

ALASKA LEGISLATURE COMMITTEE FILES 1999-2000 8672

10057 SENATE HEALTH EDUCATION & SOCIAL SERVICES

ECONOMIC VALUE OF ADVANCED PLACEMENT PROGRAM:
WASILLA HIGH SCHOOL

What is the best part time employment for a Wasilla High School student? Probably the best paying job for a college bound student is taking Advance Placement classes and doing the homework.

It is admittedly difficult to come up with accurate figures on the exact values but I believe my methodology is close enough to creditably prove my point. I am using the Alaska Minimum Wage of \$5.65 per hour against the average of three colleges that I believe fairly represent typical costs. The University of Alaska, Fairbanks represents an in state university with local tuition costs, Lewis and Clark represents a typical private university and Oregon State represents a typical out of state university with the expected out of state tuition costs. Costs were taken from the *College Costs and Financial Aid Handbook 1998, 18th edition*.

In school year 1996-1997, sixty-two AP tests were passed with a score of 3 or better. A passing score is good for 6 credits at an accepting university. Wasilla High School students earned the equivalent of 372 credits. I am assuming a course load of 15 credits per semester for a full time student.

UNIVERSITY	ANNUAL FEES	SEMESTER FEES	CREDIT COST
UAF	9,434	4,717	314
Lewis and Clark	25,800	12,900	860
Oregon State	19,249	9,624	642

AVERAGE	18,161	9,080	605

Value of AP based on credits earned: 225,060.

Value of 15 credits for one student: 9,080.

Hours needed to earn 15 credits at \$5.65 per hour: 1,607.

It should be remembered that college savings occur after the money is earned. This means a student will not be able to save everything earned but rather the money left over after expenses. Financial planners typically assume that 25% of a persons salary is expended in work related expenses such as clothes, transportation and food. Taxes of all kinds take an additional 15%. In other words only about 60% of earned income is

Silverman's Chart of Provisions for Exceptional Learners

Difference	Below The Norm	Above The Norm
1 Standard Deviation (85 IQ vs. 115 IQ)	<ul style="list-style-type: none"> - Remedial instruction in the regular classroom * Modified curriculum * * Consultants to teachers * 	<ul style="list-style-type: none"> - Enrichment in the regular classroom * Modified curriculum * * Consultants to teachers *
2 Standard Deviations (70 IQ vs. 130 IQ)	<ul style="list-style-type: none"> - Resource room for academic subject * Individualized Educational Programs * * Special curriculum * * Certified teachers * * Adapted teaching strategies * - Decreased pace of instruction 	<ul style="list-style-type: none"> - Special classes for academic subject * Individualized Educational Programs * * Special curriculum * * Certified teachers * * Adapted teaching strategies * - Increased pace of instruction
3 Standard Deviations (55 IQ vs. 145 IQ)	<ul style="list-style-type: none"> * Instruction in self-contained classes * - Radical adaptation of curriculum * Socialization with peers of similar abilities * 	<ul style="list-style-type: none"> * Instruction in self-contained classes * - Radical acceleration of curriculum * Socialization with peers of similar abilities *
4 Standard Deviations (40 IQ vs. 160 IQ)	<ul style="list-style-type: none"> * Special facilities * * Individualized instruction * 	<ul style="list-style-type: none"> * Special facilities * * Individualized instruction *

Source: Silverman, Linda. Highly Gifted Children. Gifted Development Center.

◀ Back

[Home Page](#) | [Overview](#) | [Benefits](#) | [Components](#) | [Selection](#) | [Application](#) | [FAQ](#)

CORRECTION

THE FOLLOWING DOCUMENT(S)
HAVE BEEN REFILMED TO
ASSURE LEGIBILITY OR PAGINATION



Rev. 6/98

Central Microfilm Services
Department of Education & Early Development
State of Alaska

ECONOMIC VALUE OF ADVANCED PLACEMENT PROGRAM:
WASILLA HIGH SCHOOL

What is the best part time employment for a Wasilla High School student? Probably the best paying job for a college bound student is taking Advance Placement classes and doing the homework.

It is admittedly difficult to come up with accurate figures on the exact values but I believe my methodology is close enough to creditably prove my point. I am using the Alaska Minimum Wage of \$5.65 per hour against the average of three colleges that I believe fairly represent typical costs. The University of Alaska, Fairbanks represents an in state university with local tuition costs, Lewis and Clark represents a typical private university and Oregon State represents a typical out of state university with the expected out of state tuition costs. Costs were taken from the *College Costs and Financial Aid Handbook 1998, 18th edition*.

In school year 1996-1997, sixty-two AP tests were passed with a score of 3 or better. A passing score is good for 6 credits at an accepting university. Wasilla High School students earned the equivalent of 372 credits. I am assuming a course load of 15 credits per semester for a full time student.

UNIVERSITY	ANNUAL FEES	SEMESTER FEES	CREDIT COST
UAF	9,434	4,717	314
Lewis and Clark	25,800	12,900	860
Oregon State	19,249	9,624	642

AVERAGE	18,161	9,080	605

Value of AP based on credits earned: 225,060.

Value of 15 credits for one student: 9,080.

Hours needed to earn 15 credits at \$5.65 per hour: 1,607.

It should be remembered that college savings occur after the money is earned. This means a student will not be able to save everything earned but rather the money left over after expenses. Financial planners typically assume that 25% of a persons salary is expended in work related expenses such as clothes, transportation and food. Taxes of all kinds take an additional 15%. In other words only about 60% of earned income is

actually available for savings.

Amount needed to earn to save 9,080: 15,133.

Hours needed to earn 15,133: 2,678.

Before taxes and expenses value of one credit: 1008.

Value of WHS 1996-97 AP program before taxes and expenses: 375,100.

The following figures assume 180 days of school per year.

Homework: One hour per day, per class, four days a week: 144 hours.

Total homework needed for 15 credits (2.5 AP classes): 360.

Value of homework: \$42.01 per hour.

Homework: two hours per day, per class, five days a week: 360 hours.

Total homework needed for 15 credits (2.5 AP classes): 900 hours.

Value of homework: \$16.81 per hour.

Doing AP homework is the best paying part time job for a WHS student who is willing to do the work. In fact a student would have to do approximately 2700 hours of homework during the school year to get the hourly average down to the minimum wage. This would require 15 hours of homework per day. The hourly value of AP homework in most cases is probably more than what most student's parents make.

The teachers salaries were not calculated in. I suspect if the percentage of their salaries that is dedicated to the AP program were subtracted from the AP value we could show a profit from their teaching. In addition most colleges recognize the dedication required of AP students that tends to be rewarded with scholarships. This is an additional benefit that should be considered but is difficult to calculate.

Roger M. Lincoln
4 December, 1997

Silverman's Chart of Provisions for Exceptional Learners

Difference	Below The Norm	Above The Norm
1 Standard Deviation (85 IQ vs. 115 IQ)	<ul style="list-style-type: none"> - Remedial instruction in the regular classroom * Modified curriculum * * Consultants to teachers * 	<ul style="list-style-type: none"> - Enrichment in the regular classroom * Modified curriculum * * Consultants to teachers *
2 Standard Deviations (70 IQ vs. 130 IQ)	<ul style="list-style-type: none"> - Resource room for academic subject * Individualized Educational Programs * * Special curriculum * * Certified teachers * * Adapted teaching strategies * - Decreased pace of instruction 	<ul style="list-style-type: none"> - Special classes for academic subject * Individualized Educational Programs * * Special curriculum * * Certified teachers * * Adapted teaching strategies * - Increased pace of instruction
3 Standard Deviations (55 IQ vs. 145 IQ)	<ul style="list-style-type: none"> * Instruction in self-contained classes * - Radical adaptation of curriculum * Socialization with peers of similar abilities * 	<ul style="list-style-type: none"> * Instruction in self-contained classes * - Radical acceleration of curriculum * Socialization with peers of similar abilities *
4 Standard Deviations (40 IQ vs. 160 IQ)	<ul style="list-style-type: none"> * Special facilities * * Individualized instruction * 	<ul style="list-style-type: none"> * Special facilities * * Individualized instruction *

Source: Silverman, Linda. Highly Gifted Children. Gifted Development Center.

◀ Back

[Home Page](#) | [Overview](#) | [Benefits](#) | [Components](#) | [Selection](#) | [Application](#) | [FAQ](#)

Testimony of Margo Waring
364-3155

For the record, my name is Margo Waring, a parent of a gifted child and I speak on behalf of other GT parents. Speaking on their behalf I greatly appreciate and am relieved by the adoption of Amendment #1. It shows your recognition of the needs of GT students that have been recognized in Alaska Statutes for the past 30 years.

I want you to know that your actions do not effect only GT students. Educational research shows that doing the best for GT students raises the level of academic achievement of all students in a school. Therefore, if we care about standards and exit exams, you need to care about GT programs & students.

Having said this, I would like to make some suggestions for further improvements.

1. The Department has had GT for decades without promulgation of regulations. Can we add a time certain for the promulgation of these regulations to assure speedy attention to this ask.
2. I also urge you to retain the procedural safeguards currently part of the GT program. These include IEPs and due process and hearings. I have conveyed to the chair our concept of how this can be done. Please consider them as otherwise appeals will be made to the very body which has denied the request. This is an appropriate role for the Department and unlikely to be costly, as its effectiveness is in the threat, adding incentive to come to agreement.

Thank you for this opportunity to address SB205 and Thanks for Amendment #1.

Subject: HB301**Date:** 12 Apr 2000 09:46:37 -0800**From:** "Johansen_Michelle" <johansen_michelle@msmail.asd.k12.ak.us>**To:** "Drue Pearce" <Senator_Drue_Pearce@legis.state.ak.us>,
"Gary Wilken" <Senator_Gary_Wilken@legis.state.ak.us>,
"Kim Elton" <Senator_Kim_Elton@legis.state.ak.us>,
"Pete Kelly" <Senator_Pete_Kelly@legis.state.ak.us>,
"Senate HESS Committee HB301" <Senator_Mike_Miller@legis.state.ak.us>

I am a fifth grade student in Rogers Park's program for highly gifted students.

I recently became aware of HB301. I really appreciate the gifted program here in Alaska. A lot of people would be affected by the cancellation of the program.

This is my first year in a highly gifted program. In past years of my regular classroom education, I had "friends" that threatened not to be my friend if I didn't tell them the answer to a problem. I was hated by some kids because I was too smart for them.

Lessons were not challenging at all. In third grade math, we were asked to count pennies. In fourth grade, we were writing easy poems, which I had learned to write in earlier years.

In my current program, we have lots of big projects. I work harder and I don't have as much free time. I am pushed to my limit, not just given work with no meaning.

Many people don't realize the difference of regular and gifted education. I don't think the state should pass HB301.

-Rachel Shauger

age 10

Rogers Park

Elementary

Anchorage, Alaska

Subject: SB205 COmmittee SUBstitutes

Date: Wed, 12 Apr 2000 09:47 -0800

From: "Marc Grober" <marc@interak.com>

To: Senator_Mike_Miller@legis.state.ak.us, Senator_Pete_Kelly@legis.state.ak.us,
Senator_Gary_Wilken@legis.state.ak.us, Senator_Kim_Elton@legis.state.ak.us,
Senator_Drue_Pearce@legis.state.ak.us

I'd like you to consider the following points:
While SB205 is poor legislation (the Department's own private counsel identified possible defects in the legislation some 6 months ago.....) there are hysterics running about Juneau screaming that you must pass this bill or the sky will fall. This is nonsense, but I have seen the legislature respond to such tactics before (this is what took place in 1993.) If you feel that you have to pass some legislation out of your committee I ask you to at least take the time to do the following:

- 1) Review the entire file of materials amassed by the House HESS Committee.

- 2) provide an extended opportunity for parents to testify as you will find that the parents you will hear from all disavow the organizations that will claim are representing these people.

- 3) Amend the bill to include the policy statement below, drawn almost verbatim from Missouri law and adopt the Missouri model for due processing hearings (one tier and not two with three panel members).

A Statement of Purpose for Use in Alaska

*Section 1. AS 14.30.180 is repealed and reenacted to read:

Sec. 14.30.180 Statement of policy. In order to fully implement section 1 of

article 7, of the Constitution of the State of

Alaska, providing for the establishment and maintenance of public schools open to all children of the State, it is hereby declared the

policy of the State of Alaska to provide or to require public schools to provide to all exceptional children under the age of

twenty-two, as an integral part of Alaska's system of public education, special educational and related services sufficient to meet

the needs and maximize the capabilities of exceptional children. The need of such children for early recognition, diagnosis and

intensive educational services leading to more successful participation in home, employment and community life is recognized. The

timely implementation of this policy is declared to be an integral part of the policy of this state.

Thank you for your consideration.

I'd like you to consider the following points:

While SB205 is poor legislation (the Department's own private counsel identified possible defects in the legislation some 6 months ago.....) there are hysterics running about Juneau screaming that you must pass this bill or the sky will fall. This is nonsense, but I have seen the legislature respond to such tactics before (this is what took place in 1993.) If you feel that you have to pass some legislation out of your committee I ask you to at least take the time to do the following:

1) Review the entire file of materials amassed by the House HESS Committee.

2) provide an extended opportunity for parents to testify as you will find that the parents you will hear from all disavow the organizations that will claim are representing these people.

3) Amend the bill to include the policy statement below, drawn almost verbatim from Missouri law and adopt the Missouri model for due processing hearings (one tier and not two with three panel members).

A Statement of Purpose for Use in Alaska

***Section 1. AS 14.30.180 is repealed and reenacted to read:**

Sec. 14.30.180 Statement of policy. In order to fully implement section 1 of article 7, of the Constitution of the State of Alaska, providing for the establishment and maintenance of public schools open to all children of the State, it is hereby declared the policy of the State of Alaska to provide or to require public schools to provide to all exceptional children under the age of twenty-two, as an integral part of Alaska's system of public education, special educational and related services sufficient to meet the needs and maximize the capabilities of exceptional children. The need of such children for early recognition, diagnosis and intensive educational services leading to more successful participation in home, employment and community life is recognized. The timely implementation of this policy is declared to be an integral part of the policy of this state.

Thank you for your consideration.

Re: SB 205: how many let down?

Subject: Re: SB 205: how many let down?

Date: Wed, 12 Apr 2000 13:57:38 -0800

From: "Anitra F. Waldo" <afwaldo@gci.net>

To: <Senator_Mike_Miller@legis.state.ak.us>, <Senator_Drue_Pearce@legis.state.ak.us>, <Senator_Kim_Elton@legis.state.ak.us>

Dear Senators

Please keep keep the GiftedTalented program as a mandatory program within the Districts with safeguards similar to those currently existing.

This program is a safeguard not only for the very top students who are struggling to stay interested in school, but for the entire top third of all students, who DIRECTLY participate in most of the programs designed for the GT kids.

This is a question for 30% of your school age population. How many students are you going to let down?
Anitra Waldo

907 586 2679
1026 Wee Burn
Juneau AK 99801

Subject: Fw: GT struck from HB 301 yesterday

Date: Wed, 12 Apr 2000 16:43:20 -0800

From: "DeRuwe" <deruwe@arctic.net>

To: <Senator_Al_Adams@legis.state.ak.us>, <Senator_Dave_Donley@legis.state.ak.us>, <Senator_Drue_Pearce@legis.state.ak.us>, <Senator_Gary_Wilken@legis.state.ak.us>, <Senator_Georgianna_Lincoln@legis.state.ak.us>, <Senator_Jerry_Mackie@legis.state.ak.us>, <Senator_Jerry_Ward@legis.state.ak.us>, <Senator_Johnny_Ellis@legis.state.ak.us>, <Senator_Kim_Elton@legis.state.ak.us>, <Senator_Loren_Leman@legis.state.ak.us>, <Senator_Lyda_Green@legis.state.ak.us>, <Senator_Lyman_Hoffman@legis.state.ak.us>, <Senator_Mike_Miller@legis.state.ak.us>, <Senator_Pete_Kelly@legis.state.ak.us>, <Senator_Randy_Phillips@legis.state.ak.us>, <Senator_Rick_Halford@legis.state.ak.us>, <Senator_Robin_Taylor@legis.state.ak.us>, <Senator_Sean_Parnell@legis.state.ak.us>, <Senator_Tim_Kelly@legis.state.ak.us>, "Representative Hal Smalley" <Representative_Hal_Smalley@legis.state.ak.us>, "Representative John Davies" <Representative_John_Davies@legis.state.ak.us>, <Senator_John_Torgerson@legis.state.ak.us>

Dear Senator,

I received information about a passed out ammendment to HB 301, attempting to make gifted/talented education an option for school districts. This provision must not be allowed to stand. If it should pass the house, this provision must be removed in the Senate.

Gifted/talented is a category of special education intended for a group of students whose needs are not met in the regular classroom. Gifted/talented students are many of the future thinkers and leaders of our society, yet they often are not challenged and drop out of school, even as it is now with existing GT programs. As a GED instructor, I see many of them after they have left traditional high school. If GT programs are not mandated in schools, they will be cut back or cut out in schools. We all know that schools cannot afford to offer any programs they are not required to offer with the lack of funding they now face. As a parent of GT students, I have seen that the GT part of my children's school day has often been the only challenging part they have had. We cannot leave the offering of GT programs up to the political willy-nilly of school boards and school administrators who are totally stressed just to make ends meet. They recognize that it is a bad decision to cut GT if they have to, but if it is left as an option, it may well be just one more bad decision that they will have to make to stay afloat.

Please do not support any version of HB301 that threatens the required offering of Gifted/Talented programs in Alaska's schools,

Thank you.

Sincerely,

Dave DeRuwe
P.O. Box 62
Seward, AK 99664
deruwe@arctic.net

----- Original Message -----

From: Malcolm Fleming <malcolm@kpbsd.k12.ak.us>

To: <mauler@seward.net>; <debbiesheehan@hotmail.com>;
<spautz@kpbsd.k12.ak.us>; <kturnbull@kpbsd.k12.ak.us>;
<molver@kpbsd.k12.ak.us>; <deruwe@arctic.net>;
<david_deruwe@educ.state.ak.us>; <tosborn@kpbsd.k12.ak.us>;
<SASGanser@aol.com>; <cindy@seward.net>; <rboyle@kpbsd.k12.ak.us>;
<plinville@seward.net>; <lebarn@arctic.net>; <Nancy_Boyle@kpbsd.k12.ak.us>;
<jdixon@kpbsd.k12.ak.us>
Sent: Tuesday, April 11, 2000 5:14 PM
Subject: Fwd: GT struck from HB 301 yesterday

> Hello AASSP board members,
>
> House HESS committee recently passed out HB 301 yesterday after stripping
> out all protections for gifted and talented services and programs. Coghill
> was the legislator who pushed for the elimination of the safeguards.
>
> Striking the GT provision from the bill would make it the responsibility
> of
> the individual districts to decide to spend funds on GT. Please do what
> you
> can to ensure the bill is not fast tracked into passing HB 301 unless
> safeguards are put into place to protect Gifted and Talented services.
>
> Gifted students should be viewed as a valuable resource to our state, but
> too often their needs are overlooked. Most districts currently provide
> very
> little in the way of Gifted and Talented services. In these times of
> decreasing funds,
> districts will most likely provide even less or nothing at all if not
> required to do so by the state.
>
>
>
> In the past, Gifted and Talented programs were lumped into the programs
> for
> children's developmental disabilities. New federal law requires that
> gifted and
> talented programs be separated from funded disability programs.
Originally,
> the bill would have funded the developmental disabilities programs while
> still mandating that school districts will provide gifted and talented
> programs; however, Rep. John Coghill sponsored the amendments to
> eliminate
> the current state mandates for gifted and talented services. Now after
> the
> amendments, Gifted and Talented programs will be at the discretion of
> individual school districts.
>
> This is a setback for Alaska's best and brightest and another step
> backward
> by the Legislative Majority towards mediocrity in education. There is a
> misconception that gifted students will make it on their own without any
> special help. Research has shown that th's is not the case. As many as 20%
> of high school dropouts are gifted students. What a waste of potential!
Not
> only for the individual students, but to society as a whole.
>
> HB 301 is headed to House Finance.
>
> While EED has shown a commitment to providing a quality education to all
> students, it appears our legislature is not committed to the same level of
> committment for ALL students.
>

> Andre'
>
> P. Andre' Layral
> Principal, North Pole Middle School
> 300 E. 8th Ave.
> North Pole, Alaska 99705
> (907) 488-2271, ext 1106
> fax (907) 488-9213
> npmpal@northstar.k12.ak.us
>
> "As the new plant breaks the ground with great difficulty..... so must we
> sometimes push against difficulty in bringing forth our dreams"
>
> Author unknown
>
>
>

Subject: House Bill 301

Date: Thu, 13 Apr 2000 11:53:10 AKDT

From: "bryce mortensen" <polaris800rmk68@hotmail.com>

To: Senator_Mike_Miller@legis.state.ak.us

CC: Senator_Pete_Kelly@legis.state.ak.us

Dear Representative:

Please do not rush into passing HB 301 unless safeguards are put into place to protect Gifted and Talented services. Gifted students should be viewed as a valuable resource to our state, but too often their needs are overlooked. Most districts currently provide very little in the way of Gifted and Talented services. In these times of decreasing funds, districts will most likely provide even less or nothing at all if not required to do so by the state.

There is a misconception that gifted students will make it on their own without any special help. Research has shown that this is not the case. As many as 20% of high school dropouts are gifted students. What a waste of potential! Not only for the individual students, but to society as a whole.

The state of Alaska has shown a commitment to providing a quality education to all students. Please, let's not exclude the Gifted and Talented students.

Thank You:

Bryce Mortensen and Shane Siek of Tanana Middle School

Get Your Private, Free Email at <http://www.hotmail.com>

Subject: Gifted-Talented Program

Date: Thu, 13 Apr 2000 11:27:20 -0900

From: M Labrosse <labrosse@northstar.k12.ak.us>

To: Senator_Mike_Miller@legis.state.ak.us, Senator_Pete_Kelly@legis.state.ak.us,
Senator_Gary_Wilken@legis.state.ak.us, Senator_Drue_Pearce@legis.state.ak.us,
Senator_Kim_Elton@legis.state.ak.us

Dear Senators,

As a teacher of the Gifted-Talented students please do not allow these students needs to be overlooked. Please support the quality education of this unique population so we may meet the needs of all the students in our district, especially the Gifted and Talented.

Thank you for your support.

Mari Beth LaBrosse

Ryan Middle School

Gifted-Talented teacher

ADD 1/1 REPT

P.O. Box 794
Kasilof, AK 99610
April 14, 2000

SB 205
Senate HES Committee
FAX 465-3883

Dear Legislators,

I only last evening received word that you are discussing cutting gifted education from public schools. I have not the time to write what I need to because I have to get off to school this morning. So PLEASE listen to to this. I have two children who have been involved in the Kenai Peninsula's gifted program since they were in primary grades. Let me tell you that that program is what got them through elementary school. My son would have home schooled if it hadn't been for his "Quest" teacher in the eighth grade. Please do your homework and find that gifted kids DO have needs that must be met and a special program for them is crucial for them.

Please vote against SB 205. It is a bad idea.

Thank-you, Kathy Holt
bkholt@alaska.net

Dear Representative,

I am a parent of a gifted child writing to you to express distress about SB205/HB301. I am sure you have already heard from the educators themselves regarding the statistics and research findings supporting gifted and talented educational programs. So as a parent and a voter let me just say that like children with learning disabilities, gifted kids have special needs that must be met. They are the people who will solve our problems tomorrow — if you solve this problem for them today. Since all children spend roughly half of their weekday hours in school, don't you think that should be time spent learning something instead of just filling a seat?

Sincerely,

Beth Blankenship

APR 13 REC'D

Beverly Thornburg
12521 Clippership Drive
Anchorage AK 99515
(h) 345-6306
April 12, 2000

Dear Senators and Representatives,

This is testimony I was unable to present at the April 11 teleconference, where we ran out of time, on Senate Bill 205: "An Act relating to the education of exceptional children . . ."

I urge you to restore to this act a substantive mandate that gifted children be recognized as special needs children, and that they be served adequately and appropriately.

Although I sincerely appreciate the spirit of Amendment # 1 (thank you, Senators!), and the amendment does require that districts recognize gifted children and do something for them, the Act still puts these special needs children in jeopardy:

-- It does not require parameters for quality control or for the local accountability that Gifted Ed currently has as part of Special Education. Even with the amendment, the act removes due process protection for children and parents. In fact, as one of the April 11 testifiers said, it sets up local districts as their own appeals agents!

--The act takes away the kind of IEP process that actually does works -- where goals are set and the teacher, student, parent, and Special or Gifted educator are all accountable to one another *and* to a higher authority for them. You may have heard testimony from DEED or from Special Educators about the burdensome paperwork of IEPs. But, I have talked with Gifted Education teachers in Anchorage who favor the IEP's protection for kids, as well as the IEP's power to bring Gifted Ed to the table with classroom teachers.

--The act removes the protection, currently spelled out under Special Education, of access. With the new act, with no mandated services and no mandated funding levels, many children who need services will *not* be able to access those services. For example, under Special Education, district Gifted programs provide transportation. Without this as a mandate, we may be setting up a "class system." In Anchorage, many children who qualify for the exceptional needs (highly gifted) program at Rogers Park Elementary School will not be able to go there unless a parent has the time and resources to take them to school and pick them up. Children of working parents will be out of luck. In fact, without mandated and funded transportation, Anchorage *cannot* provide the greater part of its Gifted services citywide.

--In short, I'm afraid that the act takes the guts out of services and protection for our most invisible at-risk group of children. Moreover, the act as it stands does not seem to provide for a fiscal note; or, for that matter, for any requirement that districts actually put resources into their gifted education programs. I believe that, in Anchorage, we may see large inequities that place these special needs kids in jeopardy.

The new federal law opens a window for DEED and for local Special Education programs to divest themselves of responsibility for this group of children. But, just because IDEA now allows it, this does not make it right. We don't *have* to take "exceptional" children out of our law. If we pass SB 205/HB 301, let us first build back into the law mandated protection and resources for these children.

I'm the mother of an identified "highly gifted" first grader, but I also am a school district employee. Therefore, I know how strapped local districts are already. Today, at the teleconference, I heard representatives of DEED suggest that districts pay for Gifted services out of SB 36 money; or that they can decide locally whether and how much to allocate from categorical and local funds. It is my belief—representing myself as a parent and other parents—that local districts are unlikely to rise to the challenge and re-allocate local money to serve this population. At the same time, we must remember that we in Alaska say and believe that *all* children should have the chance to reach their potential.

Gifted children's needs are not well understood. They tend to be *invisible* relative to other special populations, and they lack the voice or the advocacy of other groups. It is easier to turn our backs on gifted children and hope—or say-- that they will fend for themselves. It is easier to rationalize that there is something "elitist" about having their driving needs and potential. As a mommy, I've discovered first-hand how fragile this population is. Yet, with districts understaffed and with crowded classrooms, it can be the path of least resistance to ignore them or throw a little something at them and call it enough. I've seen the consequences when their needs are overlooked. Without ASD's outstanding Gifted Education program, my little boy would be in considerable danger of intellectually, emotionally, and spiritually "dropping out" of school as early as the primary years.

Our experience reflects the national research that shows how these children really are at risk. It is not true they will "take care of themselves." They can quickly learn that school is about somebody else, not about them. They can repress their gifts, their curiosity, and their rapid learning in order to be compliant in a regular classroom. They begin to think there is something wrong with them. They shut down. They *feel* invisible. In order to survive in school, they can commit the equivalent of mental and spiritual suicide (our son's risk). Or, in desperation, they can become behavior problems. They are candidates for dropping out and substance abuse. Yet, this is the group from which Alaska's 21st century leaders will come—the great scientists, world peace makers, inventors, artists, innovators, and leaders of tomorrow.

Therefore, please consider:

- Just because the federal legislation has deleted "exceptional" children, that does not mean that we should delete them in our law. That does not mean that our institutions should take the opportunity to marginalize them.
- A generalized mandate (Amendment #1) is not a mandate with teeth.
- An unfunded mandate is, in reality, pretty close to no mandate.
- An unfunded mandate that suggests that local districts rob Peter to pay Paul can turn out to be a fantasy mandate.
- If we remove or dilute local accountability, we may get little or no accountability.

Therefore, I urge you to re-consider restoring "exceptional" children to the law.

At the least, please re-visit Amendment #1 and consider adding these things:

- A more explicit requirement for due process and local accountability that meets or exceeds the parameters of the Special Education requirements.
- A more explicit requirement to make services accessible to gifted children that need them. Perhaps this could include a minimum pro rata allocation of resources *and*

transportation. This could be stated in the spirit of education in the "least restrictive environment," as with Special Education.

-A fiscal note that at least meets current allocations. This way, even if we take Gifted Education out of Special Education, we will still be able to provide Gifted services. If a fiscal note is politically unfeasible, please consider an inducement for districts to pro rata allocate categorical funds at a level commensurate with the numbers and proportions of special needs gifted children.

Thank you very much for your patience and thoughtful attention.

Beverly Thornburg

Subject: SB205 message from parent!

Date: Thu, 13 Apr 2000 20:19 -0800

From: bells@alaska.net

**To: Senator_Tim_Kelly@legis.state.ak.us, Senator_Loren_Leman@legis.state.ak.us,
Senator_Mike_Miller@legis.state.ak.us, Senator_Johnny_Ellis@legis.state.ak.us,
Senator_Drue_Pearce@legis.state.ak.us**

Please help our children. Stop SB205!
Please help ensure that the public's interests are not miscarried in the last weeks of this session through the passage of HB301/SB205. It is my understanding that the House HESS committee couldn't even support the bill; the bill still hasn't been scheduled for a hearing before the House Finance Committee; and, on the Senate side, Mr. Mike Miller has for some reason refused to provide the Senate HESS committee with copies of the extensive material presented to the House HESS committee.

How will parents be given appropriate opportunities to speak to this bill? Most that I know don't like it, and think it is a great big patch. We're major stakeholders on behalf of our children. We want new laws to serve our children's need WITH OUR INPUT.

Please kill this bill and give everyone the opportunity to sit at a table together. You could call in experts, listen to us, and then write a comprehensive set of laws for our children.

I do not believe there will be any financial consequences from the Secretary of Education if we do not pass a bill this year. We really need to focus on tapping our local experts and giving parents the opportunity to be equal partners in the process of constructing this extremely important legislation.

The bill as it is is a patch on a patch on a patch. The school district my daughter goes to will still have issues. VCS was already faulted for using terminology (SED) that would still remain after the adoption of the current CS. You cannot rely on AkDEED to act appropriately. I do not want you to. The public is telling you write appropriate legislation.

Kill this bill, and during the summer we will have ample time to come together and work it out. It is time that those excluded were invited to the table to draft something parents can live with. Please read my testimony below:

My name is Louise Parish. I am currently in due process on behalf of my learning disabled daughter. I believe this bill was constructed without appropriate opportunities for parent discussion and input. I understand a number of governmentally funded agencies have provided input for you on behalf of parents. I believe this does families and children a grave disservice. We've had many years to change our laws. To do so in a last minute cram without opportunities for parents to fully understand and speak to it is a shame. I would like to tell you my story and ask for your help.

I have spent six long, arduous, and enlightening years advocating for my wonderful daughter. She has struggled to read since the first grade. Finally, in third grade, she was determined eligible for special education services. Now, at 16 years old in ninth grade, she is reading at a fourth to fifth grade level.

Since she was determined eligible for services, I struggled along with her, trying to understand how to help her, and how to get her the services she needed. In 1996 I wrote a letter to her school, comparing the services they were providing to her with a benevolent organization going in and dropping off food to a third world village instead of sending in seeds, trainers and equipment.

Throughout the years, I spoke to everyone I could to become informed. I joined the International Dyslexia Association, the Society for the Blind and Dyslexic, and a variety of other organizations, both local and

national. I ordered books and subscribed to magazines. I read education journals and networked with other parents.

I tried to make the system work. I spoke to district representatives, AkDEED, Parents, Inc., Disability Law Center, the Governor's Council, and others. Unfortunately, I found the whole process of seeking assistance to be one fraught with confusion, funding issues, misstatements, and abdication.

I cannot tell you how many times in the last three years I have heard such statements as "Where's that money supposed to come from?", "Your daughter is only entitled to educational benefit," "Our hands are tied," "That's not the way it works," "I'm sorry that we can't help you," and the one I hated the most, "You're only one voice."

I am verbally referred to so many rules and guidelines that I started a new mantra, "Show me the law that says so." I do not want any of these entities to speak on my daughter's behalf. I do not want these agencies to write what they want at will, either. All of the agencies I have gone to for help are funded by public money. It is my belief that their recommendations may be tied more to their ROLES in the special education system and MONEY or INADEQUATE MONEY, than to our childrens TRUE NEEDS.

MY GRAVE CONCERN is that this bill will allow the current confused state of special education to continue. I may have only one voice, but it's an informed one. I want the system to work and believe it can, if we all sit at the table together. Please MAKE PARENTS EQUAL PARTNERS in this process.

You have challenged the students of this state with benchmarks and exit exams. I fully support that. Now give them the resources they need to meet those challenges. Kids with special needs can meet those

challenges, if provided with the proper support, services, expectations and APPROPRIATELY REPRESENTED LAWS.

I'd like to address certain issues:

1.) It appears you are simply guaranteeing that federal minimums will be met to ensure federal money will not be cut off this year. Our kids need more than minimums to meet the challenges you have set for them and the challenges of the 21st century.

2.) You are giving AkDEED too much power to write what they want. Parents need laws they can depend on when funding vs. services becomes an issue.

I have seen at least three different Alaska DOE special education Handbooks over the years. Most parents don't have even a clue about these guidebooks. They just take what they are told at face value. Now we're becoming informed. I don't want AkDEED to have the power to write and change at will, just as you may not want to simply say you will comply with any federal law that comes up in the future. AkDEED doesn't do what's right automatically. Why rely on them instead of parents?

3.) You don't seem to understand that we can write our own laws to meet our children's needs, not just set it according to federal minimums. Let's write comprehensive laws that set a path for our kids!

4.) Hearing officers should be trained every five years and the training should be opened to all persons who meet the criteria. AkDEED should, when heading to due process, select hearing officers at random from a full list and document the process of the random selection. If the parent refuses all three, it should go back again to a random selection. Rotating selections could ensure AkDEED or districts don't "choose" a

favorite.

5.) Mediators should be trained in a like process. Criteria should be established and the opportunity opened to those who meet it. There are mediators in other fields besides education. Many mediators are currently ex-DOE folks. Open it to all.

6.) Leave Gifted and Talented under the protection of law. Districts take your block money for special education and pool it with all their other money anyway. Without safeguards, parents could face a real battle getting their child needed services. Adding amendments that provide for services without providing parents with a recourse if their child doesn't get appropriate services seems as though it's simply one big patch shell game.

7.) Do not repeal stuff and leave it to AkDEED to write what they want instead. I may disagree and will have no recourse. In fact, I do disagree. It looks like this bill asks you to repeal, among a number of other things, Sec. 14.30.350., defining my "consent," my daughter's "educational records," my child's "IEP team," and more. If you are taking away parents' rights and handing them to AkDEED, you should give parents more of an opportunity to speak! Why are these and issues related to IEPs, identification and procedural safeguards possibly being repealed? Do not do so unless you are replacing them. Stop giving AkDEED all the power. They have increased their manpower in the last few years, which cannot but help, but SHOULD NOT BE GIVEN MY CHILD'S FUTURE handed to them.

8.) Have AkDEED do a side by side comparison if you wish, but make it a public presentation, and provide parents an opportunity to speak to you directly regarding their concerns. This bill has flown too fast through the mill. You need to provide for parent input next year.

9.) Create a better statement of purpose. Your statement of purpose seems to be saying we'll do whatever we need to do at a minimum to get federal money. Make a statement about what you want to see for kids. Other states do.

10.) Lengthen the amount of time parents have to request a due process hearing to two years. I believe parents must give informed consent. I guarantee you, most parents are clueless and need time to digest things and understand them. I believe many parents are simply uninformed and dependent on the system to work without them.

11.) Do not define appropriate educational services as sufficient services necessary to provide educational benefit. THIS IS A BAD STATEMENT THAT MY DAUGHTER HAS HAD A WORLD OF PROBLEMS WITH.

Please contact me at bells@alaska.net if you have any questions.

Louise Parish
P.O. Box 1182
Valdez, AK 99686
(907)835-4231
bells@alaska.net

Thank you.

P.S. Past due process hearings should be posted on web. Thanks!

**Please help our children. Stop SB205!
Please help ensure that the public's interests are not miscarried in the last weeks of this session through the passage of HB301/SB205. It is my understanding that the House HESS committee couldn't even support the bill; the bill still hasn't been scheduled for a hearing before the**

House Finance Committee; and, on the Senate side, Mr. Mike Miller has for some reason refused to provide the Senate HESS committee with copies of the extensive material presented to the House HESS committee.

How will parents be given appropriate opportunities to speak to this bill? Most that I know don't like it, and think it is a great big patch. We're major stakeholders on behalf of our children. We want new laws to serve our children's need WITH OUR INPUT.

Please kill this bill and give everyone the opportunity to sit at a table together. You could call in experts, listen to us, and then write a comprehensive set of laws for our children.

I do not believe there will be any financial consequences from the Secretary of Education if we do not pass a bill this year. We really need to focus on tapping our local experts and giving parents the opportunity to be equal partners in the process of constructing this extremely important legislation.

The bill as it is is a patch on a patch on a patch. The school district my daughter goes to will still have issues. VCS was already faulted for using terminology (SED) that would still remain after the adoption of the current CS. You cannot rely on AkDEED to act appropriately. I do not want you to. The public is telling you write appropriate legislation.

Kill this bill, and during the summer we will have ample time to come together and work it out. It is time that those excluded were invited to the table to draft something parents can live with. Please read my testimony below:

My name is Louise Parish. I am currently in due process on behalf of my learning disabled daughter. I believe this bill was constructed without appropriate opportunities for parent discussion and input. I understand a number of governmentally funded agencies have provided input for you on behalf of parents. I believe this does families and children a grave disservice. We've had many years to change our laws. To do so in a last minute cram without opportunities for parents to fully understand and speak to it is a shame. I would like to tell you my story and ask for your help.

I have spent six long, arduous, and enlightening years advocating for my wonderful daughter. She has struggled to read since the first grade. Finally, in third grade, she was determined eligible for special education services. Now, at 16 years old in ninth grade, she is reading at a fourth to fifth grade level.

Since she was determined eligible for services, I struggled along with her, trying to understand how to help her, and how to get her the services she needed. In 1996 I wrote a letter to her school, comparing the services they were providing to her with a benevolent organization

going in and dropping off food to a third world village instead of sending in seeds, trainers and equipment.

Throughout the years, I spoke to everyone I could to become informed. I joined the International Dyslexia Association, the Society for the Blind and Dyslexic, and a variety of other organizations, both local and national. I ordered books and subscribed to magazines. I read education journals and networked with other parents.

I tried to make the system work. I spoke to district representatives, AkDEED, Parents, Inc., Disability Law Center, the Governor's Council, and others. Unfortunately, I found the whole process of seeking assistance to be one fraught with confusion, funding issues, misstatements, and abdication.

I cannot tell you how many times in the last three years I have heard such statements as "Where's that money supposed to come from?", "Your daughter is only entitled to educational benefit," "Our hands are tied," "That's not the way it works," "I'm sorry that we can't help you," and the one I hated the most, "You're only one voice."

I as verbally referred to so many rules and guidelines that I started a new mantra, "Show me the law that says so." I do not want any of these entities to speak on my daughter's behalf. I do not want these agencies to write what they want at will, either. ALL of the agencies I have gone to for help are funded by public money. It is my belief that their recommendations may be tied more to their ROLES in the special education system and MONEY or INADEQUATE MONEY, than to our childrens TRUE NEEDS.

MY GRAVE CONCERN is that this bill will allow the current confused state of sepcial education to continue. I may have only one voice, but it's an informed one. I want the system to work and believe it can, if we all sit at the table together. Please MAKE PARENTS EQUAL PARTNERS in this process.

You have challenged the students of this state with benchmarks and exit exams. I fully support that. Now give them the resources they need to meet those challenges. Kids with special needs can meet those challenges, if provided with the proper support, services, expectations and APPROPRIATELY REPRESENTED LAWS.

I'd like to address certain issues:

1.) It appears you are simply guaranteeing that federal minimums will be met to ensure federal money will not be cut off this year. Our kids need more than minimums to meet the challenges you have set for them and the challenges of the 21st century.

2.) You are giving AkDEED too much power to write what they want.

Parents need laws they can depend on when funding vs. services becomes an issue.

I have seen at least three different Alaska DOE special education Handbooks over the years. Most parents don't have even a clue about these guidebooks. They just take what they are told at face value. Now we're becoming informed. I don't want AkDEED to have the power to write and change at will, just as you may not want to simply say you will comply with any federal law that comes up in the future. AkDEED doesn't do what's right automatically. Why rely on them instead of parents?

3.) You don't seem to understand that we can write our own laws to meet our children's needs, not just set it according to federal minimums. Let's write comprehensive laws that set a path for our kids!

4.) Hearing officers should be trained every five years and the training should be opened to all persons who meet the criteria. AkDEED should, when heading to due process, select hearing officers at random from a full list and document the process of the random selection. If the parent refuses all three, it should go back again to a random selection. Rotating selections could ensure AkDEED or districts don't "choose" a favorite.

5.) Mediators should be trained in a like process. Criteria should be established and the opportunity opened to those who meet it. There are mediators in other fields besides education. Many mediators are currently ex-DOE folks. Open it to all.

6.) Leave Gifted and Talented under the protection of law. Districts take your block money for special education and pool it with all their other money anyway. Without safeguards, parents could face a real battle getting their child needed services. Adding amendments that provide for services without providing parents with a recourse if their child doesn't get appropriate services seems as though it's simply one big patch shell game.

7.) Do not repeal stuff and leave it to AkDEED to write what they want instead. I may disagree and will have no recourse. In fact, I do disagree. It looks like this bill asks you to repeal, among a number of other things, Sec. 14.30.350., defining my "consent," my daughter's "educational records," my child's "IEP team," and more. If you are taking away parents' rights and handing them to AkDEED, you should give parents more of an opportunity to speak! Why are these and issues related to IEPs, identification and procedural safeguards possibly being repealed? Do not do so unless you are replacing them. Stop giving AkDEED all the power. They have increased their manpower in the last few years, which cannot but help, but **SHOULD NOT BE GIVEN MY CHILD'S FUTURE handed to them.**

8.) Have AkDEED do a side by side comparison if you wish, but make it a

public presentation, and provide parents an opportunity to speak to you directly regarding their concerns. This bill has flown too fast through the mill. You need to provide for parent input next year.

9.) Create a better statement of purpose. Your statement of purpose seems to be saying we'll do whatever we need to do at a minimum to get federal money. Make a statement about what you want to see for kids. Other states do.

10.) Lengthen the amount of time parents have to request a due process hearing to two years. I believe parents must give informed consent. I guarantee you, most parents are clueless and need time to digest things and understand them. I believe many parents are simply uninformed and dependent on the system to work without them.

11.) Do not define appropriate educational services as sufficient services necessary to provide educational benefit. THIS IS A BAD STATEMENT THAT MY DAUGHTER HAS HAD A WORLD OF PROBLEMS WITH.

Please contact me at bells@alaska.net if you have any questions.

**Louise Parish
P.O. Box 1182
Valdez, AK 99686
(907)835-4231
bells@alaska.net**

Thank you.

P.S. Past due process hearings should be posted on web. Thanks!

Subject: SB 205

Date: Thu, 13 Apr 2000 22:03:32 -0800

From: "Karen Schuerger" <islander@ktn.net>

To: Senator_Mike_Miller@legis.state.ak.us

Dear Senator Miller,

Thank you for your attention to SB 205. Please help insure that programs for the Talented and Gifted students in our state remain intact. School districts must be required to provide enrichment programs to challenge and meet the diverse needs of GT students. In addition, please retain procedural safeguards and due process rights for GT students. Districts need to be accountable! Our GT students have incredible potential. Let's make sure they are given the opportunity to achieve it! Thank you.

Karen Schuerger, parent
Ketchikan

Subject: Senate Bill 205

Date: Fri, 14 Apr 2000 10:09:54 -0800

From: "Greg Silvey" <gsilvey@guessrudd.com>

To: <Senator_Kim_Elton@legis.state.ak.us>, <Senator_Gary_Wilken@legis.state.ak.us>, <Senator_Drue_Pearce@legis.state.ak.us>, <Senator_Pete_Kelly@legis.state.ak.us>, <Senator_Mike_Miller@legis.state.ak.us>

Members of the Senate Health, Education and Social Services Committee,

As parents of a gifted child, we urge the members of this committee not to recommend passage of SB 205. The bill, as currently written, undermines the protections previously afforded to gifted students under state law, and contrary to the representations of the state DOE, is unnecessary to achieve compliance with federal law, specifically the Individuals with Disabilities Education Act, or IDEA.

Mr. Johnson of the DOE has told you that this statutory change is necessary to achieve compliance with federal law. He overstates the issue. What is needed is not for this state to abandon its commitment to an appropriate education for all exceptional children, but for the DOE to cease commingling funds it receives from the federal government for disabled children with State funds. That is all that is required by Section 300.152 of the regulations implementing the IDEA. As the regulations themselves state, the commingling prohibition can be "satisfied by the use of a separate accounting system that includes an audit trail of the expenditure of the Part B funds." There is no language in the IDEA or in the regulations promulgated under it, that would force a state to change its existing law which provides for services BEYOND what is minimally required by the IDEA, such as is currently the case with gifted education in Alaska. It simply requires that federal monies be accounted for. This statutory change is not necessary. In fact, the IDEA regulations require only changes to state policies and procedures to the extent necessary to "to ensure the State's compliance" with the regulations, and only when the federal government makes an "official finding of noncompliance with Federal law or regulations." No one has presented anything to suggest that providing State services to gifted children is not in compliance with federal law. Where there has been noncompliance is with the state's procedure for spending the federal monies it has received for disabled children. This proposed "solution" does not focus on the real problem. The real problem is NOT the state's policy to provide educational services to exceptional children, and not limit those services only to "disabled" children. The problem is the DOE's failure to properly account for federal dollars provided to it for disabled children. The solution is not to exclude the gifted from the protections afforded by state law for exceptional children, but simply to properly account for the money spent on programs for disabled children.

Compliance with the federal regulations can be achieved without gutting the state statutes that grant procedural protections to all exceptional children. The proposed change would make those protections available only to children who are disabled as that term is defined under the IDEA. This state statute, which has as its express purpose that exceptional children will be provided with an appropriate public education, represents an important state policy that will not be adequately protected if this bill is enacted. The way that the term "exceptional children" is itself defined shows why continuing this policy is important. They are "children with disabilities, and gifted children, who differ markedly from their peers to the degree that special facilities, equipment, or methods are required to make their educational program effective." Simply stated, these are students who need special services in order for their education to be worthwhile. Studies show how important it is for gifted students to be taught in

programs with their gifted peers, and leaving this critical decision to individual school districts, as opposed to continuing this important statewide policy, would be a tragic mistake.

The DOE has essentially said it wants to abdicate its responsibility to oversee gifted education in the state. It proposes to do just that with the passage of this bill. It would leave the nature and extent of gifted children's education dependent solely on the shifting fortunes of local school districts, and remove it as a statewide priority. The Department gives nothing more than lip service to supporting gifted education; it supports it only to the extent that individual districts are willing to fund these programs. By passing this bill, the legislature would be dooming gifted education as it currently exists, and would relegate it to the status of a program that individual districts could severely curtail or limit. The amendment to the bill really does nothing to change that. It says only that districts will be required to have some form of gifted education, but the form of those programs is wholly undefined, and is dependent on regulations as-yet unpromulgated by a department which has said quite frankly it wants no part of any oversight of gifted education. This "mandate" is an empty promise at best, and the DOE should not be permitted to avoid its responsibilities to oversee gifted education in this state. This bill should not be passed.

Greg Silvey and Arlanda Crail
2948 Princeton Way
Anchorage, AK 99508
aparadis@alaska.net

Testimony on behalf of passing SB 205

4/14/00 1:30pm

By: Faye Nieto, MA LMFT

Executive Director of PARENTS, Inc. – Alaska's Statewide Parent Training and Information Center

PARENTS Inc. is funded by the US Department of Education, Office of Special Education Programs to improve early intervention, educational, and transitional services and results for children with disabilities through coordinated technical assistance, support and dissemination of information activities and services.

PARENTS, Inc., to meet our mandate is required to: assist parents to understand the provisions of federal IDEA, procedural safeguards, alternative methods of dispute resolution, such as mediation, decision making processes that pertain to development of Individual Education Programs under part B and Individual Family Service Plans under part C and the services therein so ensured through education reform activities like the conformance of state and federal law through passage of SB 205.

PARENTS, Inc. is compelled to let parents and decision makers know the good things that have resulted from IDEA best practice: a million children are now educated in their community schools, 9% increase in graduation rates, twice the opportunity to become employed vs. those not transitioned, parents are equal partners in their child's education. Alaskan special education students deserve this too!

PARENTS, Inc. in an effort to ensure that minimal or better standards were set for Alaska's children with disabilities engaged in a process over the last several weeks that compared state law to federal law, state regulation to federal regulation, proposed repeals and changes to state law as compared to federal law and regulation along with analysis of other public advocate, legal counsel and parent comments gathered during our statewide training, forums, regional advocates, e-mail and other pertinent contacts that totaled 67,000 FY00 year to date.

ACTION NEEDED: PASS THE Bill AS IS

- There has been sufficient due process, testimony taken to pass now and regulate later
- Remember what beneficiary group this legislation is crafted to protect – **THOSE WHO ARE DISABLED! Not those who are exceptionally able!**

Review of this data has yielded the CS before you. PARENTS, Inc. believes the content is sufficient and details can be worked through during the regulatory process. We have been assured by DEED administration that stakeholder comment will be considered and amendments made will round out a conceptual framework from which IDEA service provision can result.

NOT PASSING THE BILL:

- Continues to compromise federal funding for special education students', as US DOE is looking for SOLID assurance that conformance is in process. There are no guarantees that written assurance will forestall sanctions or that other compliance issues (that will be reviewed today) identified through review will not trigger a response.
- Parents of disabled children are aware information gained through prior legislative audit confirms that significant portions of money mandated by federal and state law to serve special education students was frequently used by local education agencies to serve gifted and

talented and sports programs. This is a major violation of law not to mention wholly unethical.

- Continuing to keep gifted students and special education (disabled) students co-mingled in state law perpetuates daily the risk of federal audit about mis-use of funds.
- Parents of disabled students loose faith daily when their child's peer comes before you and states, "we must receive the same services as the disabled student as we are on the other end of the scale".

How is prolonging this process beneficial to anyone? What can you do to help those who depend upon your judgement, ethics, efforts to put in place educational opportunity so they can become able to help themselves? Your support and efforts are greatly appreciated!

We understand and support the passage of SB 205 and the recommendations for stakeholder input to the regulatory processes so stated by PARENTS, Inc. and by so doing urge quick action that will ensure Alaska's compliance with federal law.

NAME	ADDRESS	PHONE #	E-MAIL ADDRESS
1. Maria Johnson	112 Nanook Circle	273-3019	froggienme@aol.com
2. Pelton Goudey	735 E. 74 th Ave.	522-9476	igogoudey@ak.net
3. Gail Igo	same	same	same
4. Lori Knefelkamp	PO Box 87423	745-1857	lorikk@mataonline.net
5. Catherine Burgess		337-1284	
6. Sanja Bolling		338-1623	
7. Shelia Booksh		245-1219	
8. Shawnee Hart		337-1284	
9. Ronnie Stork	1251 Muldoon Rd.	337- 0090	bsj@rstorkacfonline.org
10. Helen Johnson	PO Box 110687	786- 6441	
11. Lori Walter	535 2 nd Ave. Suite 163B.	456-6770	FBXPRC@mosquitonet.com
12. Bernardine Jantzen	3300 Palmdale	376-0366	bsi@rogershasa.com
13. John Vogt	PO Box 211245 99521	348-0209	
14. Kathy Griffeth		688-9463	
15. Kimberly Sedgraves		245-2125	
16. Barbara Weiss	11000 Navarot	336-2203	barbweiss@chugach.net
17. Angela Eberhardt	1521 Elcadore Dr. #108	344-4234	goldie698@gci.net

Subject: SB 205

Date: Fri, 14 Apr 2000 08:40:58 -0800

From: "Dan P. Bilderback" <sage@gci.net>

To: Senator_Mike_Miller@legis.state.ak.us

4/14/00

Greetings Senator Miller:

As a parent of a 5th grader who is in the gifted and talented program in the Anchorage school district, I would like to comment on the proposed SB 205. To me the issue of great importance is the separating of the gifted or "exceptional" children from the "special ed" program. One of the prime tools of accountability would be lost. This is the Individual Education Plan or IEP that is in effect a contract between the school district and parents that holds the school district accountable to follow through with their stated commitment. I believe in putting faith and trust in the school district's intentions. I also believe that trust is better accomplished in an IEP. Please keep this requirement of an IEP between the school district and parent by not separating "Exceptional" from "Special Ed" Thank you for your time!

Dan P. Bilderback

4623 Campus Circle
Anchorage, Ak 99507

sage@gci.net

(907) 562-8428

FACSIMILE COVER SHEET

Date 4/14 Number of Pages (including cover sheet) 3

TO: Senate Education Committee

REGARDING: SB 205 - Gifted education

FROM: Kathy Curtis-Johnson, a parent of a gifted child

COMMENTS:

Please submit the enclosed as testimony at the teleconference today, Friday, April 14th at 1:30 pm. Thank you.

Testimony

Date: April 14, 2000

To: Senate Education Committee

From: Kathy Curtis-Johnson
Parent of a 2nd grade, gifted child
P.O. Box 241503, Anchorage, Alaska 99524
(907) 243-7338

Re: Funding for the Gifted education program
SB 205

The term "gifted" works against our children in so many ways. Gifted children have talents, yes, but they face challenges that affect their ability to succeed in life. They are truly children with special needs. If you live with a gifted child, you understand these words intrinsically. If you don't, then you, like the majority of the population, may think that being gifted means having it easy. Nothing could be further from the truth.

The challenges gifted children face are difficult to identify, understand or address without professional training and adequate funding, (or without living with them day in and day out) yet they are profound. Social and self-esteem problems, perfectionism, immaturity and learning disabilities are just a few examples. This is why an alarming number of gifted children drop out of high school. This is why I wept when I first learned my child was gifted. And this is why my child, who is in a second grade regular classroom and reads at a pre-college level, is already dumbing down.

At the elementary-age level in Anchorage (I cannot address the older aged children) we do not encourage our brightest to meet their potential, nor do we understand them or meet their needs in the regular classroom. We tuck them away, essentially hiding them, just like we used to do with children who had emotional, developmental, physical or mental challenges. We put them in IGNITE, which is a 2-hour-a-week program, or we put them in the program at Roger's Park which is an under-funded and poorly managed intensive and accelerated program that meets just a fraction of the needs of the gifted population in Anchorage. At the same time, children with blatant

disabilities are mainstreamed and receive professional, team-oriented support in the regular classroom (and in pull-outs).

This disparate situation exists because parents and certain educators demanded that children with emotional, developmental, physical and mental challenges have their needs met in a regular classroom. Our gifted children are challenged too -- they have special needs and require more funding and attention, not less. Frankly, and excuse me for being blunt, this situation is a lawsuit waiting to happen. Gifted children are children with special needs. They need support and understanding. Every teacher who comes in contact with a gifted child should be educated on how to reach and teach these children. We need resource teachers in every school that are trained to help gifted children, not just resource specialists who are trained to deal with children at the other end of the spectrum. And we need full-time classes for the brightest of the bright, operated by trained gifted specialists who understand that there's more to giftedness than just high I.Qs and linear thinking. Our current situation is a crying shame. Please improve it, don't make it worse.

If anyone from this Committee needs more, specific information on the situation in Anchorage I'll be happy to meet with them. You may contact me at the address or phone listed above. Thank you.

FAX

Wedbush Morgan Securities

Date 4-14-00

Number of pages including cover sheet 3

To: Senate HESS Committee

From: Laurie Wezensky

Phone _____
Fax Phone 907-465-3883

Phone (907) 273-2300
Fax Phone (907) 563-8372

CC: _____

REMARKS

Urgent For your review Reply ASAP Please comment

Testimony for the legislative teleconference.

CONFIDENTIALITY NOTICE

"WARNING: Unauthorized interception of this telephonic communication could be a violation of federal law"

The information contained in this facsimile message is confidential and is intended only for the individuals or entities named above. If the reader of this message is not intended recipient (or the individual responsible for the delivery of this message to the intended recipient), please be advised that any dissemination, distribution or copying of this message is prohibited. If you have received this message in error, please notify us by telephone and destroy documents received. Thank you.

If any difficulty occurs with this transmission, please call _____.

April 14, 2000

To Whom It May Concern:

I am writing to give you my personal opinion on the House Bill 301 and Senate Bill 205. Our son, Zebediah Wezensky, attends the IA program at Rogers Park Elementary. He is currently in the 2nd grade, and we are very happy with the program. I realize that you have undoubtedly heard many opinions on this issue and have only two points to offer:

#1. These children ARE special situations; they ARE disabled, in terms of functioning as an "average" child.

These children are NOT just "bright" students. They are not able to be placed in a normal classroom and obtain a good education. Studies have shown that these students do not establish good learning habits in a regular classroom, since things are too easy for them. They tend to ignore the teacher and find other ways to keep themselves busy, most of which involves detrimental activities.

Our son experienced this during the first quarter of kindergarten. At that point he was reading at a 2nd grade level (he taught himself to read) while the class was learning to recognize their alpha letters. He was obviously not interested. So when the teacher taught the class songs to learn about a letter, Zeb would change the words to be funny. He is not, nor has he ever been, a discipline issue. And we believe he is very well adjusted socially. I offer this as an illustration of how this type of child "adjusts" to the situation of a "regular" classroom.

Zeb is currently in 2nd grade, attending the 4th grade IA math class, and performing at the 5th to 6th grade level. His spelling is above 6th grade, as are his reading skills. In many areas, he is more than two grade levels ahead. Without this program, the alternatives available are limited: we could move him ahead in grade-levels to appropriately place in him according to his academic ability. But to do this, you have an 8 year old in a group of 10 year olds or older. I don't believe this would be good socially, and there would be no hope of competing in sports!!! Or we could leave him in a class of his social peers, knowing that there is no way he will ever be challenged academically. Neither of these options would work! We need this program! We would be forced to home-school our child in order to provide his education.

Our three other children attend Anchorage Christian Schools, and we spoke to the administration there about the possibilities of having him attend with his siblings. We were told that they are unable to service a child of this level in a normal classroom, and that it would be unfair to the teacher to expect it.

When Zeb was tested, at 5 years old, we were told that he ranked at 3 standard deviations above the norm. My husband and I asked for clarification as to what that meant. It was explained to us that he is so far out of the normal range, that if he were on the opposite end of the range. (being learning-disabled) he would never be able to learn to read!! **These children are definitely at a disadvantage, by being too far from the average, to benefit from a traditional classroom.**

#2. These children offer so much possibility to our future generations that it would be a shame to push them through a system that disables their potential.

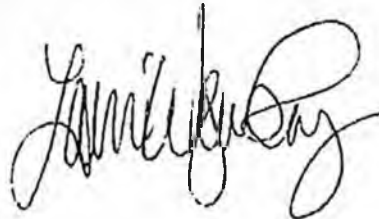
This group of kids, which we were told are the top ½ of 1% of IQ, offer the "best of the best" so to speak, in terms of potential for our society. These are the future inventors, mathematicians, scientists, etc. that could change our world. Our history is full of genius-level intellect that was not stimulated and cultivated. How many individuals could have changed our world, except that they were lost in the system?

It strikes me as odd that we spend so much time to make sure that we "educate" even those children who are incapable of ever learning to read or write, and yet want to push off the top level of learners into a situation that would drag them down to the averages. I understand the reasons behind the education of learning-disabled, and am totally supportive of it. But at the same time, we have to utilize our high-end students to bring them to their full potential, as well!

Don't colleges offer special perks and programs to those students who excel, who score highest on standardized tests, etc? Those in higher education realize the potential of this group and do their best to cultivate and promote them. Why do we then, at the early education levels, not do the same?

In summary, let me just say that we are not looking for anything more than any other "special" child receives, we simply hope that you will recognize this group of children as what they really are, and help us to provide an education that will challenge and develop their potential. **I urge you to not cut the gifted side of special education from our current special ed program.**

Thank you for your time and attention to this matter.
Laurie Wezensky
(907) 273-2300



Postfix	Date	# of pages
Fax Note	4/14/00	1
To	ALASKA SENATE	
Fax#	907 465-3883	
From	CHURCH	
Phone#	(907) 229-1500	

RE: 205

To All Alaska Senators:

Our family opposes SB 205, moving Gifted Education out from under the umbrella of Special Education. Our brightest students are constantly left to grasp at an ever shorter end of an already tiny stick! Contrary to popular belief, these kids cannot be left to fend for themselves simply because they are smart. Gifted Ed. needs more sound funding and direction, not less!

**Thank you,
The Church Family**

9430 STRATHMORE DRIVE
ANCHORAGE, ALASKA 99515-1145

RE: CS For Senate Bill No. 205(HES)

April 14, 2000

* Senate HESS Committee

To Whom it may concern:

I teach sixth grade in a self-contained highly gifted program in Anchorage. Each of my twenty-eight sixth graders has an Individual Education Plan. The IEP ensures their rights to a free and appropriate public education, guarantees transportation to the program that provides them the appropriate services, and secures their education by holding the district accountable for the required amount of services needed to meet their exceptional needs. Many students would not be able to participate in the program without this transportation, therefore denying their right to a free and appropriate public education.

Some might say gifted kids are lucky just to have the program, and the transportation is just a perk. Some might even assume that parents of gifted students should be able to afford to transport their children to special schools if they want them to benefit from the "extras" that gifted education provides. On the contrary, these children need these services. Receiving gifted services is not a reward that children get for good behavior or getting straight A's on a report card. Gifted education is crucial to the survival of highly able individuals in a public educational system. An appropriate education is NOT a privilege for highly able children, but a requirement! Removing the language "Exceptional Children" from HB 301 takes away the right for gifted students to receive their appropriate education.

In a regular classroom environment, these exceptional learners are truly disabled. Very few teachers have sufficient training in administering gifted services, and even fewer have training in meeting the unique needs of highly gifted students. The children in my classroom are here because the regular classroom environment was a complete disaster for them. Many left regular classrooms in tears each day due to the sheer frustrations of endless boredom and difficulty making friends who had similar interests. Research proves that gifted students whose needs are not met become underachievers, and often high school drop-outs (many become criminals).

It is up to you and me to ensure these exceptional children's rights to an appropriate public education. They must have the same right to an appropriate education as all other children with special needs. If they are denied rights to procedural safeguards, currently provided by IEPs, these children will have absolutely no guarantee of an appropriate education—what a waste for them and our state! Please do not make any hasty decisions regarding the education of these exceptional youths!

Sincerely,



Tara Lindh
PO Box 241924
Anchorage, AK 99524

(907) 229-5746

Subject: SB205**Date: Fri, 14 Apr 2000 10:35:49 -0800****From: Jean Kollantai <climb@pobox.alaska.net>****To: Senator_Mike_Miller@legis.state.ak.us**

I'm a student in the 6th grade at Rogers Park Elementary, in the I.A. fulltime gifted program. The SB205 is very disturbing. It would mean that gifted education is not directly mandated. Also lately, funding for the Anchorage School District was cut by millions of dollars because of a possible ten mil tax cap. And quite surprisingly, property tax surpluses just occurred, money that could potentially have been used for education. Added up, this reduces education to mere ashes. Children need a good education to reach full potential in life. The gifted program is important to me because it's the best way for me to receive a good education, as well as hundreds of other children. Teachers and parents have worked hard for the gifted program to work, and it's not fair to take their hard work away. WE NEED TO CONTINUE TO INCLUDE GIFTED STUDENTS AS EXCEPTIONAL CHILDREN UNDER THE LAW (ALONG WITH THE HANDICAPPED) SO THAT THEY'RE LEGALLY PROTECTED. Thank you.

Alexander Richert
Anchorage, AK
907/ 222-5304

As the parents of Alex and another son who would not have been able to attend school without the IA program, we strongly urge you to not pass out SB205, or if passed out, only if it requires the development of an IEP (Individual Educational Plan) for gifted students. These IEPs are in practice fairly general (i.e., that they will participate in the gifted or full time highly gifted program) but are the key to ensuring that there is an effort to meet their needs. Without this, another population of disenfranchised and high-risk children will be created, while also placing tremendous burdens on parents and children and wasting one of our State's best resources.

Jean Kollantai
Bernhard Richert

Subject: SB 205

Date: Fri, 14 Apr 2000 15:46:39 -0700 (PDT)

From: Pickle simer <picklesimer2000@excite.com>

To: Senator_Mike_Miller@legis.state.ak.us, Senator_Pete_Kelly@legis.state.us,
Senator_Gary_Wilken@legis.state.ak.us, Senator_Drue_Pearce@legis.state.us

Dear Senator,

I have heard of SB 205. I am not too much into politics, but I have heard that this bill could help cut gifted funding. I have been in a gifted class for three years, and it has been a good challenge. I also plan to go to Romig, the gifted middle school, next year.

The reason I am writing this letter because I think it is very unfair to let the others be challenged but not us. Everyone should get a good education, including all gifted students. I definately think I am speaking for every gifted student in the Anchorage School District when I say that this bill should not be passed.

Sincerely,
Ben Martinson

Get 100% FREE Internet Access powered by Excite
Visit <http://freelane.excite.com/freeisp>

Subject: Senate Bill 205

Date: Fri, 14 Apr 2000 10:09:54 -0800

From: "Greg Silvey" <gsilvey@guessrudd.com>

To: <Senator_Kim_Elton@legis.state.ak.us>, <Senator_Gary_Wilken@legis.state.ak.us>, <Senator_Drue_Pearce@legis.state.ak.us>, <Senator_Pete_Kelly@legis.state.ak.us>, <Senator_Mike_Miller@legis.state.ak.us>

Members of the Senate Health, Education and Social Services Committee,

As parents of a gifted child, we urge the members of this committee not to recommend passage of SB 205. The bill, as currently written, undermines the protections previously afforded to gifted students under state law, and contrary to the representations of the state DOE, is unnecessary to achieve compliance with federal law, specifically the Individuals with Disabilities Education Act, or IDEA.

Mr. Johnson of the DOE has told you that this statutory change is necessary to achieve compliance with federal law. He overstates the issue. What is needed is not for this state to abandon its commitment to an appropriate education for all exceptional children, but for the DOE to cease commingling funds it receives from the federal government for disabled children with State funds. That is all that is required by Section 300.152 of the regulations implementing the IDEA. As the regulations themselves state, the commingling prohibition can be "satisfied by the use of a separate accounting system that includes an audit trail of the expenditure of the Part B funds." There is no language in the IDEA or in the regulations promulgated under it, that would force a state to change its existing law which provides for services BEYOND what is minimally required by the IDEA, such as is currently the case with gifted education in Alaska. It simply requires that federal monies be accounted for. This statutory change is not necessary. In fact, the IDEA regulations require only changes to state policies and procedures to the extent necessary to "to ensure the State's compliance" with the regulations, and only when the federal government makes an "official finding of noncompliance with Federal law or regulations." No one has presented anything to suggest that providing State services to gifted children is not in compliance with federal law. Where there has been noncompliance is with the state's procedure for spending the federal monies it has received for disabled children. This proposed "solution" does not focus on the real problem. The real problem is NOT the state's policy to provide educational services to exceptional children, and not limit those services only to "disabled" children. The problem is the DOE's failure to properly account for federal dollars provided to it for disabled children. The solution is not to exclude the gifted from the protections afforded by state law for exceptional children, but simply to properly account for the money spent on programs for disabled children.

Compliance with the federal regulations can be achieved without gutting the state statutes that grant procedural protections to all exceptional children. The proposed change would make those protections available only to children who are disabled as that term is defined under the IDEA. This state statute, which has as its express purpose that exceptional children will be provided with an appropriate public education, represents an important state policy that will not be adequately protected if this bill is enacted. The way that the term "exceptional children" is itself defined shows why continuing this policy is important. They are "children with disabilities, and gifted children, who differ markedly from their peers to the degree that special facilities, equipment, or methods are required to make their educational program effective." Simply stated, these are students who need special services in order for their education to be worthwhile. Studies show how important it is for gifted students to be taught in

programs with their gifted peers, and leaving this critical decision to individual school districts, as opposed to continuing this important statewide policy, would be a tragic mistake.

The DOE has essentially said it wants to abdicate its responsibility to oversee gifted education in the state. It proposes to do just that with the passage of this bill. It would leave the nature and extent of gifted children's education dependent solely on the shifting fortunes of local school districts, and remove it as a statewide priority. The Department gives nothing more than lip service to supporting gifted education; it supports it only to the extent that individual districts are willing to fund these programs. By passing this bill, the legislature would be dooming gifted education as it currently exists, and would relegate it to the status of a program that individual districts could severely curtail or limit. The amendment to the bill really does nothing to change that. It says only that districts will be required to have some form of gifted education, but the form of those programs is wholly undefined, and is dependent on regulations as-yet unpromulgated by a department which has said quite frankly it wants no part of any oversight of gifted education. This "mandate" is an empty promise at best, and the DOE should not be permitted to avoid its responsibilities to oversee gifted education in this state. This bill should not be passed.

Greg Silvey and Arlanda Crail
2948 Princeton Way
Anchorage, AK 99508
aparadis@alaska.net

Subject: SB205**Date:** Fri, 14 Apr 2000 14:59:45 -0800**From:** Mary Klugherz <maryk@ktn.net>**Organization:** Klugherz & Associates**To:** Senator_Mike_Miller@legis.state.ak.us**CC:** Senator_Gary_Wilken@legis.state.ak.us, Senator_Drue_Pearce@legis.state.ak.us,
Senator_Pete_Kelly@legis.state.ak.us, Senator_Kim_Elton@legis.state.ak.us

Dear Senator Miller,

I am a parent of a gifted and talented child. I have attended all the hearings in House on HB301/SB205 and I have attended all the hearings on this bill in the Senate. I was at the hearing on Tuesday waiting to testify and I was also at the hearing today. Attached is my testimony.

I have been involved in gifted education since I was a child. I have also been involved with learning disabled children for many years, including growing up with a sister with severe disabilities. I also have training to work with children with learning disabilities. Now I have a child of my own that is a highly able learner. I can tell you without a doubt that these children are as different from the average child as children who are learning disabled. They have special needs -- although quite different from a learning disabled child -- but special needs nonetheless.

Unfortunately, the Alaska Department of Education and Early Development worked with ONLY the groups associated with advocating for the disabled. They did not even attempt to gather input from groups, parents, or others associated with gifted education. When parents of gifted children learned that the new legislation eliminated the rights and safeguards for the gifted and talented, they began to ask questions. This disrupted the "fast track" the bill was on and made some groups very unhappy. One of them, I'm sure was the AkDEED, another was Parents, Inc. Now, groups representing the disabled resent the groups of parents and others representing the gifted and we have two groups of advocates for special needs children essentially pitted against each other.

This is very sad -- the fact is that this bill is about EXCEPTIONAL children. Under the federal and state definition of EXCEPTIONAL children you will find both learning disabled and gifted and talented. For the State to eliminate a class of EXCEPTIONAL children from its statutes, after 30 years of due process rights and procedural safeguards, is tantamount to discrimination.

We need to be working together with both the learning disabled and gifted and talented groups. I appreciated very much Senator Wilken's comments at the end of the hearing today when he said maybe we should "slow down the train". In my testimony I have offered two alternatives for your committee to consider. Please do not rush this legislation -- there are too many problems with it and I think the State would risk litigation should this bill pass as is. I also believe that the "financial sanctions" from the feds will not be imposed but that the Department will be under increased "scrutiny" from the feds. That could be a good thing -- and would help the children of Alaska get the education that they deserve.

Thank you for your consideration.

Mary Klugherz

SB 205 Testimony
April 14, 2000
Submitted by Mary B. Klugherz, Parent

Chairman Miller and Committee Members:

Thank you for this opportunity to address Senate Bill 205. I wish to speak to the issue of gifted and talented education.

Alaska was a pioneer in 1970, when it included gifted children in its statutes for exceptional children. Thirty years ago this was an unusual move and the legislature at that time had great foresight by providing program mandates for this population of students. Without these mandates, school districts would make these programs optional, and many would drop gifted programs altogether.

The proposed bill you have before you, SB 205, is the Alaska Department of Education and Early Development's attempt to bring Alaska statutes into compliance with federal statutes guiding education for exceptional children in the learning disabled category. In the process and with the exception of the amendment added in the last hearing on this bill, the Department has completely eliminated the mandates, rights, and procedural safeguards for exceptional children in the gifted and talented category.

Gifted students are considered exceptional children in the federal definition of exceptional children. They, however, do not have the same federal laws guiding states with regard to their education. The feds have left it up to the states to determine how to provide educational mandates for this population. Most states provide a clear set of statutes guiding gifted education, which generally include rights, procedural safeguards, identification procedures, and eligibility requirements. The regulations for these states then provide detailed guidance for program development. There are many examples in other states of appropriate statutes and regulations guiding education for the gifted child.

The Department here may consider statutes for gifted education an unfunded mandate. However, I beg to differ. The Department does receive General Fund money with some discretion on how to spend it. I submit to you that they choose NOT to allocate resources to gifted education. Years ago, there was a staff member in the Department whose job it was to coordinate gifted education in Alaska. The Department made the decision to eliminate the position. In fact, the Department makes the decision every year to ignore gifted education in its budget submissions. When I worked for the State and prepared budgets for legislative approval we would call that a discretionary decision.

What is the remedy for this situation?

In a perfect world, the Department would have worked with ALL interests associated with these statutes to develop appropriate legislation. They did work with the interests associated with the learning disabled community. However, no attempt was made to engage a dialog with the parents of gifted children through their school districts, parents groups, or any other means.

An appropriate remedy would be for you to direct the Department to go back to the table and work with ALL groups affected by the changes to the statutes to develop more appropriate and applicable legislation, that would be agreed to before it is submitted as a proposed bill. We could take the next several months to address the issues, assist the Department with their need to have the state statutes be in compliance with the federal statutes, and include all children who are defined as exceptional.

OR

You could consider an amendment that was prepared by a group of parents that was submitted to your staffers, which, at the very least, provides due process rights and procedural safeguards for gifted children.

I prefer the first option. Give us parents and professionals time to work with the Department to draft proper legislation. Our current statutes have been amended several times and it would be very beneficial to the State to have a new set of statutes drafted that meet everyone's needs and that do not discriminate against one group of exceptional children.

I urge you to proceed slowly on this issue. Please give serious thought to ensuring that all exceptional children are afforded program mandates, rights, and procedural safeguards.

Thank you for your time.

Mary B. Klugherz
P.O. Box 3379
Ketchikan, AK 99901
907-225-8330
907-247-9330 (fax)
maryk@ktn.net

LAW OFFICES OF MARC GROBER
104 MULDOON RD., BOX 409
ANCHORAGE, ALASKA 99504
(907) 337-5687 VOICE AND FAX
MARC@INTERAK.COM

April 14, 2000

Senate HESS Committee
Via E-mail

Re: SB205/HB301

Dear Senators,

You now have before you SB205/HB301 ("bill"). This bill suffers from a variety of simple mechanical flaws as well as from a number of policy problems that have wide ranging impact. After months of review, lengthy hearings and broad consultation with bill proponents (all of which resulted in an extensive file which the Chair has and which I have requested be shared with the members of the committee) your colleagues in the House HESS committee refused to recommend that this bill pass. The bill initially survived only because of the original claims that failure to ensure passage of the bill would result in a loss of fourteen million dollars in federal funding, claims that are now acknowledged to be untrue, and I believe the bill continues to survive only out of intra-branch comity. I will present below my testimony regarding some of the more blatant defects in the legislation. My full analysis, in the form of my comment upon a sectional analysis of the current bill updated as of today (i.e. if you have looked at this information previously it has now changed to address recently developments) is available on the web at <http://akcept.interak.com/akceptionalities/govs.html> and I do hope you take the opportunity to review the material there, which I'd like to incorporate in my testimony by reference.

Before I proceed to that testimony I want to advise the committee that I have provided a copy of my resume which by now I hope you all have so you understand my background and expertise in these matters. I have been testifying before HESS committees on special education since 1992, have proposed the only omnibus rewrite of these statutes to serve as a focal point for discussion of the issues relating to special education. I am one of a very few attorneys who have litigated special education matters and may be the only attorney to have litigated gifted education issues. I have been appointed by the Courts through the Public Advocate to represent persons

involved in special education litigation before our state courts because of my expertise in this area and to my knowledge am the only attorney to be so appointed. I was first qualified as a DOE hearing officer in 1994, and though state law makes it clear that there are no currently qualified hearing officers, let me just say that I continue to be as qualified to serve as a DOE hearing officer as anyone else in the state. I have obtained in the past Secretarial Review of special education practices in this state (Secretarial Review was the process by which the Secretary acknowledged that the state was not complying with the terms of the federal grant and mandated corrective action, a process which was eliminated in the 1997 IDEA amendments leaving AKDEED without any real oversight.) I am past Chair of the Education Law Section of the Alaska Bar Association as well as past CLE Chair. I have been professionally involved with the issues before this committee longer than anyone you are ever likely to hear from and have been litigating these issues for almost 20 years. I am not speaking in any formal representational capacity today though I can tell you that as word of this bill spreads throughout the state (and it is difficult because of the confidential nature of the subject) hundreds and hundreds of parents are becoming outraged that the legislature is looking at letting the fox into the henhouse. Now I'd like to address the bill.

The bill proposes major but inconsistent changes to AS 14.30.180 et seq (also identified as "Article 3 Educational for Exceptional Children" and sometimes referred to below as the "Article"). It repeals most of the substantive provisions relating to due process rights and transfers responsibility for formulating pertinent law to the Alaska Department of Education and Early Development (AKDEED). The bill requires, whether one agrees or not with the apparent policy statement it makes (that Alaska shall do the least humanly possible for our children that will still allow us to use them to collect federal revenues), the following adjustments to address its stated purpose (as enunciated by the Governor in his transmittal letter.) Though I have continued to search for any kind of sectional analysis prepared by AkDEED that addresses this bill I have been unable to locate such a document and it is difficult to address the contents of a bill when the proponent has been unable or unwilling to substantively and publicly support the bill.

1. The current bill was presented to you as necessary to bring state law in compliance with federal regulations. Yet the bill does not address the fact that AS 14.30.350(2) IS NOT consistent with 34 CFR 300.7(a)(1) defining child with disability. You should know that one district has already been called on the carpet by AkDEED for complying with the language of AS 14.30.350(2)! If AKDEED is unable to address even this most insignificant drafting issue, can you really rely on much else they present to you?

2. The bill repeals AS 14.30.350(9) and (11) defining "related services" and "special education", but the bill repeals and re-enacts AS 14.30.186 which employs both terms.

3. The bill amends AS 14.30.180 but fails to include the complete term of art "free appropriate public education" or FAPE (the word "free" is missing) and repeals AS 14.30.350(11) which was the only portion of the statutes that mandated compliance with the federal mandate that states provide FAPE (by requiring that such benefits be provided at "no cost"). On the other hand AS 14.30.193(a) does include the entire phrase. The statute is clearly inconsistent and fails to mandate the very kernel of the IDEA, FAPE.

4. I have previously provided suggested replacement language for AS 14.30.180, drawn from the laws of the State of Missouri, which states an appropriate state policy regarding exceptional children. This proposal is appended to the end of my testimony as well. It assumes that there are also statutory definitions of special education and related services that make it clear that these benefits are offered at no cost.

5. AS 14.30.180(2) has been grossly misinterpreted by AkDEED and needs to be repealed so as to avoid further misadventure. AkDEED has been advising that this section mandates that Alaska comply with federal IDEA regulation no matter how the IDEA itself or federal regulation is amended from time to time. This is false under state law (in fact there is a specific regulation addressing this point at 4 AAC 52.900) and the Department has apparently acknowledged this before the House HESS committee (which in part was the basis for the extensive amendments restating the legislature's authority in this matter). In as much as the language is superfluous (as a number of persons testified on April 12th) there is no reason not to delete the language. If the committee feels that it must retain the language, there should be additional language included to ensure that AkDEED does not engage in such misdirection in future.

6. The bill (Section 2, amending AS 14.30.182) authorizes AkDEED to take action necessary to qualify for federal funds. While this provision amounts to moving AS 14.30.335 to Section 182, the language is still superfluous as noted above and leaves too much room for misinterpretation by AkDEED.

7. The bill makes a variety of amendments to AS 14.30.193 and 195 but fails to address underlying systemic problems:

a) First of all, while Section 195 affords the subpoena power in tier two or state hearings (in which it is rare to even take testimony as these are supposed to be largely review hearings), Section 193 which references tier one hearings or district hearings which is where most evidence is adduced, does not afford such hearing officers that power. This has been a gross violation of the IDEA mandate for 30 years and has been recognized by every expert who has looked at the issue (even the experts retained to train due process hearing officers). The subpoena power must be specified with respect to both tiers.

b) Lawyers practicing in this area of the law appear to agree that a two tiered system is inappropriate and a waste of resources. Many states use a single tier system. In response to my colleagues' concerns I contacted the federal Office of Special Education Programs and obtained the names of states that had gone from a two tier to a single tier

system and then discussed this change with staff in those states. I was very impressed with the provisions of the Missouri statutes and spent a considerable amount of time with Missouri state special education staff reviewing these provisions and how they have operated in that state. In a nutshell the Missouri system employs a single tier with a three person panel (panels are employed by quite a number of states). One panel member is a state contracted attorney responsible for administration of the program. One additional panel member is then appointed by each of the district and the parents. This results in a system where everyone believes they are being heard, a system where people believe the decisions are well reasoned thereby reducing appeals, a system that promotes well researched decisions that provide some precedential value. And, the system results in a quicker constitution of the panel. I encourage the committee to adopt a modified Missouri plan for providing due process hearings to parents in Alaska.

c) The bill essentially approves the Department's refusal to adopt regulations in compliance with the 1993 amendments to Section 193. The 1993 amendments were intended to ensure that there was an open register for hearing officers and that hearing officers would be qualified for a limited time based upon their successful completion of training. The Department has only tested hearing officers at the completion of training once since 1994. The Department has never open training to any member of the public who wanted to take that training. The training offered by the Department has been inadequate (indeed at the present time there are persons allegedly qualified as hearing officers who don't understand how to apply state statute and regulation.) The practice recommended by AkDEED and the practice and procedure embodied in the current bill are inadequate to afford due process to parents.

d) Section 193 fails to adequately address who has the burden of requesting a due process hearing and this is no small matter. Under prior federal law, if a parent did not agree to a proposed change to an IEP the proposed IEP COULD NOT be implemented (See Appendix C to 34 CFR Part 300 as applied under 4 AAC 52.900). A district which wished to override the parent's refusal had to demand a due process hearing. In practice, Alaska districts, apparently aided and abetted by AkDOE, violated these parental rights. The '97 IDEA Amendments have now gone a step further and recognized the past agency practice as acceptable (i.e. a district can arguably impose an IEP, placing the burden of requesting a due process hearing on the parent.) However, this federal policy is contradicted by Section 3 of the the bill (addressing AS 14.30.186(c)). This confusion will lead to a good deal of litigation and also presents a number of equal protection issues with regard to parents who are not home schooling their children.

8. The bill inadequately reconciles the provisions of AS 14.30.340(a) and AS 14.30.186. Section 340(a) should be repealed and the provisions rolled into Section 186. Perhaps more appropriately, more attention should be spent defining the terms employed as part of Section 350.

9. The bill attempts to use as a legal construct the residence of the child, but fails to define that construct. Again, this is not a simple matter, as drafters attempting to distinguish between residence and domicile as concerns entitlement programs have known for years. Suggestions were made in 1994 as to how to possibly address this matter but it remains an issue. There is also concern that the current language may run afoul of the adoption of unilateral placement policy in the IDEA.

10. School districts face tremendous problems in distinguishing between that class of persons who may be qualified under the IDEA to exercise parental rights, and those persons who in fact may legally exercise those rights. By way of example, recent litigation arose over a situation in which a district allowed a parent without legal custody to approve of an IEP change while the parent with legal custody refused to approve the change. This places districts in an untenable position. Judicial officers involved suggested that they could not believe that a district would change an educational program on the basis of demand from a parent without legal custody but the district apparently claimed they had been directed to do so by the Department. While the IDEA tried to make advocacy for a child easier by requiring that a state recognize that a larger class of persons may exercise parental rights, this was not intended to wreak wholesale havoc by constituting all possible members of this class as having complete and total authority to act on behalf of the child. This defect must be resolved now.

11. The bill continues to provide for a shadow realm where parental rights are not adequately recognized. In 1993 we proposed (and AKDOE finally admitted) that the provisions of Title 47 (including the CINA statutes) could be employed to provide districts with an opportunity to override parental decisions where the district believed that such parental decisions were contrary to the child's welfare. By following the existing statutes parents would be guaranteed assistance of counsel any time a district attempted to force parents to accede to district demands with respect to special education programming or evaluation. It would also be economical by employing a single system and would avoid the situation where districts simply attempt to push parents around by subjecting such action to judicial scrutiny. The federal law DOE NOT prohibit the state from employing whatever internal process the state wishes to employ, as long as districts are afforded some opportunity to have a judicial officer review a parents refusal.

12. Section 4 of the bill only addresses the situation in which parents exercise rights. Yet under our current regulations and as authorized under federal guidelines, these rights may pass to children when they reach the age of majority. If it is the intent to maintain our current law in this respect, the amended law would be once again inconsistent with such policy. See e.g. 4 AAC 52.560, 34 CFR 300.517.

13. I have continued to recommend that this Article be amended to adopt the

appropriate provisions of the Alaska Administrative Procedure Act. This would provide a wealth of precedent as well as the benefit of years of wisdom regarding administrative proceedings.

14. The IDEA amendments also require a reconstitution of the special education advisory board. AkDEED has not brought that to you because they don't want such changes to be subject to the political process. Is it reasonable to believe that AkDEED has intentionally left a portion of the compliance mandate out of the bill in order to bypass the real intent of the IDEA and to make sure that the mandated advisory board continues to be maintained in such a manner as to only represent an interagency clearing house? I suggest that in order to avoid further public outcry regarding the unholy action of AkDEED, that the authority for appointing people to the required advisory board be transferred to the Chair of the Legislative Council or of the House or Senate HESS Committee so that the board can do what it is supposed to do.

15. The bill for the first time establishes a statute of limitations that, for no apparent reason does not apply to districts. I can tell you from extensive experience that based upon the nightmares that parents face in dealing with districts and AkDEED on these issues that 12 months is grossly inadequate. A two year statute of limitation that applies to both parties would be appropriate.

16. Section 4 of the bill represents the intent of the administration to cease using the term exceptional to generally refer to the beneficiaries of this Article (though the bill leaves the term in the purpose clause and in the definitions section of the Article). AkDEED has apparently been claiming that federal guidelines mandate such a change. This is nonsense and may stem from a gross misreading of 34 CFR 300.152 which merely requires (as SB315 recommended in 1994) that there be an audit trail so that spending of federal funds can be tracked. Much of the bickering and patching that has been engaged in before both committees stems from this apparent misreading. There is no reason whatsoever that state statute and regulation can't include a larger class as subject to federally mandated rights than that class identified under federal law. In fact the federal regulations go so far as to make it clear you need not even label a child.

The two essential requirements are a) that at least a certain minimum class of children get at least a minimum set of rights and b) the grant application for the federal funds has to be limited to those students who qualify under federal guidelines and the funds have to be tracked so that everyone can be assured the funds are being spent on something other than, say the panelling of a superintendent's office. *In sum, this body could in fact adopt statutes that provided that every child in the state was entitled to the rights and protections identified in federal regulations.* However, you would only receive federal funds for those students who qualify under the federal guidelines. I encourage the committee to retain the use of exceptional throughout the statutes and

regulation (mandating that the agency employ that language.) This format has worked for this state for 30 years (yes, Senators, I said thirty years). The initial HB301 created quite a number of equal protection issues because while it removed some provisions it retained others. The current amendments, while obviously well intended, fail to provide protections necessary to ensure that our at-risk children receive services and they render the equal protection issues arguably even greater because of the continuing inconsistencies in the bill. There are a number of easy (yes, easy) solutions to the G/T problems, but I respectfully submit that you are not going to be able to address them, together with the other problems inherent in this legislation, within the time remaining to this committee.

That concludes my overview of the most obvious issues with this legislation. I could go on for days. Let me close with some observations.

While this committee may have to co-exist and co-operate with the administration, that in no way suggests that the staff that has appeared before you is competent to testify on the issues addressed in this bill. While the nominal subject of special education is "education", the essence of special education for the past 30 years has been the law. The issues of due process and compliance, the heart and sole of special education law, are matters of legal art, not educational policy. There are only about a dozen attorneys who have ever litigated these matters and about half represent school districts, from whom you have not heard at all. Of the remaining counsel, half again are employed by agencies funded by governmental administrations. The administration has never been successful in obtaining compliance with special education law at any time during the past 30 years. The administration has spent millions and millions of dollars without any real accountability and has refused to even comply with this body's pronouncements, the law of this state (most recently AkDEED has taken to advising districts to violate state law.) The administration has given you a mistaken history of the IDEA, a mistaken view of federal requirements, and a mistaken view of federal policy. The administration has attempted to keep the public out of this discussion. This is not a pretty picture, but it is a picture that the majority of this assembly has been wrestling with for some years now. I want to see necessary educational programs properly funded so that all children get a free appropriate public education. By the same token I want to see a competent administration that understands that regulations follow statutes, not vice versa, and I want to see some accountability for the millions of dollars that have been spent WITHOUT COMPLIANCE.

Senators, I appear here before you without a client, without being on the payroll of some government funded organization, for the same reason I appeared here in 1993. I am an officer of the court and practice in this area of the law and a parent of exceptional children (both disabled and gifted), children who would have been denied all services but for the statutory rights now in place. You are being asked to abrogate those rights

by the same people who have failed to protect those rights over the past 30 years (leaving it to private counsel to enforce those rights.) The paper houses that AkDEED may present are very pretty, but the realities, as always, are much less pleasant. Senators, I beg of you to protect the third of our children impacted by AS 14.30.180 et seq. I ask that you take no action on the bill, that you start from scratch with the assistance of persons like myself who have litigated these issues and are not on any payroll, and that you present to the next legislature proposed legislation that will show respect for our population.

Thank you.

Marc Grober

A Statement of Purpose for Use in Alaska

*Section 1. AS 14.30.180 is repealed and reenacted to read:

Sec. 14.30.180 Statement of policy. In order to fully implement section 1 of article 7, of the Constitution of the State of Alaska, providing for the establishment and maintenance of public schools open to all children of the State, it is hereby declared the policy of the State of Alaska to provide or to require public schools to provide to all exceptional children under the age of twenty-two, as an integral part of Alaska's system of public education, special educational and related services sufficient to meet the needs and maximize the capabilities of exceptional children. The need of such children for early recognition, diagnosis and intensive educational services leading to more successful participation in home, employment and community life is recognized. The timely implementation of this policy is declared to be an integral part of the policy of this state.



Alaska State Legislature

APR 17 1900

Please enter into the record my testimony to the SIRES / House Fin.
 committee name
 committee on HB 301
SB 205 , dated 4/14/00
 bill/subject

I would like to take this opportunity to thank Sen. Elton for the amendment to ^{HB 301} SB 205 recognizing the needs of the gifted, however, without the procedural safeguards and due process rights granted parents under the current law, any attempts at individualized education and gifted service will be moot. A law without teeth is no law.

The concern is comingling of funds, however, our students themselves are comingled. In Wasilla, fully 60% of my caseload of 125 children are underachieving students who, without the services of gifted programming would receive no support and be doomed to a lifetime of underachievement and regret.

Additionally, many of my students are multiply identified as learning disabled and gifted. Some of these students were first recognized as gifted and their disabilities discovered later. Many more exist in the schools who appear as 'C' average students and they are unserved and live in frustration.

Before services for gifted talented students are lost, legislation must be in place for them that includes due process & procedural safeguards, otherwise we will lose services and programs that are successful and broad reaching.

Signed: [Signature] Dwayne E. Joehnk
 Testifier

Coordinator Wasilla Extended Learning Program (Gifted)
 Representing (Optional)

650 E. Boyard Rd., Wasilla, AK 99654
 Address

(907) 352-5337
 Phone No.




Alaska State Legislature

APR 13 2000

Please enter into the record my testimony to the Senate HESS
 committee name
 committee on SB 205, dated 4-14-00
 bill/subject

Senators -
 Please proceed carefully! While I do not wish sanctions on our Federal funds for SPED I also do not wish to see the demise of the Gifted + Talented program in our state. I hope that in your wisdom you will find a way to ensure that Gifted + Talented programs will continue to provide support and guidance to our leaders of tomorrow!

Signed: 

Testifier DAVID A. ROSE

Representing (Optional) 1161 Ifigwaits Dr. Wasilla, AK

Address 376-7761 99654

Phone No.

NOTES...

2007
→ Vocational
→ Sped
→ GT

money is POOLED!
BLOCK
GRANT

Senate House Finance
Notes from 4-14

I was here on 4-12 & didn't get to speak either.
I agree with your first speaker from Juneau

I disagree with Ms. Nieto. Intent of IDEA 97 PARENTS AS EQUAL PARTNERS. NO MEETINGS 4 FREE!

Parents need more time!!
IDEA 97 says impaired by low expectations & faults for 20 years!! NOT 2!! SHOULD RUSH!!

Please provide me with documentation that such consequences are truly at hand THIS YEAR! I do not believe this to be so. If in corrective action → Do it correctly!

Many Parents can't afford due process. You must write better laws.

"Parents, Inc. & DOE work closely to gether" Nieto.

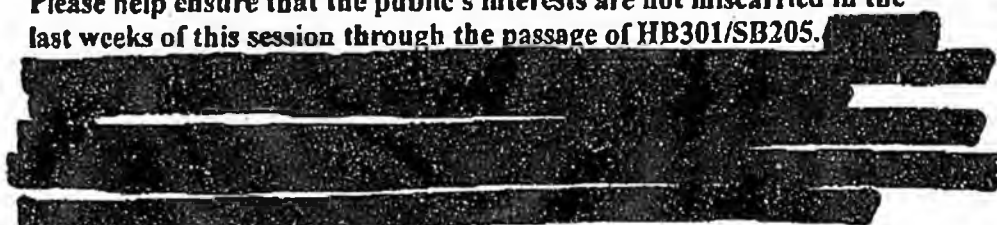
without procedural safeguards GT is joke.

Our children need your help. Kill HB301!
Subject: SB205 message from parent!
From: Louise Parish

ADD 14 REGD

Please help our children. Stop SB205!

Please help ensure that the public's interests are not miscarried in the last weeks of this session through the passage of HB301/SB205.



How will parents be given appropriate opportunities to speak to this bill? Most that I know don't like it, and think it is a great big patch. We're major stakeholders on behalf of our children. We want new laws to serve our children's need WITH OUR INPUT.

Please kill this bill and give everyone the opportunity to sit at a table together. You could call in experts, listen to us, and then write a comprehensive set of laws for our children.

I do not believe there will be any financial consequences from the Secretary of Education if we do not pass a bill this year. We really need to focus on tapping our local experts and giving parents the opportunity to be equal partners in the process of constructing this extremely important legislation.

The bill as it is is a patch on a patch on a patch. The school district my daughter goes to will still have issues. VCS was already faulted for using terminology (SED) that would still remain after the adoption of the current CS. You cannot rely on AkDEED to act appropriately. I do not want you to. The public is telling you write appropriate legislation.

Kill this bill, and during the summer we will have ample time to come together and work it out. It is time that those excluded were invited to the table to draft something parents can live with. Please read my testimony below:

My name is Louise Parish. I am currently in due process on behalf of my learning disabled daughter. I believe this bill was constructed without appropriate opportunities for parent discussion and input. I understand a number of governmentally funded agencies have provided input for you on behalf of parents. I believe this does families and children a grave

①

Nieto - Pools Money

sanctions

disservice. We've had many years to change our laws. To do so in a last minute cram without opportunities for parents to fully understand and speak to it is a shame. I would like to tell you my story and ask for your help.

I have spent six long, arduous, and enlightening years advocating for my wonderful daughter. She has struggled to read since the first grade. Finally, in third grade, she was determined eligible for special education services. Now, at 16 years old in ninth grade, she is reading at a fourth to fifth grade level.

Since she was determined eligible for services, I struggled along with her, trying to understand how to help her, and how to get her the services she needed. In 1996 I wrote a letter to her school, comparing the services they were providing to her with a benevolent organization going in and dropping off food to a third world village instead of sending in seeds, trainers and equipment.

Throughout the years, I spoke to everyone I could to become informed. I joined the International Dyslexia Association, the Society for the Blind and Dyslexic, and a variety of other organizations, both local and national. I ordered books and subscribed to magazines. I read education journals and networked with other parents.

I tried to make the system work. I spoke to district representatives, AkDEED, Parents, Inc., Disability Law Center, the Governor's Council, and others. Unfortunately, I found the whole process of seeking assistance to be one fraught with confusion, funding issues, misstatements, and abdication.

I cannot tell you how many times in the last three years I have heard such statements as "Where's that money supposed to come from?", "Your daughter is only entitled to educational benefit," "Our hands are tied," "That's not the way it works," "I'm sorry that we can't help you," and the one I hated the most, "You're only one voice."

I as verbally referred to so many rules and guidelines that I started a new mantra, "Show me the law that says so." I do not want any of these entities to speak on my daughter's behalf. I do not want these agencies to write what they want at will, either. ALL of the agencies I have gone to for help are funded by public money. It is my belief that their recommendations may be tied more to their ROLES in the special education system and MONEY or INADEQUATE MONEY, than to our childrens TRUE NEEDS.

MY GRAVE CONCERN is that this bill will allow the current confused state of sepcial education to continue. I may have only one voice, but it's an informed one. I want the system to work and believe it can, if we all sit at the table together. Please MAKE PARENTS EQUAL PARTNERS in this

process.

You have challenged the students of this state with benchmarks and exit exams. I fully support that. Now give them the resources they need to meet those challenges. Kids with special needs can meet those challenges, if provided with the proper support, services, expectations and APPROPRIATELY REPRESENTED LAWS.

I'd like to address certain issues:

- 1.) It appears you are simply guaranteeing that federal minimums will be met to ensure federal money will not be cut off this year. Our kids need more than minimums to meet the challenges you have set for them and the challenges of the 21st century.**
- 2.) You are giving AkDEED too much power to write what they want. Parents need laws they can depend on when funding vs. services becomes an issue.
I have seen at least three different Alaska DOE special education Handbooks over the years. Most parents don't have even a clue about these guidebooks. They just take what they are told at face value. Now we're becoming informed. I don't want AkDEED to have the power to write and change at will, just as you may not want to simply say you will comply with any federal law that comes up in the future. AkDEED doesn't do what's right automatically. Why rely on them instead of parents?**
- 3.) You don't seem to understand that we can write our own laws to meet our children's needs, not just set it according to federal minimums. Let's write comprehensive laws that set a path for our kids!**
- 4.) Hearing officers should be trained every five years and the training should be opened to all persons who meet the criteria. AkDEED should, when heading to due process, select hearing officers at random from a full list and document the process of the random selection. If the parent refuses all three, it should go back again to a random selection. Rotating selections could ensure AkDEED or districts don't "choose" a favorite.**
- 5.) Mediators should be trained in a like process. Criteria should be established and the opportunity opened to those who meet it. There are mediators in other fields besides education. Many mediators are currently ex-DOE folks. Open it to all.**
- 6.) Leave Gifted and Talented under the protection of law. Districts take your block money for special education and pool it with all their other money anyway. Without safeguards, parents could face a real battle getting their child needed services. Adding amendments that provide for services without providing parents with a recourse if there child**

doesn't get appropriate services seems as though it's simply one big patch shell game.

7.) Do not repeal stuff and leave it to AkDEED to write what they want instead. I may disagree and will have no recourse. In fact, I do disagree. It looks like this bill asks you to repeal, among a number of other things, Sec. 14.30.350., defining my "consent," my daughter's "educational records," my child's "IEP team," and more. If you are taking away parents' rights and handing them to AkDEED, you should give parents more of an opportunity to speak! Why are these and issues related to IEPs, identification and procedural safeguards possibly being repealed? Do not do so unless you are replacing them. Stop giving AkDEED all the power. They have increased their manpower in the last few years, which cannot but help, but **SHOULD NOT BE GIVEN MY CHILD'S FUTURE** handed to them.

8.) Have AkDEED do a side by side comparison if you wish, but make it a public presentation, and provide parents an opportunity to speak to you directly regarding their concerns. This bill has flown too fast through the mill. You need to provide for parent input next year.

9.) Create a better statement of purpose. Your statement of purpose seems to be saying we'll do whatever we need to do at a minimum to get federal money. Make a statement about what you want to see for kids. Other states do.

10.) Lengthen the amount of time parents have to request a due process hearing to two years. I believe parents must give informed consent. I guarantee you, most parents are clueless and need time to digest things and understand them. I believe many parents are simply uninformed and dependent on the system to work without them.

11.) Do not define appropriate educational services as sufficient services necessary to provide educational benefit. **THIS IS A BAD STATEMENT THAT MY DAUGHTER HAS HAD A WORLD OF PROBLEMS WITH.**

Please contact me at bells@alaska.net if you have any questions.

Louise Parish
P.O. Box 1182
Valdez, AK 99686
(907)835-4231
bells@alaska.net

Thank you.

P.S. Past due process hearings should be posted on web. Thanks!



April 10, 2000


8440 Sultana Drive
Anchorage, AK
99516

Dear Superintendant Chrystal,

It has been brought to my attention that a bill (HB301 in opposition of CSHB301) is circulating through the legislature concerning the separation of the gifted/talented program from the other special education programs. As a student of the former, I am concerned.

As you may know, the bill leaves the choice of maintaining the gifted program to the individual school districts. Since the Anchorage school district will, as of next year, have an eight million dollar budget cut, I fear that our program will be the first dropped if the bill passes. Even if the school board decides to keep the gifted/talented program, that program will be void of procedural safeguards (IEPs [Individual Educational Programs], etc.), without which there is a possible discord in the system.

I believe that the gifted program is beneficial because it offers more challenges highly gifted students and offers a better pace. It also allows for an environment of others with the same academic strongpoints. Rachel Shauger remarked "At my old school [Alpenglow] people would want to be my friend so that I could help them with answers or things like that. It's better here because it's faster and I'm not just reviewing stuff that I already knew."



Sincerely,
Justin Birchell

Date: April 14, 2000

To: Senate HESS
Senator fax #
Sen. Mike Miller, Chair 465-3883
Sen. Pete Kelly, Co-Chair 465-5241
Sen. Gary Wilken 465-4714
Sen. Drue Pearce 465-3872
Sen. Kim Elion 465-2108

Fax: Senate HESS Committee 465-3883

From: Virginia McKinney
1526 F Street
Anchorage 99501
277-4419; 277-4418 (fax)

Re: SB205/HB301

I am here today to speak in support of maintaining gifted education as a requirement for every school district, and maintaining the procedural safeguards that are currently in the program—the IEPs and appeal process outside the district. In these times of tight budgets, any program that's not mandated won't long survive. Of course we all know that the devil is in the details—and if we don't pay attention, we could very likely end up with a gifted program that exists in name only.

I am the parent of a student in the self-contained gifted program at Rogers Park. She's a 5th grader and has been in the program since kindergarten. Being involved in her classes over the years as a parent volunteer has made me realize that these are very difficult kids to educate. There is a huge dichotomy between their physical and emotional development—and how smart their brains are. This dichotomy often leads to loneliness, isolation and the feeling of just being weird because they're so different from everybody else. These children are among the best and the brightest. They're our future business leaders, scientists, judges, religious leaders and even legislators. But make no mistake—these are *at-risk children*.

It's been enormously important to have a program with teachers specially trained in how to deal with gifted kids. How to keep them challenged intellectually but also well grounded in the basic values of caring, good citizenship, and responsibility to give back to the community. My daughter's gifted teachers have done a great job. Today Amelia is well adjusted, learning a lot and having fun—and I kind of have to say that, since she's sitting here in the room with me.

Let me switch gears here and *talk politics*. Every one of you campaigned on a pro-education platform. In your campaign literature and at the candidate forums you spoke of your support for children and schools. Many of you have invested enormous talent and time as leaders in strengthening Alaska's schools and making sure our students are prepared for the jobs of the future. Your work on ensuring high standards was reflected in the benchmark exams and the exit test that my 10th grade daughter took last month.

Taking the procedural teeth out of the gifted program—or even eliminating it by making it an optional add-on for districts—either of these proposals flies in the face of all your hard work and commitment. And frankly—the proposals fly in the face of your campaign promises to support a quality education for every child in Alaska. I hope you do the right thing and vote against these bad ideas.

Thank you for this opportunity to testify.

3108 Wentworth St.
Anchorage, AK 99508

April 14, 2000

Senate Health, Education and Social Services Committee

Re: HB301

Dear representatives:

I am writing to ask you to vote "no" on this bill. Anyone who has ever worked with highly gifted children should know that they belong in "special education" classes. I am the parent of a highly gifted child. I have taught "regular" kids, worked with autistic children, and know the challenges of ADHD children because there are many of them in our extended family.

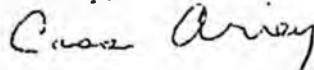
At one point, the Anchorage School District was looking for a new name for the "IA." program. My son suggested it be called the "Highly Overactive Synapse-Firing Group" HOSFIG, for short. I think that this says it all. Highly gifted students, almost without exception, have their own challenges. These problems are primarily related to their highly (over?) developed nervous systems. The most important part of which is, of course, the brain. It is truly amazing how these students usually understand each others individual problems and accommodate them. Teachers in the program face enormous challenges in teaching the highly gifted.

Please don't pave the way for probable removal of the existing excellent and essential program.

Please vote "no" on HB301.

Thank you.

Sincerely,



Cass Aricy
parent

Members of the Senate Health, Education and Social Services Committee,

As parents of a gifted child, we urge the members of this committee not to recommend passage of SB 205. The bill, as currently written, undermines the protections previously afforded to gifted students under state law, and contrary to the representations of the state DOE, is unnecessary to achieve compliance with federal law, specifically the Individuals with Disabilities Education Act, or IDEA.

Mr. Johnson of the DOE has told you that this statutory change is necessary to achieve compliance with federal law. He overstates the issue. What is needed is not for this state to abandon its commitment to an appropriate education for all exceptional children, but for the DOE to cease commingling funds it receives from the federal government for disabled children with State funds. That is all that is required by Section 300.152 of the regulations implementing the IDEA. As the regulations themselves state, the commingling prohibition can be "satisfied by the use of a separate accounting system that includes an audit trail of the expenditure of the Part B funds." There is no language in the IDEA or in the regulations promulgated under it, that would force a state to change its existing law which provides for services BEYOND what is minimally required by the IDEA, such as is currently the case with gifted education in Alaska. It simply requires that federal monies be accounted for. This statutory change is not necessary. In fact, the IDEA regulations require only changes to state policies and procedures to the extent necessary to "to ensure the State's compliance" with the regulations, and only when the federal government makes an "official finding of noncompliance with Federal law or regulations." No one has presented anything to suggest that providing State services to gifted children is not in compliance with federal law. Where there has been noncompliance is with the state's procedure for spending the federal monies it has received for disabled children. This proposed "solution" does not focus on the real problem. The real problem is NOT the state's policy to provide educational services to exceptional children, and not limit those services only to "disabled" children. The problem is the DOE's failure to properly account for federal dollars provided to it for disabled children. The solution is not to exclude the gifted from the protections afforded by state law for exceptional children, but simply to properly account for the money spent on program for disabled children.

Compliance with the federal regulations can be achieved without gutting the state statutes that grant procedural protections to all exceptional children. The proposed change would make those protections available only to children who are disabled as that term is defined under the IDEA. This state statute, which has as its express purpose that exceptional children will be provided with an appropriate public education, represents an important state policy that will not be adequately protected if this bill is enacted. The way that the term "exceptional children" is itself defined shows why continuing this policy is important. They are "children with disabilities, and gifted children, who differ markedly from their peers to the degree that special facilities, equipment, or methods are required to make their educational program effective." Simply stated, these are students who need special services in order for their education to be worthwhile. Studies show how important it is for gifted students to be taught in programs with their gifted peers, and leaving this critical decision to individual school districts, as opposed to continuing this important statewide policy, would be a tragic mistake.

The DOE has essentially said it wants to abdicate its responsibility to oversee gifted education in the state. It proposes to do just that with the passage of this bill. It would leave the nature and extent of gifted children's education dependent solely on the shifting fortunes of local school districts, and remove it as a statewide priority. The Department gives nothing more than lip service to supporting gifted education; it supports it only to the extent that individual districts are willing to fund these programs. By passing this bill, the legislature would be dooming gifted education as it currently exists, and would relegate it to the status of a program that individual districts could severely curtail or limit. The amendment to the bill really does nothing to change that. It says only that districts will be required to have some form of gifted education, but the form of those programs is wholly undefined, and is dependent on regulations as-yet unpromulgated by a department which has said quite frankly it wants no part of any oversight of gifted education. This "mandate" is an empty promise at best, and the DOE should not be permitted to avoid its responsibilities to oversee gifted education in this state. This bill should not be passed.

Greg Silvey and Arlanda Crail
2948 Princeton Way
Anchorage, AK 99508
aparadis@alaska.net

I have two children in the low incidence gifted program in Anchorage. Both my children LOVE to get up in the morning & go to school . I fear that would not be the case if this program were not in place. They are challenged every day & they happily meet that challenge. I KNOW, particularly for our son, that would NOT be the case in a regular classroom. He would be bored & I am sure, disruptive. I don't want that for either of my children or any of the other children. If we do not channel the minds of these children in a positive direction by having gifted & talented programs, then we run the very great risk of having them become liabilities rather than assets to our communities & society. A telling statistic: 7% of the general population is considered gifted; 30% of the prison population falls in the gifted category!!

We need to have gifted & talented programs to ensure these children are given the opportunity to become positive, productive members of our communities & society. That would not happen for them in a regular classroom. These children have the greatest potential to be among those who do great things for our communities & society. They may very well be the ones who discover cures for diseases & the cause &/or cure for other children with disabilities. By investing in gifted & talented programs for these children, we help them fulfill their potential to be the best they can be, & we make an investment in our future. An investment that will come back to us many times over, by allowing them to be positive, productive members of our society. A mind is a terrible thing to waste, in this case, the waste of these minds would be a tragedy.

It seems only right & just that if we are willing to fund programs for other children with disabilities, then we should be willing to do at least as much for the gifted & talented. The goal for these other children is to allow them to develop to the best of their ability-why should it be any different for the gifted & talented? I invite you to spend time in the classroom with these gifted & talented children, as I have, & observe first hand this wise investment in our future.

Thank you for the opportunity to present my views.

Sincerely, Karen Louder Strobe

Rogers Park reading program chair 1998-2000, classroom volunteer,
Community School volunteer & board member, community volunteer

Testimony 4-14-00 Senate HESS

I'm a student in the 6th grade at Rogers Park Elementary, in the I.A. fulltime gifted program. The SB205 is very disturbing. It would mean that gifted education is not directly mandated. Also lately, funding for the Anchorage School District was cut by millions of dollars because of a possible ten mil tax cap. And quite surprisingly, property tax surpluses just occurred, money that could potentially have been used for education. Added up, this reduces education to mere ashes. Children need a good education to reach full potential in life. The gifted program is important to me because it's the best way for me to receive a good education, as well as hundreds of other children. Teachers and parents have worked hard for the gifted program to work, and it's not fair to take their hard work away. WE NEED TO CONTINUE TO INCLUDE GIFTED STUDENTS AS EXCEPTIONAL CHILDREN UNDER THE LAW (ALONG WITH THE HANDICAPPED) SO THAT THEY'RE LEGALLY PROTECTED. Thank you.

Alexander Richert
Anchorage, AK
907/ 222-5304

As the parents of Alex and another son who would not have been able to attend school without the IA program, we strongly urge you to not pass out SB205, or if passed out, only if it requires the development of an IEP (Individual Educational Plan) for gifted students. These IEPs are in practice fairly general (i.e., that they will participate in the gifted or full time highly gifted program) but are the key to ensuring that there is an effort to meet their needs. Without this, another population of disenfranchised and high-risk children will be created, while also placing tremendous burdens on parents and children and wasting one of our State's best resources.

Jean Kollantai
Bernhard Richert

April 14, 2000

Senate HESS Committee

To Whom it may concern:

I teach sixth grade in a self-contained highly gifted program in Anchorage. Each of my twenty-eight sixth graders has an Individual Education Plan. The IEP ensures their rights to a free and appropriate public education, guarantees transportation to the program that provides them the appropriate services, and secures their education by holding the district accountable for the required amount of services needed to meet their exceptional needs. Many students would not be able to participate in the program without this transportation, therefore denying their right to a free and appropriate public education.

Some might say gifted kids are lucky just to have the program, and the transportation is just a perk. Some might even assume that parents of gifted students should be able to afford to transport their children to special schools if they want them to benefit from the "extras" that gifted education provides. On the contrary, these children need these services. Receiving gifted services is not a reward that children get for good behavior or getting straight A's on a report card. Gifted education is crucial to the survival of highly able individuals in a public educational system. An appropriate education is NOT a privilege for highly able children, but a requirement! Removing the language "Exceptional Children" from HB 301 takes away the right for gifted students to receive their appropriate education.

In a regular classroom environment, these exceptional learners are truly disabled. Very few teachers have sufficient training in administering gifted services, and even fewer have training in meeting the unique needs of highly gifted students. The children in my classroom are here because the regular classroom environment was a complete disaster for them. Many left regular classrooms in tears each day due to the sheer frustrations of endless boredom and difficulty making friends who had similar interests. Research proves that gifted students whose needs are not met become underachievers, and often high school drop-outs (many become criminals).

It is up to you and me to ensure these exceptional children's rights to an appropriate public education. They must have the same right to an appropriate education as all other children with special needs. If they are denied rights to procedural safeguards, currently provided by IEPs, these children will have absolutely no guarantee of an appropriate education—what a waste for them and our state! Please do not make any hasty decisions regarding the education of these exceptional youth!

Sincerely,



Tara Lindh

PO BOX 241924
Anchorage, AK
99524

(907) 779-5746

PostNet
Fax Note
Date 4/14/00 1 of pages
To ALASKA SENATE
Fax# 907 465-3883
From Schneider
Phone# 907 248-1932

RE: 205

To All Alaska Senators:

Our family opposes SB 205, moving Gifted Education out from under the umbrella of Special Education. Our brightest students are constantly left to grasp at an ever shorter end of an already tiny stick! Contrary to popular belief, these kids cannot be left to fend for themselves simply because they are smart. Gifted Ed. needs more sound funding and direction, not less!

POM for Senator Miller



From: Ms Kathleen G Todd
PO Box 1889

Telephone: -

Valdez, AK 99686
Email:

NON Constituent

Registered Voter: Y

Bill: SB 205 Title: EDUCATION OF EXCEPTIONAL CHILDREN
Message:

Education for gifted and talented is just as important as that for other children. Please keep the original version of this bill, not the House committee substitute. Don't undo a procedure that has been working in Alaska for many years. Exceptional children need special education protected by law.

Entered in VAL on 4/11/00 POMID: 5489

Distribution: 20

[Main Menu](#)

[Store All](#)

[Store This One](#)

[Prev POM](#)

[Next POM](#)

Message 1 out of 5.

POM for Senator Miller



From: Mrs Lori A Van Diest
PO Box 4090

Telephone: 746-9518

Palmer, AK 99645
Email:

NON Constituent

Registered Voter: U

Bill: SB 205 Title: EDUCATION OF EXCEPTIONAL CHILDREN
Message:

Regarding SB 205, thank you for the amendment to this bill. The amendment does not go far enough to ensure protections for gifted students. We need to include procedural safeguards and due process rights as well.

Entered in PSG on 4/14/00 POMID: 5872

Distribution: 10

[Main Menu](#)

[Store All](#)

[Store This One](#)

[Prev POM](#)

[Next POM](#)

Message 2 out of 5.

POM for Senator Miller



From: Mr. Steven L Levine
PO Box 875011

Telephone: 373-0646

Wasilla, AK 99687

NON Constituent

Registered Voter: U

Email:

Bill: SB 205 Title: EDUCATION OF EXCEPTIONAL CHILDREN
Message:

Please give our gifted & talented youth the rights to due process & procedural safeguards. Because all other elements of the amendments are unenforceable without them. Gifted & talented youth have been identified to be in need of specialized educational instruction. In some cases it is only through procedural safeguards & the right of due process that parents are able to secure these for their children.

Entered in MAT on 4/14/00 POMID: 5895

Distribution: 5

[Main Menu](#)

[Store All](#)

[Store This One](#)

[Prev POM](#)

[Next POM](#)

Message 3 out of 5.

POM for Senator Miller



From: Ms Nina M Levan
PO Box 874925

Telephone: 352-4113

Wasilla, AK 99687
Email:

NON Constituent

Registered Voter: Y

Bill: SB 205 Title: EDUCATION OF EXCEPTIONAL CHILDREN
Message:

(& HB 301) Alaska needs to spend at least as much on gifted children as on disabled--it is our future! If you pull the gifted program out of SPED, it will probably disappear. Federal rules under IDEA in its 1975 form of PL94-142 allow the states to use SPED funding to include administration of the gifted program.

Entered in MAT on 4/11/00 POMID: 5490

Distribution: 21

[Main Menu](#)

[Store All](#)

[Store This One](#)

[Prev POM](#)

[Next POM](#)

Message 4 out of 5.

POM for Senator Miller



From: Ms Katie C Eberhart
PO Box 1006

Telephone: 745-2327

Palmer, AK 99645
Email:

NON Constituent

Registered Voter: U

Bill: SB 205 Title: EDUCATION OF EXCEPTIONAL CHILDREN
Message:

(& HB 301) I think we will be better able to meet the needs of our gifted/talented students if gifted/talented education in Alaska remains under the IDEA (Individuals with Disabilities Education Act). Please do not pass this bill.

Entered in MAT on 4/12/00 POMID: 5549

Distribution: 17

[Main Menu](#)

[Store All](#)

[Store This One](#)

[Prev POM](#)

[Next POM](#)

Message 5 out of 5.

Mrs Lori A Van Diest,
PO Box 4090
Palmer, AK 99645

746-9518

Distribution

Affiliation

Reg Voter

10

U

Date POM Sent

Constituency

Bill Number

Response

Subject

04/14/2000

N

SB 205

Amend

Regarding SB 205, thank you for the amendment to this bill. The amendment does not go far enough to ensure protections for gifted students. We need to include procedural safeguards and due process rights as well.

Email Address

Mr Steven L Levine,
PO Box 875011
Wasilla, AK 99687

373-0646

Distribution

Affiliation

Reg Voter

5

U

Date POM Sent

Constituency

Bill Number

Response

Subject

04/14/2000

N

SB 205

Amend

Please give our gifted & talented youth the rights to due process & procedural safeguards. Because all other elements of the amendments are unenforceable without them. Gifted & talented youth have been identified to be in need of specialized educational instruction. In some cases it is only through procedural safeguards & the right of due process that parents are able to secure these for their children.

Email Address

Date: April 14, 2000

To: Senate HESS
Senator fax #
Sen. Mike Miller, Chair 465-3883
Sen. Pete Kelly, Co-Chair 465-5241
Sen. Gary Wilken 465-4714
Sen. Drue Pearce 465-3872
Sen. Kim Elton 465-2108

Fax: Senate HESS Committee 465-3883

From: Virginia McKinney
1526 F Street
Anchorage 99501
277-4419; 277-4418 (fax)

Re: SB205/HB301

I am here today to speak in support of maintaining gifted education as a requirement for every school district, and maintaining the procedural safeguards that are currently in the program—the IEPs and appeal process outside the district. In these times of tight budgets, any program that's not mandated won't long survive. Of course we all know that the devil is in the details—and if we don't pay attention, we could very likely end up with a gifted program that exists in name only.

I am the parent of a student in the self-contained gifted program at Rogers Park. She's a 5th grader and has been in the program since kindergarten. Being involved in her classes over the years as a parent volunteer has made me realize that these are very difficult kids to educate. There is a huge dichotomy between their physical and emotional development—and how smart their brains are. This dichotomy often leads to loneliness, isolation and the feeling of just being weird because they're so different from everybody else. These children are among the best and the brightest. They're our future business leaders, scientists, judges, religious leaders and even legislators. But make no mistake—these are *at-risk children*.

It's been enormously important to have a program with teachers specially trained in how to deal with gifted kids. How to keep them challenged intellectually but also well grounded in the basic values of caring, good citizenship, and responsibility to give back to the community. My daughter's gifted teachers have done a great job. Today Amelia is well adjusted, learning a lot and having fun—and I kind of have to say that, since she's sitting here in the room with me.

Let me switch gears here and *talk politics*. Every one of you campaigned on a pro-education platform. In your campaign literature and at the candidate forums you spoke of your support for children and schools. Many of you have invested enormous talent and time as leaders in strengthening Alaska's schools and making sure our students are prepared for the jobs of the future. Your work on ensuring high standards was reflected in the benchmark exams and the exit test that my 10th grade daughter took last month.

Taking the procedural teeth out of the gifted program—or even eliminating it by making it an optional add-on for districts—either of these proposals flies in the face of all your hard work and commitment. And frankly—the proposals fly in the face of your campaign promises to support a quality education for every child in Alaska. I hope you do the right thing and vote against these bad ideas.

Thank you for this opportunity to testify.

APR 17 REC'D

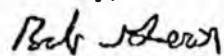
April 14, 2000

I appreciate the opportunity to testify in support of maintaining funding of the Gifted and Talented Education program. My child is enrolled in the Gifted and Talented Education program at Campbell Elementary school. On numerous occasions my wife and I have discussed enrolling our child in a school with better test scores and a more structured learning environment. However, the principal, and teachers are very committed to their work and do a good job in educating our children. The educators have a difficult job. Several of the students in many classes cause disruption, despite the teachers best efforts; this creates a less than ideal academic setting. We feel it is important to be committed to the neighborhood schools and not take flight just because the environment for learning is challenging.

The Gifted and Talented Education program gives parents like us good reasons to keep our kids in public schools. They are challenged beyond what is possible in a general class situation, therefore making great strides in learning and confidence. Those students take what they have learned back to the normal classroom and provide leadership and act as role models; this increases stability in classrooms, facilitating a better learning environment for all students. Research for the last 30 years supports these statements.

Lets not contribute to further erosion in the quality of the education in our schools by making the Gifted and Talented Education program a local option as per SB 205 and HB 301. Assure procedural safeguards remain in place as in current statute. Seven other states have made separate statutes to comply with federal standards, but have maintained their gifted and talented programs. Thank you for the opportunity to testify and please keep in mind the Gifted and Talented program helps all students either directly or indirectly.

Sincerely,



Robert G. Gerik