

**ALASKA LEGISLATURE COMMITTEE FILES 1991-1992 8672**  
**7430 SENATE HEALTH EDUCATION & SOCIAL SERVICES**

**Changes Proposed in DOE Draft:****Comments:**

Not included.	
Not included.	"Or guardian" is removed throughout HB 419 because the definition of "parent" in HB 419 Sec. 21 (12) includes a guardian, a person acting as a parent of a child, and a surrogate parent appointed under AS 14.30.325.
Was included.	IDEA doesn't include gifted, thus this change is not to comply with federal law. Intent appears financial, not educational. Gifted must still receive individualized program of special ed. Can one evaluate & write IEPs without these evaluations? See HB419 Sec.21 8&10 definition change
Not included.	See HB419 Sec. 8(a) which proposes district right to circumvent non-consent through administrative hearings.
Not included.	
Similar change proposed.	Although no apparent significant changes are proposed here, see related changes under HB419 Sec. 8, (c-f) regarding independent evaluations.

**Changes Proposed in HB 419:**

**Existing Alaska Statutes Provide:**

<b>Changes Proposed in HB 419:</b>	<b>Existing Alaska Statutes Provide:</b>
<p>Sec. 8, would add a new section (14.30.193, providing by subpart:</p>	<p>AS 14.30.180-350 does not include a section titled, "School District Hearings", although districts are accorded rights to hearings throughout sections.</p>
<p>(a) "If a parent refuses to consent, or does not respond promptly to the school district's request, under AS 14.30.191(a) or 14.30.285(f), the school district may appoint an impartial hearing officer to conduct a hearing to determine whether the school district may initiate the evaluation or placement of the child, or transfer the child."</p>	
<p>(b) would give parents the right to request a hearing with an officer selected by the district regarding the district's intended action.</p>	
<p>(c) "If a parent wishes to obtain an independent evaluation at the expense of the school district under 191(e) the school district may appoint a hearing officer to conduct a hearing to determine whether the school district's evaluation is appropriate."</p>	<p>See discussion under Section 6 of the Bill, above.</p>

**Changes Proposed in DOE Draft:****Comments:**

	<p>This change would have significant impact on families because it would take parental decision making away and give it to districts. Hearing officers are trained by DOE and selected by the district. Parents do not have the right to select or approve of hearing officers. DOE claims this is needed to comply with PL 99-142 (states must ensure the interests of the child are protected in spec. ed. statutes unless other state laws provide for child protection.) Ak. already has provisions to protect children generally (as a Child in Need of Aid) and specifically (4AAC52.200(c) and AS 14.30.340). In claiming to act to benefit children (e.g., amending AS 13.40.340) DOE is in fact ignoring CINA and a parent's rights.</p>
<p>Not included.</p>	<p>Sec 8(c) implies that parents must request an independent evaluation from the district. The district would be able to hold a hearing before the evaluation was obtained, thereby preempting this right.</p> <p>It is likely that this provision would effectively result in barring any further independent evaluations. Hearing officers would only allow independent evals. where the parents could show the district's eval. to be inappropriate, and the parents could not do that without the ind. eval!</p>
<p>Additional Comments: A number of major districts in state advise parents that they "have a right to an independent evaluation where appropriate." This is an absolute misrepresentation. Parents have the right to an ind. eval. at any and all times. The amend. attempts to legalize current practice by pre-empting the independent evaluation.</p>	<p>Additional Comments: Amendments to federal regulations proposed in the fall of 1991 would allow for the type of hearing process sought by DOE with respect to additional areas of consent not included in the federal law (such as a subsequent placement. As it is DOE's position that current statutes and regs. don't allow for such consent, the Bill obviously does not address this issue!</p>

**Changes Proposed in HB 419:**

**Existing Alaska Statutes Provide:**

Sec. 8, (d-f) & Sec. 10(c-d) would give the hearing officer authority to decide in favor of the district and against the parent (on eval, placement, services, & transfer). The hearing officer's decision would be final and binding unless appealed to the Dept. of Education, then if needed, the courts.

14.30.195 provides for administrative hearings.

Sec. 9 is also part of the formalization of the hearing process. The statutes will now reflect the right to "district" hearings before a hearing officer selected by the district, and a subsequent right to appeal the decision of the hearing officer to the department.

Sec. 10 further clarifies the administrative appeals process. As noted above, the Bill essentially adds a new distinct process for appeals to the department.

Under the present set of statutes the same basic administrative process is applied to both district hearings and appeals to the department. The Bill essentially creates a new appeals process, though substantively it is very much the same as before.

Sec. 11 is also part of the rewrite of the hearing process. Most importantly it authorizes the department to adopt regulations that provide for impartial hearing procedures.

**Changes Proposed in DOE Draft:**

**Comments:**

	<p>Parents already have the right to appeal to DOE then the courts. Parents might be in the court system for years at their own expense. In the meantime the district would act according to the hearing officer's decision unless prohibited by court order. Although districts and criminals have a right to a lawyer paid for by the government, parents do not.</p>
	<p>The Bill neglects some major problems with the hearing process, including but not limited to burden of proof, inability to afford counsel, whether the department hearing officer enters a decision for the Commissioner or makes recommendations only, the role of the Department of Law in the process, etc.</p>
	<p>Compare the right to be advised of the right to refuse a change in placement and DOE's present claim that a parent's consent is only required as to initial placement. Compare both to present regulations that appear to require parental consent for any change in placement. Doe strongly opposes the notion that a parent can withhold consent to placement changes and has claimed that a district can write an IEP outside a CST meeting and impose the IEP over the parents' objections.</p> <p>One must remember that DOE has never been in compliance with federal law and it is not likely that this will change in the future.</p>

**Changes Proposed in HB 419:**

**Existing Alaska Statutes Provide:**

Sec. 12 would remove "or guardians".

14.30.278(b) provides for who must attend a Child Study Team meeting (rep. of district, teacher, parents or guardians, child when appropriate, others selected by district or parents/guardians.)

Sec. 13(f), "A school district shall obtain the consent of the child's parent before a child may be transferred to a school outside the district in which the child resides."

14.30.285(f) provides, "A child may not be transferred to a school outside the district in which the child resides without the consent of the parent or guardian."

Sec. 14 would remove the phrase "or guardian".

14.30.285 (g) provides, "the withholding of consent by a parent or guardian or departmental approval for the transfer of an exceptional child under this section does not relieve a district of the obligation to provide spec. ed. and related services to an exceptional child..."

Sec. 15 would repeal 14.30.340 and reenact it to provide

(a) a district would still be required to provide special education to children with disabilities enrolled in private school or home school.

(b) If a doctor certifies a child cannot attend school, the district would provide spec. ed. & related services at home or medical treatment center.

AS 14.30.340 provides a handicapped child may not be required to enroll in a spec. ed. program if the parent certifies to school board satisfaction the child's educational needs are being provided for. A child may be excused from compulsory education is a doctor certified the child's bodily, mental, or emotional condition does not permit attendance at school.

In Sec. 16 the word, "handicaps" would be changed to "disabilities".

14.30.347 provides districts must provide special transportation to exceptional children if the nature of their handicaps makes special transportation necessary, as determined by the district.

**Changes Proposed in DOE Draft:****Comments:**

<b>Changes Proposed in DOE Draft:</b>	<b>Comments:</b>
Not included.	No apparent significant impact.
<p>The DOE draft included repeal of AS 14.30.285(f) which provides the parent or guardian must consent before a child could be transferred to a school outside the district in which the child resides.</p>	<p>This section represents a "softening" of DOE's position, but the language of Sec. 13 when read with Sec. 8 makes it clear that this section is designed to address the district's anticipated override of parental refusal.</p>
Not included.	<p>This reinforces district provision of spec. ed. and related svcs. during hearings or court appeals, even when parents object, but this already is in effect.</p>
Not included.	<p>Recent court decisions have required districts to provide spec. ed. to students in private &amp; home school and medical treatment facilities. This change may be required to comply with fed. law.</p> <p>But parents may need protections built in to enable them to continue private or home school enrollment. School districts often want students at public school and may not believe they are required to provide services off campus unless specifically required to do so.</p>
Not included.	<p>No apparent significant impact.</p> <p>Parents should note that under current a proposed stats a district decides if transportation is a needed related service, not a doctor or parent.</p>

**Changes Proposed in HB 419:**

**Existing Alaska Statutes Provide:**

Sec. 17 would amend Alaska Statute 14.30.350(2) to read, "Consent means the parent has been fully informed of all information relevant to the activity or the release of records for which consent is sought and the parent understands and agrees to the activity or release of records; consent by parent \*\*\* is voluntary and may be revoked."

14.30350(2) states that "consent is only obtained if the parent orguardian has been fully informed of all information relevant to the object of the consent."

Sec. 18 would repeal and reenact to read, "exceptional children means children with disabilities, and gifted children, who differ markedly from their peers to the degree that special facilities, equipment, or methods are required to make their educational program effective."

350(4) defines "exceptional children as "children who differ markedly from their peers to the degree that special facilities, equipment, or methods are required to make their educational program effective"

Sec. 19 would change "handicapped" to "children with disabilities" and, rehabilitation counseling would be added to the list of related services.

AS 14.30.350(5) defines related services.

Sec. 20 corrects inconsistencies in the use of terms in the Chapter, employing the term exceptional throughout in place of the term handicapped.

**Changes Proposed in DOE Draft:**

**Comments:**

<p>Not included.</p>	<p>The provision simply begs the question. What does "fully informed" mean? How do we determine if "the parent understands and agrees"? Why doesn't the statute also explain how the state is going to assure that a consent is "voluntary"?</p> <p>More importantly, if a parent has the right to revoke consent at any time isn't the parent placed in an all or nothing situation where the parent must totally endorse the district's placement or revoke consent? See also comments under Sec. 11.</p>
<p>Not included.</p>	<p>Now, AK defines gifted and handicapped as exceptional. Provisions provide for both groups. HB 419 would distinguish between the two groups and provide less services for gifted. All that needed to be done is to substitute the word "exceptional" for "handicapped".</p>
<p>Not included.</p>	<p>Having defined exceptional children why isn't that term used in this context (as opposed to independently referencing "children with disabilities" and "gifted children"?)</p> <p>Also, see discussion of Sec. 18, above. Is the term "children with disabilities" more or less stigmatizing than "exceptional" or "handicapped"? Indeed, don't the statutes specifically identify eligible children as children who require additional services because they are handicapped by virtue of a disability or "gift"?</p>
	<p>The terms used throughout the chapter are inconsistent and often belie their meaning in common usage. Terminology should be rethought to be more understandable and consistent.</p>

**Changes Proposed in HB 419:**

**Existing Alaska Statutes Provide:**

Sec. 21 would add, "children with disabilities' means children with mental retardation; hearing impairments, including deafness; speech or language impairments, visual impairments, including blindness; serious emotional disturbance; orthopedica impairments; autism; traumatic brain injury; other health impairments; specific learning disability; or preschool developmental delays."

AS 14.30.350 does not include a definition of "children with disabilities" but does define "exceptional children" and further itemizes those conditions that render a child exceptional..

Sec. 21 also defines educational records as documents, records & other material directly related to a student maintained by the district. It specifically excludes all personnel or other records designated by DOE

AS 14.30.350 does not include a definition of "educational records".

**Changes Proposed in DOE Draft:**

**Comments:**

Not included.  
We should note that maintenance of the distinction between disabled and gifted children apparently survives (as do other portions of the Bill) from the doomed SB 278 of the prior session that apparently died when the sponsors found out that the SB 278 was drafted not be the parents of gifted children but by the department as a means of disenfranchising gifted children.

The Bill eliminates the current lengthy description of exceptional children at AS 14.30.350(4) (see Sec. 18) and replaces it with an abbreviated list of undefined terms. It also maintains artificial distinctions between children with disabilities and gifted children (which, as noted above, are used to deny gifted children regular evaluations )

The Bill does list certain new categories but, again, without explanation or definition.

Not included.

The federal regulations establish certain minimal privacy protections for parents and students (34 CFR 99.3). The proposed state law is more restrictive and designed to prohibit school boards from concluding that records of a special education teacher's performance are pertinent to an I.E.P. and to bar parents from demanding access to these records. The purpose of FERPA is to protect the privacy of parents & students, not to protect potentially incompetent or abusive instructional personnel from review and criticism.

This amendment will also be used by districts to argue that a parent cannot demand that services under an IEP be provided by persons with specific credentials or qualifications (beyond any state-required certification or endorsement.) When one considers that most of the teachers obtaining special education credentials in this state today have no knowledge or understanding of the IDEA the result is alarming.

**Changes Proposed in HB 419:**

**Existing Alaska Statutes Provide:**

Sec. 21 also moves the definition of gifted children.

AS 14.30.350(c) defines gifted children as children who "exhibit outstanding intellect, ability, or creative talent as determined in accordance with regulations of the department"

The regulations provide for the local district to determine eligibility standards.

Sec. 21 would add a definition of an "individualized education program team." Members of the team would be the same as described under AS 14.30.278 in existing statutes.

AS 14.30.350 does not define "individualized education program team". Sec. 278 does define what an individualized education program is and who will develop it.

Lastly, Sec. 21 provides that the term parent "includes a guardian, a person acting as a parent of a child, and a surrogate parent appointed under AS 14.30.325."

AS 14.30.350 does not define "parent". The current statutes DO NOT use "parent" and "parent or guardian" interchangeably (some rights and duties are reserved to parents alone) and recognize only the status of the legal parent or lawfully appointed guardian (with the exception of the provision for "surrogate" parents.

Sec. 22 states, "This Act takes effect June 30, 1992."

**Changes Proposed in DOE Draft:****Comments:**

<p>Not included.</p>	<p>State regulations provide that the district must develop criteria for determining whether a child is eligible for services as gifted. This conflict between statutes and regulations would not be resolved by HB419. The definition as offered is consistent with the current definition as it appears in Alaska Statute 14.30.350(4)(C), but fails to acknowledge that gifted children often fail to exhibit the described characteristics (though they should be) and continues to aggrandize authority in the department.</p>
<p>Not included.</p>	<p>The rationale for this addition is not readily apparent since the "team" is already defined under Sec. 278. The term "child study team" (or CST) has been widely used to date and use of a new term will add confusion.</p>
<p>Not included.</p>	<p>This provision raises a number of serious questions regarding the intent of DOE vis-a-vis the rights of parents. First and foremost, the Bill would allow the district to rely on the acts of a "person acting as a parent..." Who, exactly, is such a person, and who makes that determination?</p> <p>The Bill also continues the right of DOE to replace the parents with another person (so-called "surrogate parent") without any limit on its authority or requirement to proceed as a CINA matter.</p> <p>We should also note here that the existing statutes repeatedly refer to "the child's parent", ignoring the effect on the family where a child has two parents. District's regularly use this language to get consent where one parent refuses.</p>

**HOUSE BILL NO. 419**

**IN THE LEGISLATURE OF THE STATE OF ALASKA  
SEVENTEENTH LEGISLATURE - SECOND SESSION**

**BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR**

Introduced: 1/27/92

Referred: Health, Education & Social Services, Finance

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to educational programs for children with disabilities and other  
2 exceptional children; and providing for an effective date."

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

4 \* **Section 1.** AS 14.30.180 is amended by adding a new subsection to read:

5 (b) AS 14.30.180 - 14.30.350 are intended to allow procedures and actions necessary to  
6 comply with the requirements of federal law, including 20 U.S.C. 1400 - 1485 (Individuals with  
7 Disabilities Education Act).

8 \* **Sec. 2.** AS 14.30.191(a) is amended to read:

9 (a) A school district shall obtain the consent of the child's parent [OR GUARDIAN]  
10 before an initial evaluation or placement in a program of special education and related services.

11 \* **Sec. 3.** AS 14.03.191(b) is amended to read:

12 (b) After initial placement in a program of special education and related services and not  
13 less than once every three years for as long as the child is assigned to the program, a [AN  
14 EXCEPTIONAL] child with disabilities shall receive an educational evaluation for the

1 identification and classification of [EXCEPTIONAL] children with disabilities.

2 \* Sec. 4. AS 14.30.191(c) is amended to read:

3 (c) Before a school district initiates or refuses a change in a child's placement or  
4 program, the district shall notify the child's parent [OR GUARDIAN].

5 \* Sec. 5. AS 14.30.191(d) is amended to read:

6 (d) Upon completion of the evaluation and before placement, the school district shall  
7 provide to the parent [OR GUARDIAN] of each exceptional child an opportunity for consultation  
8 about the evaluation. A consultation must be available after each reevaluation of the condition  
9 and placement of the exceptional child.

10 \* Sec. 6. AS 14.30.191(e) is amended to read:

11 (e) A parent may obtain an independent educational evaluation at the expense of the  
12 school district if the parent disagrees with an evaluation obtained by the school district. [THE  
13 SCHOOL DISTRICT MAY INITIATE A HEARING TO SHOW THAT ITS EVALUATION IS  
14 APPROPRIATE.] If, as a result of a hearing under AS 14.30.193(c), the hearing officer  
15 determines that the school district's evaluation is appropriate, the school district may not be  
16 required to pay for the independent educational evaluation.

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

18 (f) If the parent [OR GUARDIAN] obtains an independent educational evaluation at  
19 private expense, the results of the evaluation

20 (1) must be considered by the school district in a decision made with respect to  
21 the provision of an appropriate public education to the child;

22 (2) may be presented as evidence at a hearing regarding the child.

23 \* Sec. 8. AS 14.30 is amended by adding a new section to read:

24 Sec. 14.30.193. SCHOOL DISTRICT HEARINGS. (a) If a parent refuses to consent,  
25 or does not respond promptly to the school district's request for consent, under AS 14.30.191(a)  
26 or 14.30.285(f), the school district may appoint an impartial hearing officer to conduct a hearing  
27 to determine whether the school district may initiate the evaluation or placement of the child, or  
28 transfer the child.

29 (b) If a parent disagrees with the school district's intended action under AS 14.30.191(c),  
30 the parent may request a hearing. If a hearing is requested under this subsection, the school  
31 district shall appoint an impartial hearing officer to conduct the hearing.

1 (c) If a parent wishes to obtain an independent educational evaluation at the expense of  
2 the school district under AS 14.30.191(e), the school district may appoint an impartial hearing  
3 officer to conduct a hearing to determine whether the school district's evaluation is appropriate.

4 (d) If, after a hearing under (a) or (b) of this section, the hearing officer determines that  
5 the school district's intended action is in accordance with law and is in the child's best interest,  
6 the hearing officer shall approve that action.

7 (e) A hearing officer's decision under this section is final and binding on the school  
8 district and the parent, unless appealed under (f) of this section.

9 (f) A parent or a school district may appeal a hearing officer's decision under this section  
10 to the department by requesting an appeal hearing under AS 14.30.195. The appeal hearing  
11 request must be in writing and must be received by the department within 30 days after receipt  
12 of the relevant hearing officer's decision.

13 \* Sec. 9. AS 14.30.195(a) is amended to read:

14 Sec. 14.30.195. APPEAL HEARINGS. (a) The department shall, by regulation, provide  
15 for administrative appeal hearings, based on the record, of impartial hearing officers'  
16 decisions under AS 14.30.193. An administrative appeal hearing shall comply with all  
17 requirements necessary for participation in federal grant-in-aid programs, including 20  
18 U.S.C. 1400 - 1485 (Individuals with Disabilities Education Act) [TO BE CONDUCTED  
19 UNDER AS 14.30.180 - 14.30.350].

20 \* Sec. 10. AS 14.30.195 is amended by adding new subsections to read:

21 (c) After an appeal hearing under this section, the department shall render its decision  
22 affirming, reversing, modifying, or remanding the hearing officer's decision under AS 14.30.193.

23 (d) A parent or the school district may appeal to the appropriate court for review of the  
24 department's decision on appeal under (c) of this section.

25 \* Sec. 11. AS 14.30.272 is amended to read:

26 Sec. 14.30.272. PROCEDURAL SAFEGUARDS. (a) A school district shall inform the  
27 parent [OR GUARDIAN] of an exceptional child of the right to review the child's educational  
28 record, to review evaluation tests and procedures, to refuse to permit evaluation or a change in  
29 the child's educational placement, to be informed of the results of evaluation, to obtain an  
30 independent evaluation, to request an impartial hearing, to appeal a hearing officer's decision,  
31 and to give consent or deny access to others to the child's educational record.

1           **(b) The department shall establish, by regulation, impartial procedures for a school**  
2           **district to follow for hearings under AS 14.30.193 to comply with requirements necessary**  
3           **to participate in federal grant-in-aid programs, including 20 U.S.C. 1400 - 1485 (Individuals**  
4           **with Disabilities Education Act).**

5   \* Sec. 12. AS 14.30.278(b) is amended to read:

6           (b) Each meeting concerning an exceptional child shall include

7                   (1) a representative of the school district, other than the child's teacher, who is  
8           qualified to provide or supervise the provision of special education;

9                   (2) the child's teacher;

10                  (3) at least one of the child's parents [OR GUARDIANS];

11                  (4) the child, when appropriate;

12                  (5) other individuals selected by the parent [, GUARDIAN,] or school district.

13   \* Sec. 13. AS 14.30.285(f) is amended to read:

14           (f) **A school district shall obtain the consent of the child's parent before a child may**  
15           **[NOT] be transferred to a school outside the district in which the child resides [WITHOUT THE**  
16           **CONSENT OF THE PARENT OR GUARDIAN].**

17   \* Sec. 14. AS 14.30.285(g) is amended to read:

18           (g) The withholding of consent by a parent [OR GUARDIAN] or departmental approval  
19           for the transfer of an exceptional child under this section does not relieve a school district of the  
20           obligation to provide special education and related services to an exceptional child under  
21           AS 14.30.186.

22   \* Sec. 15. AS 14.30.340 is repealed and reenacted to read:

23           Sec. 14.30.340. PROVISION OF SPECIAL EDUCATION IN A PRIVATE SCHOOL,  
24           HOME, OR HOSPITAL SETTING. (a) If a parent of a child with disabilities enrolls the child  
25           in a private school at the parent's expense or teaches the child at home, the school district in  
26           which the child is located shall make special education and related services available in  
27           conformance with an individualized education program under AS 14.30.278.

28           (b) If a physician certifies in writing that, and if the child's individualized education  
29           program team then determines that a child's bodily, mental, or emotional condition does not  
30           permit attendance at a school, the school district in which the child is located shall enroll the  
31           child in public school and provide the child with special education and related services in

1 conformance with an individualized education program under AS 14.30.278 at the child's home  
2 or at a medical treatment facility.

3 \* Sec. 16. AS 14.30.347 is amended to read:

4 Sec. 14.30.347. TRANSPORTATION OF EXCEPTIONAL CHILDREN. When  
5 transportation is required to be provided as related services, exceptional children shall be carried  
6 with other children, except when the nature of their physical or mental disabilities  
7 [HANDICAPS] is such that it is in the best interest of the exceptional children, as determined  
8 by the school district, that they be transported separately. State reimbursement for transportation  
9 of exceptional children shall be as provided for transportation of all other pupils except that  
10 eligibility for reimbursement is not subject to restriction based on the minimum distance between  
11 the school and the residence of the exceptional child.

12 \* Sec. 17. AS 14.30.350(2) is amended to read:

13 (2) "consent" means [IS ONLY OBTAINED IF] the parent [OR GUARDIAN]  
14 has been fully informed of all information relevant to the [OBJECT OF THE] activity or the  
15 release of records for which consent is sought and the parent understands and agrees to the  
16 activity or release of records; consent by parent given under AS 14.30.180 - 14.30.347 is  
17 voluntary and may be revoked;

18 \* Sec. 18. AS 14.30.350(4) is repealed and reenacted to read:

19 (4) "exceptional children" means children with disabilities, and gifted children,  
20 who differ markedly from their peers to the degree that special facilities, equipment, or methods  
21 are required to make their educational program effective;

22 \* Sec. 19. AS 14.30.350(5) is amended to read:

23 (5) "related services" means transportation and developmental, corrective, and  
24 other supportive services required to assist children with disabilities [A HANDICAPPED] or  
25 gifted children [CHILD] to benefit from special education and includes but is not limited to  
26 speech pathology and audiology, psychological services, physical and occupational therapy,  
27 recreation, counseling services including rehabilitation counseling, and medical services for  
28 diagnostic or evaluation purposes; the term also includes school health services, [SCHOOL]  
29 social work services, and parent counseling and training;

30 \* Sec. 20. AS 14.30.350(6) is amended to read:

31 (6) "special education" means specially designed instruction, at no cost to the

1 parent, to meet the unique needs of exceptional children [A HANDICAPPED CHILD], including  
2 classroom instruction, instruction in physical education, home instruction, and instruction in  
3 hospitals and institutions; the term includes speech pathology, or any other related service, if the  
4 service consists of specially designed instruction, at no cost to the parents, to meet the unique  
5 needs of exceptional children [A HANDICAPPED CHILD], and is considered special education  
6 rather than a related service under state standards; the term also includes vocational education  
7 if it consists of specially designed instruction, at no cost to the parents, to meet the unique needs  
8 of exceptional children [A HANDICAPPED CHILD]; in this paragraph

9 (A) "at no cost" means that all specially designed instruction is provided  
10 without charge but does not preclude incidental fees that are normally charged to  
11 nonexceptional [NONHANDICAPPED] students or their parents as a part of the regular  
12 education program;

13 (B) "physical education" means the development of physical and motor  
14 fitness, fundamental motor skills and patterns, skills in aquatics, dance, and individual and  
15 group games, and sports (including intramural and lifetime sports); the term includes  
16 special physical education, adapted physical education, movement education, and motor  
17 development;

18 (C) "vocational education" means organized educational programs that are  
19 directly related to the preparation of individuals for paid or unpaid employment, or for  
20 additional preparation for a career requiring other than a baccalaureate or advanced  
21 degree;

22 \* Sec. 21. AS 14.30.350 is amended by adding new paragraphs to read:

23 (8) "children with disabilities" means children with mental retardation; hearing  
24 impairments, including deafness; speech or language impairments; visual impairments, including  
25 blindness; serious emotional disturbance; orthopedic impairments; autism; traumatic brain injury;  
26 other health impairments; specific learning disabilities; or preschool developmental delays;

27 (9) "educational records" means those files, documents, records, and other material  
28 that contain information directly related to a student and are maintained by a school district or  
29 a person acting for a school district; the term "educational records" does not include the  
30 personnel records of the school district, maintained in the normal course of business, that relate  
31 exclusively to a person's capacity as an employee, or other records as designated by the

1 department in regulation;

2 (10) "gifted children" means children who exhibit outstanding intellect, ability,  
3 or creative talent as determined under regulations adopted by the department;

4 (11) "individualized education program team" means a group of people that  
5 translates child assessment information regarding a child into a practical plan for specially  
6 designed instruction and delivery of services for the child, and includes the following:

7 (A) a representative of the school district, other than the child's teacher,  
8 who is qualified to provide or supervise the provision of special education;

9 (B) the child's teacher;

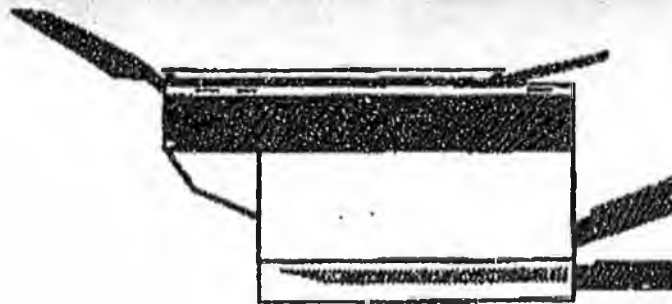
10 (C) the child's parent;

11 (D) the child, if appropriate;

12 (E) other individuals, at the discretion of the child's parent or the school  
13 district;

14 (12) "parent" includes a guardian, a person acting as a parent of a child, and a  
15 surrogate parent appointed under AS 14.30.325.

16 \* Sec. 22. This Act takes effect June 30, 1992.



## FAX TRANSMITTAL INFORMATION SHEET

ALASKA DEPARTMENT OF EDUCATION  
P.O. Box F  
Juneau, AK 99811-0500

DATE: 10/24/91 TIME: \_\_\_\_\_

**TO:**  
Name: Tess Noff  
Title: \_\_\_\_\_

Agency/Office: \_\_\_\_\_

FAX phone number: ( ) - 932-6227

Agency phone number: ( ) - \_\_\_\_\_

Subject: Proposed regulations

Comments: Tess - these regulations are "not" awaiting the Lt. Governor's signature. In fact, they will be re-submitted to the legislature if approved by DUT Commissioner.

**FROM:**  
Name: Richard Smiley

Division/Office: Educational Program Support

FAX phone number: (907) 465-3396

Office phone number: (907) 465-2970

Number of pages following this cover letter: 4

Attn: Please note the FAX number, (907) 465-3396.  
This is the new FAX number for the  
Division of Educational Program Support.

If you do not receive the total number of pages following this cover sheet, please telephone our office. Otherwise, we will assume you have received this transmittal satisfactorily.

BILL NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY

Introduced:

Referred:

A BILL

FOR AN ACT ENTITLED

"An Act relating to educational evaluation and placement of special education students, hearings, and prior written notice."

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

\*Section 1. AS 14.30.191 is amended to read:

Sec. 14.30.191. EDUCATIONAL

EVALUATION AND PLACEMENT. (a) A school district shall obtain the consent of the child's parent or guardian before an initial evaluation or placement in a program of special education and related services. The parent's refusal to consent to the release of a record or to consent to initiate or change the identification, evaluation, placement or provision of a free appropriate public education may be overridden by a hearing officer based on a due process hearing initiated by a school district.

(b) After initial placement in a program of special education and related services and not less than once every three years for as long as the child is assigned to the program, a handicapped [N EXCEPTIONAL] child shall receive an educational evaluation for the identification and classification of exceptional children.

(c) Before a school district initiates or refuses a change in a child's placement or program, the district shall notify the child's parent or guardian.

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

(e) A parent may obtain an independent educational evaluation at the expense of the school district if the parent disagrees with an evaluation obtained by the school district. The school district may initiate a hearing to show that its evaluation is appropriate. If the hearing officer determines that the evaluation is appropriate, the school district may not be required to pay for the independent educational evaluation.

(f) If the parent or guardian obtains an independent educational evaluation at private expense, the results of the evaluation

(1) must be considered by the school district in a decision made with respect to the provision of an appropriate public education to the child;  
(2) may be presented as evidence at a hearing regarding the child.

(g) If a hearing officer requests an independent educational evaluation as part of a hearing, the school district shall pay for the evaluation.

\*Section 2. AS 14.30.195 is amended to read:

✓ Sec. 14.30.195. HEARINGS. (a) The department shall by regulation provide for impartial due process [ADMINISTRATIVE] hearings to be conducted under AS 14.30.180 - 14.30.350.

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

\*Section 3. AS 14.30.272 is repealed and amended to read:

✓ Sec. 14.30.272. PRIOR WRITTEN NOTICE. (a) Written notice must be given to the parent of an exceptional child a reasonable time before a school district proposes to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free appropriate public education to the child, or refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free appropriate public education to the child.

(b) Written notice must include a full explanation of all of the procedural safeguards available to the parent; a description of the action proposed or refused by the school district, an explanation of why the district proposes or refuses to take the action, and a description of any options the district considered and the reasons why those options were rejected; a description of each evaluation procedure, test, record, or report the district uses as a basis for the proposal or refusal; and a description of any other factors which are relevant to the district's proposal or refusal.

(c) Written notice must be in language understandable to the general public, and be provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so.

(d) If the native language or other mode of communication of the parent is not a written language, the department or school district shall take steps to insure that the notice is translated orally or by other means to the parent in his or her native language or other mode of communication, that the parent understands the content of the notice, and that there is written evidence that the requirements in this subsection have been met.

\*Section 4. AS 14.30.285 is amended to read:

**Sec. 14.30.285. TRANSFERS OF EXCEPTIONAL CHILDREN.**

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

(b) An identified exceptional child may be sent to an educational program or residential school outside the child's community or school district if the child resides in a community or school district where an appropriate educational program cannot reasonably be made available and if the department determines that provision of special education and related services in another educational program or residential school is appropriate. If the school district and the department approve the enrollment of the exceptional child in another educational program or residential school outside the child's community or school district and the child is enrolled, the child's education expenses shall be paid as follows:

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

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

(c) Repealed.

(d) For the purposes of this section a child's education expenses are limited to the actual cost of necessary care, transportation, and special education and related services, including room and board.

(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 AS 14.30.191.

(f) [A CHILD MAY NOT BE TRANSFERRED TO A SCHOOL OUTSIDE THE DISTRICT IN WHICH THE CHILD RESIDES WITHOUT THE CONSENT OF THE PARENT OR GUARDIAN.

(g) The withholding of consent by a parent or guardian or departmental approval for the transfer of an exceptional child under this section does not relieve a school district of the obligation to provide special education and related services to an exceptional child under AS 14.30.186.

\*Section 5. AS 14.30.340 is repealed.

\*Section 6. AS 14.30.350 is amended to read:

(6) "special education" means specially designed instruction, at no cost to the parent, to meet the unique needs of a handicapped or gifted or talented child, including classroom instruction, instruction in physical education, home instruction, and instruction in hospitals and institutions; the term includes speech pathology, or any other related service, if the service consists of specially designed instruction, at no cost to the parents, to meet the unique needs of a handicapped child, and is considered special education rather than a related service under state standards; the term also includes vocational education if it consists of specially designed instruction, at no cost to the parents, to meet the unique needs of a handicapped child; in this paragraph

(A) "at no cost" means that all specially designed instruction is provided without charge but does not preclude incidental fees that are normally charged to nonhandicapped students or their parents as a part of the regular education program;

(B) "physical education" means the development of physical and motor fitness, fundamental motor skills and patterns, skills in aquatics, dance, and individual and group games, and sports (including intramural and lifetime sports); the term includes special physical education, adapted physical education, movement education, and motor development;

(C) "vocational education" means organized educational programs that are directly related to the preparation of individuals for paid or unpaid employment, or for additional preparation for a career requiring other than a baccalaureate or advanced degree;

(8) "handicapped" means autistic, deaf, deaf-blind, hard-of-hearing, learning disabled, mentally retarded, multihandicapped, orthopedically impaired, other health impaired, seriously emotionally disturbed, speech impaired, traumatic brain injured, visually impaired, or preschool developmentally delayed;

(9) "parent" means a parent, a guardian, a person acting as a parent of a child, or a surrogate parent who has been appointed in accordance with this chapter.

the fiscal year for which such local educational agency seeks such payments.

(Pub. L. 91-230, title VI, Sec. 614, Apr. 13, 1970, 84 Stat. 181; Pub. L. 94-142, Sec. 5(e), Nov. 29, 1975, 89 Stat. 784; Pub. L. 98-199, Sec. 3(b), Dec. 2, 1983, 97 Stat. 1358; Pub. L. 100-630, title I, Sec. 102(d), Nov. 7, 1988, 102 Stat. 3293; Pub. L. 101-476, title IX, Sec. 901(b)(59)-(70), Oct. 30, 1990, 104 Stat. 1144; Pub. L. 102-119, Secs. 6, 25(b), Oct. 7, 1991, 105 Stat. 591, 607.)

#### Sec. 1415. Procedural safeguards

##### (a) *Establishment and maintenance*

Any State educational agency, any local educational agency, and any intermediate educational unit which receives assistance under this subchapter shall establish and maintain procedures in accordance with subsection (b) through subsection (e) of this section to assure that children with disabilities and their parents or guardians are guaranteed procedural safeguards with respect to the provision of free appropriate public education by such agencies and units.

##### (b) *Required procedures; hearing*

(1) The procedures required by this section shall include, but shall not be limited to—

(A) an opportunity for the parents or guardian of a child with a disability to examine all relevant records with respect to the identification, evaluation, and educational placement of the child, and the provision of a free appropriate public education to such child, and to obtain an independent educational evaluation of the child;

(B) procedures to protect the rights of the child whenever the parents or guardian of the child are not known, unavailable, or the child is a ward of the State, including the assignment of an individual (who shall not be an employee of the State educational agency, local educational agency, or intermediate educational unit involved in the education or care of the child) to act as a surrogate for the parents or guardian;

(C) written prior notice to the parents or guardian of the child whenever such agency or unit—

(i) proposes to initiate or change, or

(ii) refuses to initiate or change,

the identification, evaluation, or educational placement of the child or the provision of a free appropriate public education to the child;

(D) procedures designed to assure that the notice required by clause (C) fully informs the parents or guardian, in the parents' or guardian's native language, unless it clearly is not feasible to do so, of all procedures available pursuant to this section; and

(E) an opportunity to present complaints with respect to any matter relating to the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education to such child.

(2) Whenever a complaint has been received under paragraph (1) of this subsection, the parents or guardian shall have an opportunity for an impartial due process hearing which shall be conducted by the State educational agency or by the local educational agency or intermediate educational unit, as determined by State law or by the State educational agency. No hearing conducted pursuant to the requirements of this paragraph shall be conducted by an employee of such agency or unit involved in the education or care of the child.

##### (c) *Review of local decision by State educational agency*

If the hearing required in paragraph (2) of subsection (b) of this section is conducted by a local educational agency or an intermediate educational unit, any party aggrieved by the findings and decision rendered in such a hearing may appeal to the State educational agency which shall conduct an impartial review of such hearing. The officer conducting such review shall make an independent decision upon completion of such review.

##### (d) *Enumeration of rights accorded parties to hearings*

Any party to any hearing conducted pursuant to subsections (b) and (c) of this section shall be accorded—

(1) the right to be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of children with disabilities,

(2) the right to present evidence and confront, cross-examine, and compel the attendance of witnesses,

(3) the right to a written or electronic verbatim record of such hearing, and

(4) the right to written findings of fact and decisions (which findings and decisions shall be made available to the public consistent with the requirements of section 1417(c) of this title and shall also be transmitted to the advisory panel established pursuant to section 1414(a)(12) of this title.

##### (e) *Civil action; jurisdiction*

(1) A decision made in a hearing conducted pursuant to paragraph (2) of subsection (b) of this section shall be final, except that any party involved in such hearing may appeal such decision under the provisions of subsection (c) and paragraph (2) of this subsection. A decision made under subsection (c) of this section shall be final, except that any party may bring an action under paragraph (2) of this subsection.

(2) Any party aggrieved by the findings and decision made under subsection (b) of this section who does not have the right to an appeal under subsection (c) of this section, and any party aggrieved by the findings and decision under subsection (c) of this section, shall have the right to bring a civil action with respect to the complaint presented pursuant to this section, which action may be brought in any State court of competent jurisdiction or in a district court of the United States without regard to the amount in controversy. In any action brought under this paragraph the court shall receive the records of the administrative proceedings, shall hear additional evidence at the request of a party, and, basing its decision on the preponderance of the evidence, shall grant such relief as the court determines is appropriate.

(3) During the pendency of any proceedings conducted pursuant to this section, unless the State or local educational agency and the parents or guardian otherwise agree, the child shall remain in the then current educational placement of such child, or, if applying for initial admission to a public school, shall, with the consent of the parents or guardian, be placed in the public school program until all such proceedings have been completed.

(4)(A) The district courts of the United States shall have jurisdiction of actions brought under this subsection without regard to the amount in controversy.

(B) In any action or proceeding brought under this subsection, the court, in its discretion, may award reasonable attorneys' fees as part of the costs to the parents or guardian of a child or youth with a disability who is the prevailing party.

(C) For the purpose of this subsection, fees awarded under this subsection shall be based on rates prevailing in the community in which the action or proceeding arose for the kind and quality of services furnished. No bonus or multiplier may be used in calculating the fees awarded under this subsection.

(D) No award of attorneys' fees and related costs may be made in any action or proceeding under this subsection for services performed subsequent to the time of a written offer of settlement to a parent or guardian, if—

(i) the offer is made within the time prescribed by Rule 68 of the Federal Rules of Civil Procedure or, in the case of an administrative proceeding, at any time more than ten days before the proceeding begins;

(ii) the offer is not accepted within ten days; and

(iii) the court or administrative officer finds that the relief finally obtained by the parents or guardian is not more favorable to the parents or guardian than the offer of settlement.

(E) Notwithstanding the provisions of subparagraph (D), an award of attorneys' fees and related costs may be made to a parent or guardian

who is the prevailing party and who was substantially justified in rejecting the settlement offer.

(F) Whenever the court finds that—

(i) the parent or guardian, during the course of the action or proceeding, unreasonably protracted the final resolution of the controversy;

(ii) the amount of the attorneys' fees otherwise authorized to be awarded unreasonably exceeds the hourly rate prevailing in the community for similar services by attorneys of reasonably comparable skill, experience, and reputation; or

(iii) the time spent and legal services furnished were excessive considering the nature of the action or proceeding, the court shall reduce, accordingly, the amount of the attorneys' fees awarded under this subsection.

(G) The provisions of subparagraph (F) shall not apply in any action or proceeding if the court finds that the State or local educational agency unreasonably protracted the final resolution of the action or proceeding or there was a violation of this section.

(f) *Effect on other laws*

Nothing in this chapter shall be construed to restrict or limit the rights, procedures, and remedies available under the Constitution, title V of the Rehabilitation Act of 1973 [29 U.S.C. 790 et seq.], or other Federal statutes protecting the rights of children and youth with disabilities, except that before the filing of a civil action under such laws seeking relief that is also available under this subchapter, the procedures under subsections (b)(2) and (c) of this section shall be exhausted to the same extent as would be required had the action been brought under this subchapter.

(Pub. L. 91-230, title VI, Sec. 615, as added Pub. L. 94-142, Sec. 5(a), Nov. 29, 1975, 89 Stat. 788 and amended Pub. L. 99-372, Sec. 2, 3, Aug. 5, 1986, 100 Stat. 796, 797; Pub. L. 100-630, title I, Sec. 102(e), Nov. 7, 1988, 102 Stat. 3294; Pub. L. 101-476, title IX, Sec. 901(b)(71)-(75), Oct. 30, 1990, 104 Stat. 1145; Pub. L. 102-119, Sec. 25(b), Oct. 7, 1991, 105 Stat. 607.)

#### Sec. 1416. Withholding of payments

(a) *Failure to comply with this subchapter; limitations; public notice*

Whenever the Secretary, after reasonable notice and opportunity for hearing to the State educational agency involved (and to any local educational agency or intermediate educational unit affected by any failure described in clause (2)), finds—

(1) that there has been a failure to comply substantially with any provision of section 1412 or section 1413 of this title, or

(2) that in the administration of the State plan there is a failure to comply with any provision of this subchapter or with any requirements set forth in the application of a local educational agency or intermediate educational unit approved by the State educational agency pursuant to the State plan, the Secretary—

(A) shall, after notifying the State educational agency, withhold any further payments to the State under this subchapter, and

(B) may, after notifying the State educational agency, withhold further payments to the State under the Federal programs specified in section 1413(a)(2) of this title within the Secretary's jurisdiction, to the extent that funds under such programs are available for the provision of assistance for the education of children with disabilities.

If the Secretary withholds further payments under clause (A) or clause (B) the Secretary may determine that such withholding will be limited to programs or projects under the State plan, or portions thereof, affected by the failure, or that the State educational agency shall not make further payments under this part to specified local educational agencies or intermediate educational units affected by the failure. Until the Secretary is satisfied that there is no longer a failure to comply with the provisions of this subchapter, as specified in clause (1) or clause (2), no further payments shall be made by the State under this subchapter or under the Federal programs specified in section 1413(a)(2) of this title within the Secretary's jurisdiction to the extent

that funds under such programs are available for the provision of assistance for the education of children with disabilities, or payments by the State educational agency under this subchapter shall be limited to local educational agencies and intermediate educational units whose actions did not cause or were not involved in the failure, as the case may be. Any State educational agency, local educational agency, or intermediate educational unit in receipt of a notice pursuant to the first sentence of this subsection shall, by means of a public notice, take such measures as may be necessary to bring the pendency of an action pursuant to this subsection to the attention of the public within the jurisdiction of such agency or unit.

(b) *Judicial review*

(1) If any State is dissatisfied with the Secretary's final action with respect to its State plan submitted under section 1413 of this title, such State may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file in the court the record of the proceedings upon which the Secretary's action was based, as provided in section 2112 of title 28.

(2) The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify the Secretary's previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(3) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28.

(Pub. L. 91-230, title VI, Sec. 616, as added Pub. L. 94-142, Sec. 5(a), Nov. 29, 1975, 89 Stat. 789, and amended Pub. L. 94-199, Sec. 3(b), Dec. 2, 1976, 90 Stat. 1358; Pub. L. 100-630, title I, Sec. 102(f), Nov. 7, 1988, 102 Stat. 3294; Pub. L. 101-476, title IX, Sec. 901(b)(76), Oct. 30, 1990, 104 Stat. 1145; Pub. L. 102-119, Sec. 25(b), Oct. 7, 1991, 105 Stat. 607.)

#### Sec. 1417. Administration

(a) *Duties of Secretary*

(1) In carrying out the Secretary's duties under this subchapter, the Secretary shall—

(A) cooperate with, and furnish all technical assistance necessary, directly or by grant or contract, to the States in matters relating to the education of children with disabilities and the execution of the provisions of this subchapter;

(B) provide such short-term training programs and institutes as are necessary;

(C) disseminate information, and otherwise promote the education of all handicapped children within the States; and

(D) assure that each State shall, within one year after November 29, 1975 and every year thereafter, provide certification of the actual number of children with disabilities receiving special education and related services in such State.

(2) As soon as practicable after November 29, 1975, the Secretary shall, by regulation, prescribe a uniform financial report to be utilized by State educational agencies in submitting State plans under this subchapter in order to assure equity among the States.

(b) *Rules and regulations*

In carrying out the provisions of this subchapter, the Secretary shall issue, not later than January 1, 1977, amend, and revoke such rules and regulations as may be necessary. No other less formal method of implementing such provisions is authorized.

(c) *Protection of rights and privacy of parents and students*

as part of a hearing, the cost of the evaluation must be at public expense.

(c) *Agency criteria.* Whenever an independent evaluation is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria which the public agency uses when it initiates an evaluation.

(20 U.S.C. 1415(b)(1)(A))

#### Reg. 300.504 Prior notice; parent consent.

(a) *Notice.* Written notice which meets the requirements under Reg. 300.505 must be given to the parents of a handicapped child a reasonable time before the public agency:

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

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

(b) *Consent.* (1) Parental consent must be obtained before: (i) Conducting a preplacement evaluation; and (ii) Initial placement of a handicapped child in a program providing special education and related services.

(2) Except for preplacement evaluation and initial placement, consent may not be required as a condition of any benefit to the parent or child.

(c) *Procedures where parent refuses consent.* (1) Where State law requires parental consent before a handicapped child is evaluated or initially provided special education and related services, State procedures govern the public agency in overriding a parent's refusal to consent.

(2)(i) Where there is no State law requiring consent before a handicapped child is evaluated or initially provided special education and related services, the public agency may use the hearing procedures in Regs. 300.506-300.508 to determine if the child may be evaluated or initially provided special education and related services without parental consent.

(ii) If the hearing officer upholds the agency, the agency may evaluate or initially provide special education and related services to the child without the parent's consent, subject to the parent's rights under Regs. 300.510-300.513.

(20 U.S.C. 1415(b)(1)(C), (D))

*Comment.* 1. Any changes in a child's special education program, after the initial placement, are not subject to parental consent under Part B, but are subject to the prior notice requirement in paragraph (a) and the individualized education program requirements in Subpart C.

2. Paragraph (c) means that where State law requires parental consent before evaluation or before special education and related services are initially provided, and the parent refuses (or otherwise withholds) consent, State procedures, such as obtaining a court order authorizing the public agency to conduct the evaluation or provide the education and related services, must be followed.

If, however, there is no legal requirement for consent outside of these regulations, the public agency may use the due process procedures under this subpart to obtain a decision to allow the evaluation or services without parental consent. The agency must notify the parent of its actions, and the parent has appeal rights as well as rights at the hearing itself.

#### Reg. 300.505 Content of notice.

(a) The notice under Reg. 300.504 must include:

(1) A full explanation of all of the procedural safeguards available to the parents under Subpart E;

(2) A description of the action proposed or refused by the agency, an explanation of why the agency proposes or refuses to take the action, and a description of any options the agency considered and the reasons why those options were rejected;

(3) A description of each evaluation procedure, test, record, or report the agency uses as a basis for the proposal or refusal; and

(4) A description of any other factors which are relevant to the agency's proposal or refusal.

(b) The notice must be:

(1) Written in language understandable to the general public, and

(2) Provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so.

(c) If the native language or other mode of communication of the parent is not a written language, the State or local educational agency shall take steps to insure:

(1) That the notice is translated orally or by other means to the parent in his or her native language or other mode of communication;

(2) That the parent understands the content of the notice, and

(3) That there is written evidence that the requirements in paragraph (c)(1) and (2) of this section have been met.

(20 U.S.C. 1415(b)(1)(D))

#### Reg. 300.506 Impartial due process hearing.

(a) A parent or a public educational agency may initiate a hearing on any of the matters described in Reg. 300.504(a)(1) and (2).

(b) The hearing must be conducted by the State educational agency or the public agency directly responsible for the education of the child, as determined under State statute, State regulation, or a written policy of the State educational agency.

(c) The public agency shall inform the parent of any free or low-cost legal and other relevant services available in the area if:

(1) The parent requests the information; or

(2) The parent or the agency initiates a hearing under this section.

(20 U.S.C. 1415(b)(2))

*Comment.* Many States have pointed to the success of using mediation as an intervening step prior to conducting a formal due process hearing. Although the process of mediation is not required by the statute or these regulations, an agency may wish to suggest mediation in disputes concerning the identification, evaluation, and educational placement of handicapped children, and the provision of a free appropriate public education to those children. Mediations have been conducted by members of State educational agencies or local educational agency personnel who were not previously involved in

(2) Procedures for acquiring and disseminating to teachers, administrators, and related services personnel significant knowledge derived from education research and other sources; and

(3) Procedures for adopting, if appropriate, promising practices, materials, and technology, proven effective through research and demonstration.

(b) As used in paragraph (a)(1) of this section, "regular education personnel" includes only regular education personnel who are necessary to carry out the purposes of this part, by providing education or services to children with disabilities.

(Authority: 20 U.S.C. 1413(a)(3)(B))

22. Section 300.383 is revised to read as follows:

**§ 300.383 Data system on personnel and personnel development.**

(a) *General.* The procedures and activities required in §§ 300.381 and 300.382 must include the development and maintenance of a system for determining, on an annual basis, the data required in paragraphs (b) and (c) of this section.

(b) *Data on qualified personnel.* (1) The system required by paragraph (a) of this section must enable each State to determine, on an annual basis—

(i) The number and type of personnel, including leadership personnel, employed in the provision of special education and related services, by profession or discipline;

(ii) The number and type of personnel who are employed with emergency, provisional, or temporary certification in each profession or discipline who do not hold appropriate State certification, licensure, or other credentials comparable to certification or licensure for that profession or discipline; and

(iii) The number and type of personnel, including leadership personnel, in each profession or discipline needed, and a projection of the numbers of those personnel that will be needed in five years, based on projections of individuals to be served, retirement and other departures of personnel from the field, and other relevant factors.

(2) The data on special education and related services personnel required in paragraph (b)(1) of this section must include audiologists, counselors, diagnostic and evaluation personnel, home-hospital teachers, interpreters for students with hearing impairments including deafness, occupational therapists, physical education teachers, physical therapists, psychologists,

rehabilitation counselors, social workers, speech-language pathologists, teacher aides, recreation and therapeutic recreation specialists, vocational education teachers, work study coordinators, and other instructional and noninstructional staff.

(3) The data on leadership personnel required by paragraph (b)(1) of this section must include administrators and supervisors of State or local agencies who are involved in the provision or supervision of services or activities necessary to carry out the purposes of this part.

(c) *Data on personnel development.* The system required in paragraph (a) of this section must enable each State to determine, on an annual basis, the institutions of higher education within the State that are preparing special education and related services personnel, including leadership personnel, by area of specialization, including—

(1) The numbers of students enrolled in programs for the preparation of special education and related services personnel administered by these institutions of higher education; and

(2) The numbers of students who graduated during the past year with certification or licensure, or with credentials to qualify for certification or licensure, from programs for the preparation of special education and related services personnel administered by institutions of higher education.

(Authority: 20 U.S.C. 1413(a)(3)(A))

§§ 300.384, 300.385, 300.387 [Removed and Reserved]

23. Sections 300.384, 300.385, and 300.387 are removed and reserved.

24. Section 300.504 is amended by adding a new paragraph (d); revising the authority citation; adding "Comment" before "2." in the Comment following the section; and adding a new Comment 3 to read as follows:

**§ 300.504 Prior notice; parent consent.**

(d) *Additional State consent requirements.*

(1) In addition to the parental consent requirements in paragraph (b)(1) of this section, States may establish parental consent requirements for other services and activities provided under this part, only if—

(i) The requirement in paragraph (b)(2) of this section is met;

(ii) Each public agency in the State has procedures for dealing with a parental withholding of consent to any additional State parental consent requirement; and

(iii) The procedures required by paragraph (d)(1)(ii) of this section are implemented in all instances in which the public agency believes that the service or activity to which the parent has withheld consent must be provided in order to ensure the continued provision of a free appropriate public education to a child with a disability.

(2) Procedures for dealing with a parental withholding of consent to an additional State parental consent requirement must include—

(i) Informal procedures for resolving the disagreement between the parent and the public agency; and

(ii) Formal procedures for overriding a parental withholding of consent.

(3) States may designate the due process procedures in §§ 300.508–300.513 as the formal procedures required by paragraph (d)(2)(ii) of this section.

(Authority: 20 U.S.C. 1415(b)(1)(C), (D); 1412(2), (e))

*Comment 3.* If a State establishes an additional consent requirement, and the parent withholds consent because of a disagreement with the public agency over one or more components of a child's special education program—for example, the provision of physical therapy services—the public agency is not relieved of its obligation to implement the other components of the child's program that are in agreement, notwithstanding the parental withholding of consent. This is because consent may not be made a precondition to any benefit to a parent or child under this part, except for preplacement evaluation and initial placement.

Although public agencies must have formal procedures for dealing with parental withholding of consent to an additional State parental consent requirement, they need not implement those procedures in every situation. Public agencies should use their established informal procedures, as appropriate, provided those informal procedures do not operate to deny or delay access to their established formal procedures. However, if, as a result of its informal process, a public agency determines that it is appropriate to reconsider or revise its proposed action, based upon a review of information provided by the parents or other new information, indicating that the child's current evaluation, individualized education program, or placement is appropriate, the public agency would not be required to initiate formal procedures. However, if the disagreement has not been resolved through informal procedures, then the public agency must initiate formal procedures designated for overriding a parental withholding of consent.

25. Section 300.508 is amended by revising paragraph (a)(5) to read as follows:

The Secretary particularly invites public comment on whether these proposed regulations will ensure effective implementation of the revised statutory requirements on CSPD, or whether additional regulatory guidance or other changes are needed.

## II. Other Proposed Regulatory Changes

### A. Data Collection and Reporting Requirements

Because State plans are now submitted triennially, rather than annually, States no longer submit annual data with State plans for part B grant awards. Rather, the Secretary requires State educational agencies to report data on an annual basis in accordance with section 618 of the Act. Therefore, these proposed regulations do not retain the data collection and reporting provisions contained in § 300.124 and portions of §§ 300.125-300.127 of the current regulations.

### B. Child Find for Infants and Toddlers

Under § 300.128 of the current regulations, States are required to identify, locate, and evaluate all children who have disabilities or who are suspected of having disabilities and who are in need of special education and related services. This requirement is known as "child find" and is applicable to children from birth through 21 years of age. Part H of the Act (Early Intervention Programs for Infants and Toddlers with Disabilities) also contains a child find requirement for infants and toddlers (incorporated in the regulations at 34 CFR 303.321). To facilitate coordination of child find activities for infants and toddlers conducted under parts B and H of the Act, proposed Comment 2 to § 300.128 has been added to specify that if the State educational agency is not the State's lead agency for the part H program, the State educational agency may designate the State's part H lead agency as the agency responsible for child find for infants and toddlers if there is agreement by both agencies. However, since the State educational agency remains responsible for ensuring that all part B child find requirements are met, the part B State plan must reflect the nature and extent of the participation of the State's part H lead agency in accordance with § 300.128(b)(2) of the current regulations.

### C. Procedural Safeguards

#### 1. Additional State Consent Requirements

In an effort to expand opportunities for parent participation in decisions regarding their children's special

education programs, the Department has issued policy guidance in recent years permitting States to establish State consent requirements for services and activities provided under this part, outside of the consent requirements in this part for preplacement evaluation and initial placement. The Secretary now proposes to incorporate this policy into the regulations for this program by adding a new paragraph (d) to § 300.504 on prior notice and parent consent.

Proposed paragraph (d) clarifies that States may establish additional State consent requirements for services and activities provided to children with disabilities under this part, such as reevaluations of a child with a disability or continued placement or change of placement of a child with a disability, only if these additional State parental consent requirements are implemented in accordance with § 300.504(b)(2) of the current regulations and in a manner consistent with a public agency's responsibility to ensure the continued provision of a free appropriate public education to a child with a disability. Paragraph (b)(2) of § 300.504 specifies that any parental consent requirement, other than the consent requirements for preplacement evaluation and initial placement, may not operate as a condition of a benefit or service to a parent or child.

Proposed paragraph (d) also provides that States establishing additional State consent requirements must ensure that public agencies have informal procedures and formal procedures for dealing with a parental withholding of consent to those requirements. These procedures must be implemented in all instances in which the parent withholds consent to an additional State consent requirement and the public agency believes that the activity to which the parent has withheld consent is essential in order for the child to receive a free appropriate public education. The Secretary believes that this proposed regulation balances the important principle of parent participation in their children's special education programs with the obligation of each public agency to ensure the continued provision of appropriate special education and related services to all eligible children with disabilities. A new Comment 3 has also been added to clarify this new requirement.

#### 2. Availability of Hearing Decisions to the Public

The Handicapped Programs Technical Amendments Act of 1988 amended section 615(d) of the Act by adding a new requirement that findings of fact and hearing decisions, with the deletion

of personally identifiable information, be made available to the public. The current regulations, at § 300.508(a)(5), provide that a party to the hearing has the right to obtain written findings and a hearing decision, and that written findings and hearing decisions, with the deletion of personally identifiable information, must be transmitted to the State advisory panel established under subpart F. Therefore, the Secretary proposes to amend paragraph (a)(5) of § 300.508 by adding the new statutory requirement.

The Secretary invites public comment on whether additional regulatory guidance is needed to implement this statutory change.

### 3. Officials Conducting State-level Reviews

Since the regulations for this program were published in 1977, a number of courts have construed the requirements for impartiality of State-level review officials. Relying on the legislative history of Public Law 94-142, courts have concluded that the Congress intended to prohibit members of State boards of education, chief State school officers, and other State employees involved in the education or care of the child from serving as review officials if initial due process hearing decisions are appealed to the State educational agency. See *e.g.*, *Helms v. McDaniel*, 657 F.2d 800 (5th Cir.) 1981. However, even with this prohibition, the legislative history of Public Law 94-142 emphasizes that the State educational agency remains responsible for ensuring that decisions in State-level reviews satisfy all applicable part B requirements. Therefore, the Secretary proposes to add a new paragraph (c) to § 300.510 and has revised Comment 1 following the section to clarify which officials may not conduct State-level reviews under this program.

### D. State Complaint Procedures

On August 18, 1988, the Secretary published a Notice of Proposed Rulemaking at 53 FR 31580 proposing to transfer the State complaint procedures from 34 CFR 76.780-76.782, with minor modifications, to the program-specific regulations to which they relate. Because States receive an especially high volume of Education Department General Administrative Regulations (EDGAR) complaints alleging violations of requirements of part B of the Act and this part, the Secretary proposes to incorporate State complaint procedures in proposed §§ 300.660-300.662. Based on the Department's administration of this program the Secretary believes that

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FISCAL NOTE

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

BILL NO. SB 373

Revision Date: 3-11-92  
Title: An Act establishing a loan guarantee and interest rate subsidy program for assistive technology.  
Sponsor: Senator Duncan  
Requestor: (S) HESS

Department Affected: Education  
BRU: Vocational Rehabilitation  
Component: Assistive Technology

COMPONENT SERIAL NO. 

1	2	0	2
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE FUND SOURCE:						
----------------------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER FUND SOURCE:						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: \_\_\_\_\_

ANALYSIS: (Attach a separate page if necessary.)

Prepared by: Stan Ridgeway  
Division: Vocational Rehabilitation

Phone: 465-2814  
Date: 3-11-92

Approved by Commissioner: *Mark Walker*  
Agency: Education

*for JC* Jerry Covey  
Date: 3-12-92

FISCAL NOTE

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

BILL NO. SB 373

Revision Date: \_\_\_\_\_  
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1	2	0	2
---	---	---	---

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS	75.0	75.0	75.0	75.0	75.0	75.0
<b>TOTAL OPERATING</b>	<b>75.0</b>	<b>75.0</b>	<b>75.0</b>	<b>75.0</b>	<b>75.0</b>	<b>75.0</b>

CAPITAL						
---------	--	--	--	--	--	--

REVENUE FUND SOURCE:						
----------------------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	75.0	75.0	75.0	75.0	75.0	75.0
FEDERAL FUNDS						
OTHER FUND SOURCE:						
<b>TOTAL</b>	<b>75.0</b>	<b>75.0</b>	<b>75.0</b>	<b>75.0</b>	<b>75.0</b>	<b>75.0</b>

POSITIONS:

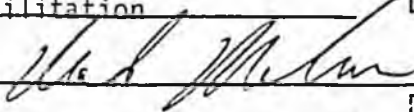
FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: \_\_\_\_\_

ANALYSIS: (Attach a separate page if necessary.)

To fund the loan guarantee and interest rate subsidy program for Assistive Technology.

Prepared by: Stan Ridgeway Phone: 465-2814  
Division: Vocational Rehabilitation Date: 3-9-92

Approved by Commissioner:  Jerry Covey  
Agency: Education Date: January 30, 1992

474-7448

#55



Bonnie Williams

Need ruling fm SEC  
"not a security"

~~\$5000~~  
\$55 per credit hour

Sept 64 APRIL -58<sup>00</sup>

GARY ROTH

456.1406

LIBX

To \_\_\_\_\_

Date \_\_\_\_\_ Time \_\_\_\_\_

# While You Were Out

M Pett

of \_\_\_\_\_

Phone 4746

AREA CODE

NUMBER

EXTENSION

TELEPHONED		PLEASE CALL	
WAS IN TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	<input type="checkbox"/>
RETURNED YOUR CALL			

Message 800.413.8352 + can

same for Joyce Palmer  
(800)770-0138

Plz have her call

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# Alaska State Legislature

SENATOR JIM DUNCAN

P. O. BOX V JUNEAU, ALASKA 99811-3100  
(907) 465-4766

COMMITTEES:  
VICE CHAIR —  
FINANCE  
VICE CHAIR —  
STATE AFFAIRS  
RULES  
BUDGET & AUDIT  
ETHICS REFORMS

To: Senator Arliss Sturgulewski  
Chair, Health, Education and Social Services Committee

From: Senator Jim Duncan

Regards: Hearing for SB 373

Date: March 5, 1992

I request the earliest possible hearing for Senate Bill 373 by the Senate Health, Education and Social Services Committee. This legislation establishes the Assistive Loan Guarantee Program. The program will assist persons with disabilities or their employers to purchase durable equipment, adaptive aids, and assistive devices to obtain or maintain employment or to live more independently.

The program will allow the Division of Vocational Rehabilitation to guarantee loans from private institutions. The division works with financial institutions to extend the time during which the loan is paid back. It can also buy down interest rates to make payments more manageable for consumers. An applicant's Permanent Fund Dividend can serve as collateral.

The disabled person or their family must be unable to obtain the needed equipment through the Division of Vocational Rehabilitation, Medicare, Medicaid or other funding sources such as insurance companies. In making decisions about eligibility, the division shall also determine that the person requesting a loan guarantee is unable to obtain the equipment or device from a free or less costly source. The division office conducting the initial screening must provide this documentation.

The division is responsible for evaluating the applicant's ability to make loan payments based on income and general credit history. It makes an initial determination of eligibility for the loan guarantee program and contacts the applicant and a local financial institution to initiate the loan process. The lending institution processes the loan pursuant to its standard procedures by incorporating the division's offer to guarantee the loan and buy down the interest rate to make payments affordable. The division retains the discretion to deny the loan guarantee should the lender's review reveal additional information that reflects negatively on the applicant's ability or willingness to repay the loan.

A person with a disability or their parent or legal guardian may also apply for a vehicle loan under terms of the bill. The loan can be used for purchase or modification of a vehicle. The person must live independently or with their parents or guardians and be employed a minimum of one year before the date of the initial loan request.

I have attached a sectional analysis and background information for the committee. Your favorable consideration of my request is appreciated.

## ASSISTIVE TECHNOLOGY LOAN GUARANTEE PROGRAM

The Assistive Technology Loan Guarantee Program will be established to assist persons with disabilities or their employers to purchase durable equipment, adaptive aids, assistive devices, and vehicles, in order to obtain or maintain employment or to live more independently.

The program will allow the Division of Vocational Rehabilitation to guarantee loans from private institutions so that persons with disabilities, their families, or their employers who cannot qualify for other assistance or private loans can obtain necessary adaptive technology. The Division is able to work with financial institutions to extend the time period during which the loan is to be paid back, as well as buy down interest rates, to make payments more manageable for consumers. An applicant's permanent fund dividend could be used as collateral.

### How it Works

The person with the disability in need of the equipment, or their family must be unable to obtain the needed equipment through the Division of Vocational Rehabilitation, Medicare, Medicaid or other funding sources such as insurance companies. In making decisions about eligibility, the Division shall also determine that the person requesting a loan guarantee is unable to obtain the equipment or device from a free or less costly source. This must be documented by the DVR office that does the initial screening.

An application will be completed with the assistance of the local DVR staff, signed by the applicant and forwarded to the Juneau office for processing. DVR will be responsible for evaluating the applicant's ability to make loan payments based on income and general credit history.

The application will also be reviewed by the DVR to assure that the device or equipment is appropriate or best-suited to the applicant's disability.

The Division of Vocational Rehabilitation will make an initial determination for eligibility for the loan guarantee program and will contact the applicant and a local cooperating financial institution to initiate the lending institution's loan process. The lending institution

will then process the loan pursuant to their standard procedures by incorporating the Division's offer to guarantee the loan and buy down the interest rate to make the payments affordable. The lending institution then notifies the applicant and the Division when the loan is approved. The Division retains the discretion to deny the loan guarantee should the lender's review of the application reveal additional information which reflects negatively on the applicant's ability or willingness to repay the loan.

*Optional conditions for vehicle loan*

A person with a disability or their parent or legal guardian may apply for a vehicle loan. The loan program can be used for the purchase or modification of a vehicle to provide transportation for the disabled person. To be eligible, the person must be living independently or with their parents or guardians. An income limit will be set, and the applicant must be steadily employed a minimum of one year prior to date of initial loan request.

## SB 373

### ASSISTIVE TECHNOLOGY LOAN GUARANTEE PROGRAM

Step-by-step procedures for an assistive technology loan guarantee and interest subsidy:

1. The consumer (disabled individual or his/her family or employer) approaches DVR for loan guarantee to purchase assistive technology (durable equipment, an adaptive aid, an assistive device, or vehicle) in order to obtain or maintain employment or to live more independently.
2. DVR determines whether the desired assistive technology is appropriate to the disability. They also determine if there is another source of funding, such as Medicaid, Medicare, other federal programs or grants.
3. DVR has the consumer complete a loan application.
4. DVR forwards the application to a cooperating bank (or credit union).
5. The bank completes the credit check and makes a recommendation regarding the consumer's ability to repay the loan.
6. Based on the information provided by the bank, DVR decides whether or not to guarantee the loan. DVR may also choose to subsidize all or part of the interest to make the payments affordable for the consumer.
7. DVR informs the bank when they will guarantee a loan. The bank makes the loan, if they agree, to the consumer.
8. The state will hold in reserve a percentage of the total amount of guarantees. The actual percentage would be determined based on the risk of the loans and, as the program progresses, the history of defaults. (Note: similar programs in other states have shown very low default rates.)

POSITION PAPER: DEPARTMENT OF EDUCATION

Division Vocational Rehabilitation Bill Number SB 373

Bill Title "An act establishing a loan guarantee and interest rate subsidy program for assistive technology"

Sponsor Senator Duncan

Position Statement: Explain briefly what the bill does, its impacts and Department's position, i.e., a) support, b) do not support, c) neutral or d) oppose.

SEE ATTACHED EXPLANATION

APPROVED:

Director Keith J. Anderson Division Vocational Rehabilitation

Signature Keith J. Anderson Date 9 March 1992

Commissioner/Deputy Jerry Covey

Signature Walt Wilson Jr. Date 3/10/92

POSITION PAPER: DEPARTMENT OF EDUCATION  
SENATE BILL NO. 373

THE DEPARTMENT'S POSITION:

The Department of Education supports this bill. It would meet an identified need by a group of individuals in the State of Alaska which is not now being addressed. It is recommended that the mechanics of the loan guarantee and interest subsidies be clarified. Other than student loans by the Commission on Post Secondary Education, the Department is not in the loan business, and does not have the infrastructure to support significant responsibilities in this area. This would best be handled by banking institutions.

WHAT THE BILL DOES:

This bill would provide two types of assistance to individuals who need help in order to acquire assistive devices:

LOAN GUARANTEE

This bill provides for the state to guarantee loans issued to individuals who need assistive devices. The process for accessing the guarantee is as follows:

1. The individual completes an application available from their local assistive technology office.
2. The local office personnel will evaluate the degree to which the individual meets pre-established criteria for acquiring a loan and certifies those who qualify.
3. The individual presents the certification, along with an application for a loan, to a bank of his/her choice.
4. The bank acts on the application. After the loan is made it is treated as any other loan. If the person defaults on the loan the state is liable to meet the outstanding obligation.

SUBSIDIZED INTEREST

Based on the ability of the individual to repay the loan, the state can subsidize the interest rate up to that required by the loaning institution.

IMPACT OF THE BILL:

If passed, this bill would make it possible for citizens of the State of Alaska to gain access to technological devices necessary for them to function more independently in their homes and communities. It is estimated that there are approximately 4,000 persons in the state who are in need of these devices. The cost of these devices vary broadly from a few dollars to several thousand dollars.

FISCAL NOTE:

No additional staff cost.

#### WHO NEEDS THESE "TOOLS"?

According to a recently conducted random, digit-dial phone survey conducted by the University of Alaska's Institute of Social and Economic Research (ISER), March, 1991, there are more than 4,000 Alaskans with disabilities who can benefit from assistive technologies. This figure considered *very low* because it does not include individuals living in institutions, without phones or who are deaf or hard-of-hearing.

The U.S. Center for Disease Control is now reporting that 1 in every 6 Americans experiences a disability and that this rate is increasing as a result of the "greying" of our society and advancing medical research and treatment. This would then suggest that a more accurate estimate of Alaskans of any age who are disabled would approximate 91,850 persons. As many as 25%, or 22,963, may have disabilities severe enough to benefit from assistive devices and strategies. These tools, both "low" and "high tech, would vastly improve their independence.

#### AREN'T THESE "TOOLS" EXPENSIVE?

The President's Committee on Employment of People with Disabilities found in a nationwide survey of employers that most jobsite modifications for workers cost under \$600. Some of the most common "tools", eyeglasses and hearing aids, run between \$100 and \$300. Frequently, devices under \$10, such as hand grippers or extended tongs, provide individuals with disabilities more access. And, sometimes, solutions can even be at no-cost....like reorganizing one's work or living space or labeling a stove with embossed plastic tape.

#### WELL, THEN WHY DO WE NEED A ASSISTIVE TECHNOLOGY LOAN OR GRANT PROGRAM?

Though Alaska has a highly developed network of public, private, non-profit and for-profit agencies and organizations attempting to assist individuals of any age who are disabled become more independent and self-sufficient, they do not have the fiscal resources to continue to meet the ever, expanding assistive technology needs of persons with disabilities, their families and employers. The ISER study referenced earlier, shows but the "tip of the iceberg" of need. If Alaskans with disabilities cannot

obtain these vital "tools" as their needs and technology changes, the state will have lost one of their most vital natural resources.....people who with some assistance can and will make contributions to our education, economic as well as community systems.

#### WILL "TOOLS FOR LIFE" WORK?

There are expanding "success stories" happening at this very moment in other states and across the nation where persons with disabilities are accessing monies to purchase assistive technologies through loans and to a lesser degree grants.

In Maine, The Adaptive Equipment Loan Program (AELP) has been operational since 1988. Bonds totalling \$5,000,000 were sold and support a revolving loan fund which is available to its citizens and businesses to provide assistive technology. Administered through their state Finance Authority, AELP has closed a total of 129 loans effective July 1991 at \$1,286,510, based on an average interest rate of 6.04%. They have experienced only one default.

Kurzweil/Xerox joined forces with the American Foundation for the Blind in a unique, private-public cooperative venture to make \$2,000,000 available to blind consumers for purchase of their reading machines. Through the Bank of Boston, they have made available over 85 loans and have experienced no defaults! Rising interest earnings from these transactions will be used to expand this effort further into offering grants to more high-risk borrowers to meet their down payments.

The California Department of Rehabilitation administers two assistive technology financing programs. The first, the Handicapped Transportation Loan Guarantee Program (HTLGP), was established by their state legislature in 1981 with a \$300,000 appropriation. It encourages banks to extend credit to children with disabilities and their families who use wheelchairs to purchase vehicles and other special adaptive equipment. Over 43 loans have been guaranteed with 8 defaults and the fund has now grown to \$430,000.

The second program, Assistive Technology Guarantee Program (formerly the Supported Employment Loan Guarantee Program), was actually "seeded" with \$200,000 from the HTLGP and its resources are now \$296,000. Furthermore, borrowers who are disabled may utilize monies towards employment devices as well as for

loan.draft, p. 4

independent living. California Vocational Rehabilitation is presently looking at starting a third fund for fleet van purchases for adult consumers.

For four years Rhode Island's Vocational Rehabilitation office has administered a state appropriated revolving fund, Equipment Loan Fund, which started at \$100,000 and has now gone to \$120,000. At an interest rate of 5%, about 35 residents who are disabled have been serviced with 8 more on the current waiting list. Individual loans may not exceed \$5,000.

Easter Seal Systems in Chicago, Illinois, has just received a Federal grant under the Technology-Related Assistance for Individuals Who Are Disabled Act, P.L. 100-407, to develop a replicable, national model for loan funds. From a base of \$50,000, they have made 10 loans to date and have 8 more under processing. Each loan must be for computer equipment only and cost no more than \$3,000. So far, they have had zero defaults and no payment delays.

Though just becoming functional, Vermont has enacted legislation to start an Adaptive Equipment Revolving Fund which is quite innovative. They have a base of \$50,000 and a 3-tiered approach, ranging from non-repayable grants for up to \$1,000 to fund raising through a designated non-profit corporation for items in excess of \$5,000. Another, Nevada, has just started a loan fund initiative in private sector cooperation with Valley Bank of Nevada. They are working from a "seed" of \$100,000 and an individual loan cap of \$3,000. They are hopeful of expanding into offering grants too for those that cannot qualify through even lenient credit guarantees.

The movement does not stop there. Minnesota, Utah, Arkansas, North Carolina, Hawaii, Virginia, Georgia, Florida and Mississippi have assistive technology loan funds under study at this moment within their state legislatures.



# DENALI STATE BANK

119 N. Cushman Street • (907) 456-1400 • FAX (907) 456-2140 • P.O. Box 74568 • Fairbanks, Alaska 99707-4568

March 10, 1991

Senator Jim Duncan  
c/o Alaskan Senate  
Juneau, AK

RE: SB373

Dear Senator Duncan:

Thank you for introducing the above referenced bill. This letter is in support of your efforts to provide a loan guaranty and interest rate subsidy program for assistive technology. Passage of this legislation and funding of the program should allow many handicapped citizens of the State of Alaska to continue to be productive workers in our society. As we all know, a mentally or physically handicapped person can contribute much to a business or organization and enactment of this legislation continues to help to accomplish that purpose.

Denali State Bank stands ready cooperate in this program to provide loan funds. I have also discussed this matter with my Alaskan colleagues and find that they are in support of this issue.

May your efforts be rewarded with a swift passage of this bill. Thank you.

Sincerely yours,

A handwritten signature in cursive script that reads "Gary Roth".

Gary Roth  
President and Chief Executive Officer

GR/bf

# ASSISTIVE TECHNOLOGIES OF ALASKA

A report on the need for tools that enable Alaskans with disabilities to live, learn, work and play more independently



ASSISTIVE TECHNOLOGIES OF ALASKA

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This booklet has been paid for with federal funds as part of a grant from the National Institute on Disability and Rehabilitation Research, U.S. Department of Education, and was administered by the Alaska Division of Vocational Rehabilitation.

For more information, additional copies or a non-print format of this document contact Assistive Technologies of Alaska at the following address:

Assistive Technologies of Alaska  
400 D Street, Suite 230  
Anchorage, Alaska 99501  
Phone: (907) 274-0138  
TDD: (907) 274-0517  
FAX: (907) 274-0516



## **ASSISTIVE TECHNOLOGIES OF ALASKA**

The goal of Assistive Technologies of Alaska (ATA) is to increase awareness of specialized equipment that can enhance the independence of people with disabilities, and to provide access to this equipment and technology.

ATA works in a direct and complementary role with other service providers. It plans to establish channels for information on new technologies and resources to be shared by various organizations and distributed to those who may benefit from them.

### **Four significant findings pave the way for ATA**

This document summarizes a study conducted in the spring of 1991 by the Institute of Social and Economic Research (ISER), at the University of Alaska, Anchorage.

Surveyors polled Alaska residents at random by telephone, uncovering the following four major findings. These findings are significant in setting the goals and directions for Assistive Technologies of Alaska.

- **Communications devices represent Alaska's largest single assistive technology need.**
- **Almost 4,000 Alaskans with disabilities lack current information regarding assistive technology.**
- **Alaska Natives exhibit a much higher need for assistive technology than do other races.**
- **Rural Alaskans with disabilities experience the greatest need for all forms of assistive technology.**

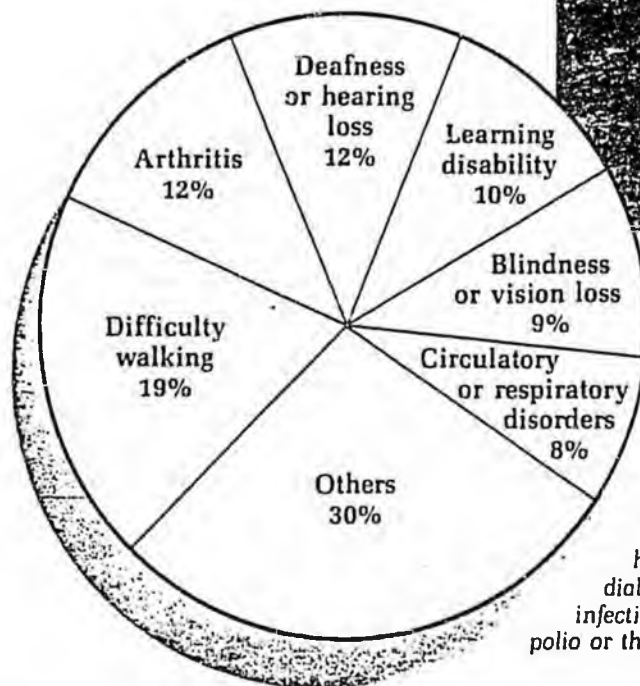
Complete survey results follow. It is important to note that the telephone poll may have resulted in low figures for deaf persons and those living in rural areas where telephone service is limited. The survey also excluded persons living in institutional settings. The numbers presented in this booklet are arrived at by a method known as statistical inferences.

## More than 22,000 Alaskans with disabilities live on their own

The Institute of Social and Economic Research, at the University of Alaska, Anchorage, found 22,220 Alaskans, 4 percent of the state population, have disabilities and live outside of institutions. Their survey found that many of these Alaskans could benefit from additional equipment or services to help them become more self sufficient.

### Difficulty in walking is the most common disability

Although Alaskans with disabilities often have more than one, the inability or difficulty in walking is the most common. This is followed by arthritis, deafness or hearing loss, learning disabilities, blindness or vision loss, and circulatory or respiratory problems.



Other disabilities include those with emotional or communicative disorders, head injuries, developmental disabilities, diabetes, stroke, seizure, drug/alcohol addiction, infectious disease, amputation, Alzheimer's disease, polio or the HIV virus.

## Many services can help Alaskans with disabilities improve their lifestyles

One of the central goals of persons with disabilities is to live a more independent lifestyle. Alaskans with disabilities expressed a need for many of the following services. Most of the 22,220 identified are getting medical care, but 15 percent (3,416 Alaskans) are not receiving adequate medical care.

Persons Who Need Service	Service	% Not Receiving Service
13,013	Newsletters informing them of services	81%
6,355	Support groups	76%
14,007	Equipment for daily living and information on new products	58%
10,548	A centralized information source	55%
14,092	Help getting benefits available to them	37%
11,456	Job training	32%
10,505	Counseling	32%
17,724	Information on their disabilities	30%
13,790	Advocates to make their problems known	28%
22,220	Medical care	15%

## 14,000 Alaskans with disabilities would benefit from special equipment

About 14,000 Alaskans felt that special equipment could help them live, learn, work and play more independently. However, these same persons said they were not aware of all of the available equipment and need information on newer products.

## More than half are not getting the special equipment they need

Of the 14,007 Alaskans with disabilities who need special equipment, 7,608 (58%) do not have access to the equipment that can help them live more self sufficient lives.

## This equipment, called assistive technology, is often far from technical

The equipment available to help persons with disabilities function more independently is called "assistive technology." Some people associate this technology with complex computers or robotics. While these are forms of assistive technology, most Alaskans with disabilities could benefit from very simple tools that help with daily living. Some of the most common types of assistive technology include items that help people hear, such as hearing aids; read, with glasses or magnifiers; communicate, through voice synthesizers; or move, with the aid of walkers or wheelchairs.

## Assistive technology is needed most often for communications

The task in which the greatest number of Alaskans with disabilities need assistance is in face-to-face communication with others. More than 1,900 Alaskans could benefit from assistive technology such as hearing aids and voice synthesizers.

Help with long distance communication was the second greatest need. Almost 1,700 Alaskans could benefit from tools such as TDDs or speaker phones.



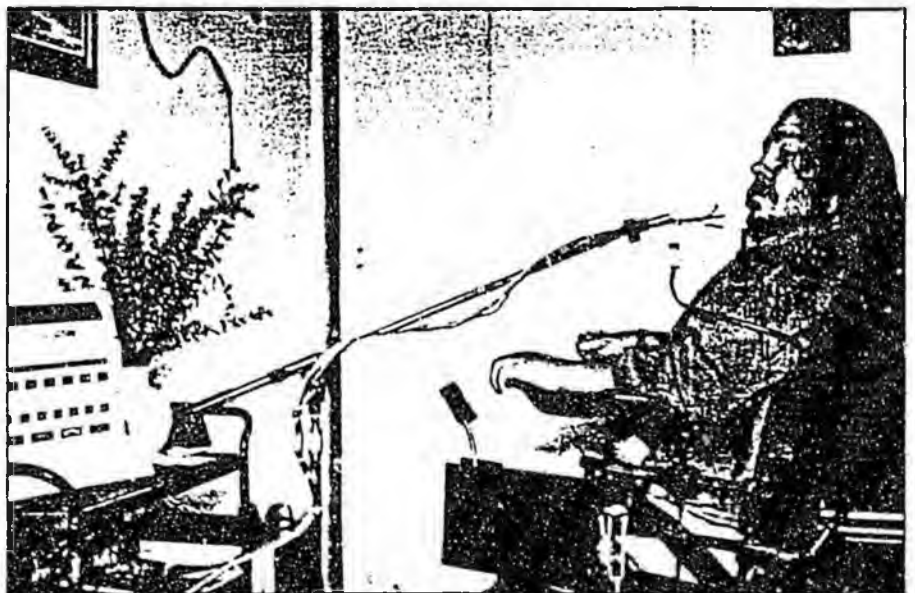
## Alterations in the home or office are also important

More than 1,600 Alaskans with disabilities need changes to their home or office, including building modifications or special appliances. Assistive technology designed for these uses includes wheelchair ramps, chair lifts, grab bars, pull down door knobs, tables, desks or cabinets that are raised or lowered, and similar devices.

About 1,100 felt a need for specialized control switches for lights, appliances and other environmental control systems.

## Computers are adaptable tools

Nearly 1,700 Alaskans with disabilities could use some type of adapted computer equipment. Computers are easily adapted with assistive technology such as magnifiers for the video screen, braille keyboards or verbal input/output devices.





## Accessible transportation is needed

Modifications to vans, buses and cars such as hand controls and wheelchair lifts can often make it easier for persons with disabilities to get around. An estimated 1,400 Alaskans see a need for this kind of transportation.



## Alaskans with disabilities would like to enjoy recreation activities

A new sense of freedom and ability is often experienced by persons with disabilities when they are better able to enjoy their leisure time through the aid of recreational equipment. Almost 1,200 Alaskans desire access to equipment such as cycle chairs and adapted skis.

## Tools that help with personal care are needed by a few people

Assistive aids that help with personal care and hygiene include catheters, bathing aids and commode chairs. This is a significant need for close to 1,000 Alaskans.



## Technology can make persons with disabilities better workers

By raising a desk to accommodate a wheelchair, adding screen enlargement software to a computer, or installing pull down door knobs and wheelchair ramps, an employee with disabilities can become a more productive worker. Almost 800 Alaskans believe these assistive aids could help them.

## Some Alaskans need help getting around

Slightly more than 700 Alaskans with disabilities need mobility aids. These may include basic wheelchairs, walkers or a guide dog for a blind person.

Type of Assistive Technology	Persons Not Receiving Needed Tools
Face-to-face communication	1,901
Long distance communication	1,686
Adapted computer	1,686
Building modifications	1,632
Accessible transport	1,383
Recreational devices	1,167
Household aids	1,124
Personal care	984
Work modifications	778
Mobility enhancement	735

## Almost 4,000 Alaskans with disabilities lack the information they need

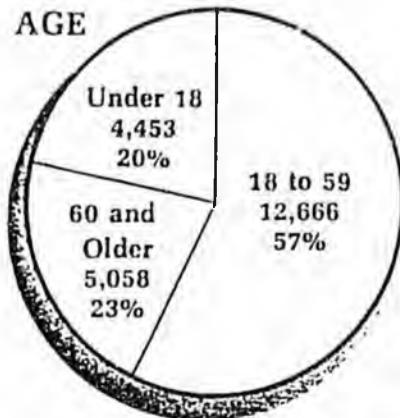
In order to get the assistive aids they need, Alaskans with disabilities need help finding information on what's available and obtaining financial assistance to buy or lease equipment. Almost 4,000 lack current information about new forms of assistive technology that could help them live more independently.

Type of Service	Persons Not Receiving Needed Information
Information on new technology	3,900
Finding companies that sell or service equipment	2,900
Financial aid	2,300

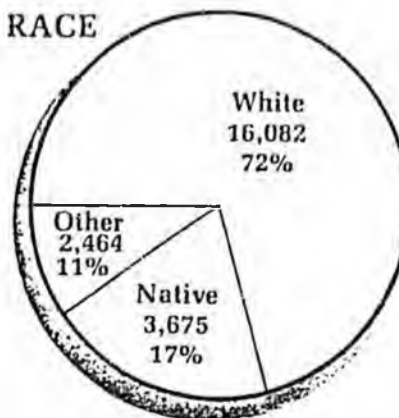
## A profile of Alaskans with disabilities

Most Alaskans with disabilities are white, between 18 and 59 years of age and live in Southcentral Alaska. However, a significant number of Alaskans with disabilities are Native, many are 60 years or older and many reside in rural or Bush Alaska.

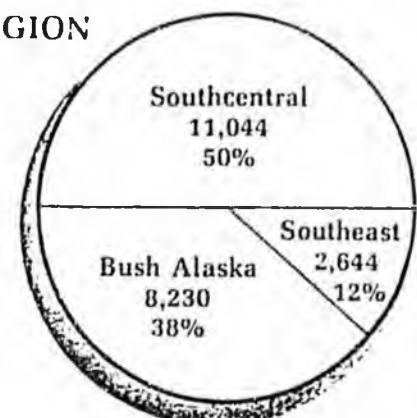
AGE



RACE



REGION



## Younger Alaskans with disabilities see a need for computer-related aids

Alaskans with disabilities under 18 years-old seemed to show the greatest interest in technology adapted to computers. However, this younger group showed less interest in other forms of assistive technology, as did persons who were 60 years or older. This may be because many of their needs are being met by a parent or other member of their household.



## Assistive technology is a big need for persons of working age

Technology in the workplace and at home was requested most often by persons with disabilities in the 18-59 age bracket. This is not surprising, since 18-59 is the average span of working years and a time when people usually live independently.

## **Alaska Natives have a greater need for assistive aids than other races**

Alaska Natives, who represent 17% of Alaskans with disabilities, have a greater need for all forms of assistive technology. Their greatest need was for equipment to improve their ability to move around. Natives represented 41% of all Alaskans with disabilities requesting mobility assistance. The second greatest need expressed by Natives was for assistive technology in the home. Accessible transportation, aids to help with face-to-face communication and personal care assistance were the next greatest needs, in that order.



## **Rural Alaskans with disabilities represent the largest unmet need**

A much larger number of rural Alaskans with disabilities require assistive technology of all kinds, compared to the state's major cities. Southcentral Alaska residents showed less need for assistive aids, possibly indicating a greater availability to residents in this region compared to the rest of the state.

## **The right tools must be found to meet these needs**

The ISER study clearly shows that Alaskans with disabilities have many needs that are not being met for all forms of assistive technology. However, the study did not ask exactly how people expected to use this technology to meet their needs. As a result, it is difficult to determine what specific kinds of devices are required. In the case of computer-related technology, specific uses should be determined before deciding what role this often complex equipment may take.

## **Information services can help determine which tools are best**

Access to information about the most current technology available to help with an individual's unique disability will help Alaskans make wiser decisions regarding which forms of assistive technology can best meet their needs.

## Major findings from congressional hearings

The following points were documented during Congressional hearings prior to the adoption of the Technology-Related Assistance for Individuals with Disabilities Act in 1988.

- Technology is a powerful force in the lives of most U.S. residents.
- Technology can provide tools to make performing tasks quicker and easier.
- Assistive technology is a necessity that enables individuals with disabilities to engage in many tasks.
- There exists already a substantial number of assistive technology devices.
- The use of assistive technology devices and services can reduce the cost of disabilities to society.
- Many individuals with disabilities do not have access to assistive technology devices and services that would allow them to function commensurate with their abilities.
- There are insufficient incentives for commercial pursuit of the application of devices because of limited markets.
- There is a lack of coordination at the federal level among agencies that provide or pay for the provision of assistive technology devices and services.

The above findings were provided by the RESNA Technical Assistance Project, 1101 Connecticut Avenue, N.W., Suite 700, Washington, DC 20036.

loan.facts

## "TOOLS FOR LIFE" FACT SHEET

### WHAT ARE THESE "TOOLS"?

\*Daily Living Aids: Self-help devices that enable people who experience a disability to be more independent around the house-eating, cooking, maintenance, etc...

\*Augmentative Communication: Electronic and non-electronic devices that help people without speech to express themselves verbally as well as receive communication.

\*Computer Applications: Devices that enable people with disabilities to use a computer-headsticks, alternate keyboards, special software, etc...

\*Environmental Control Systems: Usually electronic systems that enable someone to control household appliances, thermostat, TV, stereo, door locks, etc...

\*Home/Worksite Modifications: Usually structural adaptations in the home or work such as ramps, raised tables, etc...

\*Prosthetics and Orthotics: Braces, artificial limbs and other equipment that replaces or augments missing or malfunctioning body parts.

\*Seating and Positioning: Accommodations to a wheelchair or other seating system to provide the user with greater body stability, support, posture, etc...

\*Aids for Vision/Hearing Impaired: Aids for people with specific disabilities including magnifiers, Braille devices, hearing aids, etc...

\*Wheelchairs/Mobility Aids: Manual and electric wheelchairs, and other equipment that assists people with disabilities to move about.

\*Vehicle Modification: Hand controls, wheelchair lifts, modified vans, etc.

\*Recreation Devices/Adaptations: Assist people to recreate more independently.

\*Adaptive Toys: Toys useable by children who experience a disability.

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STATE OF ALASKA  
1992 LEGISLATIVE SESSION

TOTAL ~~5777.3~~  
4799.3 generated from federal program (Receipts)  
BILL NO. SB 388  
2,799.3 in Senate Budget now (cut out summer school)

*[Handwritten signatures and scribbles]*

FISCAL NOTE

Revision Date: \_\_\_\_\_  
Title: An act relating to Centralized  
Correspondence Study: \_\_\_\_\_  
Sponsor: Senator Duncan  
Requestor: Senate HESS

Department Affected: Department of Education  
BRU: Centralized Correspondence School  
Component: \_\_\_\_\_

COMPONENT SERIAL NO. 

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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	189.5	208.6	225.1	230.0	238.2	242.0
TRAVEL	7.6	8.4	9.0	9.2	9.3	9.5
CONTRACTUAL	341.1	375.2	405.2	413.3	421.5	473.1
SUPPLIES	144.0	158.4	171.0	196.0	187.9	181.0
EQUIPMENT	75.8	83.2	90.2	70.0	80.0	50.0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>758.0</b>	<b>833.8</b>	<b>900.5</b>	<b>918.5</b>	<b>936.9</b>	<b>955.6</b>

CAPITAL						
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REVENUE FUND SOURCE:						
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER FUND SOURCE: Foundation	758.0	833.8	900.5	918.5	936.9	955.6
<b>TOTAL</b>	<b>758.0</b>	<b>833.8</b>	<b>900.5</b>	<b>918.5</b>	<b>936.9</b>	<b>955.6</b>

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)

The increase in foundation funds will be used for the delivery of instruction through the Centralized Correspondence School. The increase in revenues for FY94 - FY98 are based on the projected increases in student enrollment.

Prepared by: Darby Anderson/Mike Maher  
Division: Centralized Correspondence School

Phone: 465-2841  
Date: 2/14/92

Approved by Commissioner: *[Signature]* Jerry Covey  
Agency: Education Date: February 14, 1992

Distribution (by preparer): Log. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ctr., & Impact Agency(ies).  
Rev 10/07/91



# Alaska State Legislature

SENATOR JIM DUNCAN

P.O. Box V JUNEAU, ALASKA 99811-3100  
(907) 465-4766

COMMITTEES:  
VICE CHAIR —  
FINANCE  
VICE CHAIR —  
STATE AFFAIRS  
RULES  
BUDGET & AUDIT  
ETHICS REFORM

## MEMORANDUM

TO: Senator Arliss Sturgulewski, Chair  
Senate Health, Education, and Social Services Committee

FROM: Senator Jim Duncan

DATE: March 26, 1992

SUBJECT: Hearing, Senate Bill 388.

I request that you schedule a hearing for Senate Bill 388, "An Act relating to centralized correspondence study; and providing for an effective date," for a hearing before the Senate HESS committee at your earliest convenience.

Senate Bill 388 amends the centralized correspondence study statutes to recognize the correspondence study program as a public school of the state with a term of 180 days. The state board of education serves as the school board for correspondence study teachers, and these teachers will be recognized as public school teachers rather than state employees.

The funding for centralized correspondence study will be changed to allow the school to count the enrollment of both elementary and secondary students. Currently only elementary students are counted for funding purposes and this is prorated at 65 percent of the unit value.

I thank you in advance for your favorable consideration of this request.

**POSITION PAPER: DEPARTMENT OF EDUCATION**

Division Centralized Correspondence School Bill Number SB 388

Bill Title An Act relating to Centralized Correspondence Study.

Sponsor Senator Duncan

Position Statement: Explain briefly what the bill does, its impacts and Department's position, i.e., a) support, b) do not support, c) neutral or d) oppose.

The Department is aware of the need to review the funding calculation for the Centralized Correspondence School (CCS), but would rather incorporate such review into a more comprehensive school foundation proposal prior to the next Legislative session.

The department does not support this legislation at this time.

**APPROVED:**

Director Darby Anderson Division Centralized Correspondence School

Signature *Darby Anderson* Date 2-25-92

Commissioner/Deputy Jerry Covey *Mike Melton for JC*

Signature *Jerry Covey* Date 2-25-92

May Creek - P.O. Box MYK  
Glennallen, AK. 99588  
April 22, 1992

Senate H.E.S.S. Committee,

I attended your 4/22/92 teleconference discussing SB 388 - CCS. I would like to support this bill. As a CCS user, our family has been very satisfied with the program for the 6 years we have had our daughter enrolled. We are the classic "bush" family. We do have an alternative correspondence school choice - REAA 17 - Copper River Basin, but we prefer the specialized teachers, particularly in the 6<sup>th</sup> grade and up. We understand that the REAA 17 correspondence program utilizes one (or 2) teacher(s) for all grades & all courses. We get our mail once a week by mailplane and find CCS very willing to work around our unique situation. I've been in Anchorage during the last 2 legislative sessions, working at the Anc. LIO and we briefly flirted with public school during that period. But our 1<sup>st</sup> choice has remained CCS and we support this program fully. My husband and daughter are back home in May Creek now utilizing the CCS materials while I work through this legislative session. Please keep this option open to use and support the CCS teachers as this bill proposes.

Sincerely,  
Joan Miller

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FISCAL NOTE

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

BILL NO. SB 394

Revision Date: \_\_\_\_\_  
Title: Creating the Alaska school counseling program grant fund  
Sponsor: Sen. Collins  
Requestor: (S) HESS

Department Affected: Education  
BRU: Educational Program Support  
Component: Basic Education and Instructional Improvement

COMPONENT SERIAL NO. 

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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	19.7	19.7	19.7	19.7	19.7	19.7
TRAVEL	1.0	1.0	1.0	1.0	1.0	1.0
CONTRACTUAL	5.6	5.6	5.6	5.6	5.6	5.6
SUPPLIES	.5	.5	.5	.5	.5	.5
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS	150.0	150.0	150.0	150.0	150.0	150.0
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>176.8</b>	<b>176.8</b>	<b>176.8</b>	<b>176.8</b>	<b>176.8</b>	<b>176.8</b>

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE:						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	176.8	176.8	176.8	176.8	176.8	176.8
FEDERAL FUNDS						
OTHER FUND SOURCE:						
<b>TOTAL</b>	<b>176.8</b>	<b>176.8</b>	<b>176.8</b>	<b>176.8</b>	<b>176.8</b>	<b>176.8</b>

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	2	2	2	2	2	2
TEMPORARY	0	0	0	0	0	0

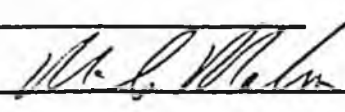
Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)

This fiscal note assumes retention of existing department staff and resources dedicated to the school counseling function and assumes an allocation of 150.00 to the grant fund. SEE ATTACHED.

Prepared by: Mike Maher  
Division: Commissioner's Office

Phone: 465-2800  
Date: 3/9/92

Approved by Commissioner:   
Agency: Education

Jerry Covey  
Date: 3/9/92

Fiscal Note Analysis (continued)

SB 394 Creating the Alaska school counseling program grant fund

**Personal Services:**

.33 FTE Education Associate II, Range 15      \$16.9

.10 FTE Clerical Support, Range 8              \$2.8

These staff support the grant recipients through coordination of training and provision of resources to implement a comprehensive school counseling program. It is the Department's intention to utilize existing staff and resources to the maximum extent possible, including use of staff funded with a combination of federal and state general funds. The existing staff devoted to the \$100,000 in federal grants program is one Counseling Specialist, two part time Education Associates and clerical support for a total of \$149.5 in personnel, travel, contracts and commodities for FY92.

**Travel:**

Lead training for Training Cadre \$1.0

**Contractual:**

Phone, postage, photocopying and audioconferencing \$5.6

**Commodities:**

General supplies    \$ .5

**Grants:**

An allocation of \$150.0 is proposed for the School Counseling grant fund.

# Alaska State Legislature

During Session  
State Capitol  
Juneau, Alaska 99801-1182  
(907) 465-2828

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During Interim  
3111 C Street, Suite 540  
Anchorage, Alaska 99503  
(907) 561-2040

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## Senator Virginia Collins

SB 394

### Alaska School Counseling Program Grant Fund

SB 394 creates the Alaska School Counseling Program Grant Fund consisting of legislative appropriations and public and private donations.

SB 394 authorizes the Department of Education to make grants from the fund to school districts for a counseling program in grades K through 12. It places three limitations on the awarding of these grants: (1) not more than \$50,000 may be given to any district in one year; (2) a district may not receive a grant for more than three consecutive years; and, (3) a grant may not be for more than 80 percent of the prior year's grant.

SB 394 resurrects last year's SB 195 which was vetoed by the governor. The governor was concerned that the bill undermined local school boards' authority to prioritize education expenditures and that it placed on them additional financial burdens.

The Alaska School Counseling Program Grant Fund is intended to attract private monies for the resolution of social ills and to be consonant with the governor's desire to drum up more local participation in providing services communities want to have. It will neither burden nor interfere with local school boards. This has been more clearly communicated with the governor, and I hope it has allayed his concerns.

With the increase in teen pregnancy, drug and alcohol abuse, and suicide among Alaska youth, the Alaska School Counseling Program implements a model program that has received support and has claimed success in thirty other states.

SB 394 will help in extending this unbeatable program throughout Alaska.





Official Business

# Alaska State Legislature

Senate

SENATOR VIRGINIA COLLINS

Pouch V  
State Capitol  
Juneau, Alaska 99811

## SPONSOR STATEMENT

Senate Bill 195

Senate Bill 195, "An Act creating the Alaska school counseling program grant fund."

This bill creates a school counseling program grant fund for public school students in grades K through 12. Grants would be given to school districts to implement and expand the model Alaska School Counseling Program developed in 1988 under the sponsorship of the Department of Education. The funding would consist of legislative appropriations and public or private donations made to the fund.

Pilot projects have been ongoing for two years in Alaska and the pilot program has expanded from 12 to 34 sites. Feedback from teachers indicates improved student performance and classroom behavior. The Alaska program was developed by a professional task force and the success of the pilot projects has been the result of positive administrative support within the participating districts.

The program is comprehensive, curriculum-based, and is designed to assist individuals with total development on a K-12 basis. It is preventive, rather than remedial in nature. The purpose of the program is to focus and revitalize school counseling in Alaska to be more responsive to the challenges which children, young people, and parents face today and into the future. Individual acquisition of knowledge and skills has been and will continue to be a major goal of public education. In addition, parallel efforts to assist students to grow socially and emotionally as well as intellectually and physically are essential.

Support for this concept has come from the Governor's Interim Commission on Children and Youth, the Alaska School Counselor's Association, the Alaska Association of Elementary School Principals, the Alaska Association of Secondary School Principals, the Alaska Association of School Administrators, the Alaska State Vocational Association, the Lake and Peninsula School District, the National Education Association, and NEA-Alaska. Thirty states are currently involved in adopting the program.

I would appreciate your support of Senate Bill 195.

SENATE BILLS 195/196

CONTENTS

1. Sponsor Statement
2. Fact Sheet
3. School Counseling Program Definition
4. Alaska School Counseling Program background paper
5. Senate HESS Committee testimony by Drew Alexander, counselor, Juneau-Douglas High
6. Senate HESS Committee testimony by Doug Wessen, counselor, Glacier Valley Elementary
7. Support letter with attachments from Rod Poole, counselor, Sitka High
8. NEA-Alaska supportive position paper
9. Alaska Council of School Administrators supportive position paper
10. Support letters from:
  - Dennis Dunn, counselor, Soldotna High
  - Lucinda Folsom, counselor, North Pole High
  - Lynn McGee, counselor, North Pole High
  - La Rue Davenport, counselor, Denali Elementary, Anchorage
  - Lee Ann Crumbley, principal, Nunaka Valley School, Anchorage
  - Gloria H. Thorson, M. Ed., Anchorage
  - Darcy Morgen Grovensten, middle school counselor, Sitka
  - Robbi Nadeau, counselor, Hunter Elementary School, Fairbanks
  - Jerri Amundson, counselor, Palmer High School, Palmer
  - Kathy Hill, counselor, Homer Junior High, Homer
  - James Ballentine, counseling department head, Homer High School, Homer
  - Shawnie Holdermann, counselor, Homer High School, Homer
  - Jim Holen, counselor, Wasilla High High School, Wasilla
  - Jerri Amundson, counselor, Palmer High School, Palmer
  - Joseph Digrande, counselor, Southwest Regional School District, Chief Ivan Blunka Elementary/High, New Stuyahok
  - Beverly Reichen, counseling supervisor, Southwest Region Schools, Dillingham
  - Dick Tardiff, counsellor, Kotzebue Middle/High School, Kotzebue

SB 195 Information Packet

EVERY DAY 2,989 AMERICAN CHILDREN SEE THEIR PARENTS DIVORCED.

EVERY 26 SECONDS, A CHILD RUNS AWAY FROM HOME.

EVERY 47 SECONDS, A CHILD IS ABUSED OR NEGLECTED.

EVERY 8 SECONDS OF THE SCHOOL DAY, A CHILD DROPS OUT.

EVERY DAY, SIX TEENAGERS COMMIT SUICIDE.

(Source: Children's Defense Fund, 1990)



FOR MANY PEOPLE, THE WORD "COUNSELOR" BRINGS TO MIND THE IMAGE OF SOMEONE THEY SEE ONCE OR TWICE DURING THEIR HIGH SCHOOL YEARS. THE STEREOTYPIC SCHOOL GUIDANCE COUNSELOR OF 20 YEARS AGO WAS THE PERSON WHO GAVE TESTS, PASSED OUT INFORMATION, HELPED HIGH SCHOOL STUDENTS WITH THEIR CLASS SCHEDULES, FILLED OUT COLLEGE APPLICATIONS, AND OFTEN ACTED AS A DISCIPLINARIAN. BUT THIS IS NOT AN ACCURATE PICTURE OF WHO ELEMENTARY SCHOOL COUNSELORS ARE AND WHAT THEY DO. FOR MANY CHILDREN, THE SCHOOL COUNSELOR MAY BE THE ONE PERSON WITH WHOM THEY FEEL SAFE AND CAN CONFIDE IN. UNLIKE TEACHERS, COUNSELORS DO NOT GRADE STUDENTS. CAN OFTEN MEET WITH THEM INDIVIDUALLY, AND DO NOT CHANGE CLASSES FROM YEAR TO YEAR.

(Source: "Children Achieving Potential: An Introduction to Elementary Counseling and State-Level Policies" by American Association for Counseling and Development and the National Conference of State Legislatures, 1990)

# A SCHOOL COUNSELING PROGRAM

## DEFINITION

The Alaska program definition for School Counseling is:

School counseling is an integral part of the total educational program. It is developmental by design and includes sequential activities organized and implemented by certified school counselors with the support of teachers, administrators, students and parents. A school counseling program shall include:

1. Counseling Curriculum
2. Individual Student Planning
3. Responsive Services
4. System Support

The program addresses the needs of all students by helping them to:

- \* Acquire knowledge of self and relating effectively to others.
- \* Develop competencies in career/vocational planning and exploration.
- \* Achieve educational success.

# Alaska School Counseling Program

SB 195 and SB 196

The Alaska School Counseling Program is a student oriented program that is curriculum based. The 1990-91 school year is the second year of a pilot program in Alaska.

In 1988, a group of 12 Alaskan school counselors and administrators, with the help of the Department of Education and a national leader in counseling, developed a model counseling program for Alaska. In 1989 the program was piloted, implementing and testing the model. In 1990, the second year of piloting, 34 sites located in 12 school districts are participating.

Forty-two, or 78%, of Alaska's school districts are not yet participating in the program. The Department of Education has been able to use their Carl Perkins Vocational Education Grant funding to assist with this activity over the past two years. The approximately \$100,000 per year has been able to

get the program designed and started but is not adequate to provide the start-up costs that are needed across the state. These federal funds are limited and directed primarily at secondary programs, leaving out a great portion of Alaskan students grades K-12 who would benefit from a comprehensive, high quality, student support service. These services are directed at assisting students with skills to help them succeed in school, work and society. Alaska has approximately 475 school sites. Presently 441 sites, or 93% of the schools, are excluded from the Alaska School Counseling Program.

SB 195 and SB 196 address the need through a grant program providing incentive grants on a diminishing basis over a period of three years. A grant, as called for in SB 196, would provide excellent assistance to districts desiring to implement or further this program.

The grant account would be available to help school districts or school sites:

- Begin a program—Phase I
- Move to Phase II
- Implement program district-wide.

The funds would primarily provide assistance for:

- Counselor, teacher, administrator inservice training
- Materials for counselors and classroom teachers
- Completion of the Curriculum Guides, Scope and Sequence and Needs Assessment Instruments.

It is anticipated that the Alaska School Counseling Program needs financial assistance for getting it into the schools. Once schools have a curriculum-based program in place, it will be a basic component of the education program and supported as such.

The Alaska School Counseling Program grew out of a need identified by the Governor's Interim Commission on Children and Youth.

*Prepared on behalf of Alaska School Counselor Association  
by Wanda J. Cooksey  
586-9073*

**TESTIMONY IN FAVOR OF SENATE BILLS 195 and 196**

**"An Act Creating the Alaska School Counseling Program Fund"**

Madam Chair:

My name is Drew Alexander. I am completing my second year as counselor at the Juneau-Douglas High School. Prior to moving to Juneau, I was a counselor for a couple of years at Barrow High School. I appreciate the opportunity to talk to you this morning regarding Senate Bills 195 and 196 . . . "An Act creating the Alaska School Counseling Program grant fund" and "An Act making a special appropriation to the Alaska school counseling program grant fund; and providing for an effective date."

This past October the Alaska school counselors convened for their annual meeting in Anchorage. A message sent from this body was a proposal asking the State Legislature to provide incentive grant funding for the Alaska School Counseling Program . . . 90 counselors from every corner of the state vote unanimously to recommend funding as proposed in these two bills. I want to share with you that getting 90 counselors to agree unanimously on any one issue is a small miracle in itself. What do they know that would make them all embrace this proposal?

School counselors interact daily with students who are involved with issues addressed in The State of Adolescent Health in Alaska, the

results of a survey released 11 months ago of over 5000 Alaskan students. We are not surprised by the fact that one-in-six Alaskan youths report that they have attempted suicide . . . . that 25% of all the female respondents and 8% of all male respondents report sexual abuse . . . . that 75% of females and 67% of males report being sexually active by their senior year. School counselors are not surprised by the fact that over 20% of the state's teenage girls have been pregnant and more than 1-in-4 of that number have been pregnant multiple times . . . that nearly half of 10 - 12 grade males and a third of 10 - 12 females report drinking and driving. School counselors are not surprised by the fact that one-in-ten seniors report daily or weekly use of marijuana . . . and that nearly 40% of all youths have been involved in violent behaviors and between 15% and 25% of Alaskan youths have participated in illegal activities such as vandalism, shoplifting, and stealing from home.

It's a fact of life that unprecedented changes are taking place in our state, society, and the various cultures that compose it. Alaskan youth are faced with choices and problems no group earlier has ever had to confront.

In response to these challenges, the Governor's Interim Commission on Children and Youth recommended the expansion and extension of

kindergarten through twelfth grade counseling programs. This recommendation was the catalyst for the Alaska School Counseling Program that is in existence today. To quote William Demmert, former Commissioner of Education, "The program is intended to focus and revitalize school counseling to be more responsive to the challenges young people and parents face today."

As a pilot site, Juneau-Douglas High School is in the first year planning phase of the program. We are forced to look at how we operate, and, to be honest, it isn't always a pleasant sight. By completing time-task analyses, we can document the time we spend in counseling and non-counseling functions, the time we spend reacting instead of delivering preventive services, the time we spend shuffling schedules instead of building self-esteem. This year has also been a time to review counseling curriculum and try to discover what is the best product to deliver and the best way to deliver it. This planning year has also provided the opportunity to survey students and parents to see what kind of counseling program they envision for themselves. This planning year has also afforded the counselors, teachers, and administrators in the district the time to get together and discuss how the the program should improve to meet the needs of our most precious resource . . . our youth.

The Alaska School Counseling Program is not the complete answer to all the adolescent woes of our state . . . . but it should be viewed as a vehicle that all state schools should "hop aboard" to respond to our students needs. Instead of sitting back and trying to solve the problems as they erupt, this program advocates tackling them before they get started. This new Alaskan counseling model, with a proven track record nationwide, needs your support and funding to be a reality statewide. Your support is support for the state's youth and the state's future.

Thank you. I would be happy to respond to any questions at this time.

Madam Chair:

My name is Doug Wessen and I am employed by the Juneau school district as an elementary counselor at Glacier Valley Elementary School.

I appreciate the committee letting me speak about Senate Bill 195-196.

I work in a school with over 600 students in kindergarten through fifth grades. Often when I meet people and tell them what I do for a living, people have 3 questions or statements.

1. What does an elementary counselor do?
2. Why do they need counselors in elementary schools?
3. That's great, we need counselors to help kids today.

To answer the first question, elementary counselors assist schools to achieve educational goals and help children understand their unique nature. An elementary counseling program supports the teaching of academic skills such as reading, writing and arithmetic but also provides a comprehensive developmental program to help children gain an understanding of themselves, enhance self-concept to improve self-esteem and learn to work cooperatively with others. Elementary counselors help children to develop critical thinking skills, communication and listening skills and develop a capacity for responsible decisions for themselves and others.

Elementary counseling is crucial because 80% of a child's intellectual growth takes place during their first 8 years of life. It is proactive and works toward prevention. Counseling services are delivered through classroom presentations, small group counseling sessions and consultation with parents, teachers and administrators.

To answer the question; why do we need elementary counselors?  
Counselors are needed to teach decision making skills and to provide support to children through small group counseling sessions.

These services are needed when you consider that over half of the children in my school come from families where there has been a divorce or separation. Not all these children come from single parent families but many are in blended families. Four out of ten children have some kind of alcohol or drug abuse situation in their homes. One out of 4 girls and 1 out of 10 boys are reported to be sexually abused as well as the number of children who are physically abused or neglected.

Families are now much more mobile and transient and these children need assistance in adjusting to new schools and neighborhoods. Counselors are needed to teach children conflict resolution skills and to get along with others.

Counselors are also needed to help children with special needs such as gifted and talented students and children with attention deficit disorder ( a condition in which children have difficulty paying attention, completing assignments and who are often hyperactive) to help them acquire skills to cope in the regular classroom so that they can learn effectively. Counselors also provide support to mainstreamed special education students to improve their self-esteem and study skills.

We provide services to parents as consultants to help parents understand developmental change in children as they grow. In summary school based counselors are change agents helping students with academic, social and personal concerns. Counselors serve as the vital links connecting students, parents, teachers and school system staffs. We serve as catalysts in enabling young people to become productive citizens.



# ALASKA SCHOOL COUNSELOR ASSOCIATION

Rod Poole, Gov't Relations Chair  
Alaska School Counselor Association  
c/o Sitka High School  
1000 Lake Street Extension  
Sitka, AK 99835  
January 7, 1991

The Honorable Arliss Sturgulewski  
P. O. Box V-Legislature  
Juneau, Alaska 99811

Dear Senator Sturgulewski:

As Government Relations Chair for the Alaska School Counselor Association, I am pleased to write to you with an update from our organization. Enclosed you will find a legislative proposal which is reasonable and positive, an effort to make school counseling more available to more of Alaska's children and teens.

Since I have been sending legislative packets for five years now from ASCA, you are already aware that our state is involved in a counseling pilot project program. If you are new to the legislature, this information may not be familiar to you. From the time that the state Board of Education adopted the Alaska School Counseling Program Guide as the official state model on May 2, 1989, interest has grown rapidly. The model guide is now being piloted in about two dozen schools around the state. A copy of the Alaska School Counseling Program brochure is also enclosed for you and your staff to review. You will find this informative.

You will also want to know that ASCA has engaged the services of Ms. Wanda Cooksey as our professional representative in Juneau during the 1991 legislative session. With her educational experience and legislative staff experience, she is uniquely qualified to speak to school counseling concerns.

No doubt you are aware that the Governor's Interim Commission called for initiating, expanding, and funding school counseling programs K-12 for Alaska. ASCA Executive Board and membership, Alaska State Vocational Association Executive Board and membership, Elementary and Secondary Principals and Superintendents have all gone on the record calling for K-12 school counseling programs in Alaska. NOW is the time to take concrete steps in that direction. We hope you will give serious consideration to our legislative proposal for the sake of Alaska's next generations.

Sincerely,

Rod Poole, Counselor, Sitka High School

cc: Cindy Folsom, ASCA President  
Alecia Lybrand, ASCA President-Elect  
Robbi Nadeau, ASCA Past President  
Wanda Cooksey, ASCA Professional Representative in Juneau

## WHY NOT HERE?

by Rod Poole, Government Relations Chair

Alaska School Counselor Association  
December 3, 1990

There is a very strong legislative movement nationally towards providing funding for K-12 counseling programs in school districts across the nation. Congress is currently considering funding an Elementary School Counseling Demonstration Act to encourage hiring of additional school counselors around the nation in accordance with good standards of professional school counseling procedures.

In Alaska, the Governor's Interim Commission called for the hiring of more school counselors around the state. The Elementary/Secondary Principals, Superintendents, Alaska State Vocational Association and Executive Board, and Alaska School Counselor Association and Executive Board have all called for K-12 school counseling programs statewide.

We have a terrific school counseling pilot program going currently around the state in an ever-growing number of sites. Currently a small amount of money is channeled to some of the pilot sites through the Office of Adult and Vocational Education to provide training for site counselors and principals to gear up to put the model plan into use in as many schools as possible. This model plan was developed by a task force of counselors and administrators in 1988 and 1989. After the model was approved unanimously by the State Board of Education on May 2, 1988, as the official state counseling model, the pilot project got underway full-steam.

I propose that the state legislature in Alaska set aside a specific amount of money, \$ 1,000,000, through the Department of Education budget, either within the regular DOE budget or as a separate incentive grant to be offered to districts which either want to 1) hire more school counselors or 2) want to pay to provide pilot program training for their current counselors and principals. If the grant were to be awarded to hire a new counselor, then it could be issued in the amount of perhaps \$ 40,000.00 or \$ 50,000.00 per site to help defray the cost of hiring the new staff person. Local districts would have to pay the rest, whether salary or benefits, retirement contribution, or whatever the local contract required. Districts that participate in the grant application process would have to agree to structure their programs in accordance with the official model program.

Recent Events in the K-12 Counseling Movement in Alaska  
by Rod Poole, ASCA Government Relations Chairperson, 1-7-81

February of 1987, 1988, 1989, 1990--Proclamation of School Counseling Week in Alaska, to coincide with national week.

Jan., 1988--Governor's Interim Commission on Children and Youth calls for state "to initiate and expand school counseling programs in grades K-12, especially at the elementary level."

Feb., 1988--Office of Adult and Vocational Education funds development of K-12 counseling model for Alaska. Task Force is selected, starts work in Juneau, second meeting in October, 1988.

October, 1988--Alaska School Counselor Association meeting in Anchorage unanimously adopts resolution for Alaska to establish and fund K-12 counseling programs statewide. Same resolution is adopted by Elementary/Secondary Principals and Alaska State Vocational Association in Oct., by Superintendents in November.

February, 1989--final meeting of Task Force group, completion of comprehensive K-12 Alaska School Counseling Program Guide.

May 2, 1989--Alaska State Board of Education unanimously adopts National School Boards Association resolution calling on local school boards to support comprehensive guidance and counseling programs K-12. The Board also unanimously adopts and accepts the Alaska School Counseling Program Guide as the official model for Alaska and encourages its use in Alaska schools.

May, 1989--Legislature funds a full-time statewide counseling coordinator position for the first time since the mid-70's.

September, 1989--selection of 7 official pilot sites for the implementation of the Alaska School Counseling Program Guide.

October, 1989--formal training for all pilot sites in Soldotna with about one dozen schools actually represented.

March, 1990--Dr. Christine Jensen begins work as full-time counseling coordinator for Alaska.

September, 1990--pilot project training in Juneau and Mat-Su for new groups of pilot schools.

October, 1990--training for second year pilot sites in Anchorage. ASCA membership unanimously approves proposal for legislature to set up state grants to get districts to hire school counselors and put state model into practice in more pilot sites.

November, 1990--ASCA Executive Board contracts with Wanda Cooksey to be the ASCA professional representative to 1991 legislature.

January, 1991--ASCA legislative proposal to all 60 legislators.



# NEA-ALASKA

AFFILIATED WITH THE NATIONAL EDUCATION ASSOCIATION

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## FAIRBANKS REGIONAL OFFICE

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## Alaska School Counseling Program Grant

RE: SB 195

NEA-Alaska believes that the shortage of school counselors in Alaska public schools is perhaps the greatest weakness in our schools. The problem is especially acute in the primary through eighth grades but is certainly serious in all of our schools.

We believe the number of counselors should be no less than one for every 250 elementary students, or major fraction thereof, or every 175 students of combined grades K-12 or major fraction thereof. In every case there should be at least one certificated school counselor in every school.

It is important that our school counselors have training in drug and alcohol abuse, suicide prevention, crisis intervention and related mental health areas--as well as other guidance skills required by their duties.

The Department of Education should have the financial and technical support needed to implement and expand the model school counseling program developed and piloted by the Department as a result of recommendations of the Governor's Interim Commission on Children and Youth.

It is good public policy to provide funding for the department for grants to school districts to implement counseling programs--including personnel and materials. Each school district should be encouraged to apply for the grants.

NEA-Alaska believes such grants are only a stop-gap measure and should not be construed as meeting the state obligation to provide adequate counseling services for the schools. A far better social and educational policy would be to provide additional funding on a yearly basis to each school district for counselors on a formula as stated above. Such funding should be in addition to the current foundation allotment.

We believe improved counseling services in our Alaska Public schools will greatly enhance the learning of our students and help our children better work through many of the social and educational problems maturing youngsters face in our rapidly changing environment.

LE04/Counseling/dl



ALASKA ASSOCIATION OF ELEMENTARY SCHOOL PRINCIPALS  
ALASKA ASSOCIATION OF SECONDARY SCHOOL PRINCIPALS  
ALASKA ASSOCIATION OF SCHOOL ADMINISTRATORS

• ALASKA COUNCIL OF SCHOOL ADMINISTRATORS •  
326 Fourth St., Suite 408, Juneau, AK 99801-1101 (907) 586-9702 FAX (907) 586-5879

## POSITION STATEMENT

SB 195/SB196

### "COUNSELING SERVICES GRANT PROGRAM"

The Alaska Council of School Administrators supports the concept of counseling in the k-12 school program and supports the grant program which will provide incentives for those schools who have not implemented a counseling program, the ability to start a pilot project if they desire to do so.

We recognize the complexity of today's society and the need for a variety of services to the children in schools to provide them with the necessary tools to be successful learners and to become productive members of society.

We caution the legislature on mandating programs and would strongly encourage the continued flexibility for the local school district to make the final determination as to the level and involvement they desire in the counseling project as well as other individual programs which are currently before the legislature.

We also recognize that school counseling has taken on a new meaning in order to meet the changing needs in our schools. The pilot projects which have taken place over the past two years have proven the value to the total commitment to children by the school district.



# Soldotna High School

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Ken Meacham  
Principal  
Mark Norgren  
Assistant Principal  
David McCard  
Athletic Activities

Kenai Peninsula Borough School District

April 3, 1991

To: Senator Sturgelewski, *Chair*

From: Dennis Dunn, Counselor

Subject: Senate Bill 195

I am writing to urge you to pass out of your committee Senate Bill 195, an act creating the Alaska School Counseling Program Grant Fund. Our district has been involved with the Alaska School Counseling Program and have found it to be effective program.

Thank you for your time and consideration.

Sincerely,

Dennis Dunn, Counselor