

Approved April 11, 1986
Date

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION

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

3:42 ~~am~~/p.m. on March 24, 1986 in room 519-S of the Capitol.

All members were present except: Rep. Polson, Miller, who were excused

Committee staff present: Avis Swartzman, Revisor Statute's Office
Ben Barrett, Legislative Research
Lynda Cory, Secretary to the Committee

Conferees appearing before the committee:

Onan Burnett	Marc Marcano
Gerald Henderson	Vicente Serrano
John Koepke	Gene Chavez

The Chairman opened hearings on SB 563.

Onan Burnett, USD #501 Topeka Public Schools, appeared in support of SB 563. He felt that textbooks, test materials, and certain software should be exempt to avoid any bidding violations. He also felt that an increase in the dollar limit should be made based on a cost of living report done by Dale Dennis just recently showing that the same \$5,000 in 1963, when the law was originally passed, could now be equivalent to \$19,000. He recommended the lid be raised to \$10,000 minimum.

Gerald Henderson, United School Administrators, supported SB 563 as well as agreed for a recommended raise in the \$5,000 limit. He felt, however, most of the problems that arise from accepting or not accepting local bids could be handled in the written specs. He did not support a mandated local option since that would lock the district into a local dealer that may have a shady reputation for service. (Attachment 1)

Two suggestions came from the committee that were discussed about SB 563. One dealt with giving school boards a 2% option that would allow them to be flexible in selecting the better deal whether locally or not. Another concern was that written specs could be written too closely so that only a local dealer could oblige with a bid, and, thus, enable to favor friends. Again, Mr. Henderson felt that the 2% leeway was not necessary if the written specs included a clause such as service within a certain amount of time, etc. that would narrow the bid selection down to a local dealer if there was only a few dollars difference in the bids.

John Koepke, Kansas Association of School Boards, supported SB 563 and asked for a raise in the limit. (Attachment 2)

The Chairman concluded hearings for SB 563 and opened hearings on SB 649.

Marc Marcano from the Advisory Committee on Mexican-American Affairs supported SB 649 and submitted eight recommendations from his committee to be amended to it. (Attachment 3)

Vicente Serrano, acting as a private citizen, supported SB 649 because the change in labels would add a positive self-image to the Hispanic children, especially since they have learned to speak English by the end of 2nd grade. He estimated the fiscal note to be about \$1 million.

Gene Chavez from the National Association of Bilingual Education supported SB 649 in hopes that it would develop someday into a program that went from instructional to innovative.

Onan Burnett, USD #501, supported SB 649 as it is expressed herein.

The Chairman concluded the hearings on SB 649.

The meeting adjourned at 4:37 p.m.

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.



SB 563

Testimony presented to the House Committee on Education
by Gerald W. Henderson, Executive Director
United School Administrators of Kansas

March 24, 1986

Mister Chairman and Members of the Committee.

USA supports the provisions of SB 563 as amended. The briefing you received last Thursday did an outstanding job of pointing to the problems caused by current law. It is our contention that a majority of the citations reported by post audit represent not an attempt by administrators and boards to circumvent the law but a real effort to save tax payer money. You pointed out several of those citations through your questions to the post auditor. Computers in Greenbush, sprinkling systems in Hays and gasoline in Kansas City are but three examples.

The provisions of SB 563 would exempt copyrighted materials, motor fuels and perishable foodstuffs from the bidding law. These exemptions address some of the problems you visited about last Thursday. Other concerns which you raised, namely emergencies and the \$5,000 bidding limit set in 1963 are not addressed by SB 563. We share these concerns and urge you to further amend the bill.

There ought to be a way for a board and administrators to affect major repairs quickly when the safety and welfare of students is involved. Such would be the case if a boiler went out or a roof blew off as Rep. Apt mentioned Thursday.

In 1963, \$5,000 would purchase a van, an automobile or many other items which must be bid at today's prices. Applying the consumer price index to \$5,000 in 1963 produces \$19,470 today. Perhaps the \$10,000 figure mentioned in the Senate was not too unrealistic after all.

GWH/ed



TESTIMONY ON S.B. 563
before the
House Education Committee
by

John W. Koepke, Executive Director
Kansas Association of School Boards

March 24, 1986

Mr. Chairman and members of the Committee, we appreciate the opportunity to appear before you on behalf of the 303 member boards of education of the Kansas Association of School Boards. We are here today to express our support for S.B. 563 which provides for certain exemptions to K.S.A. 72-6760, the school district competitive bid law.

Earlier this session, the Legislative Division of Post Audit conducted a compliance audit of eight school districts regarding their compliance with the bid law. As a result of that audit, this legislation is being introduced to provide for two specific exemptions to the school district bid law.

The first exemption is designed to apply primarily to textbook purchase, although it would also exempt other curriculum-related materials such as workbooks and computer software for classroom use. School districts generally have committees which make selections in this area based on their best judgment of those materials which meet the curriculum needs of the district. Once the selection has been made, only one publisher is available as the supplier for the selected materials. Seeking bids in this instance is obviously not a competitive situation and, in our view, should be exempt from the bid law.

The second exemption sought is for gasoline purchases for school buses used for pupil transportation. Due to the volatile nature of gasoline prices, school districts find most vendors unwilling to make bids which lock them in to a particular price for a long term. While school districts generally seek oral bids for gas purchases when the need arises, this does not meet the technical requirements of the law and justifies the exemption sought in S.B. 563.

The third area sought for exemption is for perishable foods used in school lunch programs. Many large districts purchase these food stuffs on a daily basis and pay for it monthly making the amount large enough to qualify for bid treatment.

We would also ask the Committee to give serious consideration to amending the bid law further by raising the dollar limit above which school districts must seek sealed competitive bids. That limit, which currently stands at \$5,000 has been in the statute at the same level since at least 1963. Considering the rate of inflation since that time, we would ask the Committee to raise the bid limit to at least \$10,000.

We believe that these changes in the law will eliminate many unintentional and technical violations of the bid law by Kansas school districts. The State Department of Education is also conducting a series of workshops for school district personnel to insure further compliance. We think it is important to note that the Post-Audit report suggests that the Department of Administration take steps to insure that school district audits monitor this law more closely. According to Municipal Accounting Section, they could not recall a single instance in which a Kansas school district had been written up for a violation of the bid law, even though the minimum standard audit program prescribed by the Director requires such a check.

We believe that the passage of S.B. 563, with the additional change we have suggested will do much to insure total compliance with this statute.

Testimony to the House Committee on Education
Concerning S.B. 649

Marc Marcano
KACMAA Executive Director

Mr. Chairman and Committee Members:

A major function of the Kansas Advisory Committee on Mexican American Affairs (KACMAA) is to serve as the liaison between the Kansas Hispanic community and Kansas state government. We are charged with the responsibility to inform the Legislature on policy issues affecting Kansas Hispanics. Such an issue is S.B. 649, concerning bilingual education.

KACMAA fully supports S.B. 649 because it would provide positive language in the Bilingual Education Act, by replacing the phrase "educationally deprived" pupils with "limited English proficient" pupils. A 1980 report, The Condition of Education for Hispanic Americans, by the National Center for Education Statics indicates that the use of a language other than English is not to be interpreted as an educational disadvantage. However, our law, as it presently reads, suggests that students who speak a language other than English are educationally deprived.

A more positive phrase such as "limited English proficient" will do away with one more stigmatizing label used to describe immigrant children. Adopting this more positive term will also demonstrate the true intent of the Bilingual Education Act: to facilitate the progress of children with limited English language proficiency through school.

KACMAA views the passage of S.B. 649 as an important step in meeting the educational needs of Spanish-speaking students in Kansas. Futhermore, KACMAA supports the eight legislative changes recommended by the Kansas Task Force on Bilingual Education. (See Attachment)

It is the position of the Kansas Advisory Committee on Mexican American Affairs (KACMAA) and the Bilingual Education Task Force that the following eight amendments to K.S.A. 72-9501 through 72-9510 are necessary improvements to the Bilingual Education Statutes.

1. As previously introduced in H.B. 2143, the phrase "Educationally Deprived Pupils" should be replaced with "Limited English Proficient Pupils" (LEP) throughout the law. This amendment would improve the law in several ways. First, the present terminology suggests a negative interpretation of these students' native language proficiency as being a disadvantage rather than a positive asset. The new terminology not only eliminates the present negative connotation, it also clearly defines the specific need these students have: limited effective participation in the education programs of a school district because of limited or no English language skills. Finally, the proposed phrase reflects the true intent of the Bilingual Education Act: namely, to provide limited English proficient students with services that will enable them to successfully progress through Kansas public schools.
2. In 72-9501(e), the definition of Limited English Proficient Pupils should be expanded to include national origin-minority pupils who lack reading and writing skills in the English language. In its present form, the definition does not acknowledge that successful participation in any U.S. educational system requires competence in all four English skill areas. Thus amended, Sec. 1 (e) would appropriately read:

"Limited English Proficient Pupils" means national origin-minority pupils who because of their inability to speak, read, write, and/or understand the English language are excluded from effective participation in the educational programs offered by a school district.
3. In 72-9501(f), the phrase "to reduce educational deficiencies of such pupils" should be replaced with "to enable such pupils to progress toward the maximum of their abilities". Again, the proposed language reinforces a positive characterization of these students and the true intent of the Bilingual Education Act.
4. In K.S.A. 72-9502, "employment of noncertificated personnel" should be changed to "employment of qualified personnel". Part (b) of the same section should also be amended to read as follows:

"A school board of education shall employ either (1) teachers qualified to instruct LEP pupils as determined by standards established by the State Board and who are so endorsed by the State board; or (2) paraprofessionals qualified to assist certified teachers in the instruction of LEP students as determined by standards established by the state board and who are so approved by the state board. (Adapted from the Exceptional Children Act)*

This amendment is needed to ensure the Bilingual Education Act addresses the need for quality instruction in these programs just as a commitment to quality is legislatively addressed for other education programs in Kansas. The present language, by merely stating "the board of education may employ non-certified personnel...(who)...shall be required to serve under the supervision of a certificated employee of the school district", weakens the state's commitment to LEP students because: first, it does not require even minimum qualifications for the personnel hired to instruct and second, it fails to specify the supervisor's area of certification. In contrast, the proposed language provides a reference to standards already established by the state board for approving teacher preparation programs. Standards for "qualified teacher" endorsement are described in State Board Regulations 91-1-85 Bilingual/multicultural education and 91-1-92 English as a Second Language. While standards for "qualified paraprofessionals" in the field of Bilingual Education have not yet been established, standards are already in place for Special Education paraprofessionals (cf. 91-12-61)* which could be effectively adapted. The issue of required supervision would then be addressed in the regulations rather than in the legislation.

5. In Sec. 8, the entitlement for each LEP pupil served by the Bilingual Education Act should be increased from \$150 to \$200. Such an increase would improve the effectiveness of Bilingual Education programs in several ways. First, the extra funding would offset the actual decrease in funds for LEP pupils which occurs each year because of the increased student population and inflation factors. Second, school boards would have adequate funds to attract more qualified and committed teachers/paraprofessionals. Finally, with extra funds, school districts could provide their hired personnel access to effective identification/assessment tools and training opportunities.
6. In Sec. 8 (b), the words "and furnish" should be inserted after "prescribe" to make this section consistent with Sec. 6 language of the Act. This amendment was also included in H.B. 2143.

* Attached

7. In 72-9510, in reference to the technical advice and assistance available from the state board, the phrase "may provide any board" should be amended to read: "shall provide any board". The present language merely identifies possible sources of technical advice and assistance. School districts should have assurance that the state board, in cooperation with other sources, will provide assistance when requested.

8. 72-9510 should be further amended to establish a funding provision which would enable the state board to effectively carry out the legislative responsibilities it is presently unable to because of insufficient funds. The addition to this section should read:

"A state fund allocation, based on a minimum of \$20 per student statewide, shall be allocated for providing proper training, monitoring and evaluation of Bilingual Education programs."

This allocation formula is required to establish a fund which is separate from the "bilingual education fund" distributed to participating school districts and which will reflect adjustments based on the identified student population of a given year.

(f) "Exceptional children" means persons who: (1) Are school age, to be determined in accordance with rules and regulations adopted by the state board, which age may differ from the ages of children required to attend school under the provisions of K.S.A. 72-1111, and amendments thereto; and (2) differ in physical, mental, social, emotional or educational characteristics to the extent that special education services are necessary to enable them to progress toward the maximum of their abilities or capacities.

(g) "Gifted children" means exceptional children who are determined to be within the gifted category of exceptionality as such category is defined in the state plan.

(h) "Special education services" means programs for which specialized training, instruction, programming techniques, facilities and equipment may be needed for the education of exceptional children.

(i) "Special teacher" means a person employed by a school district or a state institution for special education services who is: (1) A teacher qualified to instruct exceptional children as determined by standards established by the state board and who is so certified by the state board; or (2) a paraprofessional qualified to assist certificated teachers in the instruction of exceptional children as determined by standards established by the state board and who is so approved by the state board.

(rr) "Special teacher" means: (1) A teacher employed by a local education agency to provide special education services who is certified by the state board of education to instruct exceptional children;

(2) special education related services personnel certified by the state board of education;

(3) special education related services or instructional personnel who hold current certification from their respective licensing or registering agents appropriate for their special work;

(4) other related services or instructional personnel for which there is no licensing or registering agent who are employed to work with exceptional children. These individuals shall be approved on an individual basis by the special education administration section and shall be recommended for employment by their parent training institution; and

(5) any instructional or related services paraprofessional who works under the supervision of a special education professional in an accredited or approved special education program.

Important points for Bilingual Education Testimony

What is Bilingual Education?

The term "Bilingual Education" refers to a special program for language-minority, limited English proficient students which provides these students with (1) intense English language training, and (2) simultaneously provides them an opportunity to learn in all other content areas. In strictest terms, a completely Bilingual Education approach provides instruction in both English and the students' native language to accomplish these goals. 1985 research findings from Yale University (Dr. Kenji Hakuta, August 1985) show that this type of Bilingual Education approach in fact promotes faster and better acquisition of English while at the same time develops more fully other general cognitive skills.

In Kansas, school districts which have a Bilingual Education program provide these students with intense English instruction primarily, and when able, attempt to provide bilingual tutors who help students progress in other content areas until they can fully participate in an all-English curriculum. Those Kansas school districts with students from a variety of language backgrounds are often only able to provide English-as-a-second-language instruction but at least recognize the importance of appreciating the first language and culture of these students as they progress through other subjects. Other Kansas school districts with a large concentration of students in just a few language backgrounds (ex. Garden City USD #457 serves 384 Spanish students, 280 Vietnamese, 34 Laotian) receive adequate funds and have the resources available to provide paraprofessionals who are proficient in those native languages. Basically then, Bilingual Education programs in Kansas are either providing "English" or "English Plus." The latter option is considered ideal because it recognizes that keeping these students from falling behind in all school subjects until they are mainstreamed is just as crucial as providing them with English language instruction.

Why is the special instruction provided by Bilingual Education necessary in Kansas?

1. Significant number of students in Kansas require special attention and cannot be ignored. According to the State Dept. of Education, the September 1985 count of Limited English Proficient students was 4,579. With the constant influx of language-minority migrants and immigrants, this figure is continually increasing.
2. The Bilingual Education program is the only program funded by the state which provides real equal education opportunity for limited English proficient students. True Equal Education opportunity means:
 - 1) Intense English instruction for these students until they can fully participate in, and successfully progress through, the educational system. This objective is usually achieved through English-as-a-second-language instruction.
 - 2) an opportunity to progress in all academic subjects while they are learning English. In school districts where resources are available, this opportunity is provided through the employment of bilingual instructors or tutors who make sure these students are not deprived of acquiring general academic skills during their transition into an all-English curriculum.

BE Testimony points cont'd.

3. Without special instruction, these students can only spend idle, disoriented time in classes, are unable to progress in content areas, become discouraged, and are likely to leave school altogether. At best, only the Limited English Proficient student suffers; at worst, the unaddressed LEP student becomes a disruption to the classroom, affecting the progress of the entire class.
4. In those areas of the state with a large language-minority population, a school district which includes bilingual staff in its Bilingual Education program can better reach and involve the parents of these LEP students in the educational process. Parental involvement is essential if these students are to succeed. A "sink-or-swim" approach is neither a realistic nor responsible solution to this need.
5. It is better to help these students become productive citizens rather than additions to state welfare rolls.

Why state funding is essential for the success of Bilingual Education in Kansas

1. Many school districts in Kansas cannot compete with other states for the limited federal monies. In addition, given the present federal administration's budget situation, any accessible federal funding is likely to diminish.
2. Local school districts cannot be expected to cover the entire cost of addressing these students' needs. Local school boards are already covering the cost of the general education of these students--the BE entitlement per student represents only a supplement to this funding. The state funds allow school districts to go beyond providing only regular classroom, "sink-or-swim" instruction.
3. The state should set an example by continuing its commitment to adequately address the needs of this significant population of students. If these students are ignored and eventually drop-out, in a sense, these students will become a burden to the state as unproductive, welfare recipients.

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NEWSNOTES

ence. Kaagan said that state participation in the Center's data-collection effort, slated to begin in 1987, would be voluntary.

New Study Supports Bilingual Programs Using Child's Native Language

BY THE END of second grade, most Spanish-speaking elementary school students who begin school with classes in their native language can read and speak in English, according to a new report funded by the Education Department (ED).

The report, *Teaching Reading to Bilingual Children*, seems to fly in the face of a recent proposal by Secretary of Education William Bennett that would deemphasize teaching young non-English-speaking students in their native languages. However, Betty Mace-Matluck, the author of the report, refused to characterize the study as contradicting Bennett's proposal.

The report was based on a six-year study of the relationships between schooling practices and the language and reading achievement of low-income Spanish-speaking students. The study was conducted by the Southwest Educa-

tional Development Laboratory (SEDL) in Austin, Texas. For the study, SEDL visited 300 lower-income Hispanic children, all of whom were enrolled in transitional bilingual education (TBE) programs in their Texas classrooms.

"The bottom line," wrote Mace-Matluck in a summary of the study, "is that use of the native language in the instruction of language-minority children is necessary, but not sufficient in and of itself. The quality of their instruction has to be as good as that delivered to language-majority students," she said. The programs must also be staffed by personnel who "incorporate the use of the child's native language and culture into the instruction for as long as necessary and to the extent needed to insure that each child succeeds," she asserted.

Last September Bennett touched off a storm of protest among Hispanic groups when he proposed changing the way federal dollars are used for bilingual

programs and granting schools total control over how they use the funds. Under current law, ED funds TBE programs, which teach reading in both the student's native language and in English, gradually increasing the proportion of English. Hispanic groups claim that letting schools abandon that method could pull the rug out from under Spanish-speaking children.

Mace-Matluck also said that Spanish-speaking children made the most progress in learning English when teachers "kept reading materials in front of the children," instead of relying on puzzles and games. The explicitness of the instruction and the formality of the language used by the teacher were also important to learning, she said. But she cautioned against drawing nationwide conclusions from the study, saying, "The notion that transitional bilingual education programs are the same everywhere is a fallacy."

Hispanics Least Educated, Lowest Paid Of All Major U.S. Population Groups

HISPANICS earn the lowest wages of any major population group in the U.S. because they are the least educated, according to a new report re-

leased by the National Council of La Raza and the Full Employment Action Council. The low level of education attained by most Hispanics, the report said, is "inextricably bound" to how much they earn in the labor market.

"Higher education not only raises wage rates," according to the report, compiled by Marta Escutia, legislative director of La Raza, but "it also lowers the probability and duration of unemployment spells, which ultimately translate to lower earnings." For the report, La Raza analyzed the March 1981 Current Population Survey of the U.S. Census Bureau and found that Hispanics completed less schooling and consequently earned less than either whites or blacks.

Hispanics are the fastest-growing segment of the U.S. population and will account for at least 8% of the labor force by 1995, the report noted. But those employers who look to Hispanics as a potential employment pool will find them less educated and not trained to fill the jobs available, said La Raza President Raul Yzaguirre.

The report cited an earlier La Raza study that showed that at least 35% of 18- to 21-year-old Hispanics had dropped out of high school, compared to 25% of blacks and 15% of whites. In 1983 only 50.3% of Hispanic 18- to 19-



"The students have been noticing that you're brown-bagging it!"

year-olds had graduated from high school, compared to 75.6% of whites and 59.1% of blacks. Hispanic females are even more likely than males to drop out of school, the new report found.

With the jobless rate among Hispanics currently at 18.2%, Yzaguirre called on the federal government to provide more support for education and employment training programs such as the Job Training Partnership Act. Yzaguirre also called on Secretary of Education William Bennett to address more fully adult illiteracy and the dropout problem and to support bilingual education. Social programs, which "have borne the brunt of our fiscal policies too long," cannot take any further federal budget cuts, Yzaguirre added. "We've mortgaged our future."

U.S. Math Students Lack The Conceptual Skills Of Their Foreign Peers

THE FRAGMENTED, "low-intensity" mathematics instruction that characterizes U.S. math classes leads American students to develop poorer problem-solving skills than those of their peers in other countries, according to a recent study. U.S. eighth-graders grapple with many topics for only one or two school periods, and eighth-grade teachers often focus on rules and definitions in a "show-and-tell" style, said the report, prepared for the Education Department's National Center for Education Statistics.

Such an approach may prevent students from "developing a solid conceptual base" on which to build. The *Second International Mathematics Study: Summary Report for the United States* tabulates 1981-82 international test scores and data on teaching methods in about 20 countries. U.S. high school students would benefit from a more integrated approach to math instruction than the traditional, year-by-year sequence from algebra to geometry to more advanced algebra and finally to analytic geometry, trigonometry, or calculus, the report suggested.

Using data from 532 public and private eighth- and 12th-grade classes in the United States, the report suggested that U.S. math students could benefit if their schools adopted the more "intense" instructional methods used in such countries as Japan. The study found

that, while American eighth-graders scored slightly higher than the international average in computational arithmetic, they scored well below average in problem solving.

However, U.S. eighth-graders suffered somewhat in the testing because most had not yet taken geometry, according to the study. In addition, while a typical eighth-grade curriculum covers measurement extensively, U.S. students did poorly in this area at least in part because the international tests use metric units.

Meanwhile, U.S. 12th-graders taking pre-calculus ranked in the lowest quar-

ter of all high school seniors internationally. However, those taking calculus performed at a level that was about average, according to the study.

Measuring American eighth-graders against their peers of two decades ago, the report found a modest decline in overall year-end performance. But scores fell most sharply on the more demanding comprehension and application questions. The 12th-graders improved their average performance slightly, especially in comprehension and application, with calculus students making the greatest gains over U.S. students who took calculus in 1964.



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