

**ALASKA STATE LEGISLATURE
JOINT MEETING
HOUSE EDUCATION STANDING COMMITTEE
SENATE EDUCATION STANDING COMMITTEE**

January 26, 2011

8:03 a.m.

MEMBERS PRESENT

Representative Alan Dick, Chair
Representative Lance Pruitt, Vice Chair
Representative Eric Feige
Representative Paul Seaton
Representative Peggy Wilson
Representative Sharon Cissna
Representative Scott Kawasaki
Senator Joe Thomas, Co-Chair
Senator Kevin Meyer, Co-Chair
Senator Hollis French
Senator Gary Stevens
Senator Bettye Davis

MEMBERS ABSENT

All members present

OTHER LEGISLATORS PRESENT

Representative Dan Saddler

COMMITTEE CALENDAR

PRESENTATION(S): GOVERNOR'S COUNCIL ON DISABILITIES AND SPECIAL EDUCATION

- HEARD

PREVIOUS COMMITTEE ACTION

No previous action to record

WITNESS REGISTER

MILLIE RYAN, Executive Director
Governor's Council on Disabilities and Special Education
Anchorage, Alaska

POSITION STATEMENT: Co-presented the report from the Governor's Council on Disabilities and Special Education.

ERIC GEBHART, Vice Chairman
Governor's Council on Disabilities and Special Education
Superintendent of Schools, Nenana School District
Nenana, Alaska

POSITION STATEMENT: Co-presented the report from the Governor's Council on Disabilities and Special Education.

NANCY NAGARKAR, Executive Director
Special Education Service Agency (SESA)
Anchorage, Alaska

POSITION STATEMENT: Responded to questions specific to the Special Education Service Agency (SESA) during the presentation on the Governor's Council on disabilities and Special Education.

ACTION NARRATIVE

[8:03:56 AM](#)

CO-CHAIR JOE THOMAS called the joint meeting of the House Education Standing Committee and the Senate Education Standing Committee meeting to order at 8:03 a.m. Present at the call to order from the House Education Standing Committee were Representatives Dick, Feige, Wilson, Kawasaki, Seaton, and Pruitt; Representative Cissna arrived as the meeting was in progress. Present from the Senate Education Standing Committee were Senators Thomas, Meyer, French, Stevens, and Davis.

PRESENTATION(S): Governor's Council on Disabilities and Special Education

[8:04:08 AM](#)

SENATOR THOMAS announced that the only order of business would be a presentation of the Governor's Council on Disabilities and Special Education.

[8:06:33 AM](#)

ERIC GEBHART, Vice Chairman, Governor's Council on Disabilities and Special Education, Superintendent of Schools, Nenana School District, said the mission of the council is to improve the lives and quality of education for people with disabilities. There are twenty-six council members appointed, by the governor,

to three year terms. The council is comprised of a membership that includes: individuals with disabilities, family members of people with disabilities, state agency representatives, and representatives designated in federal law.

8:08:22 AM

MILLIE RYAN, Executive Director, Governor's Council on Disabilities and Special Education, said, "The council has five rules in state statute." The first three are mandated in federal law as well: State Council on Developmental Disabilities that builds capacity, makes system changes, and advocates on behalf of individuals with developmental disabilities; State Advisory Panel on Special Education to ensure students with learning disabilities and speech impairments are served as well; State Interagency Council on Infants and Toddlers with Disabilities interfacing with the Office of Children's Services, Infant Learning Program, to provide a seamless system of early intervention for children with disabilities. Alaska is the only state to combine these three entities into one council. Two other functions are unique under state law: the Governing Board of the Special Education Service Agency (SESA); and the Beneficiary Board of the Alaska Mental Health Trust Authority, representing individuals with developmental disabilities and making budget recommendations on their behalf. The tools used to achieve the council's mission include: conducting research and data gathering; preparing policy papers and reports about issues that impact people with developmental disabilities; educating and providing information to the media and general public; providing testimony about how legislation will impact people with disabilities; providing advice to the governor, legislature, and agencies on policy that impacts people with disabilities; helping self-advocates and families learn about, and connect with, the political process; and gathering community and stakeholder input. A new five year state plan is currently being produced incorporating the comments from communities and stakeholders. The planning process is accomplished by reviewing national and state trends, determining key issues, and developing goals and objectives. Plan strategies are reviewed annually and priorities and work plans are established accordingly. Additionally, she said, the council makes recommendations to the Mental Health Trust Authority. Ms. Ryan named the 11 effective mechanisms used by the council: outreach; training; technical assistance; supporting and educating communities; interagency collaboration and coordination; coordination with related councils, committees, and programs; barrier elimination, systems design

and redesign; coalition development and citizen participation; informing policymakers; demonstration of new approaches to services and supports; and other activities such as securing federal grants.

8:13:53 AM

MR. GEBHART noted the specific jobs of the Special Education Advisory Panel (SEAP), as it assists EED to comply with the Individuals With Disabilities Education Act (IDEA). The panel provides response, to this governing act, that has been designed to meet the needs of special education students via the state performance plan. Additionally, analysis of the district reports is performed and the result has been that no corrective actions have arisen in the last four years. Only two states have met requirements in the last year, Alaska being one, indicating the strength of the infrastructure that has been established. He indicated that the panel functions in a proactive manner, and manages extremely well. Change in the special education field occurs regularly on the federal level, and SEAP endeavors to keep in step. Other responsibilities include maintaining a physical presence before the state board of education and the state legislature; testifying regarding educational needs for children with disabilities; making recommendations to the state department and board of education; and providing opportunity for the public to express views, via town meetings or public hearings. Further, Mr. Gebhart explained that, as the governing board of SESA, the council ensures that the agency's mission is accomplished, to wit: assures that SESA provides assistance to school districts and early intervention programs serving individuals with low incidence disabilities, who live primarily in rural and remote areas of the state; assures that SESA supports education that is student, family and community-centered, and meets the individual needs of students; assist SESA in addressing other state education needs of individuals with low incidence disabilities (LIDs), as external funding is obtained; and monitors SESA policies and procedures. He said that an LID is a disability that does not frequently occur and requires an expertise not otherwise available in a small community.

8:19:50 AM

MS. RYAN provided the background of SESA, stating that it was established under state statute in 1986, as a not-for-profit corporation, governed day to day by five of the council members. It operates under a 10 year sunset provision, receives LID

funding from EED based on the prior year's statewide total enrollment, and operates under the receipt of federal and state grants and contracts. The services provided are rendered with no direct cost to the district.

[8:21:21 AM](#)

MR. GEBHART stated that SESA's required services are identified under statute that is to provide itinerant outreach services to students who are deaf; deaf-blind; mentally or physically impaired. The centralized services offered include providing equipment and working with local teachers and families to meet the needs of students. He again stressed the strong infrastructure, which has been developed to work effectively throughout the state.

[8:22:25 AM](#)

SENATOR FRENCH asked how many students fall under the definition that allows them to receive LID outreach services.

MR. GEBHART said about 260 students are being served by SESA.

SENATOR FRENCH restated the question to be how many fall specifically under the definition, which requires they be individuals who are: deaf; deaf-blind; cognitively impaired; hearing impaired; blind and visually, orthopedically disabled, health impaired in other ways and severely emotionally disturbed; or afflicted with multiple disabilities and autism.

MS. RYAN deferred to EED.

[8:23:58 AM](#)

REPRESENTATIVE SEATON queried whether the LID category includes, or equals, the definition of an intensive need student.

MR. GEBHART said not necessarily, and stated that an intensive need student is identified using a seven point measure; however, it could include some overlap.

[8:24:54 AM](#)

REPRESENTATIVE P. WILSON stated her understanding that Anchorage and Fairbanks school districts do not receive SESA assistance, due to the availability of disability services readily available to residents.

MS. RYAN clarified that typically the big five districts are not served; which are: Anchorage, Fairbanks, Juneau, Mat-Su and the Kenai Peninsula. However, the SESA library is openly available, and funding through grants allows the agency to offer certain services on request. Continuing, she said that the SESA funding formula is established under AS 14.30.650. Agency funding is received through EED, which allocates a budget based on a formula to be not less than \$15.75 multiplied by the average daily membership (ADM) of the preceding fiscal year. In response to a question, she clarified that the formula is based on the total school enrollment, approximately 129,000; not the total of students receiving services.

[8:27:04 AM](#)

MS. RYAN submitted the council's recommendations to change the statute: remove the sunset provision and alter the funding formula to 0.39-0.40 percent of the current year base student allocation (BSA) multiplied by the previous year ADM. She explained that the most recent audit indicated the value and efficiency of services that SESA is able to provide in local communities; negating the need for families to relocate to hub areas. Neither are services duplicated by those being otherwise provided through the department or other agencies. The auditors have recommended removal of the sunset provision as a means to support SESA in their recruitment and retention efforts, as well as to provide security when negotiating long-term facility leases. The primary rationale for changing the funding formula is due to the fact that it is based on a fixed rate of \$15.75, which was established in 1986; operating costs have increased in the interim 25 years. The formula used provides SESA with less funding in 2011 than the amount it received ten years ago. The school districts have experienced a BSA increase through the years but SESA has not. However, if SESA's BSA formula had kept pace with that of the districts, the base rate received would now be \$22.71. She presented a slide to illustrate the funding levels since 2001, and another indicating the flat rate that has been received over the past 10 years. Ms Ryan said, "The auditors suggested ... that [SESA] get an e-rate that would help with lowering the cost of their services, [and] that they try to do more things by distance education; which they have." She pointed out that SESA has been successful in securing additional grants and contracts that fit with the agency's mission; however, this represents "soft" money dedicated for specific purposes. The grants and contracts comprise 45 percent of SESA's budget; contributing to the overhead. As a result, SESA

is able to fund three positions for the low incidence disability program.

[8:33:37 AM](#)

SENATOR DAVIS asked why federal funds have not been received for the past four years.

MS. RYAN clarified that federal funds are only received in the form of grants.

MR. GEBHART, in further response to Senator Davis, established that SESA employees a staff of 31.

MS. RYAN interjected that offices are located in Anchorage and Fairbanks, but the staff is mobile and travel throughout the state.

[8:35:47 AM](#)

REPRESENTATIVE KAWASAKI inquired what the justification is for basing the SESA funding on the ADM rather than the total number of LID students served.

MS. RYAN suggested it could be that the amount received was considered more stable and predictable when tied to the ADM, and in line with the education budget.

[8:37:42 AM](#)

REPRESENTATIVE FEIGE asked whether services can be adequately provided under the current formula, and how do the expenditures relate to the cost per student actually served.

[8:38:58 AM](#)

NANCY NAGARKAR, Executive Director, Special Education Service Agency (SESA), responded that of the 276 LID students, nine specialists are employed, at a cost of approximately \$2 million. The big five districts are served through technical support and training via grants and contracts.

[8:40:45 AM](#)

SENATOR THOMAS stated his assumption that the number of students is increasing and the charts indicate a relationship. He requested that a chart be provided to the committee to indicate

the cost variables and increases as they correlate to the actual number of students served and enrollment increases; spanning the last 12 years.

[8:42:51 AM](#)

SENATOR FRENCH summarized his understanding that SESA is focused on providing services to areas outside of the big five school districts.

MS. NAGARKAR concurred, and added that efforts are focused on technical assistance and training with the teachers and aides regarding severe disabilities in order to build a capacity within the big five school districts.

SENATOR FRENCH asked how many students comprise the general category of special education.

MS. RYAN estimated that there are approximately 17,000 special education students. To a follow-up question, she said that of those, 276 are LID students in rural areas. She provided an example of how a student might be identified in a school district and referred to SESA.

[8:45:42 AM](#)

REPRESENTATIVE SEATON referred to the terms LID and intensive needs and asked for further documentation of how many students fall into these two different categories.

[8:46:26 AM](#)

REPRESENTATIVE CISSNA inquired what kind of outcomes and outcome studies are being completed and requested that documentation/analysis be made available to the committee.

MS. NAGARKAR assured the committee that evaluations occur every year with the superintendents and special education directors, and the reports will be provided.

MR. GEBHART interjected that the intensive needs funding for SESA provides training and direction for daily services, and additional support on an itinerant basis. Thus, he opined, the intensive needs funding can best be utilized through the support of SESA.

[8:50:06 AM](#)

REPRESENTATIVE SEATON reiterated his interest in gaining an understanding between the two classifications of disability levels.

MS. RYAN reported that approximately 1,700 students are currently categorized for intensive needs services, and suggested that the majority of those students are located in the big five school districts. SESA may serve some of these students, or provide the school district with support and training, but agency involvement is minimal.

[8:51:44 AM](#)

MS. RYAN presented a slide to illustrate the current versus the recommended, funding structure to enable SESA to better meet its statutorily mandated duties. Under the current structure, if funding from grants and contracts is reduced, negative impacts on services provided will be felt throughout the state.

[8:53:22 AM](#)

MR. GEBHART stressed that negative impacts are already occurring, as evidenced in the lowered number of excursions scheduled by SESA staff to provide the mandated services. He emphasized that not only does this result in services being compromised, and mandates not met, but guidance to new teachers is minimized and retention of staff becomes an additional issue.

[8:56:13 AM](#)

SENATOR THOMAS thanked the participants.

[The regular meeting of the House Education Standing Committee was taken up immediately following the joint session, and began with a statement by Chair Dick that any outstanding House committee questions would be compiled and presented to the council or SESA for response. This included a request by Representative Seaton to receive any correspondence from the governor's office an additional approximately \$15,000 was requested.]

ADJOURNMENT

There being no further business before the joint meeting between the House Education Standing Committee and the Senate Education Standing Committee was adjourned at 8:56 a.m.