



*Parent Training & Information Centers for Kansas*

March 15, 2016

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Statewide Spanish Parent Line  
1-800-499-9443

Chairman Barker and members of the House Judiciary Committee:

My name is Darla Nelson-Metzger and I am a Parent Information Specialist and coordinate the Education Advocate Program for Families Together, the Kansas Parent Training and Information serving families of children, youth, and young adults with disabilities and/or special health care needs from birth through 26 years old. Thank you for the opportunity to testify as neutral on SB 410. Families Together is neutral on the content of the bill and would like to limit our comments and propose an amendment to Section 2(a) of the bill.

First, I would like to provide some background on the current regulatory requirements for education advocates and the role of Families Together in the process to train and appoint education advocates. An education advocate is appointed to act on behalf of an exceptional child when parents are unknown, unavailable, or parental rights have been severed. State special education law gives the Kansas State Board of Education (KSBE) the authority to appoint an education advocate to act on behalf of an exceptional child when needed. The Kansas State Department of Education (KSDE) and the Kansas Department for Children and Families have developed a system for assigning education advocates when necessary. Details of the education advocate system are provided in Kansas rules and regulations. KSDE has had a contract with Families Together for almost 30 years to:

- provide training for potential education advocates;
- receive referrals for students who need an education advocate;
- match an education advocate to the student;
- notify KSDE to appoint the education advocate; and
- provide support for education advocates.

In Kansas, a person may only be appointed as the education advocate for a student if they meet the definition of "education advocate" in KSA 72-962, have received the required training, and been appointed by KSBE to act as a parent in making educational decisions for a child. Families Together just wants to ensure that SB 410 is clear that the requirements for, and process of, appointing education advocates that is already in state statute and regulation will apply to CARE families as well. We believe that the bill needs to be amended to provide this clarity. To that end we request that the following amendment be made to Section 2(a):

Sec. 2. K.S.A. 2015 Supp. 38-2218 is hereby amended to read as follows: 38-2218.

(a) When the court has granted legal custody of a child in a hearing under the code to

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an agency, association or individual, the custodian or an agent designated by the custodian shall have authority to make educational decisions for the child if the parents of the child are unknown or unavailable. When the custodian of the child is the secretary, and the parents of the child are unknown or unavailable, and the child appears to be an exceptional child who requires special education, the secretary shall immediately notify the state board of education, or a designee of the state board, and the school district in which the child is residing that the child is in need of an education advocate. *If the secretary has placed the child with a CARE family, as defined in section 1, and amendments thereto, **and the child is in need of an education advocate**, the CARE family shall **become be appointed**, subject to K.S.A. 72-962 and K.A.R. 91-40-24, the education advocate for such child.*

Currently, there are many foster parents who have been appointed education advocates after meeting the requirements of Kansas statute and regulation. Families Together would like for SB 410 to be clear that CARE families must meet these requirements as well. Families Together always welcomes new education advocates for students with exceptionalities, and this would include CARE families, should SB 410 become law. Thank you for helping us to make this important clarification.

Respectfully,

Darla Nelson-Metzger  
Families Together, Inc.