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Yalosta Rickford
Operator's Signature

10/2/03
Date

UP

2003 HOUSE EDUCATION

HB 1080

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2003 HOUSE STANDING COMMITTEE MINUTES
BILL/RESOLUTION NO. HB 1080

House Education Committee

Conference Committee

Hearing Date January 13, 2003

Tape Number	Side A	Side B	Meter #
1	x		500-1296
2	x		00-215

Committee Clerk Signature *Linda Fiechter*

Minutes:

Chairman Kelsch open hearing on bill.

SUPPORT

Valerie Fischer, a regional Coordinator for the Department of Public Instruction. See Attached Testimony.

Rep. Solberg: If language is not changed at the request of the US Dept. of Ed, will we lose federal funding or aid?

Fischer: That could be the consequence of having this not changed or approved. It's hard to make predictions on how they will react.

Chairman Kelsch: Basically, this is a change from the negative to the affirmative.

Fischer: Yes.

Rep. Haas : Is it correct, that only the people that are incarcerated who meet this definition and would receive special services while incarcerated, are those that had and IEP prior to being incarceration?

Valosta Rickford
Operator's Signature

10/2/03
Date

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House Education Committee
Bill/Resolution Number HB1080
Hearing Date January 13, 2003

Fischer: Yes, that is correct

Rep. Haas: The new legislation would include someone who is incarcerated, who in the last placement prior was identified, and didn't have an IEP, would they now receive services?

Fischer: I will make the clarification: In the field of special education, you are considered under special education once you are identified. So in this case, it would be applicable for a student who was initially identified through a process of assessment or evaluation to be eligible for Special Ed but perhaps then was incarcerated before the IEP was actually initiated. Once your identified or on an IEP, you must then be served.

Rep. Haas: So this really means is that anyone who has been identified for special education would be eligible for services after incarcerated?

Fischer: Yes

Rep. Haas: So there is subsequent change.

Fischer: No. the change is in the language. Before it was a negative but it still included any student being identified on an IEP, What the feds are now requiring is that the language change be made in the positive rather than the negative. In fact they suggested this particular language. It our interpretation that this language means the same and that service will continue to be the same. Let say if in high school before he/she was incarcerated, and identified or served to be in Special Ed or in the need of Special Ed or/and related services, and was then incarcerated they would be eligible for service. If you were identified after incarceration they would not need to be served. The identification must happen prior to incarceration.

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House Education Committee
Bill/Resolution Number HB1080
Hearing Date January 13, 2003

Rep. Hawken: For instance in the 2nd grade a person was identified needing speech therapy that would be a special needs, and they were dismissed from services. If they now become incarcerated can they demand services?

Fischer: Once dismissed from service, and no longer received services they would not be eligible for services.

Rep. Sitte: If the student was identified with disabilities and did not receive services before incarceration, would they be eligible, this would be an expansion of services?

Fischer: That could be case, It's unlikely because identification is made much earlier than 15 years of age.

OPPOSITION - none

Hearing closed on HB1080

Committee work at 2:00 pm on 1-13-03

Chairman Kelsch opened.

Chairman Kelsch Rep. Mueller motions for a DO PASS, Rep. Solberg seconds the motion>

Discussions: hearing none the roll was taken. 13 yea, 0 no, 1 absent. Rep. Williams to carry this bill on the floor.

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FISCAL NOTE
 Requested by Legislative Council
 01/02/2003

Bill/Resolution No.: HB 1080

1A. State fiscal effect: Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

1B. County, city, and school district fiscal effect: Identify the fiscal effect on the appropriate political subdivision.

2001-2003 Biennium			2003-2005 Biennium			2005-2007 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

2. Narrative: Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.

3. State fiscal effect detail: For information shown under state fiscal effect in 1A, please:

A. Revenues: Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.

B. Expenditures: Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.

C. Appropriations: Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.

0

Name:	Robert Rutten	Agency:	Public Instruction
Phone Number:	328-2692	Date Prepared:	01/08/2003

Yolanda Rickford
 Operator's Signature

10/2/03
 Date

Date: January 13, 2003
Roll Call Vote #: 1

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1080

House HOUSE EDUCATION Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken DO PASS

Motion Made By Rep. Mueller Seconded By Rep. Solberg

Representatives	Yes	No	Representatives	Yes	No
Chairman Kelsch	x				
Rep. Johnson	x				
Rep. Nelson	x				
Rep. Haas	x				
Rep. Hawken	x				
Rep. Herbel	AB				
Rep. Meier	x				
Rep. Norland	x				
Rep. Sitte	x				
Rep. Hanson	x				
Rep. Hunsakor	x				
Rep. Mueller	x				
Rep. Solberg	x				
Rep. Williams	x				

Total (Yes) 13 No 0

Absent 1

Floor Assignment Rep. Williams

If the vote is on an amendment, briefly indicate intent:

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REPORT OF STANDING COMMITTEE (410)
January 15, 2003 8:01 a.m.

Module No: HR-07-0563
Carrier: Williams
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE
HB 1080: Education Committee (Rep. R. Kelsch, Chairman) recommends DO PASS
(13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1080 was placed on the
Eleventh order on the calendar.

(2) DESK, (3) COMM

Page No. 1

HR-07-0563

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HB 1080

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