

HB

429

# HOUSE COMMITTEE REPORT

(9)

Date Referred: February 2, 1994

FURTHER REFERRALS:

Date of Committee Action: 2/22/94

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered:

HB 429

HOUSE BILL NO. 429

SPECIAL EDUCATION SERVICE AGENCY

"An Act relating to the special education service agency."

**RECOMMENDATIONS:**

be replaced with \_\_\_\_\_  the same title  
 a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of Intent

ATTACHES NEW FISCAL NOTE(S): \_\_\_\_\_ (Dept)

APPROVES PREVIOUS: \_\_\_\_\_ (Dept/Date)

fiscal impact \_\_\_\_\_

fiscal note(s) \_\_\_\_\_

zero fiscal note H+SS

zero fiscal note(s) \_\_\_\_\_

SIGNING DO PA	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
	X			X	
	✓				
	✓				
	✓				

CHAIRMAN'S SIGNATURE

FISCAL NOTE

STATE OF ALASKA  
1994 LEGISLATIVE SESSION

BILL NO. HB 429

Revision Date: \_\_\_\_\_ Dept. Affected: Health and Social Services  
 Title: "An Act relating to the special education BRU: Administrative Services  
service agency." Component: Governor's Council on Disabilities  
 Sponsor: Representative James and Special Education  
 Requestor: \_\_\_\_\_ COMPONENT SERIAL NO. 321

Expenditures/Revenues:		(Thousands of Dollars)				
OPERATING	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES						
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FUND SOURCE		(Thousands of Dollars)				
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTA						
Other						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

POSITIONS:						
FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY94) impact: \_\_\_\_\_

ANALYSIS: (Attach a separate page if necessary)

HB 429 presents no fiscal impact on the Department.

Prepared by: David Maltman, Executive Director  
 Division: Governor's Council on Disabilities & Special Education

Phone: 563-5355  
 Date: 02/15/94

Approved by Commissioner: Margaret R. Lowe  
Margaret W. Lowe, M.Ed., Ed.S.  
 Agency: Department of Health & Social Services

Date: 2-15-94

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Alaska State Legislature  
 House of Representatives  
 COMMITTEE ON HEALTH, EDUCATION  
 AND SOCIAL SERVICES

DATE: 2/22/94

PLACE: Capitol Room 106

SUBJECT OF MEETING:

- \* HB 312: AIDING Nonpayment of Child Support
- \* HB 429: SPECIAL EDUCATION SERVICE AGENCY
- \* HB 559: APPROX: CONSTRUCT UPGRADE IN-TAKE SCHOOLS
- HJR 47: FUNDS TO UPGRADE MILITARY BASE SCHOOLS

\* INDICATES FIG.: PUBLIC HEARING

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
Lorian Dorr	SEI					Y N	only if necessary for
PAT MADROS	yukon-Koyukuk SCH DIST		99765	474-9400		* N	359
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	

# Alaska State Legislature



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## SPONSOR STATEMENT

### HOUSE BILL 429

February 10, 1994

House Bill 429 is intended to enhance the operation of the state's Special Education Service Agency. The agency makes special education services accessible to children with severe, unusual disabilities who need specialized services not normally found in the district. In general, SESA assures that qualified specialists are available to assist remote districts to increase their ability to deliver required services.

The legislation will repeal the requirement for the Governor's Council on Disabilities and Special Education to govern the organization. The mission of the Governor's Council is to plan, evaluate, and promote services to people with disabilities. It should not govern part of the service system that it is supposed to evaluate and critique.

Instead of the Council, SESA will create a consumer-driven governing board. The new board will include people from rural areas and representatives of organizations who use the agency's services.

There is no cost for this action, and the legislation will improve the agency's responsiveness to the public.

## HB 429

### "An Act relating to the special education service agency."

#### Background

The special education service agency is a public organization established in 1986 (sec. 2, ch. 112, SLA 1986). One of the functions of the organization was to provide "...itinerant outreach services to deaf, deaf-blind, mentally retarded, hearing impaired, blind and visually impaired, orthopedically handicapped, other health-impaired, severely emotionally disturbed, and multi-handicapped students;" (ref. AS 14.30.630(b)(1)(A)). Due to the nature of their purpose, the governing board of the special education service agency (SESA) was delegated to the Governor's Council on Disabilities and Special Education (AS 14.30.610 and AS 47.80.090(12)).

#### Discussion

The mission of the Governor's Council on Disabilities and Special Education (Council) is to plan, evaluate, and promote services to individuals with disabilities (defined in AS 47.80.090). The Council is currently required to govern a public organization that the Council also has to evaluate. HB 429 removes from the Council the responsibility of governing SESA. SESA will continue to exist and operate under the guidelines originally established in AS 14.30.600 -- 14.30.660. This could result in the establishment of a more consumer oriented governing board.

#### Position

The Department supports HB 429. Passage of the bill will remove the potential conflict of the Council having to evaluate or critique an organization that it also governs.

Margaret R. Lowe

Margaret R. Lowe, M.Ed., Ed.S.  
Commissioner

2-15-94

Date

## Article 9. Special Education Service Agency.

### Section

600. Agency established  
610. Governing board  
620. Employees  
630. Powers and duties

### Section

640. Eligibility for service  
650. Funding  
660. Definition

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**Cross references.** — For statement of legislative purpose in enacting this Article, see § 1, ch. 112, SLA 1986, in the Temporary and Special Acts.

**Sec. 14.30.600. Agency established.** There is established, as a public organization, the special education service agency. (§ 2 ch 112 SLA 1986)

**Sec. 14.30.610. Governing board.** The agency shall be governed by the Governor's Council on Disabilities and Special Education (AS 47.80.030). (§ 2 ch 112 SLA 1986)

**Revisor's notes.** — In 1992, under § 6, ch. 13, SLA 1992, and AS 01.05.031, "Governor's Council on Disabilities and Special Education" was substituted for "Governor's Council for the Handicapped and Gifted."

**Sec. 14.30.620. Employees.** Employees of the agency are not in the state service and are not subject to the State Personnel Act (AS 39.25). However, employees of the agency shall be members of either the Teachers' Retirement System (AS 14.25) or the Public Employees' Retirement System (AS 39.35). (§ 2 ch 112 SLA 1986)

state. The department shall provide for the assignment of personnel to the council to ensure that the council has the capacity to fulfill its responsibilities. The personnel shall be directly responsible to the council for performance of their duties. (§ 2 ch 165 SLA 1978; am § 46 ch 66 SLA 1991)

**Effect of amendments.** — The 1991 amendment added the first two sentences in subsection (b). amendment to (b) of this section takes effect upon entry of a final order dismissing *Weiss v. State of Alaska*, 4FA-82-2208

**Effective date of 1991 amendment.** — Under § 58, ch. 66, SLA 1991, the 1991 amendment takes effect upon the expiration of any time for appeal.

**Sec. 47.80.090. Responsibilities.** The council shall

(1) serve as a forum by which issues and benefits regarding current and potential services to disabled and gifted persons may be discussed by consumer, public, private, professional, and lay interests;

(2) advocate the needs of disabled and gifted persons before the executive and legislative branches of the state government and before the public;

(3) advise the executive and legislative branches of the state government and the private sector on programs and policies pertaining to current and potential services to disabled or gifted persons and their families;

(4) submit periodic reports to the commissioner of health and social services, the commissioner of education, and to other appropriate departments, on the effects of current federal and state programs regarding services to disabled or gifted persons; these reports must include program performance reports to the governor, the federal government, and to state agencies as required under 20 U.S.C. 1482 and 42 U.S.C. 6024;

(5) in conjunction with the Departments of Health and Social Services and Education, develop, prepare, adopt, periodically review, and revise as necessary an annual state plan prescribing programs that meet the needs of persons with developmental disabilities as required under 42 U.S.C. 6022;

(6) review and comment to commissioners of state departments on all state plans and proposed regulations relating to programs for persons who are experiencing disabilities before the adoption of a plan or regulation; for this purpose, the appropriate departments shall submit the plans and proposed regulations to the council;

(7) recommend the priorities and specifications for the use of funds received by the state under 20 U.S.C. 1471 — 1485 and 42 U.S.C. 6000 — 6083;

(8) submit annually to the commissioner of health and social services, the commissioner of education, and the commissioner of community and regional affairs a proposed interdepartmental program budget for services to disabled or gifted persons that includes, insofar as

possible, projected revenues and expenditures for programs implemented by state agencies, local governmental agencies, and private organizations; the interdepartmental program budget is an informational supplement to the regular annual budgetary submissions of the departments to the Office of the Governor;

(9) provide information and guidance for the development of appropriate special educational programs and services for exceptional children as defined in AS 14.30.350;

(10) monitor and evaluate budgets or other implementation plans and programs for disabled and gifted persons to assure nonduplication of services and encourage efficient and coordinated use of federal, state, and private resources in the provision of services; members of the council, with the approval of the council, have access to information in the possession of state agencies subject to disclosure restrictions imposed by state or federal confidentiality or privacy laws;

(11) perform other duties required under applicable federal laws or AS 14.30.231 and as the governor may assign; and

(12) govern the special education service agency and may hire personnel necessary to operate the agency.

(13) provide to the Alaska Mental Health Trust Authority for its review and consideration recommendations concerning the integrated comprehensive mental health program for the people of the state who are described in AS 47.30.056(b)(2) and the use of the money in the mental health trust income account in a manner consistent with regulations adopted under AS 47.30.031. (§ 2 ch 165 SLA 1978; am § 6 ch 112 SLA 1986; am § 47 ch 66 SLA 1991; am § 3 ch 13 SLA 1992)

**Effect of amendments.** — The 1991 amendment added paragraph (13).

The 1992 amendment, effective July 28, 1992, substituted "disabled" for "handicapped" throughout the section, inserted U.S. Code references in paragraphs (4), (5), and (7), substituted "persons who are experiencing disabilities" for "persons with handicaps" in paragraph (6), substituted "applicable federal laws" for public

law references in paragraph (11), and made stylistic changes.

**Effective date of 1991 amendment.** — Under § 58, ch. 66, SLA 1991, the 1991 amendment adding paragraph (13) of this section takes effect upon entry of a final order dismissing *Weiss v. State of Alaska*, 4FA-82-2208 Civ. and the expiration of any time for appeal.

### Article 3. Programs and Plans.

#### Section

110. Program principles

150. Liability for expense of services

**Sec. 47.80.110. [See effective date note] Program principles.** The system of services and facilities required under AS 47.80.100 shall accord with the principles that service providers shall

(1) make services available at times and locations that enable residents of the provider's service area to obtain services readily;