



LAWS OF ALASKA

1970

Source

HCSSB 500 am H

Chapter No.

144

AN ACT

Relating to education for exceptional children.

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

* Section 1. AS 14.30.180 is amended to read:

Sec. 14.30.180. PURPOSE. It is the purpose of secs. 180 - 350 of this chapter to provide competent education services for the exceptional children of legal school age in the state for whom the regular school facilities are inadequate or not available.

* Sec. 2. AS 14.30.186(a) is amended to read:

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

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

(b) The department shall provide for special services in a school in the state-operated school district for exceptional children represented by not less than five children residing in the area served by the school.

* Sec. 4. AS 14.30.190 is repealed.

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

Sec. 14.30.191. ESTABLISHMENT OF STANDARDS BY DEPARTMENTS OF EDUCATION AND HEALTH AND WELFARE. The Departments of Education and Health and Welfare shall cooperatively establish by regulation diagnostic standards for the identification and classification of the learning,

mental and physical status of exceptional children. Standards relating to special education programs, individual or general, shall remain the responsibility of the Department of Education in conjunction with the local education agency.

* Sec. 6. AS 14.30.230 is repealed.

* Sec. 7. AS 14.30 is amended by adding a new section to read:

Sec. 14.30.231. ADVISORY COMMITTEE. The commissioners of education and health and welfare shall establish an advisory committee, the function of which is to provide information and guidance for the development of appropriate special education programs and services for exceptional children. Membership of the advisory committee shall include, but not be limited to, persons representing local education agencies, state agencies, parent groups and organizations concerned with programs and services for exceptional children.

* Sec. 8. AS 14.30.285 is repealed.

* Sec. 9. AS 14.30 is amended by adding a new section to read:

Sec. 14.30.287. EXCEPTIONAL PUPILS WITHIN THE STATE.

(a) An exceptional child may be sent to another school district, with the consent of the district, or state-operated school if the child resides in a district or school attendance area where there is no provision for classes or the special education class is not appropriate for the needs of the child.

(b) If a school district, or the commissioner if a state-operated school, approves the enrollment of an exceptional child in another school district or state-operated school approved by the commissioner, and the child is enrolled in the institution, the child's education expenses shall be paid for as follows:

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

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

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

* Sec. 10. AS 14.30.295(b)(2) is amended to read:

(2) the Department of Education shall pay whichever of the following amounts is less, but not to exceed \$6,000:

(A) 75 per cent of the annual cost of the child's education; or

(B) an amount which, when added to the contribution in (b)(1) of this section, equals the total cost of the child's education;

* Sec. 11. AS 14.30.295(b)(3) is amended to read:

(3) the parent or guardian shall pay the remainder of the cost unless the commissioner determines upon the basis of standards set by the commissioner of education in cooperation with the Department of Health and Welfare, that the parent or guardian is unable to pay all or part of the remainder of the cost. The Department of Education shall pay the remainder of the cost which the parent or guardian is unable to pay.

* Sec. 12. AS 14.30.330(c) is amended to read:

(c) Final certification of a student for special services is the responsibility of the commissioner. The child shall undergo evaluation as defined by regulation of the department by qualified personnel for the purpose of determining whether or not the child is capable of receiving benefit from enrollment in a special education program. If determined eligible and capable of receiving benefit, and upon approval of the application by the commissioner, the child shall be recommended for enrollment.

* Sec. 13. AS 14.30.350 is repealed.

* Sec. 14. AS 14.30 is amended by adding a new section to read:

Sec. 14.30.351. DEFINITIONS. In secs. 180 - 351 of this chapter

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

(A) "mentally retarded" includes those children of educable and trainable mind who consistently demonstrate evidence of reduced academic achievement or social behavior and whose intellectual potential indicates restriction significantly below that of their peers;

(B) "physically handicapped" includes children whose known or diagnosed physical impairments are so severe or involved that special facilities, equipment or methods are needed to make their educational program effective;

(C) "emotionally handicapped" includes children whose known or diagnosed emotional impairment is so severe or involved that special facilities, equipment or methods are needed to make their

educational program effective;

(D) "children with learning disabilities" includes those who exhibit disorders in one or more of the basic learning processes involved in comprehending or using expressive or receptive language and who may require special facilities, equipment or methods to make their educational program effective;

(E) "gifted" includes children having outstanding intellect, ability or creative talent; programs or services beyond the level of those ordinarily provided as regular school programs shall be submitted to the department for supplemental funding on an approved program basis;

(F) "multiple - handicapped" includes children whose known or diagnosed handicaps are determined to be any combination of (A) - (E) of this paragraph whose needs demand the provision of special facilities, equipment or methods to make their educational program effective;

(2) "special services" means but is not limited to transportation, special teaching, corrective teaching, corrective health habits, and the provision of special seats, books, teaching supplies, facilities, and equipment required for the instruction of exceptional children, and includes education and training for children who cannot utilize regular classroom instruction.