

MINUTES OF THE SENATE COMMITTEE ON EDUCATION

The meeting was called to order by VICE-CHAIRPERSON ALICIA SALISBURY at
Chairperson

1:30 ~~am~~/p.m. on WEDNESDAY, FEBRUARY 27, 1985 in room 254-E of the Capitol.

All members were present except:

Committee staff present:

Mr. Ben Barrett, Legislative Research Department
Ms. Avis Swartzman, Legislative Revisor's Office
Mrs. Millie Randell, Secretary

Conferees appearing before the committee:

SB 224 - School districts, transportation vehicles, FM business band radios required. (Senator Langworthy et al.)

Proponents:

Mr. Ron Burgess, Superintendent, Jefferson West USD 340, Meriden
Mr. Ed Lindsay, Administrative Assistant, Jefferson West USD 340, Meriden;
Regional Vice-president, Kansas State Pupil Transportation Assn.

Opponents:

Dr. Bill Curtis, Asst. Executive Director, KASB
Dr. M. D. McKenney, Acting Executive Director, USA

SB 259 - An act concerning special education services for exceptional children; affecting definitions; imposing certain duties on the state board of education. (Education)

Proponents:

Ms. Connie Hubbell, Topeka, 4th District, State Board of Education
Dr. Bill Curtis, Asst. Executive Director, KASB

After Vice-chairperson Alicia Salisbury called the meeting to order, she recognized Mr. Ron Burgess, Superintendent of Jefferson West USD 340 in Meriden. Mr. Burgess stated that he supported SB 224 (Attachment 1) and made two recommendations before turning the presentation over to Mr. Ed Lindsay, Administrative Assistant, Jefferson West USD 340, and Regional Vice-president of the Kansas State Pupil Transportation Association. The highlights of Mr. Lindsay's testimony are found in Attachment 2. In responding to a question, Mr. Lindsay indicated that the time frame in the bill was not long enough.

Mr. Dale Dennis of the State Department of Education responded to a request to quote some statistics regarding FM business band radios. He said that approximately 70% of the school transportation vehicles currently have the radios and that the cost run of the bill for the next two years would be about \$300,000 per year.

When Vice-chairperson Salisbury called upon Dr. Bill Curtis, the Assistant Executive Director of the Kansas Association of School Boards told why his association opposes SB 224. (Attachment 3)

Dr. M. D. McKenney, Acting Executive Director of the United School Administrators, also told the Committee why his organization could not support SB 224. (Attachment 4) In response to a question, Dr. McKenney said he would be agreeable with the recommendation by Mr. Burgess to have this concept introduced in the form of a resolution.

Chairman Joseph C. Harder continued the meeting by calling upon Ms. Connie Hubbell of the State Board of Education who testified in favor of SB 259. (Attachment 5) Questions regarding SB 259 were also directed to Commissioner Robert Barnum, Youth Services Division, SRS; and Ms. Judy Cutsinger, Specialist, P.L. 89-313, Special Education Services Contracts and Cooperative Agreements, State Department of Education.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON EDUCATION

room 254-E, Statehouse, at 1:30 ~~xxx~~ p.m. on WEDNESDAY, FEBRUARY 27, 1985.

Dr. Bill Curtis of the Kansas Association of School Boards stated that his organization supports SB 259 but that he does have a concern with line 0101.

Following Dr. Curtis' testimony, the Chairman announced that the hearing on SB 259 was concluded.

The Chairman then asked for the Committee to turn its attention to SB 53 and asked Mr. Dale Dennis of the State Department of Education to give the Committee a brief overview of the bill which relates to interlocal cooperative agreements. Mr. Dennis described SB 53 as a permissive bill and said it is an economic way for providing services to school districts. He also said it would not affect state aid to those districts.

At the request of Senator Allen, the Chair recognized Mr. Ken Rogg who said he was a former chairman of the Northwest Kansas Educational Cooperative. Mr. Rogg stated that the bill would give an interlocal authority to do what USD's can't do on their own.

Senator Allen moved, and Senator Arasmith seconded a motion to approve minutes of the Committee meetings of February 19 and February 20. The motion carried.

The Chairman adjourned the meeting.

SENATE EDUCATION COMMITTEE

TIME: 1:30 p.m. PLACE: 254-E DATE: Wednesday, Feb. 27, 1985

GUEST LIST

<u>NAME</u>	<u>ADDRESS</u>	<u>ORGANIZATION</u>
M. O. McKennet	Topeka	USA
Bob Johnson	Topeka	U.S.A.
Connie Thuwace	Topeka	St. Bd. of Education
Martha Hergesmith	Topeka	KLS
Bill Herbs	Wichita	U.S. # 259
Mary Ann Bumgarner	Lawrence	Gen. Burke - interim
Elizabeth E. Saylor	Topeka	Ks Assn for the Edg. Young
Bob Darn	"	Youth Soc SPS
Judy Cutsinger	"	KS Dept of Educ.
Ray Cox	"	KNEA
Craig Grant	Lawrence	K-NEA
Jim Youally	Shannon Mission	USD # 512
J. Mark	SPRING HILL	U.S.D. # 230

SENATE EDUCATION COMMITTEE

TIME: 1:30 p.m. PLACE: 254-E DATE: Wednesday, Feb. 27, 1985

GUEST LIST

<u>NAME</u>	<u>ADDRESS</u>	<u>ORGANIZATION</u>
Ed Lindsay	Box 267 Meriden, Ks	USD #340
Lou Burgess	Box 267 Meriden, Ks	USD #340
Bill Curtis	Topeka	KASB
Mike Golsby	Lawrence	Intern Sen District
Ken Rogg	Topeka	SBE
Jacquie Oakes	Topeka	KASB
Merle Lee	"	KACC

LADIES AND GENTLEMEN, WE APPRECIATE THE OPPORTUNITY TO APPEAR BEFORE YOU IN SUPPORT OF FM BUSINESS BAND RADIOS IN STUDENT TRANSPORTATION VEHICLES AS REQUIRED IN SENATE BILL 224. I AM RON BURGESS, SUPERINTENDENT OF SCHOOLS, JEFFERSON WEST USD 340, MERIDEN. WITH ME TODAY IS MY ADMINISTRATIVE ASSISTANT, ED LINDSAY. ONE OF HIS MAJOR RESPONSIBILITIES LIES IN THE AREA OF STUDENT TRANSPORTATION. ED IS ALSO A REGIONAL VICE-PRESIDENT OF THE KANSAS STATE PUPIL TRANSPORTATION ASSOCIATION. YOU MIGHT FIND THE COMMENTS FROM A PERSON DEALING WITH STUDENT TRANSPORTATION ON A DAILY BASIS QUITE VALUABLE IN YOUR CONSIDERATION OF THIS BILL.

BEFORE TURNING OVER THE PRESENTATION TO MR. LINDSAY, I WOULD LIKE TO MAKE TWO SUGGESTIONS ABOUT SENATE BILL 224.

1. TO CLARIFY OWNERSHIP, MAY I SUGGEST THAT ON LINE 29, BEFORE THE WORDS, "MOTOR VEHICLE", YOU ADD THE WORDS, "SCHOOL DISTRICT-OWNED OR LEASED."

SUCH AN ADDITION WOULD CLARIFY THE EXEMPTION FOR THE REQUIREMENT FOR FM BUSINESS BAND RADIOS IN A PRIVATELY OWNED VEHICLE USED FOR STUDENT TRANSPORTATION IN SOME ISOLATED INSTANCE.

2. MY SECOND SUGGESTION DEALS WITH THE MANDATORY REQUIREMENT FOR FM BUSINESS BAND RADIOS.

MAY I SUGGEST THAT THE INTENT OF THE BILL IS TO MAKE STUDENT TRANSPORTATION SAFER FOR THE STUDENTS WE TRANSPORT.

SINCE EVERY SCHOOL DISTRICT IS DIFFERENT FROM ITS NEIGHBOR, PERHAPS A SENATE CONCURRENT RESOLUTION RECOMMENDING FM BUSINESS BAND RADIOS COULD BE INCORPORATED INTO A DEPARTMENT OF TRANSPORTATION RECOMMENDATION TO SCHOOL DISTRICTS. PERHAPS THE PATIENT WOULD TAKE THE PILL WITH LESS RESISTANCE BY RECOMMENDATION RATHER THAN BY REQUIREMENT.

AGAIN, AS A PRACTICING SUPERINTENDENT, I WHOLEHEARTEDLY SUPPORT THE USE OF FM BUSINESS BAND RADIOS IN VEHICLES USED TO TRANSPORT STUDENTS.

BRIEF HISTORY OF JEFFERSON WEST DISTRICT #340 RADIOS

NO RADIOS UNTIL 1977

C.B. RADIOS 1977 - 1983

F.M. RADIOS 1983

F.M. RADIOS

PRIVATE
CLEAR RECEPTION
DEPENDABLE CONTACT
DRIVER FEELS SECURE
COMMUNICATION

WHAT HAVE RADIOS DONE FOR US.

PUBLIC RELATIONS
HARMONY AMONG DRIVERS
DISCIPLINE
SAFETY
MAINTENANCE REPORT
REROUTING

BESIDE WHAT THE RADIOS HAVE DONE FOR THE SCHOOL. HERE ARE A FEW TIMES THAT THE RADIOS BENEFITED THE PUBLIC.

FIRST WEEK OF SCHOOL DRIVER REPORTED HOUSE FIRE ABLE TO CONTACT FIRE DEPARTMENT AND SAVED CONSIDERABLE DAMAGE TO HOME.

BUS DRIVER CAME UPON A BAD WRECK DRIVER PINNED UNDER CAR. BUS DRIVER ABLE TO CONTACT OFFICE, IMMEDIATE CONTACT MADE WITH FIRE DEPARTMENT, AMBULANCE, AND SHERIFF.

BUS DRIVER SAW CAR FLIP OVER AND AGAIN INSTANTLY WAS ABLE TO GET NEEDED PEOPLE TO THE SCENE.

DRIVER REPORTED CAR STUCK ON WINTER MORNING SUB ZERO TEMPERATURE DISTRICT GAVE AID TO MOTHER AND NEWBORN INFANT.

I COULD GO ON BUT I THINK YOU GET THE IDEA, OUR SCHOOL BUSES COVER A LOT OF MILES DAILY AND CAN BE OF GREAT BENEFIT TO THE PUBLIC IF THE DRIVERS HAVE THE EQUIPMENT TO COMMUNICATE.



TESTIMONY ON S.B. 224

by

Bill Curtis, Assistant Executive Director
Kansas Association of School Boards

February 27, 1985

Mr. Chairman and members of the committee, we appreciate the opportunity to testify today on S.B. 224. That bill would require all vehicles which transport pupils to be equipped with FM business band radios.

KASB opposes S.B. 224 because of its fiscal impact. We believe that if the state mandates such a requirement, then the state should be prepared to fund such mandates. However, regardless of who pays for it, the allocation of limited resources should be in the hands of locally elected boards of education. It is my understanding that the purchase and installation of an FM business band radio system would amount to several thousand dollars, at a minimum.

Most school districts currently have some type of communications system for school vehicles. Most of those systems are citizen band radios. If a board of education should decide, for safety reasons or any other valid reasons, that the expense of a more sophisticated system is desirable, then we certainly would encourage them to proceed. But to mandate FM business band radios for all seems to us to be unnecessary. Thank you for allowing us the time to present the views of the Kansas Association of School Boards.



UNITED SCHOOL ADMINISTRATORS OF KANSAS

1906 EAST 29TH

TOPEKA, KANSAS 66605

913-267-1471

JERRY O. SCHREINER
EXECUTIVE DIRECTOR

M.D. "MAC" MCKENNEY
ASSOCIATE EXECUTIVE DIRECTOR

TO: Senate Education Committee

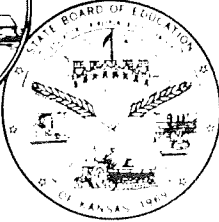
FROM: M. D. McKenney, Acting Executive Director
United School Administrators

DATE: February 27, 1985

SUBJECT: SB 224

Thank you, Mr. Chairman and members of the committee. I am M. D. McKenney, Acting Executive Director of the United School Administrators of Kansas, speaking in opposition to this bill.

We feel the geographic variables which exist in Kansas' school districts have already been identified by local boards of education. Those districts which believe that for reasons of safety there is a need, have already met that need and have provided the necessary communication equipment. We believe each district should be permitted to make that decision on its own based upon its need and the priority to be placed upon that need. We, therefore, ask that the provisions of this bill not be imposed upon Kansas' school districts and that the bill be reported adversely.



Kansas State Department of Education

Kansas State Education Building

120 East 10th Street Topeka, Kansas 66612

February 27, 1985

TO: Senate 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

ATTACHMENT 5 (2/27)

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.