

Approved April 1, 1985
Date

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION

The meeting was called to order by Representative Don Crumbaker at
Chairperson

3:30 ~~xxx~~ a.m./p.m. on March 20, 1985 in room 519-S of the Capitol.

All members were present except: Representatives Miller and Laird who were excused.

Committee staff present:

Ben Barrett, Legislative Research Department
Avis Swartzman, Revisor of Statutes' Office
Dale Dennis, State Department of Education
Judy Crapser, Secretary to the Committee

Conferees appearing before the committee:

Connie Hubbell, State Board of Education

The minutes of March 5 and March 6, 1985 were approved as written.

The Chairman noted to the Committee that as a result of a request by the Chairman and the Vice Chairman, the Ways and Means Committee introduced a bill to remove the mandate from the gifted program. HB 2572 has been referred to the Education Committee and is scheduled for hearings on Wednesday of next week.

The Chairman opened the hearing for SB 259 which allows SRS employees to serve as education advocates for children who are residing in family foster homes and community residential facilities where the local education agencies are responsible for the education of the children.

Connie Hubbell, State Board of Education, testified in support of SB 259. (ATTACHMENT 1)

As Mrs. Hubbell was the only conferee for SB 259, this concluded the hearing.

The Chairman turned the Committee's attention to SB 27 which would allow a school board to levy up to 0.5 mill levy for adult basic education programs.

Representative Apt moved to report SB 27 favorable for passage. Representative Harder seconded the motion. The motion prevailed.

The Chairman turned the Committee's attention to SB 53 which allows interlocal cooperative agreements to include services, duties, functions, activities, obligations and responsibilities, but not to levy taxes.

Representative Harder moved to report SB 53 favorable for passage. Representative Williams seconded the motion. The motion prevailed.

The Committee turned to SB 259 for discussion and action.

Representative Branson moved to report SB 259 favorable for passage. Representative Reardon seconded the motion. The motion prevailed.

The Chairman notified the Committee that there would be no meeting as scheduled for March 21 as the Committee had addressed all bills available for discussion and action at this time.

The meeting was adjourned at 3:56 p.m.

The next meeting of the Committee will be March 25, 1985 at 3:30 p.m. in Room 519-S.



Kansas State Board of Education

Kansas State Education Building

120 East 10th Street Topeka, Kansas 66612

Kay M. Groneman
District 1

Connie Hubbell
District 4

Bill Musick
District 6

Evelyn Whitcomb
District 8

Kathleen White
District 2

Ann L. Keener
District 5

Theodore R. Von Fange
District 7

Robert J. Clemons
District 9

Dale Louis Carey
District 3

March 20, 1985

Marion (Mick) Stevens
District 10

TO: House Education Committee
FROM: Connie Hubbell, State Board of Education
SUBJECT: 1985 Senate Bill 259

Senate Bill 259 amends the Special Education for Exceptional Children Act in K.S.A. 1984 Supp. 72-962 by changing the existing definition of "lawful custodian" and adding new definitions of "parent," "person acting as parent," "guardian," "custodian," and "education advocate" for further clarification.

The Special Education for Exceptional Children Act, as it is currently written, prohibits Social and Rehabilitation Services (SRS) employees from serving as the educational advocates for the children in the care and custody of the Secretary of SRS. There are approximately 5,000 to 6,000 children in SRS custody at any given point in time. These children have been abused, come from broken homes or have been abandoned by their parents. Because of the circumstances that have brought them into the custody of the Secretary of SRS, our best estimate is that as many as 25 percent or 1,250 to 1,500 of these children are at risk of being exceptional and need special education services as soon as they can be placed in family foster care or group residential facilities. And, therein lies the problem. Currently, very few of these children are being identified and served.

While SRS is the custodian for many children, the rights of the parents are seldom severed. Therefore, a local education agency needing to identify and place a child in special education services is required to seek out the parents of the child and have them sign the required notices. (NOTE: All special education actions require a parental signature before they can be implemented.) The parents of children in the custody of SRS are often unknown or unavailable. Or, SRS may be keeping the whereabouts of the child hidden from the parents if there has been a threat to the safety of the child.

Recent legal opinions have stated that it is not necessary to prohibit SRS employees from serving as the educational advocates for the children in their custody unless SRS is the agency directly responsible for the education of the child. Based upon these opinions, SRS employees could serve as the educational advocates for children residing in family foster homes and community residential facilities where the local education agencies are responsible for the education of these children. SRS employees could not, however, serve as the educational advocates for the children residing in the state institutions for the mentally ill and the mentally retarded or the state youth centers because in these settings SRS is the agency directly responsible for the education of the child. Therefore, it is proposed that K.S.A. 1984 Supp. 72-962 be amended to allow SRS

employees to serve as educational advocates for children in their custody under the following conditions:

- a) If the child's parental rights have been severed pursuant to the Kansas Code for Care of Children,
- b) If the child's parents are unknown or unavailable and the child is in the care and custody of the Secretary of SRS,
- c) If the SRS employee has completed training as an education advocate,
- d) If the SRS employee has no interest which conflicts with any interest of the exceptional child whom he/she represents, or
- e) If SRS is not responsible for provision of educational services to the child in question.

All school districts would be required to report the number of exceptional children in need of an educational advocate to the Department of Education and SRS. SRS employees would be appointed as educational advocates and utilized in accordance with regulations to be established by the State Board of Education.

The Department of Social and Rehabilitation Services has introduced a proposed amendment to the Kansas Code for Care of Children under K.S.A. 38-1501 which will enable SRS employees to make educational decisions regarding a child in the custody of SRS in cases where there is no severance of parental rights but the parents refuse or fail to make educational decisions regarding the child. The amendment to the Code for Care of Children and the amendment to the Special Education Act have been introduced in tandem. The Education amendment allows SRS employees to serve as educational advocates and the SRS amendment allows the court to appoint SRS employees as educational advocates in a dispositional hearing.