



LAWS OF ALASKA

1986

Source

HCS CSSB 319 (HESS)

Chapter No.

112

AN ACT

Creating the special education service agency; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1, LINE 9

UNDERLINED MATERIAL INDICATES TEXT THAT IS BEING ADDED TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.

Approved by the Governor: June 7, 1986
Actual Effective Date: AS 14.30.650, enacted in section 2,
takes effect July 1, 1986; remainder of Act takes effect
June 8, 1986

AN ACT

Creating the special education service agency; and providing for an effective date.

* Section 1. PURPOSE. It is the purpose of this Act to

(1) assist districts and rural educational attendance areas to make more special education and related services available to exceptional children, as that term is defined in AS 14.30.350(4);

(2) encourage cooperation between districts and education agencies in making special educational programs and services available to these children;

(3) ensure that qualified specialists are available to assist districts in the provision of free appropriate public education services for those exceptional children that are difficult to serve, without regard to their location in the state.

* Sec. 2. AS 14.30 is amended by adding new sections to read:

ARTICLE 8. SPECIAL EDUCATION SERVICE AGENCY.

Sec. 14.30.600. AGENCY ESTABLISHED. There is established, as a public organization, a special education service agency.

Sec. 14.30.610. GOVERNING BOARD. (a) The agency shall be governed by the Governor's Council for the Handicapped and Gifted (AS 47.80.030).

Sec. 14.30.620. EMPLOYEES. Employees of the agency are not in the state service and are not subject to the State Personnel Act (AS 39.25). However, employees of the agency shall be members of

Chapter 112

1 either the Teachers' Retirement System (AS 14.25) or the Public
2 Employees' Retirement System (AS 39.35).

3 Sec. 14.30.630. POWERS AND DUTIES. (a) The agency may

4 (1) receive and expend public and private funds to carry
5 out the purposes of the agency;

6 (2) contract with the department and other public or pri-
7 vate agencies for the provision of special education or related ser-
8 vices;

9 (3) do whatever is necessary to carry out the purposes of
10 AS 14.30.600 - 14.30.660.

11 (b) The agency shall

12 (1) provide special education services including

13 (A) itinerant outreach services to deaf, deaf-blind,
14 mentally retarded, hearing impaired, blind and visually impaired,
15 orthopedically handicapped, other health-impaired, severely
16 emotionally disturbed, and multi-handicapped students;

17 (B) special education instructional support and train-
18 ing of local school district special education personnel; and

19 (C) other services appropriate to special education
20 needs;

21 (2) provide for an annual audit of the agency;

22 (3) provide the department with a two-year plan of opera-
23 tion including a description of the services to be offered by the
24 agency, the method by which the services will be evaluated, informa-
25 tion on the number of students and school district personnel to be
26 served, a schedule of funds available to the agency from all sources,
27 and other information that may be required by the department by regu-
28 lation;

29 (4) present an annual budget to the department.

1 Sec. 14.30.640. ELIGIBILITY FOR SERVICE. The services of the
2 agency shall be available to school districts that serve children
3 whose special education needs occur infrequently, who require special-
4 ized services not normally available in the school district, and who
5 cannot be easily served by local school district personnel because of
6 the low number of students in the district in need of the particular
7 service. The agency may provide services to exceptional children, as
8 that term is defined in AS 14.30.350.

9 Sec. 14.30.650. FUNDING. Each fiscal year the department shall
10 allocate to the agency not less than \$85 for each special education
11 student in the state in average daily membership or the equivalent of
12 two percent of the funds appropriated for special education for that
13 fiscal year, whichever is greater. The amount allocated to the agency
14 shall be reduced each fiscal year by the amount contributed by the
15 department to the Teachers' Retirement System (AS 14.25) or the Public
16 Employees' Retirement System (AS 39.35) on behalf of employees of the
17 agency.

18 Sec. 14.30.660. DEFINITION. In AS 14.30.600 - 14.30.660, unless
19 the context otherwise requires, "agency" means the special education
20 service agency.

21 * Sec. 3. AS 14.25 is amended by adding a new section to read:

22 Sec. 14.25.047. PARTICIPATION BY SPECIAL EDUCATION AGENCY EM-
23 PLOYEES. An employee of the Special Education Agency may participate
24 in the retirement fund under this chapter if

25 (1) the employee possesses or is eligible to possess a
26 teacher certificate under AS 14.20.020; and

27 (2) the employee pays all retroactive contributions re-
28 quired to be made under this chapter.

29 * Sec. 4. AS 14.25.220(20) is amended to read:

Chapter 112

(20) "membership service" means

(A) full or part-time service as a teacher in a public school in the Territory or State of Alaska, or both, under the supervision and control of the Territorial Board of Education or the Department of Education or the school board of a city, regional educational attendance area, or borough school district;

(B) full-time or part-time teaching at the University of Alaska or a full-time administrative position at the University of Alaska which requires academic standing and which has been approved for inclusion in the system by the administrator;

(C) any period during which the teacher receives a disability benefit under this system or is on an approved sabbatical leave granted in accordance with AS 14.20.310; [OR]

(D) continuous service as a state legislator when performed by a state legislator who elects membership under AS 14.25.040(b), subject to the requirements of AS 14.25.040(c);
or

(E) full-time or part-time service as an employee of the Special Education Agency, subject to the requirements of AS 14.25.047;

* Sec. 5. AS 44.66.010(a) is amended by adding a new paragraph to read:

(13) Special Education Service Agency (AS 14.30.600) --
June 30, 1987.

* Sec. 6. AS 47.80.090 is amended by adding a new paragraph to read:

(12) govern the special education service agency, and may hire personnel necessary to operate the agency.

* Sec. 7. AS 14.30.650 enacted in sec. 2 of this Act takes effect July 1, 1986.

* Sec. 8. Except for AS 14.30.650 enacted in sec. 2 of this Act, this
HCS CSSB 319(HESS)

1 Act takes effect immediately in accordance with AS 01.10.070(c).
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29