



# LAWS OF ALASKA

1974

Source

CSHB 592 am S

Chapter No.

79

## AN ACT

Relating to special 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 in the state who are at least three years of age and for whom the regular school facilities are inadequate or not available.

\* Sec. 2. AS 14.30.191 is repealed and re-enacted to read:

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

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

(c) If a parent or guardian believes that the educational assessment of his child is in error, he may request an independent examination and evaluation of the child. If a substantial discrepancy exists between the educational assessment of the school district and the independent evaluation, and if the parent or guardian so requests, a

hearing shall be held before a hearing officer in order to resolve the discrepancy between evaluations and to determine the appropriate educational program placement for the exceptional child. The Department of Education shall adopt regulations for the conduct of hearings authorized by this section, for the appointment and qualifications of the hearing officer. Regulations adopted and proceedings conducted under this section are subject to the Administrative Procedure Act.

(d) The Department of Education and the Department of Health and Social Services shall cooperatively establish by regulation diagnostic standards for the identification and classification of the learning, mental and physical status of exceptional children. Standards relating to special education programs, individual or general, shall remain the responsibility of the Department of Education in conjunction with the local education agency.

\* Sec. 3. AS 14.30.285 is repealed and re-enacted to read:

Sec. 14.30.285. TRANSFERS OF EXCEPTIONAL CHILDREN.

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

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

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

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

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

(d) For the purposes of this section a child's education expenses are limited to the actual cost of necessary

care, transportation and instruction, including room and board, while attending the designated institution.

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

(f) No child may be transferred to a school outside the district in which the child resides without the consent of the parent or guardian.

\* Sec. 4. AS 14.30.295 is repealed.