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4 AAC 52.090(a)(4)(C) is amended to read:

(C) educational programs in correctional facilities in the district, **except**
[SUBJECT TO THE EXCEPTIONS LISTED IN 34 C.F.R. 300.122(a)(2)] for
individuals **18 - 21 years of age** [, AGED 18-21,] who are incarcerated in an adult
correctional facility **unless 34 C.F.R. 300.102(a)(2) requires that those individuals be**
provided a FAPE; 34 C.F.R. 300.102(a)(2) [34 C.F.R. 300.122(a)(2)], as revised as of
October 13, 2006 [MAY 11, 1999], is adopted by reference.

(Eff. 8/22/2001, Register 159; am 8/24/2002, Register 163; am 9/1/2006, Register 179; am
8/30/07, Register 183)

Authority: AS 14.07.060 AS 14.30.180 AS 14.30.186

The lead-in language of 4 AAC 52.120 is amended to read:

4 AAC 52.120. Evaluation. Each district shall conduct a full individual evaluation [OF
THE EDUCATIONAL NEEDS] of a child who is referred under 4 AAC 52.100, in conformance
with the **procedures and** requirements of **34 C.F.R. 300.301 - 300.302, 300.304 - 300.306, and**
300.308 - 300.311 [34 C.F.R. 300.532 - 300.533 AND 34 C.F.R 300.540 - 300.543], as revised
as of **October 13, 2006** [MAY 11, 1999], and adopted by reference, before any action is taken

...

(Eff. 7/1/83, Register 86; am 11/26/93, Register 128; am 11/23/94, Register 132; am 8/22/2001,
Register 159; am 8/30/07, Register 183)

Authority: AS 14.07.060 AS 14.30.191

The lead-in language of 4 AAC 52.125(a) is amended to read:

4 AAC 52.125. Eligibility. (a) To determine a child's eligibility for special education and related services under 4 AAC 52.130, a district shall, in conformance with **34 C.F.R. 300.306**, [34 C.F.R. 300.534 - 300.535, AS REVISED AS OF MAY 11, 1999 AND] adopted by reference **in 4 AAC 52.120**,

...

4 AAC 52.125(b) is amended to read:

(b) A district shall give a parent of the evaluated child a copy of the evaluation report and the documentation of the determination of eligibility **at no cost to the parent**. (Eff. 7/16/89, Register 111; am 11/23/94, Register 132; am 8/22/2001, Register 159; am 8/30/07, Register 183)

Authority: AS 14.07.060 AS 14.30.191

4 AAC 52.130(c)(1) is amended to read:

(1) exhibit a specific learning disability as defined in

(A) 34 C.F.R. 300.8(c)(10) [34 C.F.R. 300.7(c)(10) AND 34 C.F.R. 300.541], as revised as of **October 13, 2006, and adopted by reference; and**

(B) 34 C.F.R. 300.309, adopted by reference in 4 AAC 52.120 [MAY 11, 1999];

4 AAC 52.130(c)(3) is amended to read:

(3) be certified by the group established under 4 AAC 52.125(a)(2) in the manner set out in **34 C.F.R. 300.308, adopted by reference in 4 AAC 52.120** [34 C.F.R. 300.540 - 543, AS REVISED AS OF MAY 11, 1999], as qualifying for and needing special education services.

4 AAC 52.130(d)(1) is amended to read:

(1) be emotionally disturbed as defined in **34 C.F.R. 300.8(c)(4)** [34 C.F.R. 300.7(c)(4)], as revised as of **October 13, 2006, and adopted by reference** [MAY 11, 1999];

4 AAC 52.130(o)(2) is amended to read:

(2) not have educational performance adversely affected primarily by an emotional disturbance, as defined in **34 C.F.R. 300.8(c)(4), adopted by reference in (d)(1) of this section** [34 C.F.R. 300.7(b)(4), AS REVISED AS OF MAY 11, 1999];
(Eff. 7/1/83, Register 86; am 6/9/85, Register 94; am 7/16/89, Register 111; am 11/28/92, Register 124; am 11/26/93, Register 128; am 8/22/2001, Register 159; am 9/29/2005, Register 175; am 8/30/07, Register 183)

Authority: AS 14.07.060 AS 14.30.274

4 AAC 52.140(b)(1) is amended to read:

(1) through an IEP team process that meets the requirements of **34 C.F.R. 300.320 - 300.328, adopted by reference in (f) of this section** [34 C.F.R. 300.340 - 300.350, AS REVISED AS OF MAY 11, 1999];

4 AAC 52.140(b)(3) is amended to read:

(3) by the IEP team for each child's initial IEP, and the team shall conduct each review and revision of an IEP, in strict conformance with the content standards and process requirements of **34 C.F.R. 300.324 - 300.325, adopted by reference in (f) of this section** [34 C.F.R. 300.346 - 300.347, AS REVISED AS OF MAY 11, 1999].

4 AAC 52.140(f) is amended to read:

(f) For the purposes of this section, **34 C.F.R. 300.320 - 300.328** [34 C.F.R. 300.340 - 300.350], as revised as of **October 13, 2006** [MAY 11, 1999], is adopted by reference. (Eff. 7/1/83, Register 86; am 7/16/89, Register 111; am 11/26/93, Register 128; am 8/22/2001, Register 159; am 8/30/07, Register 183)

Authority: AS 14.07.060 AS 14.30.278 AS 14.30.335

4 AAC 52.142 is amended to read:

4 AAC 52.142. Individualized family service plan. (a) For a child with a disability, [AGE] three through five **years of age**, an individualized family service plan (IFSP) that contains the material required by 20 U.S.C. 1436 ([SEC. 636 OF THE] Individuals with Disabilities Education Act [AMENDMENTS OF 1997]), as amended as of **December 3, 2004** [APRIL 1999], and that is developed in accordance with **34 C.F.R. 300.321 - 300.325 and 300.327 - 300.328**, [34 C.F.R. 300.341 - 34 C.F.R. 300.346, 34 C.F.R. 300.349, AND 34 C.F.R. 300.350, AS REVISED AS OF MAY 11, 1999 AND] adopted by reference **in 4 AAC 52.140(f)**, may serve as the IEP for the child if using that plan as the IEP is agreed to by the district and at

least one of the child's parents.

(b) In implementing (a) of this section, **and as required in 34 C.F.R. 300.323(b)(2), adopted by reference in 4 AAC 52.140(f)**, the district shall

(1) provide to the child's parents a detailed explanation of the differences between an IFSP and an IEP; and

(2) obtain written, informed consent from a parent that chooses an IFSP.

(c) For the purposes of this section "individualized family service plan" and "IFSP" have the same meaning given those terms in **34 C.F.R. 300.24, as revised as of October 13, 2006, and adopted by reference** [34 C.F.R. 303.340(b)]. (Eff. 8/22/2001, Register 159; am 8/30/07, Register 183)

Authority: AS 14.07.060 AS 14.30.278 AS 14.30.335

4 AAC 52.144(a) is amended to read:

4 AAC 52.144. Extended school year. (a) Each district shall ensure that extended school year services are available as necessary to provide a FAPE if a child's IEP team determines, on an individual basis, in accordance with the requirements of **34 C.F.R. 300.106** [34 C.F.R. 300.309], as revised as of **October 13, 2006**, [MAY 11, 1999] and adopted by reference, that the services are necessary for the provision of FAPE to the child. Extended school year services must be clearly set out in a child's IEP.

(Eff. 8/22/2001, Register 159; am 8/30/07, Register 183)

Authority: AS 14.07.060 AS 14.30.278 AS 14.30.335

4 AAC 52.150(a) is amended to read:

4 AAC 52.150. Placement. (a) In determining the educational placement of a child with a disability, each district shall ensure that the child's placement is made in conformance with the requirements of **34 C.F.R. 300.116** [34 C.F.R. 300.552], as revised as of **October 13, 2006,** [MAY 11, 1999] and adopted by reference.

(Eff. 7/1/83, Register 86; am 1/5/87, Register 101; am 7/16/89, Register 111; am 11/26/93, Register 128; am 8/22/2001, Register 159; am 8/30/07, Register 183)

Authority: AS 14.07.060 **AS 14.30.191** AS 14.30.285

4 AAC 52.155(d) is amended to read:

(d) In determining the financial responsibility of a district or state education agency for an alternative educational placement under (c) of this section, a parent's or other custodian's entitlement to reimbursement shall be determined in accordance with the provisions and limitations of **34 C.F.R. 300.148(c) - (e)** [34 C.F.R. 300.403(c), (d) AND (e)], as revised as of **October 13, 2006,** [MAY 11, 1999] and adopted by reference. (Eff. 8/22/2001, Register 159; am 8/9/2002, Register 163; am 8/30/07, Register 183)

Authority: AS 14.07.060 AS 14.30.276 AS 14.30.340
 AS 14.30.186 AS 14.30.278

4 AAC 52.170(a) is amended to read:

4 AAC 52.170. Least restrictive environment. (a) A child with a disability must be placed in the least restrictive environment that can provide a FAPE for the child, in conformance

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requirements of 34 C.F.R. 300.503, as revised as of **October 13, 2006**, [MAY 11, 1999] and adopted by reference regarding provision of written notice to parents. (Eff. 7/1/83, Register 86; am 7/16/89, Register 111; am 11/23/94, Register 132; am 8/22/2001, Register 159; am 8/30/07, Register 183)

Authority: AS 14.07.060 AS 14.30.191

4 AAC 52.200 is amended to read:

4 AAC 52.200. Parental consent. Informed consent of a parent must be obtained by a district in all circumstances dictated by, and in conformance with the provisions of **34 C.F.R. 300.300(a), (b), (c), and (d)(1), (3), (4), and (5) and 300.622** [34 C.F.R. 300.500(b)(1) AND 34 C.F.R. 300.505(a) - (c) AND (e)], as revised as of **October 13, 2006**, [MAY 11, 1999] and adopted by reference. (Eff. 7/1/83, Register 86; am 11/26/93, Register 128; am 8/22/2001, Register 159; am 8/9/2002, Register 163; am 8/30/07, Register 183)

Authority: AS 14.07.060 AS 14.30.193 AS 14.30.335
 AS 14.30.191 AS 14.30.235

4 AAC 52.210 is amended to read:

4 AAC 52.210. Parental participation. Each district shall take steps to ensure that a parent has an opportunity to participate in meetings pertaining to the identification, evaluation, and placement of, and provision of FAPE to, that parent's child, in conformance with the requirements of 34 C.F.R. 300.501(b) and (c), as revised as of **October 13, 2006**, [MAY 11, 1999] and adopted by reference. (Eff. 7/1/83, Register 86; am 11/26/93, Register 128; am

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8/22/2001, Register 159; am 8/30/07, Register 183)

Authority: AS 14.07.060 AS 14.30.278

4 AAC 52.480 is amended to read:

4 AAC 52.480. Procedural safeguards notice. Each district shall comply with the requirements of 34 C.F.R. 300.504, as revised as of **October 13, 2006**, [MAY 11, 1999] and adopted by reference, regarding the provision of notice of procedural safeguards to the parents of a child with a disability. (Eff. 8/22/2001, Register 159; am 8/30/07, Register 183)

Authority: AS 14.07.060 **AS 14.30.272** AS 14.30.335

4 AAC 52.490 is amended to read:

4 AAC 52.490. Mediation. The department will provide for a mediation system in compliance with **34 C.F.R. 300.506** [34 C.F.R. 300.506(a) - (c)], as revised as of **October 13, 2006**, [MAY 11, 1999] and adopted by reference. (Eff. 8/22/2001, Register 159; am 8/30/07, Register 183)

Authority: AS 14.07.060 [AS 14.30.180] **AS 14.30.194**

4 AAC 52.540(a) is amended to read:

4 AAC 52.540. Parental right to independent evaluation. (a) The parent of a child with a disability has the right to obtain an independent educational evaluation of the child in conformance with the provisions of 34 C.F.R. 300.502, as revised as of **October 13, 2006**, [MAY 11, 1999] and adopted by reference.

(Eff. 7/1/83, Register 86; am 8/22/2001, Register 159; am 8/30/07, Register 183)

Authority: AS 14.07.060 **AS 14.30.191** [AS 14.30.180 - 14.30.350]

4 AAC 52.620 is amended to read:

4 AAC 52.620. Rights upon reaching age of majority. Any rights afforded a parent under this chapter accrue to a student who is eligible for services under this chapter, including a student who is incarcerated in a correctional institution, upon reaching 18 years of age, unless otherwise provided by a court of competent jurisdiction. The student's district shall notify the child and the student's parents of the transfer of these rights, as provided in the IEP in accordance with **34 C.F.R. 300.320(c), adopted by reference in 4 AAC 52.140(f)** [34 C.F.R. 300.347(c)].

The district, in conformance with **34 C.F.R. 300.520, as revised as of October 13, 2006, and adopted by reference** [34 C.F.R. 300.517], shall provide any notice required by this chapter to both the student and the student's parents. (Eff. 7/1/83, Register 86; am 8/22/2001, Register 159; am 8/24/2002, Register 163; am 8/30/07, Register 183)

Authority: AS 14.07.060 **AS 14.30.180** [AS 14.30.180 - 14.30.350]

4 AAC 52.765(a)(2) is amended to read:

(2) provide each employee who collects, maintains, or uses personally identifiable information with instruction regarding the obligations of the district under

(A) [34 C.F.R. 300.127 AND] 34 C.F.R. Part 99, **as revised as of July 1, 2006, and adopted by reference; and**

(B) **34 C.F.R. 300.123, as revised as of October 13, 2006, and adopted**

by reference.

(Eff. 8/22/2001, Register 159; am 8/9/2002, Register 163; am 8/30/07, Register 183)

Authority: AS 14.07.060 AS 14.30.272 AS 14.30.335

[AS 14.30.193]

4 AAC 52.790(6) is amended to read:

(6) "evaluation" means procedures used in accordance with **34 C.F.R. 300.304 - 300.306 and 300.308 - 300.311, adopted by reference in 4 AAC 52.120** [20 U.S.C. 1414(a) - (c), SELECTIVELY WITH AN INDIVIDUAL CHILD], to determine whether the **individual** child has a disability and the nature and extent of the special education and related services that the child needs; "evaluation" does not include basic tests administered to, or procedures used with, all children in a school, grade, or class;

4 AAC 52.790(8) is amended to read:

(8) "free appropriate public education" has the same meaning given that term in **34 C.F.R. 300.17** [34 C.F.R. 300.13], as revised as of **October 13, 2006** [MAY 11, 1999], and adopted by reference;

4 AAC 52.790(11) is amended to read:

(11) "individualized education program" has the same meaning given that term in **34 C.F.R. 300.22** [34 C.F.R. 300.340], as revised as of **October 13, 2006** [MAY 11, 1999], and adopted by reference;

4 AAC 52.790(12) is amended to read:

(12) "interim alternative educational setting" means a change of placement determined through disciplinary proceedings carried out under 4 AAC 52.550(g), that meets the **procedures and** requirements **in 34 C.F.R. 300.531**, [OF 34 C.F.R. 300.522] as revised as of **October 13, 2006, and adopted by reference** [MAY 11, 1999];

4 AAC 52.790(19) is amended to read:

(19) "supplementary aids and services" means aids, services, and other supports that are provided in regular education classes, [OR] other education-related settings, **or extracurricular or nonacademic settings**, to enable children with disabilities to be educated with nondisabled children to the maximum extent appropriate in accordance with **34 C.F.R. 300.114 - 300.116, as revised as of October 13, 2006, and adopted by reference** [20 U.S.C. 1412(a)(5)];

(Eff. 8/22/2001, Register 159; am 8/29/2004, Register 171; am 1/17/2007, Register 181; am 8/30/07, Register 183)

Authority:	AS 14.07.060	AS 14.30.194	AS 14.30.285
	AS 14.30.180	AS 14.30.250	AS 14.30.325
	AS 14.30.186	AS 14.30.255	AS 14.30.350
	AS 14.30.193	AS 14.30.272	