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Research Brief

TO: Representative Charisse Millett
FROM: Susan Haymes, Legislative Analyst
DATE: February 5, 2015
RE: Legislative Intent behind Including "Gifted" in Governor's Council on Disabilities and Special Education
LRS Report 15.212

You asked about the legislative intent behind the inclusion of "gifted" in the enabling statutes creating the Governor's Council on Disabilities and Special Education.

In 1978, the Alaska Legislature passed HB 472, which among things, created the Governor's Council for the Handicapped and Gifted (ch 165 SLA 1978).¹ We searched for bill files and committee meeting minutes and audio recordings in the Legislative Reference Library for discussion of this measure. Unfortunately, there were no bill files created for HB 472, and the few committee meetings for which an audio recording exists, did not include any discussion of the Council.

The Intent language for HB 472 notes that one of the purposes of the measure was to provide quality services to children and adults with mental and physical disabilities, handicapped persons, and persons qualifying for special education services under AS 14.30.180 – AS 14.30.350.² At the time HB 472 was enacted, gifted students were included in the definition of "exceptional" children who qualified for special education services. Specifically, in 1970, the Alaska Legislature passed SB 500, which, among other things, defined exceptional children to include those who are gifted (ch 144 SLA 1970).³

It is important to note that during the 1970s, Congress considered and/or enacted a number of bills supporting the education of gifted and talented children. In 1969, Congress directed the U.S. Office of Education to report on the status and need for programs for gifted students. In 1972, Sidney P. Marland, then U.S. Commissioner of Education, submitted a report to Congress, known as the *Marland Report*, which found that gifted and talented children can suffer psychological damage and permanent impairment of their abilities if they do not receive expanded services, similar to other populations with special needs. In 1974, Congress established an Office of Gifted and Talented in the U.S. Office of Education, which, among other things, provided grants to state and local agencies for gifted and talented programs. In 1978, Congress passed the Gifted and Talented Children's Education Act as Title IX-A of the Education Amendments of 1978 (P.L. 95-561).

In 1975, Congress required states that received certain funding for developmentally disabled persons to establish a State Planning Council to serve as an advocate for persons with developmental disabilities (P.L. 94-103). It is highly likely that this requirement was a major impetus to create the Governor's Council for the Handicapped and Gifted. Similarly, the inclusion of gifted students as those with special needs and the availability of federal funding for gifted and talented programs would most likely have been factors in including "gifted" in the enabling statutes for the Council.

We hope this is helpful. If you have questions or need additional information, please let us know.

¹ The name changed in 1992 to the current Governor's Council on Disabilities and Special Education (ch 13 SLA 1992).

² *Session Laws of Alaska*, Chapter 165, 1978.

³ AS 14.30.351(1)(E) defined "gifted" as those children having outstanding intellect, ability or creative talent and stipulated that "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." In 2001, "exceptional" was replaced with "children with disabilities" and a new statute, AS 14.30.352, was enacted providing for education for gifted students (ch 67 SLA 2001).