding categories for the deaf, deaf-blind, hard of hearing, learning disabled, orthopedically impaired, other health impaired, seriously emotionally disturbed, speech impaired, and visually handicapped children. Also defines "school district" and "special education".

Repealers include: AS 14.30.186(c) (relates to coverage of special services for exceptional children, and states that nothing prevents special services from being offered to classifications represented by less than five children in a school district or REAA); AS 14.30.186(d) (relates to cooperation between school districts and REAA's in providing special services); AS 14.30.191(b) (relates to consultation with parents on the educational assessment of a child); AS 14.30.260 (Exception to qualifications--waiver by school district of teacher qualifications); AS 14.30.280 (relates to minimum standards for psychologists); AS 14.30.330 (Application for enrollment); and AS 14.30.347 (Transportation of exceptional children).

Provides Act takes effect July 1, 1983.

Introduced February 11 and referred to Health, Education & Social Services, then to Finance.

In his message transmitting the bill to the House for consideration, Governor Sheffield stated:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to the education of exceptional children. This bill updates existing statutes which require special services for gifted and handicapped children.

Alaska law has required that special services be provided exceptional children since 1965. Through enactment of the Education for all Handicapped Children Act (P.L. 93-142) in 1975, Congress made federal funds available for the education of handicapped children and established various requirements to be met by participating states. This bill amends existing statutes to assure that Alaska is in compliance with those requirements.

Exceptional
Children
(education of)

HOUSE BILL NO. 194, (see page 157). Reported back to the House on May 25 by Health, Education & Social Services with the committee recommending it be replaced with a HESS Committee Substitute and that it do pass. Concurring: Fritz (Co-Chairman), Tischer (Co-Chairman), Goll, Koponen, Davis and Herrmann. To Finance.

The HESS CS makes the following changes:

--Adds new language to AS 14.30: "Sec. 14.30.337. ATTENDANCE REQUIRED. The parent or guardian of an exceptional child shall ensure that the child attends a program of special education and related services provided under AS 14.30.180 - 14.30.350 unless the parent or guardian demonstrates to the satisfaction of the school district that the child is receiving an appropriate education." New Secs. 1 through 3 amend portions of AS 14.30 to make violation of the above a misdemeanor, punishable by a fine of between \$50 and \$200, plus the cost of prosecution (amends AS 14.30.020); to require the chief administrative officer to report all apparent violations to the governing body of the district (amends AS 14.30.030); and to provide that if it is not practical for an existing law enforcement agency to enforce AS 14.30.337, the governing body of the school district or the B.I.A. may appoint the necessary truent officers to enforce the law (amends AS 14.30.050).

--Eliminates amendment to AS 14.30.285(b) that would have required a school district that sends an exceptional child for placement in

another district to assume the child's education expenses (see p. 157).

--Deletes (b) from new section on state support of programs for gifted children: "State support under the public school foundation program for special education and related services for gifted children is available for not more than five percent of the average daily membership of the district or educational attendance area."

--Adds new Sec. 19 that amends AS 14.30.347, "Transportation of Exceptional Children," to read: "When transportation is required to be provided as related [PART OF SPECIAL] services, exceptional children shall be carried with other children, except when the nature of their physical or mental handicaps is such that it is in the best interest of the exceptional children, as determined by the school district, that they be transported separately. . . ."

--Deletes language from new definition of "seriously emotionally disturbed" children: ". . . the term includes children who are schizophrenic but does not include children who are only socially maladjusted [, UNLESS IT IS DETERMINED THAT THEY ARE SERIOUSLY EMOTIONALLY DISTURBED]."

--Repeals AS 14.30.340, "When not Required to Enroll." Provides that no handicapped child may be required to enroll in a special education program if the parent or guardian demonstrates that the child is receiving adequate educational advantages. Further provides that the child must be excused from the compulsory education requirements if a physician certifies in writing that the child's bodily, mental or emotional conditions does not permit attendance at school."

—Rewrites AS 14.30.191 relating to evaluation of exceptional children. Incorporates the same amendments as the original, except also requires the Dept. of Education to consult with the Dept. of Health and Social Services when adopting regulations that establish, or require school districts to establish, standards and procedures for the identification and classification of exceptional children.

—Deletes repeal of AS 14.30.191(b) and AS 14.30.347 (see p. 158).

Alaska State Legislature

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CO-CHAIRMAN

REP. MILO FRITZ
CO-CHAIRMAN

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House of Representatives HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

M E M O R A N D U M

TO: H.E.S.S. Committee

FROM: Linda Otey, Committee Aide

SUBJ: CS for HB 194 "An act relating to the education of exceptional children and providing for an effective date."

DATE: May 19, 1983

The proposed draft has deleted two controversial issues from the original legislation with the intent of maintaining the bill's purpose as a technical revision in order to bring State Statutes into conformity with Public Law 94-142 and thus securing federal receipts for Alaska's Special Education Programs. The federal receipts for FY 83 were as follows:

1. PL 94-142: Provided special education to cities and boroughs in the amount of \$1,431,670.
2. PL 89-313: Provided funds for the handicapped to Rural Education Attendance Areas in the amount of \$1,842,910.

Total dollars received in special education categories for FY 83 = 3,274,580.

The two sections that have been deleted are:

1. Section 12 - payments of transfer costs will be paid by the school districts rather than the Department as under current law; and
2. Section 15 - a limit of 5% of the average daily membership of the district or rural education attendance area will be provided for by the public school foundation program for special education.

*be reads to
be back in
but re-written*

*proposed
regs*

*current
regs &
proposed
regs*

In previous testimony it has been explained that the actual wording of this bill has been patterned very closely to Federal Law (PL 94-142) in order to insure continued federal funding. Currently, there are proposed regulations "on hold" by the revisors of the Attorney General's Office until passage of this legislation. Current law prohibits the enactment of the proposed regulations.

There appears to be public concern in regard to the definition section of the bill. Even though most of the language is taken from the Public Law, there is local concern as to its effects in services rendered to school age children. The question of whether or not "similar" language keeping with the intent of the Federal Law would be sufficient to receive the \$1.4 million (FY 83) for special education.

Original sponsor: Rules/Governor

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 CS FOR HOUSE BILL NO. 194 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the education of exceptional
7 children; and providing for an effective date."

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

9 * Section 1. AS 14.30.020 is amended to read:

10 Sec. 14.30.020. VIOLATION. A person violating AS 14.30.010 or
11 AS 14.30.337 is guilty of a misdemeanor and upon conviction is punish-
12 able by a fine of not less than \$50 nor more than \$200, plus the cost
13 of prosecution, and may be imprisoned until the fine and costs are
14 paid or until the convicted person has served one day for every \$2 of
15 the fine and costs, at which time the fine and costs are automatically
16 discharged. Each unlawful absence is a violation and if an absence is
17 extensive there is a new violation each time five consecutive days of
18 the absence elapse. The court may suspend sentence, stay or postpone
19 enforcement of execution, or release from custody a person found
20 guilty upon the conditions which are in the best interests of the
21 child. In any event, at the expiration of the school year, the person
22 shall be released and discharged from all penalties provided by this
23 section.

24 * Sec. 2. AS 14.30.030 is amended to read:

25 Sec. 14.30.030. REPORT OF VIOLATIONS AND PROCEDURES. The chief
26 administrative officer of a district or state-operated school shall
27 report all apparent violations of AS 14.30.010 or AS 14.30.337 to the
28 governing body of the district. The governing body shall, on receiv-
29 ing the report or on the complaint of any person, provide for a full

1 and impartial investigation of all charges of violation. In private
2 or federal schools, the chief administrative officer shall make a full
3 and impartial investigation of all apparent violations. If it rea-
4 sonably appears upon investigation that a person has violated AS 14.-
5 30.010 or AS 14.30.337, the governing body of a district or state-
6 operated school, or the chief administrative officer of a private or
7 federal school, shall make and file with the district court a com-
8 plaint against the person, charging the violation. The judge or mag-
9 istrate may issue a warrant for the arrest of the person and may act
10 upon the complaint.

11 * Sec. 3. AS 14.30.050 is amended to read:

12 Sec. 14.30.050. TRUANT OFFICERS. (a) If it is not practical
13 for an existing law enforcement agency to enforce AS 14.30.010 or
14 AS 14.30.337, the governing body of the school district or the Bureau
15 of Indian Affairs may appoint the necessary truant officers to enforce
16 AS 14.30.010 or AS 14.30.337. The state shall not contribute to the
17 expenses of an officer appointed by the Bureau of Indian Affairs.

18 (b) A truant officer may arrest and bring before any district
19 court judge or magistrate, a person violating AS 14.30.010 or AS 14.-
20 30.337 upon a warrant issued by the district court judge or magis-
21 trate.

22 * Sec. 4. AS 14.30.180 is amended to read:

23 Sec. 14.30.180. PURPOSE. It is the purpose of AS 14.30.180 -
24 14.30.350 to provide an appropriate public [COMPETENT] education [SER-
25 VICES] for [THE] exceptional children in the state who are at least
26 three years of age [AND FOR WHOM THE REGULAR SCHOOL FACILITIES ARE IN-
27 ADEQUATE OR NOT AVAILABLE].

28 * Sec. 5. AS 14.30.186(a) is amended to read:

29 (a) A borough or city school district shall provide [FOR]

1 special education and related services for exceptional children [REP-
2 RESENTED BY NOT LESS THAN FIVE CHILDREN] residing in the district.

3 * Sec. 6. AS 14.30.186(b) is amended to read:

4 (b) The board of a regional educational attendance area shall
5 provide [FOR] special education and related services in a school in
6 the area for exceptional children [REPRESENTED BY NOT LESS THAN FIVE
7 CHILDREN] residing in the area served by the school.

8 * Sec. 7. AS 14.30.191(a) is amended to read:

9 Sec. 14.30.191. EDUCATIONAL EVALUATION [ASSESSMENT]. (a) Be-
10 fore placement in a [SPECIAL EDUCATION] program of special education
11 and related services and not less than once every three years [A YEAR]
12 for as long as the child is assigned to the [A SPECIAL EDUCATION] pro-
13 gram, an exceptional child shall receive an educational evaluation
14 [ASSESSMENT] for the identification and classification of exceptional
15 children [THE LEARNING, MENTAL AND PHYSICAL STATUS OF THE CHILD].

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

17 (c) If a parent or guardian believes that the educational eval-
18 uation [ASSESSMENT] of the child is in error, the parent or guardian
19 may request an independent [EXAMINATION AND] evaluation of the child.
20 If a substantial discrepancy exists between the educational evaluation
21 [ASSESSMENT] of the school district and the independent evaluation,
22 and if the parent or guardian so requests, a hearing shall be held be-
23 fore a hearing officer in order to resolve the discrepancy between
24 evaluations and to determine the appropriate educational program
25 [PLACEMENT] for the exceptional child. [THE DEPARTMENT OF EDUCATION
26 SHALL ADOPT REGULATIONS FOR THE CONDUCT OF HEARINGS AUTHORIZED BY THIS
27 SECTION AND FOR THE APPOINTMENT AND QUALIFICATIONS OF THE HEARING OF-
28 FICER. REGULATIONS ADOPTED AND PROCEEDINGS CONDUCTED UNDER THIS SEC-
29 TION ARE SUBJECT TO THE ADMINISTRATIVE PROCEDURE ACT.]

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

2 (d) The department ^{in consultation with} [DEPARTMENT OF EDUCATION AND THE DEPARTMENT
3 OF HEALTH AND SOCIAL SERVICES] shall ^{after in consultation with the DHE & SS,} [COOPERATIVELY ESTABLISH] by reg-
4 ulation establish, or require school districts to establish, [DIAG-
5 NOSTIC] standards and procedures for the identification and classifi-
6 cation of [THE LEARNING, MENTAL AND PHYSICAL STATUS OF] exceptional
7 children. [STANDARDS RELATING TO SPECIAL EDUCATION PROGRAMS, INDIV-
8 VIDUAL OR GENERAL, SHALL REMAIN THE RESPONSIBILITY OF THE DEPARTMENT
9 OF EDUCATION IN CONJUNCTION WITH THE LOCAL EDUCATION AGENCY.]

10 * Sec. 10. AS 14.30 is amended by adding a new section to read:

11 Sec. 14.30.195. HEARINGS. (a) The department shall by regula-
12 tion provide for administrative hearings to be conducted under AS 14.-
13 30.180 - 14.30.350.

14 (b) The agency conducting a hearing under this section may issue
15 subpoenas under AS 44.62.430 and may petition the superior court for
16 adjudications of contempt under AS 44.62.590.

17 * Sec. 11. AS 14.30.231 is amended to read:

18 Sec. 14.30.231. ADVISORY COMMITTEE. The Governor's Council for
19 the Handicapped and Gifted established under AS 47.80 shall serve as
20 [THE COMMISSIONER OF EDUCATION AND THE COMMISSIONER OF HEALTH AND SO-
21 CIAL SERVICES SHALL ESTABLISH] an advisory committee, the function of
22 which is to provide information and guidance for the development of
23 appropriate [SPECIAL EDUCATION] programs of special education and re-
24 lated services for exceptional children. [MEMBERSHIP OF THE ADVISORY
25 COMMITTEE SHALL INCLUDE, BUT IS NOT LIMITED TO, PERSONS REPRESENTING
26 LOCAL EDUCATION AGENCIES, STATE AGENCIES, PARENT GROUPS AND ORGANIZA-
27 TIONS CONCERNED WITH PROGRAMS AND SERVICES FOR EXCEPTIONAL CHILDREN.]

28 * Sec. 12. AS 14.30.250 is amended to read:

29 Sec. 14.30.250. TEACHER QUALIFICATIONS. A [NO] person may not

Policy or Technical Memorandum

1 [SHALL] be employed as a teacher of [TO TEACH A CLASS FOR] exceptional
2 children unless that person possesses a valid teacher certificate [,]
3 and, in addition, such training as the department may require by regu-
4 lation.

5 * Sec. 13. AS 14.30 is amended by adding a new section to read:

6 Sec. 14.30.255. ADMINISTRATOR QUALIFICATIONS. A person may not
7 be employed as an administrator of a program of special education and
8 related services unless that person possesses a valid administrative
9 certificate and, in addition, such training as the department may re-
10 quire by regulation.

11 * Sec. 14. AS 14.30.270 is amended to read:

12 Sec. 14.30.270. SUBSTITUTES. AS 14.30.250 does not prohibit the
13 employment of a person, otherwise qualified to serve as a substitute
14 teacher, to serve as a substitute teacher of [A CLASS FOR] exceptional
15 children.

16 * Sec. 15. AS 14.30.285(d) is amended to read:

17 (d) For the purposes of this section a child's education ex-
18 penses are limited to the actual cost of necessary care, transporta-
19 tion, and special education and related service [INSTRUCTION], in-
20 cluding room and board [, WHILE ATTENDING THE DESIGNATED INSTITUTION].

21 * Sec. 16. AS 14.30.305 is amended to read:

22 Sec. 14.30.305. STATE SUPPORT OF PROGRAMS FOR CHILDREN HOSPI-
23 TALIZED OR CONFINED TO THEIR HOMES. [SPECIAL INSTRUCTIONAL SERVICES
24 FOR EXCEPTIONAL CHILDREN WHO ARE HOSPITALIZED OR CONFINED TO THEIR
25 HOMES MAY BE PROVIDED BY A SCHOOL DISTRICT.] A child who is hospi-
26 talized or confined to home and who receives at least 10 hours of
27 special education and related services [INSTRUCTION] per week may be
28 counted as a pupil in average daily membership when computing state
29 support under the public school foundation program.

1 * Sec. 17. AS 14.30 is amended by adding a new section to read:

2 Sec. 14.30.325. SURROGATE PARENTS. (a) The department may by
3 regulation provide for the appointment of surrogate parents to repre-
4 sent exceptional children in matters relating to the provision of an
5 appropriate public education.

6 (b) A surrogate parent is not liable for civil damages as a re-
7 sult of an act or omission committed in the surrogate parent's offi-
8 cial capacity, except that a surrogate parent may be liable for civil
9 damages as a result of gross negligence or intentional misconduct.

10 * Sec. 18. AS 14.30 is amended by adding new sections to read:

11 Sec. 14.30.335. ELIGIBILITY FOR FEDERAL FUNDS. Notwithstanding
12 any other provision of AS 14.30.180 - 14.30.350, the department may do
13 all things necessary to qualify for federal funds that are available
14 to the state for the education of exceptional children.

15 Sec. 14.30.337. ATTENDANCE REQUIRED. The parent or guardian of
16 an exceptional child shall ensure that the child attends a program of
17 special education and related services provided under AS 14.30.180 -
18 14.30.350 unless the parent or guardian demonstrates to the satisfac-
19 tion of the school district that the child is receiving an appropriate
20 education.

21 * Sec. 19. AS 14.30.350 is repealed and reenacted to read:

22 Sec. 14.30.350. DEFINITIONS. In AS 14.30.180 - 14.30.350,

23 (1) "department" means the Department of Education;

24 (2) "exceptional children" means children who differ marked-
25 ly from their peers to the degree that special facilities, equipment,
26 or methods are required to make their educational program effective;
27 these children may be identified in the following categories:

28 (A) "deaf" children exhibit a hearing impairment
29 that hinders the child's ability to process linguistic

1 information through hearing, with or without amplification, and
2 that adversely affects educational performance;

3 (B) "deaf-blind" children exhibit concomitant hear-
4 ing and visual impairments, the combination of which causes such
5 severe communication and other developmental and educational
6 problems that they cannot be accommodated in a special education
7 program solely for deaf or blind children;

8 (C) "gifted" children exhibit outstanding intellect,
9 ability, or creative talent as determined in accordance with reg-
10 ulations of the department;

11 (D) "hard of hearing" children exhibit a hearing im-
12 pairment, whether permanent or fluctuating, that adversely af-
13 fects educational performance but that is not within the meaning
14 of (A) of this paragraph;

15 (E) "learning disabled" children exhibit a disorder
16 in one or more of the basic psychological processes involved in
17 understanding or in using language, spoken or written, that may
18 manifest itself in an imperfect ability to listen, think, speak,
19 read, write, spell, or do mathematical calculations; the term in-
20 cludes such conditions as perceptual handicaps, brain injury,
21 minimal brain disfunction, dyslexia, and developmental aphasia;
22 this category does not include children who have learning prob-
23 lems that are primarily the result of visual, hearing, or motor
24 handicaps, of mental retardation, of emotional disturbance, or of
25 environmental, cultural, or economic disadvantage;

26 (F) "mentally retarded" children score two or more
27 standard deviations below the national norm on an individual
28 standardized test of intelligence and exhibit deficits in adaptive
29 behavior manifested during the developmental period, that

1 adversely affect the child's educational performance;

2 (G) "multihandicapped" children exhibit two or more
3 of the conditions described in (A), (B), (D) - (F) and (H) - (L)
4 of this paragraph, the combination of which causes such severe
5 educational problems that they cannot be accommodated in a spe-
6 cial education program for any one of the conditions;

7 (H) "orthopedically impaired" children exhibit a se-
8 vere orthopedic impairment, including impairments caused by con-
9 genital anomaly, disease, or other causes, that adversely affects
10 educational performance;

11 (I) "other health impaired" children exhibit an au-
12 tistic condition that is manifested by severe communication and
13 other developmental and educational problems or exhibit limited
14 strength, vitality, or alertness due to chronic or acute health
15 problems such as heart condition, tuberculosis, rheumatic fever,
16 nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead
17 poisoning, leukemia, or diabetes, that adversely affects educa-
18 tional performance;

19 (J) "seriously emotionally disturbed" children ex-
20 hibit one or more of the following characteristics over a long
21 period of time and to a marked degree, that adversely affects
22 educational performance: (i) an inability to learn that cannot
23 be explained by intellectual, sensory, or health factors; (ii) an
24 inability to build or maintain satisfactory interpersonal rela-
25 tionships with peers and teachers; (iii) inappropriate types of
26 behavior or feelings under normal circumstances; (iv) a general
27 pervasive mood of unhappiness or depression; or (v) a tendency to
28 develop physical symptoms or fears associated with personal or
29 school problems; the term includes children who are schizophrenic

1 but does not include children who are only socially maladjusted;

2 (K) "speech impaired" children exhibit a communica-
3 tion disorder, such as stuttering, impaired articulation, a lan-
4 guage impairment, or a voice impairment, [that adversely affects
5 educational performance;]

6 (L) "visually handicapped" children exhibit a visual
7 impairment that, even with correction, [adversely affects educa-
8 tional performance;]

9 (3) "related services" means transportation and develop-
10 mental, corrective, and other supportive services required to assist a
11 handicapped or gifted child to benefit from special education, and in-
12 cludes but is not limited to speech pathology and audiology, psycho-
13 logical services, physical and occupational therapy, counseling ser-
14 vices, and medical services for diagnostic or evaluation purposes;

15 (4) "special education" means specially designed instruc-
16 tion to meet the unique needs of a handicapped or gifted child, and
17 includes but is not limited to classroom instruction, instruction in
18 physical education, instruction in vocational education, home instruc-
19 tion, instruction in a hospital or institution, and summer school;

20 (5) "school district" means a borough school district, a
21 city school district, or a regional educational attendance area.

22 * Sec. 20. AS 14.30.186(c) and (d), 14.30.191(b), 14.30.260, 14.30.280,
23 14.30.330, 14.30.340, and 14.30.347 are repealed.

24 * Sec. 21. This Act takes effect July 1, 1983.

See 18 pg 6 - 14.30.337 - transfers in Amendment
- question - should the district make a program
available. "Dept says that a provision
for. Leaves this

③ lang. thru-out literature The lang is
"an appropriate education"

340 - Potentially, unduly

285 (f) - intention here that provide the
service

14.30.186 -

existing statute problem - only 1 child in the
district - 186 (c) & (d) repealed -

- intent - to force districts to offer special programs -
"law across country - subsection (f) of 285 -
problems if ~~the~~ parents refuse to let them go
elsewhere.

Herrman - BSA district had services in one school
Service available w/in the dist & in
another community? Any costs associated
with that? Transfers w/in district

Roberts

Repeals - 186 (c) (d) -
not kids

Tischer = def of approp & adequate
More @ issue here than

House HESS - 5/23/83

Goel/Henn/miller/Fitz/Tischer/Davis

CSHB 194:

S. Hale - New Fiscal Note - reflects

deletion of 2 provisions of orig. bill -
- Sect 12 - costs of transfers -
- Sect 15 - limit of spec ed -

- Remainder lang - Dept will continue to

Pg 5-29 - all of Sect 15 - deleted -

Reverting Subsect. (A) & (C) of old section 15.

Tischer

- Regs presently address 5% as a cap. Regs will have to be changed.

- Re-evaluate - characteristics of gifted & talented children at least funding

- If limit were removed - impact would be \$4 or 6^{mil}

- Impose either by 5% ceiling # or more approp. definitions to be covered for state aide.

If possible - deal with this based on criteria

① Request minor amendment Pg 4 l 3 after shall

" a - DOE makes final decision -

Pg 4 of orig bill - transfer - send, dist would pay proposed amendment - (1) & (2) costs split & send; dept.

no change in subsec (f).

Hess Mtg.

Keith Robertson -

Hole - Position Paper / Repealers
Regulations / Cap on special ed.

Gillespie -

Herrmann Sec 9.12 14.30.191 (d) -

Question: Removes OH:SS -

Davis Checked on repealers -

Hall: Encourage "enabling legislation" - need position papers.

Tischer: Doe - Speak to Regulations before Committee

: Definitions -
"

Greene - Transfers within districts - not covered under cement law -
we can transport to another district to such for
example. "If we have to change their residence
then we need to amend this bill."

Tischer - ADMS for ea. dist - designed to cover costs of transfers -
does the receiving district pay the additional costs

Greene - Cap on funding entitlement but they should be able
to offer to as many children as possible - In lieu
of 5% Cap.

Changes to ~~CSHB~~ 194

① - Holes amendment to include consultation w/ Dept H&SS

② - ^{Re-} Insert Sect 12 & 15 as written

③ - Re-word repealer & retain - 14.30.191(6)

④ 14.30.347 Transport of except. children.

Repeals in.

DOE - Ask 5% question regarding this section

Alaska State Legislature

Representative Mae Tischer
District 11
3305 Oregon Drive
Anchorage, Alaska 99503



While in Juneau
Pouch V
Juneau, Alaska 99811
(907) 465-3759

House of Representatives MAE TISCHER

March 28, 1983

*HB 55
filed in bill*

Mary Tonkovich, M.S., C.C.C.
Speech-language pathologist
8295 Garnet
Juneau, Alaska 99801

Dear Mary:

Thank you for your specific comment on HB 194. I will advise the Health, Education and Social Services Committee of your comments when we next deliberate on this bill.

Sincerely,

Mae Tischer

Representative Mae Tischer
District 11

MT/gnt

MAR 24 1983

8295 Garnet
Juneau, AK 99801
March 24, 1983

Dear Rep. Fischer,

Regarding House Bill No. 194, Sec. 14.30.350, page 9, line 3, I strongly urge deletion of the phrase "which adversely affects educational performance."

This might deny treatment to children who stutter, have voice disorders, those under age six and many mild or moderate speech and language impaired children. The development and well-being of these individuals would be adversely affected.

Thank you for your consideration.

Sincerely yours,

Mary Tonkovich, M.A., C.C.C.
Speech-language pathologist

March 24, 1983

Mae Jister
House (HESS)
Alaska Legislature
Juneau, Alaska

Dear Ms. Jister:

I would like to voice concern over
a section of House Bill 194, specifically
Page 4, line 4 of Section 14.30.350 Definitions.

The phrase "which adversely affects educational performance" should be deleted or
at least changed to read "not necessarily
affects educational performance". By professional
definition, school performance is not even an
indicator of specific speech impairments. A
child's educational performance may reflect a
problem in area of communication, but not
necessarily. If this phrase is left in, I
fear that many children will be excluded
from speech services they need, just because
their educational performance does not show

Bill Milnir 5-2910



NAVSTA BOX 34 • ADAK, ALASKA
F.P.O. SEATTLE, WA. 98791
PHONE: 907-592-3188

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Director of Community Services
DR. PAULINE SLEMKEWICZ
Director of Reading

Mar. 29. 1983

*Chairperson
House HESS Committee
Pouch V
Juneau, AK 99811*

Dear *Chairperson*:

It has come to my attention that regulations pertaining to the eligibility of speech impaired children in the public schools are in the process of being adopted by the Department of Education. These regulations evidently were adopted by the State Board in Fall, '82. I am concerned about the implications of these regulations with respect to service to the communicatively handicapped children. Under the pending regulations, only children whose communication disorder adversely affects their educational performance will be allowed service. This may deny treatment to children who stutter, those under six years of age, those with voice disorders, and many mild to moderate speech and language impaired children. The total development and well-being of these individuals will be adversely affected.

Another area of concern is the designation of responsibility for diagnosing these children. We believe that speech/language pathologists are the only qualified professionals to do this.

I urge you to consider changes in these items of the regulations.

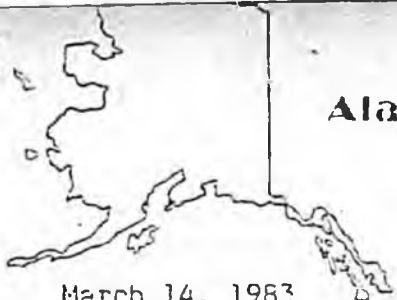
Sincerely,

*Diane N. Gray
Speech Therapist*

HB 194

RECEIVED
MILO H. FRIEDZ, M.D.
MAR 16 5 11 PM '83

Alaska Speech - Language - Hearing Association



March 14, 1983

Harold J. Reynolds, Commissioner
Alaska Department of Education
Pouch F
Juneau, AK 99811

Dear Commissioner Reynolds:

It has come to the attention of the Alaska Speech-Language-Hearing Association that regulations pertaining to the eligibility of speech impaired children in the public schools are in the process of being adopted by the Department of Education. These regulations evidently were adopted by the State Board in the Fall of 1982. [We are deeply concerned about the implications of these regulations with respect to service to communicatively handicapped children.] [Under the pending regulations, only children whose communication disorder adversely affects their educational performance will be allowed service.] [This may deny treatment to children who stutter, those under six years of age, those with voice disorders, and many mild to moderate speech and language impaired children.] The total development and well-being of these individuals will be adversely affected.

Another area of concern is the designation of responsibility for diagnosing these children. We believe that speech/language pathologists are the only qualified professionals to do this.

A third area of concern is lack of information we received regarding the development and promulgation of these regulations. In this case, it was crucial that we be made aware of developments regarding the regulations. The Office of Exceptional Children did not provide such information. We would like redress for this error by having the above concerns addressed at this time with additional public hearings preceded by proper notification of impacted parties, including parents and speech/language pathologists.

Please reply as soon as possible regarding pending changes in state regulations pertaining to the eligibility of speech impaired children in the public schools and the above areas of concern.

Sincerely,

Monica Ferguson Shirley

Monica Ferguson Shirley, M.S., C.C.C.
President
Alaska Speech Language Hearing Association
83 Slater Drive, Apt. 16
Fairbanks, Alaska 99701

Alaska Speech - Language - Hearing Association



March 14, 1983

Chairperson
House HESS Committee
Pouch V
Juneau, AK 99811

Dear Chairperson:

It has come to the attention of the Alaska Speech-Language-Hearing Association that legislation has been submitted to modify statutes regarding special education in the form of House Bill 194. We are deeply concerned about the implications of these proposed changes in statutes with respect to service to communicatively handicapped children. Under these proposed changes, only children whose communication disorder adversely affects their educational performance will be allowed service. This may deny treatment to children who stutter, those under six years of age, those with voice disorders, and many mild to moderate speech and language impaired children. The total development and well-being of these individuals will be adversely affected.

Another area of concern is the designation of responsibility for diagnosing these children. We believe that speech/language pathologists are the only qualified professionals to do this.

We do not support House Bill 194 and urge you to reconsider this bill. We request a letter be forwarded at your earliest convenience indicating the status of House Bill 194 and further measures that we may take as an association to stop this legislation.

Sincerely,

Monica Ferguson Shirley

Monica Ferguson Shirley, M.S., C.C.C.
President
Alaska Speech-Language-Hearing Association
83 Slater Drive, Apt. 16
Fairbanks, AK 99701

STATE OF ALASKA

DEPARTMENT OF EDUCATION

DIVISION OF EDUCATIONAL PROGRAMS SUPPORT

JAY S. HAMMOND, GOVERNOR

POUCH F
STATE OFFICE BUILDING
JUNEAU, ALASKA 99811
PHONE:

October 21, 1982

TO: Special Education Directors

FROM: William Mulnix, Administrator (4/1)
Office for Exceptional Children
Department of Education

RE: 4AAC 52, Education for
Exceptional Children

At the October 7, 1982 meeting in Haines, the State Board of Education adopted regulations 4AAC 52.010-4AAC 52.920. Attached is a copy of the regulations for your information. An effective date has not yet been determined by the Office of the Attorney General and the Office of the Lieutenant Governor.

X (j) To be eligible for special education and related services as a speech impaired child, a child must

(1) exhibit a communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment, which adversely affects educational performance;

Register

EDUCATION

4 AAC 52.130

(2) require special facilities, equipment, or methods to make his educational program effective;

(3) be diagnosed by a physician, speech pathologist, or speech therapist as speech impaired; and

(4) be certified by a multidisciplinary team as qualifying for and needing special education services for the speech impaired.

(k) To be eligible for special education and related services as an other health impaired child, a child must

(1) exhibit an autistic condition which is manifested by severe communication and other developmental and educational problems, or exhibit limited strength, vitality, or alertness due to chronic or acute health problems such as a heart condi-

PUBLIC INPUT RE: HB 194

From: George Toriano - Speech and Hearing Therapist

- 1.) I favor fully funding HB 194
- 2.) I favor the following word changes in HB 194:
 - a. in the section regarding those people able to diagnose children as speech impaired, please eliminate 'physicians' as they are not qualified to diagnose such impairments. The others in that section are okay.
 - b. in Section 1 (j) the child's impairment must adversely affect educational performance in order to be eligible for services. Please add 'and/or social or emotional performance' to the section.

Testimony taken over the phone on 5/17/83.



Official Business

Alaska State Legislature

House of Representatives

Committee on

Health, Education & Social Services

Pouch V
State Capitol
Juneau, Alaska 99811

TO: HESS Committee Members
FROM: Linda Otey, HESS Committee Aide
RE: Staff Summary HB 194 "An act relating to the education of exceptional children; and providing for an effective date."

A sectional analysis was provided by the Department of Education.

Mr. Rick Robertson, Assistant Attorney General, drafted the bill and is unable to attend today's meeting due to a prior engagement.

The purpose of HB 194 is to bring state statutes into conformity with Public Law 94-142. The revision was written using the Federal Special Education Handbook as a guide. Currently, the Attorney General's Office is revamping the regulatory provisions regarding special education. Consequently, several special education regulations are under review.

Most of HB 194 involves technical changes. The substantive changes are as follows:

- 1) Section 12 - payments of transfer costs will be provided for by the district rather than the Department as under current law.
- 2) Section 15 - a limit of 5% of the average daily membership of the district or rural education attendance area will be provided for by the public school foundation program for special education.

Secondly, establishment of standards and procedures for the identification and classification of exceptional children is a difficult task which would be beyond the capabilities of school districts. Furthermore, if school districts were required to set such standards and develop such procedures, there would be no statewide uniformity. This would result in widely varying programs, would make technical assistance and quality assurance more difficult, and would splinter the activities and effectiveness of statewide protection and advocacy efforts. Unless there is a compelling reason to change, it is recommended that line 20 of page 2 omit "or require school districts to establish."

Dr. Schiparo

Third, on page 8, lines 16 through 26, the following wording would be preferable since it better reflects the recent deliberations of experts in the field of childhood emotional disturbance: "Severe mental disorder" means an illness, disease, organic brain syndrome or other condition which substantially impairs thought, perception of reality, emotional process, judgement, or behavior such that (1) educational performance is adversely effected or (2) there is an inability to build or maintain satisfactory interpersonal relations with peers or teachers."

Finally, on page 9 the definition (K) would be better stated "communicatively disordered" children exhibit a disorder such as This definition would be more in line with the current nomenclature in this field of special services.

*Norman
Larg - 3030*

Dept of Education

SPECIAL ED BILL 377-015-83

<u>Location</u>	<u>Change</u>
Section 1-5	Amendments bring statutory language into conformity with federal requirements. Deletion of last sentence in section 5 is picked up in section 6 and 7.
Section 6	This change makes it clear that where appropriate, the Department will require school districts to establish local standards for program eligibility, and procedures for testing or other forms of eligibility determination, and classification of exceptionality.
Section 7	Makes more clear the burden and process for administrative resolution of disputes arising from this chapter.
Section 8	Clarifies the advisory role of the Governor's Council for the Handicapped and Gifted.
Section 9	Clean up.
* Section 10	Requires directors of special education programs to be administratively certificated..
Section 11	Clean up.
out - Section 12	In addition to general language clean up, this section would require school districts which do not provide appropriate special education services to pay the costs associated with transferring students to wherever the services are available.
Section 13	Clean up.
Section 14	Clean up.
out - * Section 15	Places in statute a previously regulatory restriction on the number of pupils who may be claimed for state aid purposes in the classification of gifted/talented. The purpose of this restriction is to enable districts to use their own criteria for defining gifted/talented students and designing appropriate programs and services for those students, while at the same time applying a uniform limit on what the state will pay for those programs. This does not limit the number of students who may be served in gifted/talented programs, it only limits what the state will pay for them.
Section 16	Enacts a state statute in conformity with federal requirements.

<u>Location</u>	<u>Change</u>
Section 17	Standard language for programs with dual federal - state responsibilities and financial support.
Section 18	Clean up.
Section 19	Brings definitions into conformity with federal provisions.
Section 20	Repeals citations no longer applicable, or obviated by this bill.
Section 21	Effective date section.

1655



GOVERNORS COUNCIL FOR THE HANDICAPPED AND GIFTED

UNIVERSITY PLAZA OFFICES WEST SUITE C • 600 UNIVERSITY AVENUE • FAIRBANKS, ALASKA 99701
PHONE (907) 479-6507

MAR 25 1983

COMMENTS ON HB 194

"An Act relating to the education of exceptional children; and providing for an effective date."

BACKGROUND:

The purpose of this bill appears to be a revision or "clean up" of existing state special education laws to make them consistent with current practices in special education, compatible with the federal law P.L. 94-142, and to provide a sufficient statutory basis for comprehensive special education programs and regulations in Alaska.

While the bill generally meets this purpose, several sections need revision and additional items need to be included.

SUGGESTIONS FOR IMPROVEMENTS:

1. Sec. 5. A.S.14.30.191c (page 2)

An independent evaluation must be provided at school district expense unless the district goes to hearing and shows why an independent evaluation is not warranted. This is the federal rule, included in our state regulations, and should be included in law.

2. Sec. 12 A.S. 14.30.285(b) (page 4)

* We suggest deletion of the word "institution" on line 6, line 12, and line 15, and addition of the words educational program or residential school as the Council does not support institutionalization of children for educational purposes.

* Out-of-district placement should only occur if an appropriate educational program cannot reasonably be made available locally. Please delete "is not" on lines 9-10 and add this phrase. It is not reasonable to allow local educational agencies to send children away without a requirement and Departmental monitoring to make sure that the local district makes every effort to establish a program.

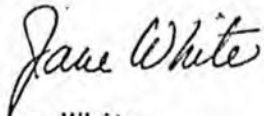
* The Department should approve the placement and pay the local district for the cost of the educational expenses which are above the local cost-per-pupil rate for special education. This would keep the focus on local district responsibility to make the payment, monitor the placement, make sure the IEP is developed and implemented, arrange for visits home, and communicate with parents. It would also provide an incentive to the local district to develop and provide the program locally if it could obtain state funding to do so. Why are we willing for the state to pay \$50,000 to send a child out of state and to pay nothing to keep the child at home? Under the present arrangement

Summary

As the state's special education advisory board comprised of parents, teachers, and administrators of education and social service programs across the state, the Council is required to take a close look at and comment on laws and regulations for special education. We support enactment of a strong state law for special education which has all the strengths and protections of P.L. 94-142 which has now been in effect nationwide since 1975 and has withstood the tests of implementation and political changes. Revisions and additions as suggested above would go far toward insuring a strong and reasonable state statutory framework.

We also support continuation of categorical funding and improvements in fiscal accountability for special education.

Thank you for this opportunity to comment.



Jane White
Chairperson



• ALASKA COUNCIL OF SCHOOL ADMINISTRATORS •
9115 Minor Ct. Juneau, Alaska 99801

an organization of Alaskan School Administrators

March 23, 1983

MAR 24 1983

The Honorable Mae Tischer
The Honorable Milc Fritz
State Capitol Building
Pouch V
Juneau, AK 99811

Dear Representatives Tischer & Fritz:

Please accept this letter as written testimony relative to H.B. 194.

The Alaska Council of School Administrators wishes to express concern about the provisions of section twelve of the bill that would transfer the fiscal responsibility for placing low incidence handicapped students in an educational program outside the school district from the Alaska Department of Education to the placing district.

At the present time, these costs are borne by the Department of Education through grants to the larger districts, namely Anchorage.

To change this method of operation at this time would place a rather heavy burden on small districts of the state. Individual costs could exceed \$35 to \$40 thousand dollars and the state-wide cost could near or exceed one million dollars.

Alaska's Department of Education has indicated that this bill is necessary in order for D.O.E. to curb the outside placing of students unnecessarily. I submit that there are other, less drastic, means of obtaining the same objective.

Please investigate this provision with great care before giving it consideration.

Respectfully,


Don MacKinnon
Executive Secretary

~~HB 194~~ HB 194

Debra Keller - Gov's Handicapped & Gifted
ADDITIONAL typed comments

Jean Krause

NEA

PL 91-142 meet w/ Dept of Ed & Go-to draft

CS p. 4 OUT of STATE

p. 2 li 16 A.P.A.

hearings comply with A.P.A.?

Bob Greene

Sec. 12 concerned w/ Holie's amendments
TRANSFER COSTS FROM STATE TO DISTRICTS
READ STATEMENT of LARRY FEENEY.

LINDA

WANT LIST of AMENDMENTS PROPOSED

LEGAL OPINIONS NECESSARY

MEMORANDUM

State of Alaska

TO: Bruce Botelho
Assistant Attorney General
Human Services-Juneau

DATE: March 11, 1983

FILE NO: 377-015-83

TELEPHONE NO: 465-3603

FROM: Norman C. Gorsuch
Attorney General

SUBJECT: HB 194

By: Thomas H. Robertson
Assistant Attorney General
Human Services-Juneau

This memorandum is written in response to your recent request on the above subject. My reaction to Larry Feeney's comments is set out below.

1. The reference to "handicapped child" seems to be an oversight. I checked with Steve Hole who agrees that this section should address enrollment of an "exceptional child".

2. The language of AS 14.30.330 seems to focus on the process of enrollment. However, in order to eliminate any lack of clarity concerning the requirement of enrollment, I suggest that this section be amended as set out in the appendix.

3. This section does not specify the entity to whom one must "demonstrate" that a child is receiving an appropriate education because at the time it was drafted the Department of Education did not have a clear preference. This lack of specificity could be eliminated by regulation. However, Steve Hole indicated that the determination should be made by the district. This is accomplished in the appendix.

I understand that the Department of Education is considering at least one other amendment. If you have additional questions, please let me know.

THR:jal
Attachment

cc: Steve Hole

APR 4 1983

ALASKA STATE LEGISLATURE

INTERIM OFFICE:
P.O. BOX 81435
FAIRBANKS, ALASKA 99708

IN SESSION:
POUCH V
JUNEAU, ALASKA 99811
(907) 465-4930/4941



CHAIRMAN
1983 INTERIOR DELEGATION

MEMBER
TRANSPORTATION
HEALTH, EDUCATION AND SOCIAL SERVICES
LABOR SUBCOMMITTEE
JOINT OIL AND GAS
RURAL EDUCATION ATTENDANCE AREAS

Representative Mike Davis
House District 19

March 30, 1983

Mary Tonkovich
8295 Garnet
Juneau, AK 99801

Dear Ms. Tonkovich,

Thank you for your recent letter concerning HB 194.

This bill is currently in the House HESS Committee. We have already heard some testimony on this bill. We are now looking at ways of improving this legislation. In this regard, your suggestions are quite helpful. I will see that they are taken into consideration before the bill passes from the committee.

I am taking the liberty of forwarding your comments to Rep. Tischer, who is co-chair of the House HESS committee.

Thank you again for writing.

Sincerely,

A handwritten signature in cursive that reads "Mike".

Rep. Mike Davis

md/kh

cc: Rep. Tischer

8295 Garnet
Juneau, AK 99801
March 24, 1983

Dear Rep. Davis,

Regarding House Bill No. 194, Sec. 14.30.350, page 9, line 3, I strongly urge deletion of the phrase "which adversely affects educational performance."

This might deny treatment to children who stutter, have voice disorders, are under six years of age, and many mild and moderate speech and language impaired children. The development and well-being of these individuals would be adversely affected.

Thank you for your consideration.

Sincerely yours,
Mary Rankovich, M.A., C.C.C.
Speech-language pathologist

Tischen
Miller
Hosen

Sherman
Davis
Ditty

Sherman Welsh - WOC
Tom Robertson - A.H.

HB 194 / 5/4 - Teleconferences

Mary
Mrs. Arnold - 24 families in Board of C - support HB194 -
concerned about 5% - are funds avail to
support bill.

Sherman Welsh - WOC - anticip that \$ would be allocated
on proportionate basis - Have to be prorated -
Foundation \$ = ADM. If the funding is
insufficient @ 100% - then it has to be
prorated. This bill would use the

Jerry Chikot - Kotz - Funding level? will vary
equally - gifted - talented or handicapped.

Jola Williams - Kivilina - More \$ for a multi-handicapped
as for an ~~100%~~ 100% -

Welsh - Yes it would be same under SB23
effort to adjust for all exceptional funding

Felix WSB Phillip Antle HB 194 - clean up - kept w/
intent - but exceeded

Sec 5 - line 7 pg. 2 - same as exist, statute

Sec 6 - WOC develops classification standards.

pg. 2 i 20 -
" 20 - Reg. est Classification Standards

Pg 3 l 1 Sect 7 - Confused - whom subpoena power is given - Clarify!

Pg 4 l 4 Sect 12 - Out of dist placement in hands of DOE - but Dist of REAA is fiscally responsible.

"if we receive full funded SB23 - then they come meet this obligation"

Pg 4 l 25 Sect 13 - locally funded to provide non-? board - double funding possibility

Two Elements -
Task force to establish
1) ~~Set~~ Eligibility Standards must be developed
2) funding - all students should be served - merely a % % standards -
1st address standards - remove %'s -

l 7 pb Sect 18 - Unenforceable / retain current law -

pg 7 l 5 Sect 19 - No regulations

Misc - Send comments in writing - will be sent to the Committee

Ann Rogers - Solitna KPen. Ak Speech lang & hearing
Assoc. audiologists or other
Areas

Sect K - under definitions - delete "speech impaired"
Use ~~communicated~~ communicatively
handicapped

John Holmes - Ak legal services Barrow -

1) Sect 14.30.191 - re-evaluates not less than
one every 3 years - should evaluate
every year.

2) Sect 12 - 14.30.285 b) appropriate not defined
in definition section - very necessary:
case in which school dist would prefer to
place outside district - lang. should thoroughly
exhaust all options before transferring children.

Unalakleet Mary Rubado - Spec Educ Dir - Berj Straits.

1) 5% cap in HB 194 - caps on
emotional disturbed - disabled etc -
where do we draw the line?

Carolyn Henderson / Mat-Su

Harriett ~~Paul~~ Hall - Cobara - Spec Educ Co-Ord -
Eligibility ruling in mentally retarded -
from 1.23 below to 2 - below -
some reg's for exceptions.

Keynote - Cathy Stenley - Co-ed of the talented
Pg 5 L. 10 - Ref to Fiko recommendations -
Oppose because of cultural difference around
the state - in favor of local school dist
making their own regulations.

Ad Council - Henderson's Gifted - ^{Dot} Given - submitted
testimony

Mary Louise ^{Mat-Su} - Don't limit to 5% -

Sir 12(B) - Advisory relationship for transfer - no
long to include parent's decision.

Workshop - Mary Roberts - Support fund for the
Resource Program.

Leavey from Kidane's Min

Pg 1 & 11:12 "related services" should be included

Pg 4 & 12 - follow; approp - "and obtains the consent of the child's parent or guardian"

Pg 9 & 22 - 14.30.191(b) - leave in statute - 14.30.280 Retained.

Risk

Tom Robertson - Asst AD

Housekeeping St & Fed law -

1) 5%

2) inter dist transfers

} Policy suggestions
by DOE

3 sources of the law:

PL 94-142 - Fed law

Fed reg's

State Statute

of potential conflicts & exist, st law & Fed law
State - enacted before Fed Uniform Nat'l Standards.

1) Categories of exceptionalities in exist, st are not some under require Fed law. - Maybe even Fed law becoming out of date.

2) St - enrollment by Commissioner - never been done before - delegated to districts. Potential Problem

3) Actual coverage of bill - st ref to 5 kids

4) Subpoena power in Admin hearing to seek out program for kids - no state law.

State regs do not give subpoena power.

city from Review "appropriate" Review vs. Fed & State Nat
begin to litigate

offer help to committee to prepare

~~offer~~

Ms. Susan M. Baldwin
P.O. Box 3584
Homer, Alaska 99603

Dear Ms. Baldwin:

Thank you for your letter in regard to HB 194, "An Act relating to the education of exceptional children." To date, the HESS Committee has had one hearing on the legislation. It is not my intention to reschedule the bill at this time. In the event that the Governor insists on moving this legislation (he is the sponsor of the bill) I would have to insist on further public testimony and input, perhaps through the teleconferencing network. Your letter will be copied to all the members of the Committee and my staff will notify you if and when this bill is rescheduled.

As I understand it, the legislation basically 'cleans - up' Alaska's special education statutes in bringing them into conformity with Federal law. However, I am aware of the suggested substantive changes that you and others have mentioned that raise important questions in regard to the true intent of the legislation.

Sincerely,

mil0

lo

physician... This is entirely inappropriate. Speech therapists receive 5 to 6 years of training at the university to level to be able to handle this responsibility and are the only ones qualified to do this.

Thank you for your consideration of these concerns.

Sincerely yours,
Susan M. Baldwin, M.A., C.C.C.
Speech/Language Pathologist.

Susan M. Baldwin
P.O. Box 3584
Homer, Alaska 99603

March 25, 1983

Chairperson
House HESS Committee
Pouch V
Juneau, Alaska 99811

Kinda
pls respond

Dear Chairperson:

Please let me express my concerns to this committee, as I understand you are hearing HB 194 dealing with regulations governing the eligibility of communicatively handicapped children in the public schools. As a speech therapist employed in the Alaska public school system and author of a book entitled, A Child Learns to Speak, ~~and~~ I feel qualified to comment on two serious errors in these regulations. First, the regulation reads that only children whose communication problems adversely affect their "educational" performance will be allowed service in the public schools. This would deny services to preschool speech handicapped children right at a time when correction is most critical and beneficial. It would deny services to children whose social and emotional skills are affected by a communication handicap. Good oral communication skills are a prerequisite to successful teaching of reading, writing, and social skills to children.

Second, the regulations read that a child which is communicatively impaired "...be diagnosed by a

FEB 23 1983

THE LEGISLATURE OF THE STATE OF ALASKA
THIRTEENTH LEGISLATURE

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. HB - 194
 Title An Act relating to the education of exceptional children; and...
 Requested by House HESS Date 2/18/83

II. FISCAL DETAIL
 Agency Affected: Department of Education
 Program Category Affected Elementary and Secondary Education
 BRU, Program, Or Subprogram(s) Affected _____
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	-0-	-0-	-0-	-0-		

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						
OPERATING						
CAPITAL						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)
 THIS FISCAL NOTE IS PRESENTLY BEING REVIEWED BY THE OFFICE OF MANAGEMENT AND BUDGET.

This bill has no fiscal impact on this department.

IV. DATE 2/18/83 PREPARED BY Steve Hole *Steve Hole*
 AGENCY Education
 Original: Legislative Finance PHONE 465-2865
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)
 33-001 (Rev. 12/82)

THE LEGISLATURE OF THE STATE OF ALASKA
THIRTEENTH LEGISLATURE

HB 194
HESS

FISCAL NOTE

I. REQUEST

Bill/Resolution No. _____
Title "An Act relating to the education of exceptional children; and
Requested by The Governor's Office Date 1/24/83
providing for an effective date."

II. FISCAL DETAIL

Agency Affected Department of Law
Program Category Affected Legal Services
BRU, Program, Or Subprogram(s) Affected Legal Services
(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	0	0	0	0		

FUNDING (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
GENERAL FUND	0	0	0	0		
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

This Act will not have a fiscal impact on the Department of Law, except that the potential for future litigation will be reduced by its enactment. The proposed legislation brings state law into conformance with U.S. Department of Education regulations dealing with the availability of education services for exceptional children. Although Alaska has never experienced difficulties in this government program area, some other states' provisions for the education of exceptional children has caused considerable litigation in these jurisdictions. This bill is intended to lessen the potential for such litigation.

IV. DATE January 24, 1983 PREPARED BY Richard I. Pegues, Dir. Adm. Svcs. Div.
AGENCY Department of Law
Original: Legislative Finance PHONE 465-3672
cc: Budget and Management
Prime Sponsor (First Legislator Named)
33-001 (Rev. 12/82)

Office of Management and Budget
Reviewed by: Mike Mahoney Program Budget Analyst
Division of Budget Review

RECEIVED
FEB 14 1983

LEGISLATIVE FINANCE

H3 194
KCS

THE LEGISLATURE OF THE STATE OF ALASKA
THIRTIETH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. _____
Title An Act relating to Special Education
Requested by Governor's Office Date 1/27/83

II. FISCAL DETAIL

Agency Affected Education
Program Category Affected Elementary & Secondary Education
BRU, Program, Or Subprogram(s) Affected State Contract Programs
(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		-0-	-0-	0-		

FUNDING (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
GENERAL FUND		-0-	-0-	-0-		
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS N/A

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

This bill has no fiscal impact on this department. The potential savings in present out of district transfer costs has already been cut from the FY-84 executive budget request for this component as part of the overall 5% reduction.

IV. DATE 1/27/83 PREPARED BY Steve Hole
AGENCY Education
PHONE 465-2890
Original: Legislative Finance
cc: Budget and Management
Prime Sponsor (First Legislator Named)
33-001 (Rev. 12/82)

OMB Reviewed by: Jerry Bryant *JHB*

RECEIVED
FEB 14 1983

LEGISLATIVE FINANCE

HB

196

COMMITTEE REPORT

HOUSE

FURTHER: FINANCE

2/14/33

Date: 4/8/33

Mr. Speaker:

The Committee on H.E.S.S has had H.R. 196

An Act relating to provision of adequate housing for public school teachers in rural areas.

under consideration and reports it back as follows:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for _____ same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation Zero Fiscal Note Attached
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

W. H. H. H. H.

W. H. H. H. H.

W. H. H. H. H.

W. H. H. H. H.

W. H. H. H. H.

W. H. H. H. H.

W. H. H. H. H.

W. H. H. H. H.

W. H. H. H. H.

W. H. H. H. H.

MEMBERS HAVING
OTHER RECOMMENDATIONS:

W. H. H. H. H.
CHAIRMAN

APPENDIX B

PRELIMINARY RESULTS OF NEA-ALASKA SURVEY OF RURAL TEACHERS
ON HOUSING ARRANGEMENTS AND HOUSING QUALITY

PRELIMINARY RESULTS OF NEA-ALASKA SURVEY OF RURAL TEACHERS
ON HOUSING ARRANGEMENTS AND HOUSING QUALITY

SCHOOL DISTRICT: Aleutian Region

Community	Housing Arrangement			Cost/Mo.	District Subsidy	Housing Quality			
	Own Home	Rent from District	Rent from Other			Luxury ¹	Rural Standard ²	Rural Substandard ³	Tent-like ⁴
Cold Bay		X X		\$285 285	\$285	X X			
DISTRICT TOTALS	1 village 2 respondents	2		\$285	\$285 50% rec'd Subsidy	2	-0-	-0-	-0-

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²Rural Standard: Hot/cold running water, toilet, shower or tub, electricity, stove, refrigerator, non-wood heat.

³Rural Substandard: Most, but not all of the amenities listed above for Rural Standard Housing.

⁴Tent-like: Wood heat, haul water, honeybucket, etc.

Compiled by the House Research Agency (10/81) from
results of 1981 NEA Alaska Teacher Survey

PRELIMINARY RESULTS OF NEA-ALASKA SURVEY OF RURAL TEACHERS
ON HOUSING ARRANGEMENTS AND HOUSING QUALITY

SCHOOL DISTRICT: Bering Strait

Community	Housing Arrangement				Housing Quality				
	Own Home	Rent from District	Rent from Other	Cost/Mo.	District Subsidy	Luxury ¹	Rural Standard ²	Rural Substandard ³	Tent-like ⁴
Nome			Private Owner	\$450			X		
			Private Owner	350			X		
		X		250			X		
		X		250			X		
			Private Owner	600		X			
			Private Owner	500			X		
		X		Regional Corp. 750 200			X X		
Gambell			Private Owner	100	\$100		X		
			Church	-0-				X	
			Church	-0-					X
			Private Owner	500	230			X	
		Private Owner	770	500		X			
Shishmaref		X		420				X	
			Private Owner	190					X
		X		270				X	
			Private Owner	210	Yes			X	
			Private Owner	200					X
		X						X	
		X		270		X			
			Private Owner	420				X	
	X		270				X		
Koyuk	X			-0-					X
		X		270			X		
		X		270		X			
		X		270			X		

SCHOOL DISTRICT: Bering Strait (continued)

Community	Own Home	Rent from District	Rent from Other	Cost/Mo.	District Subsidy	Luxury ¹	Rural Standard ²	Rural Substandard ³	Tent-like ⁴
White Mountain		X		270			X		
	X								X
			Private Owner	150					X
Golovin		X		276			X		
Elim			Village Corp .	\$270			X		
Teller		X		200	Yes			X	
		X		270				X	

DISTRICT TOTALS	8 villages 33 respondents	4	13	16	\$100-770	\$100-500 15% rec'd subsidy	3	13	11	6
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³Rural Substandard: Most, but not all of the amenities listed above for Rural Standard Housing.

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PRELIMINARY RESULTS OF NEA-ALASKA SURVEY OF RURAL TEACHERS
ON HOUSING ARRANGEMENTS AND HOUSING QUALITY

SCHOOL DISTRICT: Chatham

Community	Housing Arrangement				Housing Quality				
	Own Home	Rent from District	Rent from Other	Cost/Mo.	District Subsidy	Luxury ¹	Rural Standard ²	Rural Substandard ³	Tent-like ⁴
Angoon			Regional Corp.	\$484	\$125		X		
			City Govern.	50				X	

DISTRICT
TOTALS

1 village 2 respondents	-0-	-0-	2	\$50-484	\$125 50% rec'd subsidy	-0-	1	1	-0-
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³Rural Substandard: Most, but not all of the amenities listed above for Rural Standard Housing.

⁴Tent-like: Wood heat, haul water, honeybucket, etc.

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PRELIMINARY RESULTS OF NEA-ALASKA SURVEY OF RURAL TEACHERS
ON HOUSING ARRANGEMENTS AND HOUSING QUALITY

SCHOOL DISTRICT: Galena

Community	Housing Arrangement			Housing Quality					
	Own Home	Rent from District	Rent from Other	District Cost/Mo.	Subsidy	Luxury ¹	Rural Standard ²	Rural Substandard ³	Tent like ⁴
Galena			Private Owner	\$300					X
	X				\$100			X	

DISTRICT TOTALS	1 village 2 respondents	1	-0-	1	\$300	\$100 50% rec'd subsidy	-0-	-0-	1	1
-----------------	----------------------------	---	-----	---	-------	-------------------------------	-----	-----	---	---

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³Rural Substandard: Most, but not all of the amenities listed above for Rural Standard Housing.

⁴Tent-like: Wood heat, haul water, honeybucket, etc.

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PRELIMINARY RESULTS OF NEA-ALASKA SURVEY OF RURAL TEACHERS
ON HOUSING ARRANGEMENTS AND HOUSING QUALITY

SCHOOL DISTRICT: Hydaburg

Community	Housing Arrangement			Housing Quality					
	Own Home	Rent from District	Rent from Other	Cost/Mo.	District Subsidy	Luxury ¹	Rural Standard ²	Rural Substandard ³	Tent-like ⁴
Hydaburg		X		\$110			X		
		X					X		
		X		115				X	

DISTRICT TOTALS	1 Village 3 respondents	-0-	3	-0-	\$110-115	-0-	-0-	2	1	-0-
-----------------	----------------------------	-----	---	-----	-----------	-----	-----	---	---	-----

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³Rural Substandard: Most, but not all of the amenities listed above for Rural Standard Housing.

⁴Tent-like: Wood heat, haul water, honeybucket, etc.

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PRELIMINARY RESULTS OF NEA-ALASKA SURVEY OF RURAL TEACHERS
ON HOUSING ARRANGEMENTS AND HOUSING QUALITY

SCHOOL DISTRICT: Kodiak

Community	Housing Arrangement			Cost/Mo.	District Subsidy	Housing Quality			
	Own Home	Rent from District	Rent from Other			Luxury ¹	Rural Standard ²	Rural Substandard ³	Tent-like ⁴
Port Lions			Private Owner	\$400	\$296	X			

DISTRICT
TOTALS

1 village 1 respondent	-0-	-0-	1	\$400	\$296 100% rec'd subsidy	1	-0	-0-	-0-
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³Rural Substandard: Most, but not all of the amenities listed above for Rural Standard Housing.

⁴Tent-like: Wood heat, haul water, honeybucket, etc.

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PRELIMINARY RESULTS OF NEA-ALASKA SURVEY OF RURAL TEACHERS
ON HOUSING ARRANGEMENTS AND HOUSING QUALITY

SCHOOL DISTRICT: Kuspuk

Community	Housing Arrangement				Housing Quality				
	Own Home	Rent from District	Rent from Other	Cost/mo.	District subsidy	Luxury ¹	Rural Standard ²	Rural Substandard ³	Tent-like ⁴
Red Devil	X			\$500	\$200				X
		X		450	200		X		
			Private Owner	450	200				X
Chuathbaluk		X		450	200			X	
Lower Kalskag			Private Owner	450			X		
Kalskag			Private Owner	450	200			X	
Sleetmute		X		200			X		
			Private Owner	515			X		
			Private Owner	200					X
			Private Owner	200	200				X
			Private Owner	120	200				X
			Private Owner	585	200		X		

SCHOOL DISTRICT: Kuspuk (continued)

Community	Housing Arrangement				Housing Quality				
	Own Home	Rent from District	Rent from Other	Cost/Mo.	District Subsidy	Luxury ¹	Rural Standard ²	Rural Substandard ³	Tent-like ⁴
Aniak			Private Owner	525	200	X			
	X			100					X
			Private Owner	650	200			X	
			Private Owner	625	200		X		
			Private Owner	650	200		X		
			Private Owner	550	200		X		
			Private Owner	400	200		X		
			Private Owner	400	200		X		
Crooked Creek			Private Owner	100	200				X
		X		450	200		X		
Stony River			Private Owner	250	200				X
		X		450	200		X		
			Private Owner	150	200				X

8 villages 26 respondents	2	5	19	\$100-650	\$200 77% rec'd subsidy	1	13	3	9
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³Rural Substandard: Most, but not all of the amenities listed above for Rural Standard Housing.

⁴Tent-like: Wood heat, haul water, honeybucket, etc.

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PRELIMINARY RESULTS OF NEA-ALASKA SURVEY OF RURAL TEACHERS
ON HOUSING ARRANGEMENTS AND HOUSING QUALITY

SCHOOL DISTRICT: Lower Kuskokwim

Community	Housing Arrangement				Housing Quality				
	Own Home	Rent from District	Rent from Other	Cost/Mo.	District Subsidy	Luxury ¹	Rural Standard ²	Rural Substandard ³	Tent-like ⁴
Bethel		X		\$640			X		
		X		620			X		
Atmautluak			Private Owner	175					X
			Private Owner	175					X
Tuntutuliak		X		250				X	
Goodness Bay		X		250				X	
			Private Owner	250					X
			Corporation	200				X	

DISTRICT
TOTALS

4 villages 8 respondents	-0-	4	4	\$175-640	-0-	-0-	2	3	3
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³Rural Substandard: Most, but not all of the amenities listed above for Rural Standard Housing.

⁴Tent-like: Wood heat, haul water, honeybucket, etc.

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PRELIMINARY RESULTS OF NEA-ALASKA SURVEY OF RURAL TEACHERS
ON HOUSING ARRANGEMENTS AND HOUSING QUALITY

SCHOOL DISTRICT: Lower Yukon

Community	Housing Arrangement				Housing Quality				
	Own Home	Rent from District	Rent from Other	Cost/Mo.	District Subsidy	Luxury ¹	Rural Standard ²	Rural Substandard ³	Tent-like ⁴
Pitkas Point		X		\$456+	Yes		X		

DISTRICT
TOTALS

1 village 1 respondent	-0-	1	-0-	\$456+	\$unknown 100% rec'd subsidy	-0-	1	-0-	-0-
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³Rural Substandard: Most, but not all of the amenities listed above for Rural Standard Housing.

⁴Tent-like: Wood heat, haul water, honeybucket, etc.

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PRELIMINARY RESULTS OF NEA-ALASKA SURVEY OF RURAL TEACHERS
ON HOUSING ARRANGEMENTS AND HOUSING QUALITY

SCHOOL DISTRICT: North Slope Borough

Community	Housing Arrangement				Housing Quality				
	Own Home	Rent from District	Rent from Other	Cost/Mo.	District Subsidy	Luxury ¹	Rural Standard ²	Rural Substandard ³	Tent-like ⁴
Barrow		X		\$720	\$250	X			
		X		695	225		X		
		X		750	250		X		
		X		750	250		X		
		X					X		
			Private Owner	-0-	Yes		X		
			City Govern.	720	500	X			
Atkasuk		X		500	310		X		
Wainwright		X		400	270		X		
Pt. Hope		X		180				X	

DISTRICT TOTALS	4 villages 10 respondents	-0-	8	2	\$180-750	\$225-500 80% rec'd subsidy	2	7	1	-0-
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³Rural Substandard: Most, but not all of the amenities listed above for Rural Standard Housing.

⁴Tent-like: Wood heat, haul water, honeybucket, etc.

Compiled by the House Research Agency (10/81) from
results of 1981 NEA-Alaska Teacher Survey

PRELIMINARY RESULTS OF NEA-ALASKA SURVEY OF RURAL TEACHERS
ON HOUSING ARRANGEMENTS AND HOUSING QUALITY

SCHOOL DISTRICT: Northwest Arctic

Community	Housing Arrangement				Housing Quality				
	Own Home	Rent from District	Rent from Other	Cost/Mo.	District Subsidy	Luxury ¹	Rural Standard ²	Rural Substandard ³	Tent-like ⁴
Kiana		X		.\$475			X		
Selawik		X		444			X		
Ambler			Private Owner	250					X
ISTRICT TOTALS	3 villages 3 respondents	-0- 2	1	\$250-475	-0-	-0-	2	-0-	1

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³Rural Substandard: Most, but not all of the amenities listed above for Rural Standard Housing.

⁴Tent-like: Wood heat, haul water, honeybucket, etc.

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results of 1981 NEA-Alaska Teacher Survey