

**HB**

**429**

**LEGISLATIVE COMMITTEE REPORT**

DATE: 3/3/94

FURTHER: Judiciary

DATE TURNED INTO OFFICE: 4/18/94

HESS Committee considered HOUSE BILL NO. 429

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

and recommends:

- replace with \_\_\_\_\_ CS \_\_\_\_\_ ( )
- or  adopt previous \_\_\_\_\_ CS \_\_\_\_\_ ( )
- attaches amendment(s)

- same title
- new title
- technical title change (HB only)

adopts \_\_\_\_\_ Letter of Intent

further referral to the \_\_\_\_\_

do pass

do not pass

no recommendation

individual recommendations

**NEW FISCAL NOTES**

Department	Date	Zero	Fiscal

**PREVIOUS FISCAL NOTES**

Department	Date	Zero	Fiscal
Health + Social Service	2/15/94	✓	

Appropriation No Fiscal Note

**DO PASS:**

Andrew A. Lemaw  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**OTHER RECOMMENDATIONS:**

Sen. Shoup - N.R.  
Mike Miller - No Rec.  
Wencan - No Rec.  
ByEllis - Do Not Pass without Amendment  
Judith E. Salo - No Rec.

Steve King Do Pass  
 \_\_\_\_\_  
 Chair: Signature and Recommendation

# 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 47.30.090)). 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

**BY-LAWS****SPECIAL EDUCATION SERVICE AGENCY, INC.****A NON-PROFIT CORPORATION****ARTICLE I****NAME AND OFFICES****Section 1. Name:**

The name of this organization is the "Special Education Service Agency, Inc."; hereinafter known as "SESA."

**Section 2. Place of Incorporation:**

SESA is incorporated as a public non-profit corporation under the laws of the State of Alaska.

**Section 3. Offices:**

SESA shall maintain its principal office in the city of Anchorage, Alaska, and may maintain such other offices as the Board of Directors deem necessary to conduct the business of the corporation.

**Section 4. Registered Office and Agent:**

SESA shall continuously maintain a registered office in the jurisdiction in which it is incorporated. All official records shall be maintained at this office. The Board of Directors may change the registered office and/or appoint the registered agent as necessary.

Proposed Bylaws: May 12, 1993

## ARTICLE II

### MISSION AND OBJECTIVES

#### Section 1. Mission:

The mission of the SESA is to develop and improve special education services to rural Alaskan children and students who experience low incidence disabilities.

#### Section 2. Objectives:

The primary objective of SESA is to increase the ability of schools and other local service systems to provide needed services in a least restrictive environment without regard to the remoteness of their location in the state.

Secondary objectives include:

- a. The provision of special education services in a seamless progression;
- b. The involvement of parents and families in the education and development of the child; and,
- c. Ensuring that all programs for persons with low incidence disabilities are functional and involve the total family, school, community and cultural environments.

## ARTICLE III

### MANAGEMENT AND CONTROL

#### Section 1. Management Authority:

The management and control of the affairs of this corporation are vested in its Board of Directors. The Board has the authority to hire an Executive Director who oversees the daily operation of the organization, within the policy and procedural guidelines established by the Board. SESA staff shall serve as staff to the Board. Members of the Board of Directors shall not give direction to any employee of the corporation except through the Executive Director.

#### Section 2. Management and Control of Funds:

Any funds or property contributed to and accepted by the corporation shall be held, administered and disbursed or disposed of as the contributor may direct, provided that any such direction is consistent with the purposes of the corporation. In the absence of any such specific direction, such funds or proceeds shall be held, administered and disbursed or disposed of solely for the purposes of the corporation as set forth in the Articles of Incorporation of these by-laws.

The fiscal year for SESA shall begin on the first day of July and end on the thirtieth day of June of each year.

**Section 3. Contracts:**

The Board of Directors may authorize any officer or officers, agent or agents, to enter into any contract or execute and deliver any instrument in the name of and on behalf of the corporation, and such authority may be general or confined to specific instances.

**Section 4. Checks, Drafts, Etc.:**

All checks, drafts or other orders for the payment of money, notes or other evidences of indebtedness issued in the name of the corporation, shall be signed by such officer or officers, agent or agents of the corporation and in such manner as shall from time to time be determined by resolution of the board of directors.

**Section 5. Deposits:**

All funds of the corporation not otherwise employed shall be deposited from time to time to the credit of the corporation in such banks, trust companies or other depositories as the Board of Directors may select.

**Section 6. Composition of the Board of Directors:**

The Board of Directors shall consist of nine members who represent the following interests in the numbers indicated:

- a. Two primary or secondary consumers from rural areas (level 1 through 3 communities as defined by the Governor's Council on Disabilities and Special Education (GCDSE);
- b. Two members from the Governor's Council on Disabilities and Special Education;
- c. One Superintendent from a rural school district (level 1 through 3 communities as defined by the GCDSE);
- d. Two Special Education Directors who are users of SESA services (one from a rural district and one from a medium to large district at the time of the appointment);
- e. One classroom teacher (level 1 through 3 communities);
- f. One member at large;
- g. One representative from the Alaska Department of Education who shall be the individual having major responsibility for Special Education or their representative and who shall serve as an ex-officio (non voting member); and,
- h. The Executive Director of the Governor's Council on Disabilities and Special Education shall serve as an ex-officio (non-voting) member.

At no time shall a person serve on the Board of Directors while representing employees of the SESA in collective bargaining. No former member of the Board of Directors is eligible for employment with the agency for a period of six months after their tenure on the Board of Directors is ended.

**Section 7: Selection and Appointment of New Members to the Board of Directors:**

All new members of the Board of Directors shall be selected by the Board of Directors at the annual meeting of the Board. New Board members shall be selected from a slate of nominees presented by the Executive Committee at the annual meeting by majority vote of existing Board members. Appointments shall proceed as follows:

a. Consumers and Member at Large:

The two consumers from rural areas (level 1 through 3 communities) and a member at large (from any place within the State of Alaska) shall be recommended to the Board of Directors by the Executive Committee which acts as a nominating committee.

b. Members from the Governor's Council on Disabilities and Special Education:

The two members from the Governors Council are recommended by that body to SESA's Executive Committee who presents them to the Board of Directors with their recommendations regarding appointment.

c. Superintendent from a Rural School District:

The Superintendents Association shall present a list of up to three nominees for the Board to the Executive Committee who shall make their recommendations to the Board of Directors in order of preference. (Exceptions may be made by a majority vote of the Board of Directors.)

d. Special Education Director:

The Association of Administrators of Special Education shall present a list of up to three nominees for the Board to the Executive Committee who shall make their recommendations to the Board of Directors in order of preference. (Exceptions may be made by a majority vote of the Board of Directors).

e. Classroom Teacher:

Three classroom teachers (who are special education teachers) will be recommended by the Council on Exceptional Children to the Executive Committee who shall make their recommendations to the Board of Directors in order of preference.

New members are inducted onto the Board at the first full board meeting following the Annual Spring Meeting of the Board.

**Section 8. Tenure of Board Members:**

Members of the Board of Directors shall be appointed for a term of three years. No member may serve more than two (2) three year terms in succession.

Three members of the Board shall be rotated from the Board each year and three new members shall be appointed.

At the annual meeting in the calendar year following the adoption of these by-laws, all existing Board members shall be selected by random to serve either one, two or three year terms on the Board. Rotation of Board members shall begin at the annual meeting in 1994, at which time the three new Board appointees will be seated and will be expected to serve for three years. Thereafter all appointments shall be for a three year period.

#### Section 9. Removal of Board Members:

Any Board member elected or appointed by the Board of Directors may be removed by two-thirds vote of the entire Board when [EVER] the best interests of the corporation would be served thereby, however, such removal shall be without prejudice to the contract rights, if any, of the person so removed.

A Board member may be removed if that member misses three consecutive meetings without prior approval of the President of the Board.

#### Section 10. Selection of Persons to Fill Vacancies on the Board of Directors:

Any vacancies occurring on the Board of Directors shall be filled at the next full meeting of the Board. An individual who represents the same interests will be selected and appointed by the Board of Directors using the same process, inasmuch as possible, as outlined for the selection and appointment of new members of the Board.

### ARTICLE IV

#### MEETINGS

##### Section 1: Types of Meetings:

The SESA Board of Directors shall ensure that meetings are held regularly for the purpose of considering and adopting policies and procedures and guiding the organization. In order to accomplish these responsibilities, three types of meetings are held:

a. Annual Meetings:

The Board of Directors shall have an annual meeting during the second calendar quarter of each year. During this meeting, new members of the Board will be elected and appointed. The Board will also establish and adopt a schedule of meetings to be held during the succeeding twelve months.

b. Regular Meetings

The Board of Directors will meet at least bi-monthly in a regular meeting. These meetings may be by teleconference or face-to-face; however, it is required that the Board hold a face-to-face meeting at least once in each calendar quarter. An exception to this requirement and/or the requirement for bi-monthly meetings is allowed with a two-thirds vote of the full Board.

	Jrn-Date	Currs	Status: (S) HES	Jrn-Pag-	Action
1	02/02/94	2220	(H)		READ THE FIRST TIME - REFERRAL(S)
2	02/02/94	2220	(H)		HEALTH, EDUCATION & SOCIAL SERVICES
3	02/23/94	2494	(H)		HES RPT 5DP 1NR
4	02/23/94	2494	(H)		DP: VEZEY, KOTT, G.DAVIS, BUNDE, TOOHEY
5	02/23/94	2494	(H)		NR: NICHOLIA
6	02/23/94	2494	(H)		-ZERO FISCAL NOTE (DHSS) 2/23/94
7	02/28/94	2553	(H)		RULES TO CALENDAR 2/28/94
8	02/28/94	2553	(H)		READ THE SECOND TIME
9	02/28/94	2553	(H)		ADVANCED TO THIRD READING UNAN CONSENT
10	02/28/94	2553	(H)		READ THE THIRD TIME HB 429
11	02/28/94	2553	(H)		PASSED Y30 N1 E9
12	02/28/94	2554	(H)		NAVARRE NOTICE OF RECONSIDERATION
13	03/02/94	2584	(H)		RECON TAKEN UP - IN THIRD READING
14	03/02/94	2585	(H)		PASSED ON RECONSIDERATION Y39 N- E1
15	03/02/94	2589	(H)		TRANSMITTED TO (S)
16	03/03/94	3053	(S)		READ THE FIRST TIME - REFERRAL(S)
17	03/03/94	3054	(S)		HES, JUD

Selection=>

PF1	PF2	PF3	PF4	PF5	PF6	PF7	PF8	PF9	PF10	PF11	PF12
HELP	SUBJ	EXIT	MENU	TEXT	PRINT	BWD	FWD	CMT/JRNL	FIRST	LAST	QUIT