

April 13, 2015

Dear Representative Keller,

Thank you for chairing Friday's House Educational Committee hearing and the opportunity to provide testimony regarding CSHB 102. We have reviewed the comments, suggestions, and questions presented by various stakeholders and would like to provide additional follow up information.

1. Representative Drummond asked for the explanation of the acronym ESE Specialist. That term stands for Exceptional Student Education Specialist. This is a person who holds a special education certificate and has additional training and expertise in special education policies and procedures.
2. Representative Seaton asked if on page 4, line 29, the word "Alaska" could be inserted before the word teacher and on page 5, line 1, insert the word "Alaska" before the word administrative. We support these recommendations and would ask if the bill drafter could accommodate Rep Seaton's request.
3. Representative Seaton noted that the Kenai Peninsula Borough School District (KPBSD) contacted him for clarification on the calculation of funds transferred to the RPTC from a school district. KPSD asked whether it will be based on an average of all students in the district or if the funding will be calculated on the specific school the child is coming from? We appreciate Rep Seaton's question and recognize that school size may be a factor in determining the funding calculation per student. The goal of CSHB 102 to have the calculation most closely reflect the actual revenue generated so that it is comparable and equitable for all parties. Evelyn Alsup will be in contact with the KPBSD to clarify the issue.
4. Representative Seaton asked for clarification on the record regarding whether or not a RPTC would absorb the cost for a private or homeschool student and Ms. Alsup confirmed that in fact that would be the case.
5. The Committee also heard public testimony from Ms. Lucy Hope, the Mat-Su Borough School District (MSBSD), Director of Student Services. She wanted to know if the student would be enrolled in the school district of residence or the school district where the RPTC is located. To answer her question, the student remains enrolled in their resident school district so that the resident school district counts the student for funding purposes in October and retains the money for when the child returns. On page 6, line 24, it states that within five business days after admitting the student, the RPTC notifies the school district where the child is enrolled, in writing, that the center will provide educational services. This process will allow for more communication and collaboration between the district of residence and RPTC. (See provision, AS 14.16.300 (a) (19)). This section also address Ms. Hopes concerns about credits and graduation requirements since the child remains in enrolled in the resident district and the law will require collaboration and coordination between the RPTC and the district. (which is missing under current practices, unfortunately) Also, by keeping the student enrolled in the resident school district, the district has the funding when the child returns.

6. Ms. Hope raised the concern that the RPTC teachers would have to meet the Highly Qualified teaching certification requirements and that they could be granting grades, credits and diplomas. CSHB 102 requires teachers to meet the certification requirements. Teachers would be sending grades back to the resident school district. Under current practice, students do not take the required classes to matriculate and a further review of this process should be looked into by DEED to address Ms. Hope's concerns. CSHB 102 opens up the communication and collaboration so that students takes the classes they need to graduate.
7. Further in Ms. Hope's testimony, she raised the issue regarding parent participation within the IEP process and the district's concern with turning over the implementation of an existing IEP without parent participation. She then stated that under IDEA, placement is an IEP decision and that the IEP team retains the responsibility for implementing the IEP. We whole heartedly agree that parents are an important part of the IEP team. NSBH is very familiar with the requirements of IDEA. Please note that CSHB102 of AS 14.16.300, subsection (14) requires the RPTC to comply with federal law including IDEA. Within ten days of an admission to an RPTC, the IEP team (parents, guardians, case workers, resident school district, RPTC and other interested parties) a meeting would be scheduled to review the existing IEP and recommend any amendments. School districts are allowed under IDEA to utilize the services of private providers to assist in delivering a free and appropriate public education (FAPE). In fact, this is a common practice throughout the country and many school districts throughout Alaska utilize SERCC for delivering special education services. Also, under IDEA, the State Education Agency (SEA) which in Alaska is DEED has the authority to author an interagency agreement when there are other state agencies involved in delivering services. The model proposed in CSHB 102 is used in a number of states across the country and will allow for a more seamless service delivery system integrating mental health and educational services. It is important to remember that these children are admitted for non-educational reasons under a physician's order due to a medical or mental health condition.
8. Lastly, Ms. Hope stated that CSHB 102 would require regulations from DEED that would cause a fiscal impact and that there would also be a fiscal impact to districts. We disagree with this characterization. Note that there is an allowance for an indirect cost rate approved by the DEED to be withheld by the district of enrollment. In terms of fiscal impact on the DEED, we believe that administrative functions should be handled with existing staff and resources.

Please remember that there are already existing statutes, AS 14.03.083, AS 14.07.020 and AS 14.30.258, that allow DEED and school districts to contract for special educational services. CSHB 102 treats RPTC's as educational service provider for the small class of students. The bill also contemplates a vigorous the approval process with over twenty accountability provisions to enhance the coordination and collaboration of services. This bill also allows the district of residence to keep its share of the educational revenue that they are now forfeiting in its entirety to a school district wherever a RPTC is located. We do not see how this bill adds a fiscal burden on to the district of residence.

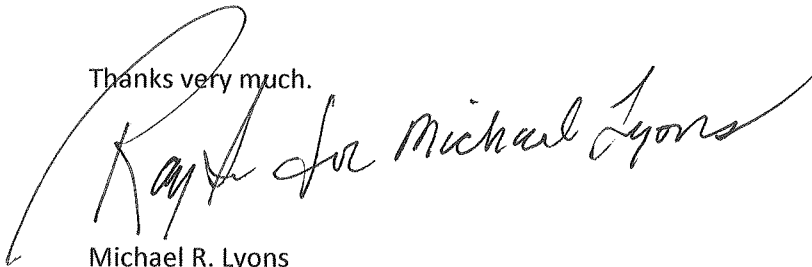
9. The last speaker was Mr. David Boyle who shared his views on how the current model in the Anchorage School District should be looked at as it puts all of the intensive needs funding into the general fund for the district to allocate as they see fit. Mr. Boyle also questioned the constitutionality of CSLHB 120 under Article VII, Section 1 of the state constitution. We believe that federal law and more specifically, IDEA ensures that a student is entitled to a free and

appropriate public education (FAPE) even though they have a serious mental illness. The student/patients, in this case, have been admitted for diagnosed mental health condition under a physician's order. An RPTC is the appropriate setting for the mental health and education services to be delivered. The educational programs are subject to DEED review and approval and the RPTC is serving as an educational service provider for small number of seriously ill students. There are other educational services throughout the state being provided by other entities due when necessary to deliver FAPE. For example, SERCC provides, under contract, a variety of educational services such as preparation and facilitation of IEP meetings, behavior management techniques, classroom development, direct instruction and services to students, and gifted/ talented program planning and development. This seems ample precedent for an RPTC to provide specialized services for this unique class of students with unique needs and challenges.

We believe that the appropriate legal analysis of this issue will reveal that this small class of students who need educational services which are best delivered the treatment setting under the strict requirements of CSHB102 does not violate the provisions of the constitution.

We hope that we have provided a comprehensive summary to the questions and comments raised and we look forward to working with all of the stakeholders to continue to move this important piece of legislation forward. Please let me know if we can be of any assistance.

Thanks very much.

A handwritten signature in black ink that reads "Ray for Michael Lyons". The signature is written in a cursive, flowing style.

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