

HB

76

<TARGET><BILL>HB 76</BILL><SUBJECT>HB
76</SUBJECT><COMM>SEDC29</COMM></TARGET>

SENATE COMMITTEE REPORT

DATE: 1/29/16

FURTHER: Rules
 DATE TURNED MAR 16 2016
 IN TO OFFICE: _____

Education Committee considered HOUSE BILL NO. 76

HB 76-GOV COUNCIL ON DISABILITIES/SPECIAL ED

"An Act relating to the Governor's Council on Disabilities and Special Education."

and recommends:

- be replaced with SCS _____ (_____) Same Title Technical Title Change
 New Title/SCR No. _____
- adopt previous SCS _____ (_____) Same Title Technical Title Change
 New Title/SCR No. _____
- attached amendment(s)
- adopt _____ Letter of Intent
- further referral to _____ Committee

Dept Abbr.	
ADM	LWF
CED	LAW
COR	LEG
EED	MVA
DEC	DNR
DFG	DPS
GOV	REV
DHS	DOT
AJS	UA

NEW FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #

PREVIOUS FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #
DHS			✓	2

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	Gardner	X			
	Huggins	X			
	Giessel	X			
	Seal	X			
CHAIR:	Dunleavy	X			

Alaska Legislature

Representative Charisse Millett

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District 25

House Bill 76 Sponsor Statement

The mission of the Governor's Council on Disabilities and Special Education is to, "[create] change that improves the lives of Alaskans with disabilities". Since 1978, the Council has provided a constructive process that has connected the public with policymakers to ensure the thoughtful development of an efficient and seamless service delivery system that meets the needs of individuals with disabilities across their life spans.

However, within their enabling statutes, the State of Alaska also included "gifted" persons among the individuals that the Council need work for and support. The Council believes the term "gifted" to be confusing and ill-fitting within the scope of their aims and objectives. Furthermore, they believe "gifted" should be removed for the following reasons:

- Exceptionality is not a disability that entitles students to special education. Gifted education is a regular education program over which the Council has no oversight.
- Gifted children are not eligible for additional services under the Individuals with Disabilities Education Act (IDEA) or the Americans with Disabilities Act (ADA), policies whose adherence is required per the Council's responsibilities.
- Neither federal nor state law provide for special employment benefits, or special avenues through which to advocate for employment for those classified as gifted.

The Governor's Council works tirelessly to advocate for and access housing, employment, independent living, health, transportation and community inclusion for Alaskans with disabilities. Removing the word "gifted" from their enabling statutes allows Alaska law to be updated with the most accurate representation of the mission and work of the Council, as well as provide future Council membership with a clear roadmap for success.

Please support House Bill 76, and the removal of the perplexing inclusion of the word "gifted" in the enabling statutes of the Governor's Council on Disabilities and Special Education.

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House Bill 76
Sectional Analysis

Section One: Removes the word "gifted" from the Governor's council on disabilities and special education's enabling statute.

Section Two: Removes reference to gifted persons in the council's list of statutory responsibilities and updates references to reflect current U.S. law regarding state councils on developmental disabilities and designated state agencies.

Fiscal Note

State of Alaska
2015 Legislative Session

Bill Version:	HB 76
Fiscal Note Number:	1
(H) Publish Date:	3/6/2015

Identifier: HB076-DHSS-SE-2-27-15
 Title: GOV COUNCIL ON DISABILITIES/SPECIAL ED
 Sponsor: MILLETT
 Requester: House HSS Committee

Department: Department of Health and Social Services
 Appropriation: Senior and Disabilities Services
 Allocation: Governor's Council on Disabilities and Special Education
 OMB Component Number: 2023

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2016 Appropriation Requested	Included in Governor's FY2016 Request	Out-Year Cost Estimates				
			FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
OPERATING EXPENDITURES							
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues							
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Estimated SUPPLEMENTAL (FY2015) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2016) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? no
 If yes, by what date are the regulations to be adopted, amended or repealed? N/A

Why this fiscal note differs from previous version:

Not applicable, initial version.

Prepared By:	Duane Mayes, Director	Phone:	(907)465-4874
Division:	Senior and Disabilities Services	Date:	02/27/2015 03:00 PM
Approved By:	Sarah Woods, Deputy Director Finance & Management Services	Date:	02/27/15
Agency:	Health & Social Service		

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2015 LEGISLATIVE SESSION

Analysis

This bill amends Alaska statute to comport with the *Individuals with Disabilities Education Act* (IDEA), which removed “gifted” children from eligibility for special education grants and programs. No fiscal impact to the Governor's Council is anticipated from this proposal.



**Please join the Governor’s Council in supporting
HB 76: A bill to update our enabling statute by
removing the word “gifted.”**

GOAL

To remove the term “gifted” from the Governor’s Council on Disabilities and Special Education’s enabling statute.

WHAT IS IT?

HB 76 is a bill allowing the Governor’s Council to update our enabling statute to more accurately reflect the work that we do for individuals with disabilities and our State and Federal obligation to oversee special educational programs.

WHY IS IT NEEDED?

- Gifted children are not eligible for additional services under the Individuals with Disabilities Education Act (IDEA) or the Americans with Disabilities Act (ADA).
- The Governor’s Council serves as the Office of Special Education Programs (OSEP) Special Education Advisory Panel, the Interagency Coordinating Council for Infants and Toddlers with Disabilities, and the governing board of the Special Education Service Agency in Alaska. These are special education grants and programs.
- Exceptionality is not a disability that entitles students to special education. Gifted education is a regular education program and because of this we cannot provide oversight for gifted programs in the state.

**Please support HB 76 and help the Governor’s Council
remove the word “gifted” from our enabling statutes.**



LEGISLATIVE RESEARCH SERVICES

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Research Brief

TO: Representative Charisse Millett
FROM: Susan Haymes, Legislative Analyst
DATE: February 5, 2015
RE: Legislative Intent behind Including "Gifted" in Governor's Council on Disabilities and Special Education
LRS Report 15.212

You asked about the legislative intent behind the inclusion of "gifted" in the enabling statutes creating the Governor's Council on Disabilities and Special Education.

In 1978, the Alaska Legislature passed HB 472, which among things, created the Governor's Council for the Handicapped and Gifted (ch 165 SLA 1978).¹ We searched for bill files and committee meeting minutes and audio recordings in the Legislative Reference Library for discussion of this measure. Unfortunately, there were no bill files created for HB 472, and the few committee meetings for which an audio recording exists, did not include any discussion of the Council.

The Intent language for HB 472 notes that one of the purposes of the measure was to provide quality services to children and adults with mental and physical disabilities, handicapped persons, and persons qualifying for special education services under AS 14.30.180 – AS 14.30.350.² At the time HB 472 was enacted, gifted students were included in the definition of "exceptional" children who qualified for special education services. Specifically, in 1970, the Alaska Legislature passed SB 500, which, among other things, defined exceptional children to include those who are gifted (ch 144 SLA 1970).³

It is important to note that during the 1970s, Congress considered and/or enacted a number of bills supporting the education of gifted and talented children. In 1969, Congress directed the U.S. Office of Education to report on the status and need for programs for gifted students. In 1972, Sidney P. Marland, then U.S. Commissioner of Education, submitted a report to Congress, known as the *Marland Report*, which found that gifted and talented children can suffer psychological damage and permanent impairment of their abilities if they do not receive expanded services, similar to other populations with special needs. In 1974, Congress established an Office of Gifted and Talented in the U.S. Office of Education, which, among other things, provided grants to state and local agencies for gifted and talented programs. In 1978, Congress passed the Gifted and Talented Children's Education Act as Title IX-A of the Education Amendments of 1978 (P.L. 95-561).

In 1975, Congress required states that received certain funding for developmentally disabled persons to establish a State Planning Council to serve as an advocate for persons with developmental disabilities (P.L. 94-103). It is highly likely that this requirement was a major impetus to create the Governor's Council for the Handicapped and Gifted. Similarly, the inclusion of gifted students as those with special needs and the availability of federal funding for gifted and talented programs would most likely have been factors in including "gifted" in the enabling statutes for the Council.

We hope this is helpful. If you have questions or need additional information, please let us know.

¹ The name changed in 1992 to the current Governor's Council on Disabilities and Special Education (ch 13 SLA 1992).

² *Session Laws of Alaska*, Chapter 165, 1978.

³ AS 14.30.351(1)(E) defined "gifted" as those children having outstanding intellect, ability or creative talent and stipulated that "programs or services beyond the level of those ordinarily provided as regular school programs shall be submitted to the department for supplemental funding on an approved program basis." In 2001, "exceptional" was replaced with "children with disabilities" and a new statute, AS 14.30.352, was enacted providing for education for gifted students (ch 67 SLA 2001).

Article 06. EDUCATION FOR GIFTED CHILDREN

Sec. 14.30.352. Programs for gifted children.

(a) Every school district shall establish educational services for gifted children that provide for student identification, student eligibility, student learning plans, and parental and student participation, including an appropriate review process, consistent with regulations adopted by the department.

(b) State reimbursement for transportation of gifted children shall be as provided for transportation of all other pupils, except that eligibility for reimbursement is not limited to transportation between the child's residence and the school, but shall also include transportation between a school and another location of instruction as routinely required by the gifted education program of the district.

☞ 4 AAC 52.800. District responsibility for gifted education

☞ (a) Each district shall administer a program offering education services in order to provide an appropriate educational program for gifted children enrolled in the district's schools, including charter schools and the district's correspondence study program.

(b) A district that offers a statewide correspondence study program that enrolls children who reside outside of the district shall administer a program offering education services in order to provide an appropriate educational program for gifted children.

(c) A district education program for gifted children must, at a minimum, provide for

(1) student identification;

(2) student eligibility criteria;

(3) a process for development of student learning plans, that provides for teacher, parental and student participation; and

(4) a review process that allows parents, on behalf of their child, to challenge and to have reviewed the district's program or an individual student learning plan provided for their child.

(d) Each district shall submit to the department a copy of the district's gifted education program, and of any amendments adopted to the program.

☞ **History:** Eff. 8/22/2001, Register 159; am 3/21/2002, Register 161

☞ **Authority:** AS 14.07.060

AS 14.30.352

42 U.S. Code § 15025 - State Councils on Developmental Disabilities and designated State agencies

42 U.S. Code § 15024 - State plan

20 U.S. Code § 1471 through 1482 – National Activities to improve education of children with disabilities

42 U.S. Code 15001 through 15083 - Programs for individuals with developmental disabilities

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District 25

I would like to respectfully request a hearing for House Bill 76 in the Senate Education Committee. If you have any questions about the bill, please feel free to contact me or my aide Grace Abbott (her direct line is 465.4937).

Attached to this memo my staff has provided:

1. A copy of the bill in its current form
2. A sponsor statement for the bill
3. A sectional analysis of the bill
4. Fiscal Note from DHSS
5. A Legislative Research report
6. Letter of support from the Governor's Council on Disabilities and Special Education
7. Two statutes regarding gifted education
8. A list of U.S. Code citations updated in the bill

I anticipate that members of the Governor's Council on Disabilities and Special Education, including Patrick Reinhart and Christie Reinhardt, will be providing testimony and available for questions during the committee hearing. They will be in Anchorage.

A handwritten signature in blue ink, appearing to read "Charisse Millett".