

Approved March 16, 1987
Date

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION

The meeting was called to order by Chairman Denise C. Apt at
Chairperson

3:30 ~~xxx~~ p.m. on March 2, 1987 in room 519-S of the Capitol.

All members were present except:

Representative David Miller, excused.

Committee staff present:

Avis Swartzman, Revisor of Statutes' Office
Ben Barrett, Legislative Research
Thelma Canaday, Secretary to the Committee

Conferees appearing before the committee:

Dr. Merle Hill, Kansas Association of Community Colleges
Connie Hubbell, State Board of Education
David Monical, Washburn University
Beverly Bradley, Kansas Association of Counties
Kenneth Rogg, Schools for Quality Education
Bob Whitman, Kansas Association of Special Education Administrators
Gerald Henderson, United School Administrators
Onan Burnett, USD #501
Don Nigus, High Plains Education Cooperative
Bruce Kienapfel, USD #415, Ulysses
I. B. Rundell, High Plains Education Cooperative
Gary Bishop, Southwest Education Cooperative, Dodge City
Kenneth Brendt, Schools for Quality Education
Kay Coles, Kansas National Education Association
John Koepke, Kansas Association of School Boards

Chairman Apt called the meeting to order and opened hearings on HB 2162 relating to the determination of out-district tuition and out-district state aid to community colleges.

Dr. Merle Hill spoke in favor of the bill saying community colleges want to assist individuals in achieving their career goals but do not believe it is fair to have local taxpayers bear this portion of an out-district student's educational costs. (Attachment I)

Connie Hubbell favors HB 2162 saying the State Board feels that the removal of the limitation would not only be equitable but would provide a small increase to the community colleges during the 1987-88 school year. (Attachment II)

David Monical favors HB 2162 but asked that it be amended to allow Washburn to receive out-district tuition and out-district state aid for students who have completed not more than 124 credit hours. (Attachment III)

Beverly Bradley opposed HB 2162 stating the policy of the Kansas Association of Counties is to pay tuition only on verified completion of prescribed courses in our community colleges. (Attachment IV)

Hearings on HB 2162 were declared closed by the chairman.

The chairman opened hearings on HB 2443 which spells out partial and complete termination procedures for districts that enter into interlocal cooperative agreements and HB 2482, a bill with similar language.

Kenneth Rogg voiced approval of both HB 2443 and HB 2482 since they would require State Board approval for any district to withdraw from an agreement providing special education services. (Attachment V)

Bob Whitman spoke in support of both HB 2443 and HB 2482 expressing concern with the increase in reversible units across the state as the result of break-ups of coops in their locals. He feels the State Board of Education should establish an appropriate form to resolve those issues.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION,
room 519-S, Statehouse, at 3:30 ~~a.m.~~/p.m. on March 2, 1987

Gerald Henderson favors passage of both HB 2443 and HB 2482 saying it makes sense to clean up the language of the statute authorizing the establishment or termination of interlocal agreements. (Attachment VI)

Onan Burnett encouraged the committee to vote favorably on both HB 2443 and HB 2482 saying there's an adverse effect on any of the other districts statewide anytime there's a break-up of a coop and additional staff has to be employed.

Don Nigus spoke in favor of both HB 2443 and HB 2482 saying this would help limit and put a lid on some of the funding of special education. (Attachment VII)

Bruce Kienapfel encouraged passage of both HB 2443 and HB 2482 saying the cost to the state would double or triple if interlocal coops were not employed. These bills would clarify the original intent of the law.

I. B. Rundell favors both HB 2443 and HB 2482 stating both bills define partial termination and complete termination. The language included is a change that will provide for greater continuity in the cooperative concept while still permitting flexibility contract necessary for the local economy.

Kenneth Brendt presented data related to special education cooperatives as of March 1986. (Attachment VIII) He supported HB 2443 and HB 2482 saying these bills will get the State Board of Education to set up quality and efficient standards that organizations must meet to update categorical funding approval. These standards and approved processes are extremely important to get a handle on the rising costs of special education.

Gary Bishop spoke in favor of HB 2443 and HB 2482 noting the number of Special Education administrative units is increasing. (Attachment IX)

Hearings on HB 2443 and HB 2482 were declared closed.

Hearings were opened on HB 2420 concerning educational advocates for exceptional children.

Kay Coles spoke in favor of HB 2420 saying that currently SRS appoints the educational advocates but often 4 to 6 weeks elapse before the appointment is made. At the present time the State Board of Education is giving training for advocates and has a computerized list of available advocates which could be obtained by local school boards if the authority of appointing advocates were given to them.

John Koepke urged passage of HB 2420 stating the responsibility of appointing the advocate should be with the State Board of Education since they have the list.

Connie Hubbell favors HB 2420 saying this bill appears to streamline the placing of special education students and eliminates delays which sometime occur under current law. (Attachment X)

Hearings on HB 2420 were declared closed.

The minutes for February 16, February 17, February 18, February 23, February 24, February 25, and February 26 were approved as written, on the motion of Representative R. D. Miller.

A question and answer period followed.

Chairman Apt asked if there was any discussion or action on bills previously heard.

Representative Crumbaker moved that HB 2154 be reported favorably and, if there's no opposition, put it on the Consent Calendar. Seconded by Representative Laird. Motion carried.

The meeting was adjourned at 4:35 p.m.

The next meeting will be March 3, 1987 at 3:30 in Room 519-S.

DATE 3/2/87

GUEST REGISTER

HOUSE

EDUCATION COMMITTEE

NAME	ORGANIZATION	ADDRESS
BRUCE KIENAPFEL	USD # 214	ULYSSES, KS
DAVID L. JONES	USD # 466	SCOTT CITY
Patsy Jo Scott	USD # 452	Johnson, KS
Kenneth Berndt	Schools For Quality Education	Salina, Kan
JOHN KOEPKE	KASB	Topeka
Rep. H. Thompson	Rep. Hansler (D. Kan.)	Topeka
Joe McClure	Commissioner	Walton Co.
Danell Bowen	Commissioner	Cherokee Co.
BOB BRADLEY	KS Association of Counties	Topeka, KS
Kay Colles	K-NEA	Topeka
BRUCE GOEDEN	KANSAS-NEA	TOPEKA
Jane Rhys	KSDE	Topeka
Betty Wetters	KSDE	Topeka
Bob Wittman	KASEA	Topeka
Ed Wambourow	WASH BURN UNIV.	Topeka
David G. Muncial	"	"
OWAN C. BURNETT	USD 501#	Topeka
Worl. Nigus	H.P.E.C. #611	Ulysses, KS-
Larry R. Bishop	SKACD #613	Dodge City
W. B. ...	High Plains Ed Coop	Ulysses KS
Bejella Scott	USA	Topeka
Small ...	USA	Topeka
Jan Copple	WFT	Wichita
Merle Huc	KACE	Topeka



KANSAS ASSOCIATION OF COMMUNITY COLLEGES

Columbian Title Bldg., 820 Quincy • Topeka 66612 • Phone 913-357-5156

W. Merle Hill
Executive Director

To: House Committee on Education
From: Merle Hill
Date: March 2, 1987
Subj: House Bill No. 2162: An Act concerning community colleges; relating to the determination of out-district tuition and out-district state aid.

Madam Chairman, members of the Committee. Thank you very much for once again permitting the Kansas Association of Community Colleges to talk with you about eliminating all restrictions on the payment of out-district tuition and state out-district aid for courses of instruction offered at community colleges.

Since there are some new members of the Committee who may not be aware of the history of the current restrictions on paying out-district tuition and state out-district aid for credit hours above 64/72 hours, I'll explain how the out-district idea began and how it has been changed over the years.

Prior to 1973, when a student from a non-community college district crossed a county line to attend a community college, the community college billed the county for "out-district tuition." The theory on which out-district tuition was based was that some property tax contribution should be made by the taxpayers of a "sending" county to help the home county of the community college finance the school's operation. Subject to certain restrictions, the rate of out-district tuition was computed by **multiplying a "sending" county's total number of full-time equivalent students by the community college's average maintenance and operating costs per full-time equivalent student, less student tuition, credit hour state aid and anticipated federal aid.** Since the average operating and maintenance costs of colleges varied, it would have been possible for a "sending" county to receive differing out-district billings for students attending different colleges.

In 1973, a new category of aid to community colleges was added, out-district state aid. Legislation was passed which, in effect, split the out-district tuition liability of the counties with the state. The law provided that 50 percent of the computed out-district tuition liability would be paid by the state and 50 percent would be paid by each "sending" county. The 64/72-hour limits, arrived at in 1963 and 1973 respectively, were applied in the computation of out-district tuition charges to a county and out-district state aid entitlement. The 64-hour limit was for regular curricular programs, the 72-hour limit arrived at in 1973 was for nursing and pre-engineering programs.

In 1978, several funding changes were made:

- Out-district state aid and out-district tuition were **changed** from a rate based on the operating costs of each institution **to a uniform rate of \$21 per credit hour**, subject to the 64/72-hour limits.
- Within community college districts, credit hour state aid was approved at the rate of \$11 for all enrollments above the 64/72-hour limits.

In 1980, the \$11 differential credit hour state aid applicable for hours above the 64/72-hour limit was eliminated, and all credit hours were based on a standard rate, now \$22.50 per credit hour. Out-district state aid and out-district tuition remained at \$21 per credit hour.

The current credit hour rate is \$26.25 per credit hour, and the state out-district aid and out-district tuition rates are \$23 per credit hour. That means that a community college receives:

- \$26.25 per credit hour **for all credit hours** for a student from within a community college district.
- \$23 per credit hour in out-district state aid up to the 64/72-hour limit.
- \$23 per credit hour in out-district tuition up to the 64/72-hour limit.

Beginning in January 1, 1988, reimbursement will be given in out-district state aid and out-district tuition above the 64/72-hour limit for **vocationally-approved courses** of instruction but not for "regular" credit hours above 64/72-hours.

House Bill 2162, before you today, proposes paying out-district state aid and out-district tuition, effective July 1, 1988, for all credit hours above the current 64/72-hour limitation, thus, **eliminating the 64/72-hour limitation.**

Kansas is the only state that has such a restriction on state support, and it appears to fly in the face of the thrust toward economic development enhancement. The vast majority of those affected by the current 64/72-hour limitation are older students returning to learn new skills to retain or acquire a job or students whose earlier choice of career proved not to fit into today's market. For example, a music major with an earned baccalaureate degree, returning to get computer-related education; a housewife with a liberal arts degree who returns to earn an associate degree in nursing; a farmer whose livelihood is threatened by the current farm crisis and returns to school to learn new skills; or a young man with an associate degree in auto mechanics returning to retrain in computer science because two auto firms he has worked for both went bankrupt. These examples are of real people enrolled at a community colleges.

Such students have returned to college to retrain for better job opportunities, for self-improvement. They need a college close to home that is affordable and which permits them to fulfill their responsibilities to their families. They can't leave their families or their homes to attend a state university, which many times does not even offer the job-related skills they wish to acquire.

The community colleges want to assist these individuals achieve their career goals, but they do not believe it is fair to have local taxpayers bear this portion of an out-district student's educational costs.

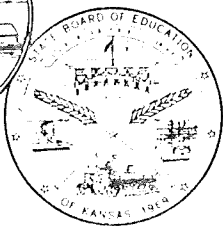
The Kansas Association of Community Colleges requests that you give serious consideration to this bill and pass it favorably. There is no fiscal note to the counties or to the state until fiscal 1989.

MH:am

Kansas State Board of Education

Kansas State Education Building

120 East 10th Street Topeka, Kansas 66612-1103



Mildred McMillon
District 1

Connie Hubbell
District 4

Bill Musick
District 6

Evelyn Whitcomb
District 8

Kathleen White
District 2

Sheila Frahm
District 5

Richard M. Robl
District 7

Robert J. Clemons
District 9

Paul D. Adams
District 3

March 2, 1987

Marion (Mick) Stevens
District 10

TO: House Education Committee
FROM: State Board of Education
SUBJECT: 1987 House Bill 2162

My name is Connie Hubbell, Legislative Chairman of the State Board of Education. I appreciate the opportunity to appear before this Committee on behalf of the State Board of Education.

House Bill 2162 repeals the credit hour limitation for out-district tuition and out-district state aid. It is our understanding that Kansas is the only state that places limitations in the computation of credit hours.

The 1986 Legislature passed legislation which exempted all vocational credit hours from the limitation effective January 1, 1988.

It is the State Board's opinion that community colleges should receive a substantial increase in credit hour state aid, however, due to the state's fiscal position, it appears any major increase is unlikely at this time.

The State Board feels that the removal of the limitation would not only be equitable but would provide a small increase to the community colleges during the 1987-88 school year. It is estimated this provision would increase state appropriations by an additional \$473,000.

The State Board of Education recommends you report House Bill 2162 favorably for passage.

Attachment II
House Education 3/2/87



WASHBURN UNIVERSITY OF TOPEKA

Vice President for Planning and Governmental Relations
Topeka, Kansas 66621
Phone 913-295-6712

TO: HOUSE EDUCATION COMMITTEE
FROM: David G. Monical
SUBJECT: HOUSE BILL 2162
DATE: March 2, 1987

MADAME CHAIRMAN AND MEMBERS OF THE COMMITTEE:

State affiliation for Washburn is the University's number one priority. However, to this point the Legislature has not provided the University with a date certain upon which we will enter the Regents' system. Without this date, and because the Legislature directly or indirectly controls virtually all of the University's revenues, we have no choice but to ask for additional financial support through our traditional funding mechanisms.

The Legislature directly and indirectly controls the University's revenues in the following manner. State Aid and out-district aid are set in state statute. Local property taxes are capped or restricted as to their use by state law. These two sources represent approximately 47 percent of the University's revenues and are directly under legislative control. Of our remaining income, 38 percent is generated through tuition and fees. When the Legislature does not increase state support and with the property taxes capped and restricted, the University has no choice but to increase tuition to fund its operations.

House Bill 2162 eliminates the current limitation of 64 credit hours (72 hours for vocational programs) on the payment of out-district tuition and out-district state aid for community colleges. This is in recognition that many students in community colleges who have completed this number of hours return for additional education and training. The same holds true for Washburn, with the additional situation created by junior and senior students in upper division courses.

The University requests that the Committee consider amending H.B. 2162 to allow Washburn to receive out-district tuition and out-district state aid for students who have completed not more than 124 credit hours (the number of hours required for a baccalaureate degree). This can be done by amending K.S.A. 1986 Supp. 13-13a26(e) to specify a limit of 124 credit hours for payment of out-district tuition.

Our request represents not only a matter of transitional funding until the Legislature acts on our request for state affiliation, but also provides for equitable treatment with regard to our current funding sources. Washburn is a university and as such offers a variety of programs leading to the bachelor's degree. Yet, we receive no out-district tuition or out-district state aid for these upper division credit hours. Because the Legislature has chosen to fund Washburn and the community colleges through similar formulas we ask your consideration of such an amendment.

Kansas Association of Counties

Serving Kansas Counties

212 S.W. SEVENTH STREET, TOPEKA, KANSAS 66603 PHONE 913 233-2271

March 2, 1987

To: Representative Denise Apt
Members of the House Education Committee

From: Bev Bradley, Legislative Coordinator
Kansas Association of Counties

Re: HB-2162

Thank you Representative Apt and members of the Committee. I am Bev Bradley, representing the Kansas Association of Counties.

The Kansas Association of Counties opposes HB-2162 which removes the 64-72 credit hour maximum for the out district tuition charges.

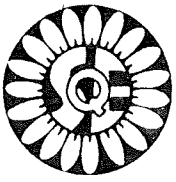
Counties understand the money levied for out district tuition is exempt from the budget law, however taxpayers have a difficult time understanding this. This coming year, FY 1988 will be particularly hard on local taxpayers with bills to be paid at the county level for reappraisal as well as the regular items, all without federal revenue sharing, and with a possible cut in LAVTR and State revenue sharing amounts. Most counties are in a financial bind with the poor agriculture economy and lower oil and gas prices. Anything additional is only an added burden.

As this committee knows, we were opposed to removing the credit hour limitation last year, and we are opposed to moving the date 1987 as would be the effect of this bill. Our membership adopted a policy statement at the annual conference last November which reads, in part:

"COMMUNITY COLLEGE TUITION PAYMENTS- We request to pay tuition only on verified completion of prescribed courses in our community colleges. In addition, we strongly oppose the elimination of credit hour limits relative to county out-district tuition aid payments effective January, 1988, KSA 71-301."

Thank you for allowing me this time. There are also County Commissioners who are here from Wabaunsee and Cherokee Counties who are members of the Kansas County Commissioners Community College Committee..

Attachment IV
House Education 3/2/87



Schools for Quality Education

PURPOSE ---

To Pursue the quality of excellence in education.

To Give identity, voice and exposure to the peculiar quality of Rural Schools.

To Enhance the quality of life unique in the rural community.

Testimony Submitted to

House Education Committee

March 2, 1987

Regarding HB2443 and HB2482

by

Ken Rogg, Legislative Representative
Schools for Quality Education

Attachment V
House Education 3/2/87

“Rural is Quality”

While a number of cooperative programs providing expanded educational opportunities to Kansas students were in existence by the early 1970's, the special education mandate was the catalyst causing dramatic growth and expansion of this effort. An experimental program in vocational education in Northwest Kansas had proven the value of a broader student base to administrator and boards of education. It was the creation of the 12 county, 25 district Northwest Kansas Educational Cooperative that demonstrated the disadvantage of larger size. As the program expanded to meet additional mandates as well as vocational, media and related services, record keeping, contracting and liability of staff, application, receipt and disbursement of state and federal funds became too great for even the largest districts to assume under the sponsoring district cooperative. Due to the above and other administrative difficulties caused us to seek legislative remedy by 1974. It was our intent that a separate legal entity be formed with all the powers of a unified school district except the ability to tax. It was our further intent that this separate entity would be ongoing even though the subscribing members change. To protect the integrity of individual member districts, provision was made for a maximum and minimum contract duration and for distribution of assets in the event of a total abandonment of the interlocal agreement.

While sponsoring district cooperatives and interlocal plans have worked well in serving Kansas youth at the most economical cost, recent developments demonstrate a need for some regulation regarding withdrawal from an interlocal or cooperative agreement.

HB2482 would provide for the interlocal to continue as a legal entity although one or more members discontinue their participation.

HB2443, dealing with cooperative, and HB2482, dealing with interlocal agreements, would require approval at the State Board for any districts to withdraw from an agreement providing special education services. We believe this is necessary in order to control unnecessary growth in the numbers of teaching units and to guarantee continued services to every child in the state regardless of location.

Schools for Quality Education, therefore, requests that both HB2443 and HB2482 be reported favorably.



HB 2482

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

March 2, 1987

Madam Chairman and Members of the Committee.

We thank you for the opportunity to speak in support of HB 2482. In a year when so much time and effort has centered around containing the costs of special education, it makes sense to us to clean up the language of the statute authorizing the establishment or termination of interlocal agreements.

We will not attempt to speak to the quality of service provided following the dissolution of two agreements in Kansas in recent years. We only note that additional staff was hired to serve the same number of kids.

We believe that interlocals formed with the approval of the state board of education should not be terminated without the review and approval of that same body.

We ask that you report HB 2482 favorably for passage.

GWH/ed

HIGH PLAINS EDUCATIONAL
COOPERATIVE #611

LEGISLATIVE
TESTIMONY
H.B. 2482

MARCH 2, 1987

AN ACT concerning special education services for exceptional children; relating to interlocal agreements for the provision thereof; amending K.S.A. 72-8230 and repealing the existing section

Don Nigus Testimony 3/2/87

Representative Apt, Representative Crumbaker,
Members of the Education Committee:

I am Don Nigus, Director of the High Plains Educational Cooperative with the Central Office located in Ulysses, Kansas. We currently deliver special education and related services to approximately 1000 students in 20 school districts in 15 counties in Western Kansas.

Our membership voted to encourage your support of Legislation represented by House Bills 2482 and 2443. These bills will have an effect on all of our districts which are represented in the 121 public school districts served by the interlocal district cooperative organizational model in Kansas.

An interlocal cooperative organization is a legal entity established by statute that may perform any of the services, duties, functions, activities, obligations or responsibilities which are authorized or required by law to be performed by school districts. The board of directors of an interlocal cooperative district shall be composed of at least one member from the board of education of each school district which enters into the agreement. The responsibilities of the board shall include planning, setting priorities, budgeting, and recommending courses of action relative to the implementation of special education and related services. An interlocal board shall have the powers and duties of a unified school district excluding the power of taxation.

There are 15 Interlocal agreements presently in effect with 121 participating school districts. This represents approximately 40% of the total 304 school districts in Kansas. Over 10,000 exceptional students receive direct and related services via the Interlocal Cooperative Organizational Model.

\$25,650,928 was spent in the 1984-85 school year on programs provided by Interlocal Cooperative Organizations.

House Bills 2482 and 2443 are companion bills designed to continue efficient provision of quality special education mandated services to school districts in Kansas in an effective manner.

Since 1976, there have been forty-two agreements written establishing procedural guidelines for interlocal cooperative organizations that have been approved by the State Board of Education and the Attorney Generals office for proper form. Only two of the forty-two agreements used the terms, "partial or complete termination". Dissolution, disbandment, and withdrawal were used by attorneys to compensate for the nebulous definitions of the terms in the statute. The inconsistency in terminology merely adds to the confusion when interpretations of these agreements are necessary. House Bills 2482 and 2443 clearly delineate, "partial and complete termination".

In addition to the improved definition of terms, these bills establish the authority for the State Board of Education to consider more than the form of the agreements adopted by these organizations. H.B. 2482 and 2443 provide procedures for the State Board of Education to adopt Regulations that will consider efficient and effective operation of the organizations formed by these cooperative agreements.

Since 1978 five organizations have altered their original membership creating six new administrative units. In this period of time this units have cost the state \$402,500 in categorical aid for administrative units alone. Assuming growing student population and underserved students as the motivating reasons for the breakup of these organizations then 75% of the added positions might be justified. Estimate that several positions are duplicated to maintain administrative control estimated at 25% of the FTE staff positions added and 20 additional categorical reimbursable units in that same period of time have cost the state \$900,000.

Close to a million and a half dollars has been spent by the state due to the reorganization of these administrative educational units with no process for justification. We believe it is extremely important that procedures involving reorganization of the cooperative organization provided for in statute have some type of accountability. H.B. 2482 and 2443 both address this issue and give the State Board of Education power to establish regulations that will cause this to happen. These bills also provide the flexibility through a procedural process by the State Board of Education that will allow for efficient, effective organizations to be created. We certainly don't want to get in the way of saving public dollars.

During difficult times, it is essential that we encourage and support greater cooperation between all agencies in the State of Kansas to provide efficient operation of services to our public.

STATUS OF SPECIAL EDUCATION IMPLEMENTATION PRACTICES
1985-86 SCHOOL YEAR

All 304 school districts in Kansas provide special education services, either independently or through a cooperative agreement. The two kinds of cooperative agreements are the sponsoring district cooperative (K.S.A. 72-968) and the inter-local cooperative agreement (K.S.A. 72-8230 and K.S.A. 12-2904). In addition to the districts that sponsor their program independently and those that participate in cooperatives, some districts elect to sponsor some of their own programs in addition to participation in cooperatives. There are three cooperatives that are limited to programs for low incidence categories of exceptional children (e.g., occupational therapy, severely mentally handicapped, residential care, etc.). The following is a summary of the various types of delivery models for special education services.

SPONSORING DISTRICT COOPERATIVE AGREEMENTS

A sponsoring district special education cooperative (K.S.A. 72-968) is a plan whereby the boards of two or more school districts within or without the state may enter into an agreement to provide special education services on a shared-cost basis. The agreements shall be for a term of at least three (3) years but not exceeding five (5) years. In these agreements one district shall be designated the sponsoring district; the remaining district(s) shall become participating districts. The sponsoring district board of education is the cooperative's controlling body. The special education cooperative customarily has an advisory board composed of the superintendents of the cooperating districts. This board does not have the power of a unified school district board of education. The cooperative board may recommend certain policies and procedures, priorities and budgeting requests which are later to be acted upon by the board of education of the host district. Cooperative agreements are reviewed initially by the KSDE Special Education Administration and Legal Services Sections. Agreements are reviewed to identify the legally required components and are then forwarded to the State Board of Education for final action.

The following data relate to special education cooperatives as of March 1986:

30 Unified School Districts are sponsoring districts for special education cooperative programs. Three of these cooperatives are for low incidence special education students only.

162 or approximately 53% of the total 304 districts Participate in sponsoring district cooperative special education programs.

The following data relate to sponsoring district special education cooperatives as of December 1, 1984:

20,463 Exceptional children received special education and related services in sponsoring district cooperative programs.

114 - 3,788 Range in sizes of programs according to the number of exceptional students who received services from individual sponsoring district cooperatives.

\$46,432,173 Dollars were spent for special education and related services provided by sponsoring district cooperative programs for the 1984-85 school year.

Attachment VIII

INTERLOCAL COOPERATIVE AGREEMENTS

Under the authority of K.S.A. 12-2904 and K.S.A. 72-8230, school districts may enter into interlocal agreements and establish a separate legal entity to provide special education and related services. These agreements shall be for a term of at least three years but not exceeding five years. Any legal entity established under these statutes may perform any of the services, duties, functions, activities, obligations or responsibilities which are authorized or required by law to be performed by school districts. The establishment of a board of directors to provide special education services does not absolve individual districts of their responsibilities as specified in K.S.A. 72-933 et seq., K.A.R. 91-12-22 et seq., or the State Plan for Special Education. The board of directors of an interlocal district shall be composed of at least one member from the board of education of each school district which enters into any such agreement. The function of such a board shall be to cooperatively establish policies and procedures for implementation of the cooperative special service(s). The responsibilities of the board shall include planning, setting priorities, budgeting, and recommending courses of action relative to the implementation of the special education service(s) and due process hearings. An interlocal board shall have the powers and duties of a unified school district excluding the power of taxation (See K.S.A. 72-8230(f)).

Interlocal districts have been authorized since 1975. Initially interlocals were limited to providing special education, vocational education, career education, media services, curriculum development and inservice training. The scope of services provided by interlocals was broadened in 1985 to include all educational services provided by school districts.

The following data relate to interlocal districts providing special education services as of March 1986:

15 Interlocal agreements are presently in effect. However, six of these interlocals have some districts that sponsor some of their own programs or overlap low incidence sponsoring district cooperative programs.

121 or approxi- Participate in special education programs provided by interlocal
mately 40% of school districts.
the total 304
districts

The following data relate to interlocal districts as of December 1, 1984:

10,238 Exceptional children received special education and related services in interlocal programs.

175 - 1,631 Range in sizes of programs according to the number of exceptional students who received services from individual Interlocals.

\$25,650,928 Dollars were spent for special education and related services provided by interlocal programs for the 1984-85 school year.

*Summary of FTE Personnel Trends in Single Districts Leaving Cooperatives
Based on June Final Payment Reports except for 1985-86 where the March 1986 personnel report was used.

<u>Unit</u>	<u>USD/Interlocal</u>	<u>1978-79</u>	<u>1979-80</u>	<u>1980-81</u>	<u>1981-82</u>	<u>1982-83</u>	<u>1983-84</u>	<u>1984-85</u>	<u>1985-86</u>
Three Lakes Cooperative (Began 1978-79)	434	31.18	34.0	40.20					
Wabaussee East	330	--	6.5	6.00					
Total		31.18	40.5	46.20					
Percent Increase			29.9%	14.1%					
Reno County Cooperative	610	74.90	76.84	56.20	58.50				
Hutchinson	308	--	--	47.90	43.80				
Total		74.90	76.84	104.10	102.30				
Percent Increase			2.6%	35.5%	- 1.7%				
Wamego Cooperative	320		21.7	24.05	12.80	17.90			
St. Marys (Kaw Valley)	321		--	--	13.70	16.60			
Total			21.7	24.05	26.50	34.50			
Percent Increase				10.8%	10.2%	30.2%			
Sumner County Cooperative	619			26.50	28.50	13.70	15.00		
Wellington	353			--	--	15.00	15.00		
Total				26.50	28.50	28.70	30.00		
Percent Increase					7.5%	0.7%	4.5%		
High Plains Cooperative	611						135.63	141.70	74.40
Garden City	457								53.87
Liberal	480								24.10
Total							135.63	141.70	152.37
Percent Increase								4.5%	7.5%
FTE Personnel for the State		2,908.50	3,114.44	3,547.28	3,730.36	3,932.91	4,026.25	4,102.20	4,120.65
Percent Increase		12.1%	7.1%	13.9%	5.2%	5.4%	2.4%	1.9%	0.4%

*This data must be interpreted with considerable caution. There are numerous factors which can affect personnel counts. Among these are:

- (a) Increase or decrease in population of geographic areas
- (b) Improved identification (resulting in more or fewer students identified)
- (c) Previous unfilled vacancies that were filled
- (d) Excessive caseloads which were corrected by the employment of additional staff
- (e) The division of one class for which one teacher was adequate into two, one in the cooperative and one in the withdrawing district(s)
- (f) Efforts to increase the quality of service provided
- (g) Citations by the KSDE for inappropriate services; and
- (h) Decrease in geographic service area.

Whether the increases occurred in the cooperative or withdrawing district cannot be determined from the tabled data. The reason for this is that the data does not indicate which Service Units kept various programs and which had to develop new programs and hire new personnel.

Agency Memorandum



TO: James Marshall, Director
Special Education Administration

FROM: Woody Houseman *WH* Education Program Specialist

SUBJECT: Special Education Coop/Interlocal Study Committee

DATE: January 6, 1987

As you are aware, with the beginning of FY 1987, a coop/interlocal study committee was developed to design a study and plan of action for study of the advantages and disadvantages of the various types of administrative managements used by local education agencies to provide special education and related services. This committee has met on multiple occasions and is recommending that a procedure be developed which restricts individual districts from succeeding from a coop or interlocal. In this process, specific criteria were identified which should be considered in a cooperative/interlocal membership change. These included:

1. The degree of cooperative/interlocal efficiency in relation to
 - (a) coordination,
 - (b) full service and
 - (c) the use of staff.
2. Whether the cooperative/interlocal has the individual USD at full service in relation to
 - (a) the appropriate number of staff in all categorical areas,
 - (b) services are provided to all students from the district within the district, and
 - (c) a continuum of service models are available for students.
3. The quality of identification procedures
 - (a) through appropriate use and time of psychological services, and
 - (b) whether the quality of the procedures used by the cooperative is adequate.
4. Consideration of cost effectiveness of the cooperative/interlocal versus the cost effectiveness which could be provided by the individual USD program versus the cost effectiveness to the individual USD by joining another cooperative/interlocal as this relates to
 - (a) the most costly and less costly transportation, service delivery models and class size/caseload,
 - (b) a clear definition of quality for full service, providing services to all areas and the variety of service delivery models which are available,

- (c) the cost per pupil,
 - (d) the cost by program area, and
 - (e) the cost per square foot of the special education program (including the cost of facilities, utilities, furniture, and other items which are often provided by an individual USD).
5. Consideration of increased contractual arrangements for low incidence students based on
 - (a) the area in which the considered breakup is occurring, and
 - (b) the proximity of the individual program to other programs.
 6. The local population in relation to
 - (a) an increase of population in the individual USD,
 - (b) a decrease of population in the individual USD, and
 - (c) the density of student population in the USD.
 7. The number of unfilled vacancies by the cooperative/interlocal and the feasibility of the individual USD filling those vacancies.
 8. Excessive caseload for teachers in the coop/interlocal at present, how this would relate if the program were provided differently by the individual USD, and what would be necessary for staff increases.
 9. The geography of the cooperative/interlocal which relates to the time and cost for travel of both instructors and students.
 10. Kansas State Department of Education citations relating to requirements placed on the coop/interlocal to increase the service provided to the USD and whether the individual USD could provide these increased services on their own.
 11. The cooperative's/interlocal's cooperation with individual USDs, paying special attention to the need for local autonomy.

Three options were provided by the study committee to address requirements for USDs to succeed from a coop/interlocal. The committee recommended to KSDE staff that they communicate with the State Department attorney to obtain recommendation on how to restrict the membership change of individual USD's in cooperatives/interlocals.

The options identified by the Coop/Interlocal Study Committee are as follows:

1. A process be used which is in common with our present due process procedure which would require all the same components but have a panel of hearing officers who would hear the arguments of both sides and then make a decision. This would require legislative action to give the hearing and hearing officers appropriate authority.

2. This second option is to combine both option one and two, to have a hearing with the results of the hearing being provided to the State Board for a decision. The authority for the State Board of Education would be through a change in K.S.A. 72-7108. K.S.A. 72-7108 is the authorization given to the State Board of Education to transfer school territory.
3. The third option would be to place the boundaries of a coop/interlocal under the unification law. With this option a majority vote of the people in the USD's involved in a coop/interlocal from which an individual district wants to succeed would determine the ability of the USD to withdraw from the coop/interlocal. Under this action, it would be the responsibility of the USD and the cooperative/interlocal to provide information to the general public on the criteria previously described. Again this would require legislative action to change the unification law to include coops/interlocals.

According to the Department Attorney, Mr. Rod Bieker, to implement any of these procedures would require legislative action. In addition, to determine which of these three procedures should be implemented would require policy action which should be addressed by the State Board of Education. For this reason, your consideration of these three options and the review of these three options with the State Board of Education would be appreciated. It is further recommended that the State Board consider providing this information as well as other information collected by this study committee to the legislature, requesting an interim study of this concern with the recommendation of using one, two or any of the above procedures to address this issue.

I would appreciate your review of this information with Dr. Sharon Freden and as appropriate with other individuals in order to provide further direction to both myself and the study committee.

WH/HRB/11



service center

newsletter

Vol. 1 - No. 9

135 West Sixth

913-462-6781

Colby, Kansas 67701

May 16, 1975

House Bill 2381 Signed

On April 23, 1975, Governor Robert Bennett signed legislation which was written and proposed by Representative Don Crumbaker (R), Brewster.

Working closely with NKEC staff members and consultants, Crumbaker proposed enabling legislation which should allow organizations such as the NKEC to better meet the needs of the people it serves.

The text of HB 2381 follows:

HOUSE BILL No. 2381

By Representative Crumbaker

AN ACT authorizing school districts to provide for certain educational services through interlocal agreements; amending K.S.A. 1974 Supp. 12-2904 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 1974 Supp. 12-2904 is hereby amended to read as follows: 12-2904. (a) Any power or powers, privileges or authority exercised or capable of exercise by a public agency of this state relating to public improvements, public utilities, police protection libraries, data processing services, educational services, building and related inspection services, flood control and storm water drainage, sewage disposal, refuse disposal, park and recreational programs and facilities, ambulance service,

or fire protection, may be exercised and enjoyed jointly with any other public agency of this state or with any private agency, and jointly with any public agency of any other state of the United States to the extent that the laws of such other state or of the United States permit such joint exercise or enjoyment. Any agency of the state government when acting jointly with any public or private agency may exercise and enjoy all of the powers, privileges and authority conferred by this act upon a public agency.

(b) Any public agency may enter into agreements with one or more public or private agencies for joint or cooperative action pursuant to the provisions of this act. Appropriate action by ordinance, resolution or otherwise pursuant to law of the governing bodies of the participating public agencies shall be necessary before any such agreement may enter into force.

(c) Any such agreement shall specify the following: (1) Its duration.

(2) The precise organization, composition and nature of any separate legal or administrative entity created thereby together with the powers delegated thereto, provided such entity may be legally created.

(3) Its purpose or purposes.

(4) The manner of financing the joint or cooperative undertaking and of establishing and maintaining a budget therefor.

(5) The permissible method or methods to be employed in accomplishing the partial or complete termination of the agreement and for disposing of property upon such partial or complete termination.

(6) Any other necessary and proper matters.

(d) In the event that the agreement does not establish a separate legal entity to conduct the joint or cooperative undertaking, the agreement shall, in addition to items, 1, 3, 4, 5 and 6 enumerated in subdivision (c) hereof, contain the following:

1. Provision for an administrator or a joint board or one of the participating public agencies to be responsible for administering the joint or cooperative undertaking. In the case of a joint board public agencies party to the agreement shall be represented.

2. The manner of acquiring, holding and disposing of real and personal property used in the joint or cooperative undertaking.

(e) No agreement made pursuant to this act shall relieve any public agency of any obligation or responsibility imposed upon it by law except that to the extent of actual and

"con't. on page 4"

HOUSE BILL 2381 SIGNED

"con't from page 1"

timely performance thereof by a joint board or other legal or administrative entity created by an agreement made hereunder, said performance may be offered in satisfaction of the obligation or responsibility.

(f) Every agreement made hereunder shall, prior to and as a condition precedent to its entry into force, be submitted to the attorney general who shall determine whether the agreement is in proper form and compatible with the laws of this state: Provided, That agreements between two or more public agencies establishing a council or other organization of local governments for the study of common problems of an area or region and for the promotion of intergovernmental cooperation need not be so submitted. The attorney general shall approve any agreement submitted to him hereunder unless he shall find that it does not meet the conditions set forth herein and shall detail in writing addressed to the governing bodies of the public and private agencies concerned the specific respects in which the proposed agreement fails to meet the requirements of law. Failure to disapprove an agreement submitted hereunder within ninety (90) days of its submission shall constitute approval thereof.

New Sec. 2. In the event the boards of education of any two or more school districts enter into agreements pursuant to resolutions adopted by each such board of education under the provisions of K.S.A. 1974 Supp. 12-2904, as amended, for the purpose of providing educational services, the following conditions shall apply:

(a) Any such agreement shall specify that the separate legal entity established thereby shall be administered by a board of directors which shall be composed of at least one (1) member from the board of education of each school district which enters into any such agreement. Each board of education shall appoint its representative or representatives to the board of directors. The terms of office of the members of

the board of directors shall expire concurrently with their terms as board of education members. Vacancies in the membership of the board of directors shall be filled in the same manner as originally filled within thirty (30) days from the date of the vacancy.

(b) Any power or powers, privileges or authority exercised by the separate legal entity established under any such agreement which relate to educational services shall be limited to special education, vocational education, career education, media services, curriculum development, and in-service training for staff programs.

(c) The duration of any such agreement for joint or cooperative action in providing special education services or vocational education services shall be for a term of at least three (3) years but not exceeding five (5) years.

(d) Any such agreement shall be effective only after approval by the state board of education.

(e) Any such agreement shall be subject to change or termination by the legislature.

(f) The separate legal entity established under any such agreement shall have the powers and duties of a unified school district for the following purposes:

(1) Employer-employee relations, including the Kansas public employees' retirement system, social security benefits, compensation, the continuing contract law, due process procedures and professional negotiation provided for in article 54 of chapter 72 of Kansas Statutes Annotated;

(2) the requirements of the cash-basis law provided for in article 11 of chapter 10 of Kansas Statutes Annotated;

(3) receiving, budgeting for and expending state and federal funds except for any distributions made under the provisions of the school district equalization act and any moneys received under the provisions of 20 U.S.C.A. 238 and 239 (title 1 of P.L. 874).

Sec. 3 K.S.A. 1974 Supp. 12-2904 is hereby repealed.

Sec 4. This act shall take effect and be in force from and after its publication in the statute book.

newsletter

BOARD OF DIRECTORS

Ken. Rogg, Supt. of USD #212, Chairman; Paul McNall, Supt. USD #241, Vice Chairman; Archie Vernon, Supt. USD #412, Secretary; J. H. Nickel, Supt. USD #315, Treasurer; Carl Sperry, Supt. USD #297, Glenn Martin, Supt. USD #294, and Bernard Allen, Supt. USD #281, members at large.

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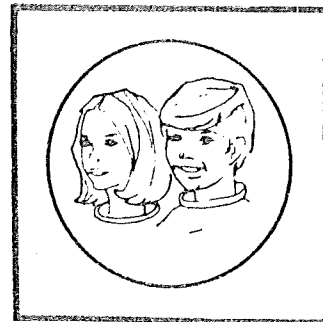
The Northwest Kansas Educational Cooperative Newsletter is published monthly during the school year for educators in Northwest Kansas. Educators in 25 unified districts, located in 12 Northwest Kansas counties are served by the cooperative effort which is funded jointly by local contributions and Title III ESEA funds. Correspondence concerning the newsletter may be addressed to Dr. Gary Jarmer, Director of Dissemination, Northwest Kansas Educational Cooperative, 135 West 6th, Colby, Kansas 67701. Telephone (913) 462-6781.

NKEC STAFF AVAILALBE

Each superintendent has received a notification about the availability of NKEC staff members to present a program in your district. The program may be scheduled now or this Fall. Basically, the program takes about 30 minutes and includes a professionally prepared slide-tape presentation that discusses the purposes of the NKEC. Also, as part of the program, the staff member will discuss a summary of this year's activities and plans for the future.

Southwest Kansas
Area Cooperative District #613

P.O. BOX 460 1000 SECOND AVENUE 316 227-8002
DODGE CITY, KANSAS 67801

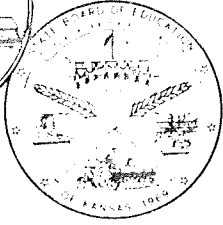


House Education Committee Hearing
House Bills 2443 and 2482

March 2, 1987

Gary Bishop, Dir.
Southwest Kansas
Area Cooperative
District #613
Dodge City

- (1) The number of SpEd administrative units is increasing.
- (2) Additional units may be responsible for additional cost.
- (3) Coop break-up may not always be for sound educational reasons.
- (4) There is currently no recourse to coop member districts who do not agree with coop management other than terminating their membership.
- (5) The State currently pays about half of the total cost of SpEd but has little control over the make-up of the SpEd administrative units.



Kansas State Board of Education

Kansas State Education Building

120 East 10th Street Topeka, Kansas 66612-1103

Mildred McMillon
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Robert J. Clemons
District 9

Paul D. Adams
District 3

March 2, 1987

Marion (Mick) Stevens
District 10

TO: House Education Committee
FROM: State Board of Education
SUBJECT: 1987 House Bill 2420

My name is Connie Hubbell, Legislative Chairman of the State Board of Education. I appreciate the opportunity to appear before this Committee on behalf of the State Board.

House Bill 2420 provides that when a child is the custodian of the Secretary of Social and Rehabilitation Services (SRS) and the child appears to be an exceptional child under Kansas law, the Secretary of SRS would be required to notify the local board of education in which the child resides and request the appointment of an educational advocate to represent the child. Current law requires the Secretary of SRS to appoint an advocate on behalf of the child.

House Bill 2420 appears to streamline the placing of special education students and eliminate delays which sometime occur under current law.

The State Board of Education recommends you report House Bill 2420 favorably for passage.

Attachment X
House Education 3/2/87