

**HOUSE
COMMITTEE REPORT**

(11)

Date referred: 5/1/86

FURTHER REFERRALS:

DATE: 5-10-86

The FINANCE Committee has considered CSSB 319(Fin)

"An Act creating the special education service agency; and providing for an effective date."

and recommends:

- do pass
- do not pass
- do pass with attached amendment(s)
- no recommendation
- replace with HCS CSSB 319 (HSS) same title
- new title

and recommends do pass

further referral to the _____ Committee

- and attaches:
- letter of intent
 - first fiscal note
 - ~~new~~ fiscal note 5/9 70.9
 - zero fiscal note

SIGNING DO PASS:

J. Anderson
Pat Fournier
John B. ...

SIGNING OTHER RECOMMENDATIONS:

Mr. ...

...

...
Chairman

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST <u>House CS for</u> Bill/Resolution No.: <u>CSSR 310 (HESS)</u> Title: <u>"An Act creating the special education service agency."</u> Sponsor: <u>HESS</u> Requestor: <u>House Finance</u> Date of Request: <u>5/7/86</u>	FISCAL DETAIL Agency Affected: <u>Education</u> BRU: <u>TRS State Match</u> Components: <u>TRS State Match</u>
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EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
OPERATING						
PERSONAL SERVICES						
RTMNT & BNFTS						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
TRS MATCH		70.9	76.6	82.7	89.3	96.5
TOTAL OPERATING	-0-	70.9	76.6	82.7	89.3	96.5
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		70.9	76.6	82.7	89.3	96.5
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	70.9	76.6	82.7	89.3	96.5

POSITIONS:

	-0-	-0-	-0-	-0-	-0-	-0-
FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

See attached

Prepared By: J.K. Humphreys, Director Phone: 465-4470
 Division: Retirement & Benefits Date: 5/7/86
 Approved by Commissioner: Eleanor Andrews Date: 5/9/86
 Agency: Department of Administration

Distribution (by Agency preparing fiscal note):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

House CS for CS Senate Bill 319 (HESS)
Fiscal Note Analysis
Prepared by Division of Retirement & Benefits
Department of Administration

ANALYSIS:

Passage of this bill would create a new special education service agency, with 21 professional employees participating in the Teachers' Retirement System (TRS). The FY 87 TRS covered payroll for this new agency is estimated to be \$798,465.

The TRS State Match cost of \$70.9 is calculated as follows:

$\frac{1}{2}$ of 17.76% (the actuarially determined contribution rate) times the estimated FY 87 TRS salaries (\$798,465) equals \$70,900.00

Offered: 5/1/86
Referred: Finance

Original sponsors: Zharofa, Rodey
and Fahrenkamp

1 IN THE SENATE BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 319 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act creating the special education service agen-
7 cy; and providing for an effective date."

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

9 * Section 1. PURPOSE. It is the purpose of this Act to

10 (1) assist districts and rural educational attendance areas to
11 make more special education and related services availab^l to exceptional
12 children, as that term is defined in AS 14.30.350(4);

13 (2) encourage cooperation between districts and education agen-
14 cies in making special educational programs and services available to these
15 children;

16 (3) ensure that qualified specialists are available to assist
17 districts in the provision of free appropriate public education services
18 for those exceptional children that are difficult to serve, without regard
19 to their location in the state.

20 * Sec. 2. AS 14.30 is amended by adding new sections to read:

21 ARTICLE 8. SPECIAL EDUCATION SERVICE AGENCY.

22 Sec. 14.30.600. AGENCY ESTABLISHED. There is established, as a
23 public organization, a special education service agency.

24 Sec. 14.30.610. GOVERNING BOARD. (a) The agency shall be gov-
25 erned by the Governor's Council for the Handicapped and Gifted
26 (AS 47.80.030).

27 Sec. 14.30.620. EMPLOYEES. Employees of the agency are not in
28 the state service and are not subject to the State Personnel Act
29 (AS 39.25). However, employees of the agency shall be members of

1 either the Teachers' Retirement System (AS 14.25) or the Public
2 Employees' Retirement System (AS 39.35).

3 Sec. 14.30.630. POWERS AND DUTIES. (a) The agency may

4 (1) receive and expend public and private funds to carry
5 out the purposes of the agency;

6 (2) contract with the department and other public or pri-
7 vate agencies for the provision of special education or related ser-
8 vices;

9 (3) do whatever is necessary to carry out the purposes of
10 AS 14.30.600 - 14.30.630.

11 (b) The agency shall

12 (1) provide special education services including

13 (A) itinerant outreach services to deaf, deaf-blind,
14 mentally retarded, hearing impaired, blind and visually impaired,
15 orthopedically handicapped, other health-impaired, severely
16 emotionally disturbed, and multi-handicapped students;

17 (B) special education instructional support and train-
18 ing of local school district special education personnel; and

19 (C) other services appropriate to special education
20 needs;

21 (2) provide for an annual audit of the agency;

22 (3) provide the department with a two-year plan of opera-
23 tion including a description of the services to be offered by the
24 agency, the method by which the services will be evaluated, informa-
25 tion on the number of students and school district personnel to be
26 served, a schedule of funds available to the agency from all sources,
27 and other information that may be required by the department by regu-
28 lation;

29 (4) present an annual budget to the department.

1 Sec. 14.30.640. ELIGIBILITY FOR SERVICE. The services of the
2 agency shall be available to school districts that serve children
3 whose special education needs occur infrequently, who require special-
4 ized services not normally available in the school district, and who
5 cannot be easily served by local school district personnel because of
6 the low number of students in the district in need of the particular
7 service. The agency may provide services to exceptional children, as
8 that term is defined in AS 14.30.350.

9 Sec. 14.30.650. FUNDING. Each fiscal year the department shall
10 allocate to the agency not less than \$85 for each special education
11 student in the state in average daily membership or the equivalent of
12 two percent of the funds appropriated for special education for that
13 fiscal year, whichever is greater. The amount allocated to the agency
14 shall be reduced each fiscal year by the amount contributed by the
15 department to the Teachers' Retirement System (AS 14.25) or the Public
16 Employees' Retirement System (AS 39.35) on behalf of employees of the
17 agency.

18 Sec. 14.30.660. DEFINITION. In AS 14.30.600 - 14.30.660, unless
19 the context otherwise requires, "agency" means the special education
20 service agency.

21 * Sec. 3. AS 14.25 is amended by adding a new section to read:

22 Sec. 14.25.047. PARTICIPATION BY SPECIAL EDUCATION AGENCY EM-
23 PLOYEES. An employee of the Special Education Agency may participate
24 in the retirement fund under this chapter if

25 (1) the employee possesses or is eligible to possess a
26 teacher certificate under AS 14.20.020; and

27 (2) the employee pays all retroactive contributions re-
28 quired to be made under this chapter.

29 * Sec. 4. AS 14.25.220(20) is amended to read:

1 (20) "membership service" means

2 (A) full or part-time service as a teacher in a public
3 school in the Territory or State of Alaska, or both, under the
4 supervision and control of the Territorial Board of Education or
5 the Department of Education or the school board of a city, re-
6 gional educational attendance area, or borough school district;

7 (B) full-time or part-time teaching at the University
8 of Alaska or a full-time administrative position at the Universi-
9 ty of Alaska which requires academic standing and which has been
10 approved for inclusion in the system by the administrator;

11 (C) any period during which the teacher receives a
12 disability benefit under this system or is on an approved sabbat-
13 ical leave granted in accordance with AS 14.20.310; [OR]

14 (D) continuous service as a state legislator when
15 performed by a state legislator who elects membership under
16 AS 14.25.040(b), subject to the requirements of AS 14.25.040(c);
17 or

18 (E) full-time or part-time service as an employee of
19 the Special Education Agency, subject to the requirements of
20 AS 14.25.047,

21 * Sec. 5. AS 44.66.010(a) is amended by adding a new paragraph to read:
22 (13) Special Education Service Agency (AS 14.30.600) --
23 June 30, 1987.

24 * Sec. 6. AS 47.80.090 is amended by adding a new paragraph to read:
25 (12) govern the special education service agency, and may
26 hire personnel necessary to operate the agency.

27 * Sec. 7. AS 14.30.650 enacted in sec. 2 of this Act takes effect
28 July 1, 1986.

29 * Sec. 8. Except for AS 14.30.650 enacted in sec. 2 of this Act, this

1 Act takes effect immediately in accordance with AS 01.10.070(c).

Offered: 5/1/86
Referred: Finance

Original sponsors: Zharoff, Rodey
and Fahrenkamp

1 IN THE SENATE
2 HOUSE CS FOR CS FOR SENATE BILL NO. 319 (HESS)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - SECOND SESSION

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SOCIAL SERVICES COMMITTEE

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Offered: 4/14/86
Referred: Rules

Original sponsors: Zharoff, Rodey
and Fahrenkamp

1 IN THE SENATE BY THE FINANCE COMMITTEE

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29 * Sec. 8. Except for AS 14.30.650 enacted in sec. 2 of this Act, this

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Offered: 3/7/86
Referred: Finance

Original sponsors: Zharoff, Rodey
and Fahrenkamp

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

1 IN THE SENATE

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CS FOR SENATE BILL NO. 319 (HESS)

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FOURTEENTH LEGISLATURE - SECOND SESSION

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22 Sec. 14.30.600. AGENCY ESTABLISHED. There is established, as a
23 public organization, a special education service agency.

24 Sec. 14.30.610. GOVERNING BOARD. (a) The agency shall be gov-
25 erned by an 11 member board appointed by the state Board of Education.
26 The board consists of

27 (1) one member from the Governor's Council for the Handi-
28 capped and Gifted;

29 (2) one member from the Department of Education;

1 (3) five members who are special education teachers or
2 directors, school administrators, or higher education or teacher
3 training representatives;

4 (4) two members who are parents of children requiring
5 special education outreach services;

6 (5) one member from the Department of Health and Social
7 Services;

8 (6) one public member.

9 (b) The seven members appointed under (a)(3) - (4) of this
10 section shall be chosen with due regard to geographically balanced
11 representation of areas of the state and to representation of persons
12 with a variety of different special education needs.

13 Sec. 14.30.620. TERMS, VACANCIES, AND COMPENSATION. (a) The
14 term of office of a board member is three years.

15 (b) A vacancy occurring during a term of office shall be filled
16 in the same manner as the original appointment. A member appointed to
17 fill a vacancy serves for the unexpired term of the member the new
18 appointee succeeded.

19 (c) Board members receive no salary but are entitled to per diem
20 and travel expenses authorized by law for other boards and commis-
21 sions.

22 Sec. 14.30.630. BYLAWS. The board, in consultation with the
23 department and on the approval of a majority of the members of the
24 board, shall adopt and amend bylaws for the operation of the agency
25 and the board.

26 Sec. 14.30.640. EMPLOYEES. Employees of the agency are not in
27 the state service and are not subject to the State Personnel Act
28 (AS 39.25). However, employees of the agency shall be members of
29 either the Teachers' Retirement System (AS 14.25) or the Public

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19 priate to special education needs;

20 (2) hire an executive director and approve the employment
21 of personnel necessary to operate the agency;

22 (3) provide for an annual audit of the agency;

23 (4) provide the department with a three-year plan of opera-
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11 allocate to the agency not less than \$100 for each special education
12 student in the state in average daily membership or the equivalent of
13 two percent of the funds appropriated for special education for that
14 fiscal year, whichever is greater.

15 Sec. 14.30.680. DEFINITIONS. In AS 14.30.600 - 14.30.680,
16 unless the context otherwise requires,

17 (1) "agency" means the special education service agency;

18 (2) "board" means the governing board of the special educa-
19 tion service agency.

20 * Sec. 3. AS 14.25 is amended by adding a new section to read:

21 Sec. 14.25.047. PARTICIPATION BY SPECIAL EDUCATION AGENCY EM-
22 PLOYEES. An employee of the Special Education Agency may participate
23 in the retirement fund under this chapter if

24 (1) the employee possesses or is eligible to possess a
25 teacher certificate under AS 14.20.020; and

26 (2) the employee pays all retroactive contributions re-
27 quired to be made under this chapter.

28 * Sec. 4. AS 14.25.220(20) is amended to read:

29 (20) "membership service" means

1 (A) full or part-time service as a teacher in a public
2 school in the Territory or State of Alaska, or both, under the
3 supervision and control of the Territorial Board of Education or
4 the Department of Education or the school board of a city, re-
5 gional educational attendance area, or borough school district;

6 (B) full-time or part-time teaching at the University
7 of Alaska or a full-time administrative position at the Universi-
8 ty of Alaska which requires academic standing and which has been
9 approved for inclusion in the system by the administrator;

10 (C) any period during which the teacher receives a
11 disability benefit under this system or is on an approved sabbat-
12 ical leave granted in accordance with AS 14.20.310; [OR]

13 (D) continuous service as a state legislator when
14 performed by a state legislator who elects membership under
15 AS 14.25.040(b), subject to the requirements of AS 14.25.040(c);
16 or

17 (E) full-time or part-time service as an employee of
18 the Special Education Agency, subject to the requirements of
19 AS 14.25.047;

20 * Sec. 5. AS 44.66.010(a) is amended by adding a new paragraph to read:

21 (13) Special Education Service Agency (AS 14.30.600) --
22 June 30, 1990.

23 * Sec. 6. Notwithstanding AS 14.30.620(a), enacted by sec. 2 of this
24 Act, the initial members of the governing board of the special education
25 service agency, four shall serve a term of four years, five shall serve a
26 term of three years, and two shall serve a term of two years. The initial
27 terms shall be assigned to initial board members by the State Board of
28 Education by lot.

29 * Sec. 7. AS 14.30.670 enacted in sec. 2 of this Act takes effect

1 July 1, 1986.

2 * Sec. 8. Except for AS 14.30.670 enacted in sec. 2 of this Act, this

3 Act takes effect immediately in accordance with AS 01.010.070(c).

Introduced: 5/9/85
Referred: Health, Education and
Social Services and Finance

1 IN THE SENATE

BY ZHAROFF AND RODEY

2

SENATE BILL NO. 319

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to a special education cooperative
7 service unit."

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

9 * Section 1. PURPOSE. It is the purpose of this Act to

10 (1) make special education and related services available to all
11 exceptional children, as that term is defined in AS 14.30.350(4);

12 (2) encourage cooperation in making special educational programs
13 and services available to these children;

14 (3) ensure that free appropriate public education services are
15 provided for all exceptional children in the state.

16 * Sec. 2. AS 14.30 is amended by adding new sections to read:

17 ARTICLE 8. SPECIAL EDUCATION COOPERATIVE SERVICE UNIT.

18 Sec. 14.30.600. UNIT ESTABLISHED. There is established in the
19 department, as a separate entity, a special education cooperative
20 service unit. The unit may establish regional units if necessary to
21 carry out its purposes.

22 Sec. 14.30.610. GOVERNING BOARD. (a) The unit shall be gov-
23 erned by an 11 member board appointed by the commissioner of education
24 with the approval of the state board of education. The board consists
25 of

26 (1) one member from the Governor's Council for the Handi-
27 capped and Gifted;

28 (2) one member from the Department of Education;

29 (3) five members who are special education teachers or

1 directors, school administrators, or higher education or teacher
2 training representatives;

3 (4) two members who are parents of children requiring
4 special education outreach services;

5 (5) one member from the Department of Health and Social
6 Services;

7 (6) one member chosen from the public at large.

8 (b) The seven members appointed under (a)(3) - (4) of this
9 section shall be chosen with due regard to geographically balanced
10 representation of areas of the state and to representation of persons
11 with a variety of different special education needs.

12 Sec. 14.30.620. TERMS, VACANCIES, AND COMPENSATION. (a) The
13 term of office of a board member is three years.

14 (b) A vacancy occurring during a term of office shall be filled
15 in the same manner as the original appointment. A member appointed to
16 fill a vacancy serves for the unexpired term of the member the new
17 appointee succeeded.

18 (c) Board members receive no salary but are entitled to per diem
19 and travel expenses authorized by law for other boards and commis-
20 sions.

21 Sec. 14.30.630. BYLAWS. The board, in consultation with the
22 department and on the approval of a majority of the members of the
23 board, shall adopt and amend bylaws for the operation of the unit and
24 the board.

25 Sec. 14.30.640. EMPLOYEES. Employees of the unit are in the
26 exempt service under AS 39.25.110. However, employees of the unit
27 shall be members of either the Teachers' Retirement System (AS 14.25)
28 or the Public Employees' Retirement System (AS 39.35).

29 Sec. 14.30.650. POWERS AND DUTIES. (a) The board may

1 (i) receive and expend public and private funds to carry
2 out the purposes of the unit;

3 (2) contract with the department and other public or pri-
4 vate agencies for the provision of special education or related ser-
5 vices;

6 (3) do whatever is necessary to carry out the purposes of
7 AS 14.30.600 - 14.30.680.

8 (b) The board shall

9 (1) provide special education services including

10 (A) itinerant outreach services to deaf, deaf-blind,
11 mentally retarded, hearing impaired, blind and visually impaired,
12 orthopedically handicapped, other health impaired, severely
13 emotionally disturbed, and multi-handicapped students;

14 (B) special education instructional support and train-
15 ing of local school district special education personnel; and

16 (C) other services the board determines to be appro-
17 priate to special education needs;

18 (2) hire an executive director and approve the employment
19 of personnel necessary to operate the unit;

20 (3) provide for an annual audit of the unit;

21 (4) provide the department with a three-year plan of opera-
22 tion including a description of the services to be offered by the
23 unit, the method by which the services will be evaluated, information
24 on the number of students and school district personnel to be served,
25 a schedule of funds available to the unit from all sources, and other
26 information that may be required by the department by regulation;

27 (5) present an annual budget to the department.

28 Sec. 14.30.660. ELIGIBILITY FOR SERVICE. The services of the
29 unit shall be available to school districts that serve children whose

1 special education needs occur infrequently, who require specialized
2 services not normally available in the school district, and who cannot
3 be easily served by local school district personnel because of the low
4 number of students in the district in need of the particular service.
5 The unit may provide services to exceptional children, as that term is
6 defined in AS 14.30.350.

7 Sec. 14.30.670. FUNDING. Each fiscal year the department shall
8 allocate to the unit from the public school foundation account (AS 14.
9 17.010) \$100 for each special education student in the state in aver-
10 age daily membership or two percent of the funds appropriated to the
11 account for that fiscal year, whichever is greater.

12 Sec. 14.30.680. DEFINITIONS. In AS 14.30.600 - 14.30.680,
13 unless the context otherwise requires,

14 (1) "board" means the governing board of the special educa-
15 tion cooperative service unit;

16 (2) "unit" means the special education cooperative service
17 unit.

18 * Sec. 3. AS 39.25.110 is amended by adding a new paragraph to read:

19 (23) employees of the special education cooperative service
20 unit.

21 * Sec. 4. Of the initial members of the governing board of the special
22 education cooperative service unit, four shall serve a term of four years,
23 five shall serve a term of three years, and two shall serve a term of two
24 years. The initial terms shall be assigned to initial board members by the
25 commissioner by lot.

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