



# LAWS OF ALASKA

2002

**Source**  
CCS SB 345

**Chapter No.**  
130

## AN ACT

Relating to correspondence study programs; relating to funding the Alaska Challenge Youth Academy program; relating to medical assistance for rehabilitative services for certain children with disabilities; relating to agreements to pay medical assistance for covered services paid for or furnished to eligible children with disabilities by a school district; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1

**Approved by the Governor:** July 5, 2002

**Actual Effective Date:** Sections 4-7 take effect July 6, 2002; remainder of Act takes effect October 3, 2002

AN ACT

1 Relating to correspondence study programs; relating to funding the Alaska Challenge Youth  
2 Academy program; relating to medical assistance for rehabilitative services for certain  
3 children with disabilities; relating to agreements to pay medical assistance for covered  
4 services paid for or furnished to eligible children with disabilities by a school district; and  
5 providing for an effective date.

6

7 \* Section 1. AS 14.07.050 is amended to read:

8       **Sec. 14.07.050. Selection of textbooks.** Textbooks for use in the public  
9 schools of the state, including a district offered statewide correspondence study  
10 program, shall be selected by district boards for district schools. Nothing in this  
11 section precludes a correspondence study student, or the parent or guardian of a  
12 correspondence study student, from privately obtaining or using textbooks or  
13 curriculum material not provided by the school district.

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1 \* Sec. 2. AS 14.08.111(9) is amended to read:

2 (9) establish procedures for the review and selection of all textbooks  
3 and instructional materials, including textbooks and curriculum materials for  
4 statewide correspondence programs, before they are introduced into the school  
5 curriculum; the review includes a review for violations of AS 14.18.060; nothing in  
6 this paragraph precludes a correspondence study student, or the parent or  
7 guardian of a correspondence study student, from privately obtaining or using  
8 textbooks or curriculum material not provided by the school district;

9 \* Sec. 3. AS 14.14.090(7) is amended to read:

10 (7) establish procedures for the review and selection of all textbooks  
11 and instructional materials, including textbooks and curriculum materials for  
12 statewide correspondence programs, before they are introduced into the school  
13 curriculum; the review includes a review for violations of AS 14.18.060; nothing in  
14 this paragraph precludes a correspondence study student, or the parent or  
15 guardian of a correspondence study student, from privately obtaining or using  
16 textbooks or curriculum material not provided by the school district;

17 \* Sec. 4. AS 14.30 is amended by adding a new section to read:

18 **Sec. 14.30.740. Funding for Alaska Challenge Youth Academy program.**

19 (a) Each fiscal year, the department shall allocate funding for the Alaska Challenge  
20 Youth Academy program in an amount equal to the base student allocation multiplied  
21 by seven for each residential student and the base student allocation multiplied by 6/10  
22 for each nonresidential student, minus the amount received by the program in federal  
23 matching grant funds. The determination of the number of residential and  
24 nonresidential students shall be made by the department on October 1 of the prior  
25 year.

26 (b) In this section,

27 (1) "base student allocation" means the amount established under  
28 AS 14.17.470;

29 (2) "nonresidential student" means a student who receives services but  
30 does not reside at the program site;

31 (3) "program" means the Alaska Challenge Youth Academy program;

1 (4) "residential student" means a student who resides at the program  
2 site.

3 \* Sec. 5. AS 47.07.030(b) is amended to read:

4 (b) In addition to the mandatory services specified in (a) of this section and the  
5 services provided under (d) of this section, the department may offer only the  
6 following optional services: case management and nutrition services for pregnant  
7 women; personal care services in a recipient's home; emergency hospital services;  
8 long-term care noninstitutional services; medical supplies and equipment; advanced  
9 nurse practitioner services; clinic services; rehabilitative services for children eligible  
10 for services under AS 47.07.063, substance abusers, and emotionally disturbed or  
11 chronically mentally ill adults; targeted case management services for substance  
12 abusers, chronically mentally ill adults, and severely emotionally disturbed persons  
13 under the age of 21; inpatient psychiatric facility services for individuals age 65 or  
14 older and individuals under age 21; psychologists' services; clinical social workers'  
15 services; midwife services; prescribed drugs; physical therapy; occupational therapy;  
16 chiropractic services; low-dose mammography screening, as defined in  
17 AS 21.42.375(e); hospice care; treatment of speech, hearing, and language disorders;  
18 adult dental services; prosthetic devices and eyeglasses; optometrists' services;  
19 intermediate care facility services, including intermediate care facility services for the  
20 mentally retarded; skilled nursing facility services for individuals under age 21; and  
21 reasonable transportation to and from the point of medical care.

22 \* Sec. 6. AS 47.07 is amended by adding a new section to read:

23 **Sec. 47.07.063. Payment for certain services furnished or paid for by a**  
24 **school district.** (a) The department may pay medical assistance under this chapter to  
25 a school district on behalf of an eligible child with a disability for services covered  
26 under this chapter that are furnished or paid for by the school district if

27 (1) the school district and the department have entered into an  
28 agreement requiring the school district to reimburse the department for any state  
29 financial share required by the federal government;

30 (2) the services are

31 (A) included in the child's individualized education program

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- 1 developed under AS 14.30.278; and  
2 (B) otherwise eligible for reimbursement under this chapter;  
3 (3) the child is a child with a disability who  
4 (A) is eligible for medical assistance under this chapter for the  
5 services; and  
6 (B) complies with all applicable provisions of this chapter for  
7 that assistance;  
8 (4) the school district fully complies with billing, auditing, and  
9 reporting required under the approved state plan described in AS 47.07.040;  
10 (5) reimbursement of payment for the services under this section does  
11 not exceed reimbursement allowable for the services under this chapter; and  
12 (6) all other requirements of federal and state law are met.  
13 (b) Notwithstanding any contrary provision of state law, the school district  
14 shall allow the department access to medical, financial, and other records of the child  
15 that are in the possession of the school district in order to verify eligibility for services  
16 under this chapter. The department shall keep information received under this  
17 subsection confidential to the same extent as the school district is required to keep the  
18 information confidential under law.  
19 (c) The department may adopt regulations to carry out this section.  
20 (d) In this section, unless the context otherwise requires,  
21 (1) "child with a disability" has the meaning given in AS 14.30.350;  
22 (2) "school district" has the meaning given the term "district" in  
23 AS 14.17.990, but includes a state boarding school established under AS 14.16.010.

24 \* Sec. 7. The uncoded law of the State of Alaska is amended by adding a new section to  
25 read:

26 TRANSITION: REGULATIONS. The Department of Health and Social Services  
27 and the state Board of Education and Early Development may proceed to adopt regulations  
28 necessary to carry out the changes made by this Act in their respective areas of jurisdiction.  
29 The regulations take effect under AS 44.62 (Administrative Procedure Act), but not before the  
30 effective date of the statutory change implemented by the regulations.

31 \* Sec. 8. Section 7 of this Act takes effect immediately under AS 01.10.070(c).

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1     \* **Sec. 9.** Sections 4 - 6 of this Act take effect July 1, 2002.