

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 5, 1987 in room 519-S of the Capitol.

All members were present except:

Committee staff present:

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

Conferees appearing before the committee:

Chairman Apt called the meeting to order and recognized Representative Anthony Hensley to speak on HB 2420, an act concerning special education for exceptional children, providing for appointment of education advocates for certain children.

Representative Hensley moved an amendment to HB 2420 that the State Board of Education or its designee be notified that the child is in need of an education advocate. As soon as possible after notification by the secretary of the need by a child of an education advocate, the State Board of Education or its designee shall appoint an education advocate for the child. (Attachment I) Seconded by Representative R. D. Miller. Motion carried.

Representative R. D. Miller moved HB 2420 be passed favorably as amended. Seconded by Representative Marvin Smith. Motion carried. Representative Kerry Patrick asked to be recorded as voting NO.

The chairman gave an update on HB 2109 saying it would be passed out of Insurance Committee today and it was the desire of both Chairman Sprague and herself to ask that Speaker Braden remove Education Committee from the bill and allow the bill to go on General Orders under the Insurance Committee only.

The chairman thanked all the members for their cooperation and courtesy throughout all the meetings.

The meeting was adjourned at 3:45 p.m.

HOUSE BILL No. 2420

By Committee on Education

2-18

0017 AN ACT concerning special education for exceptional children;
0018 affecting certain definitions; providing for appointment of
0019 education advocates for certain children; relating to the state
0020 advisory council; amending K.S.A. 38-1513a, 72-962, 72-963c
and 72-964, and repealing the existing sections.

0022 *Be it enacted by the Legislature of the State of Kansas:*

0023 Section 1. K.S.A. 38-1513a is hereby amended to read as
0024 follows: 38-1513a. (a) When the court has granted legal custody
0025 of a child in a hearing under the Kansas code for care of children
0026 to an agency, association or individual, the custodian or an agent
0027 designated by the custodian shall have authority to make educa-
0028 tional decisions for the child if the parents of the child ~~refuse or~~
0029 ~~fail to make such decisions, are unknown or unavailable. When~~
0030 ~~the custodian of the child is the secretary, and the child appears~~
0031 ~~to be an exceptional child who requires special education ser-~~
0032 ~~vices, the secretary shall notify the board of education of the~~
0033 ~~school district in which the child is residing that the child is in~~
need of an education advocate. ~~Immediately upon receipt of a~~
0035 ~~notice, the board of education shall appoint an education advo-~~
0036 ~~cate for the child.~~

0037 (b) ~~As used in this section shall be a part of and supplemental~~
0038 ~~to the Kansas code for care of children, the terms exceptional~~
0039 ~~child, special education services, and education advocate have~~
0040 ~~the meanings respectively ascribed thereto in the special edu-~~
0041 ~~cation for exceptional children act.~~

0042 Sec. 2. K.S.A. 72-962 is hereby amended to read as follows:
0043 72-962. As used in this act:

0044 (a) "School district" means any public school district.

0045 (b) "Board" means the board of education of any school

state

, or a designee of the state board,

As soon as possible after notification by the secretary of the need
by a child of an education advocate

state

, or its designee,

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0083 (k) "Agency" means boards, the state board, and the secre-
 0084 tary of social and rehabilitation services.

0085 (l) "Lawful custodian" means a parent; or a person acting as
 0086 parent; ~~or a guardian~~. If none of the above is known or can be
 0087 found, an agency shall cause proper proceedings to be instituted
 0088 pursuant to the Kansas code for care of children to determine
 0089 whether a child is a child in need of care. For a child whose legal
 0090 ~~guardian custodian~~ is the secretary of social and rehabilitation
 0091 services, the term lawful custodian means the secretary except,
 0092 when used in K.S.A. 72-972 through 72-975, and amendments to
 0093 such sections, the term means an education advocate appointed
 0094 ~~by the secretary to act as lawful custodian of the child for the~~
 0095 ~~proceedings conducted pursuant to the provisions of those stat-~~
 0096 ~~utes.~~

0097 (m) "Parent" means a natural parent, an adoptive parent, or a
 0098 stepparent.

0099 (n) "Person acting as parent" means a person, other than a
 0100 parent, ~~guardian, or education advocate~~, who has physical ~~and or~~
 0101 legal custody of a child, or is by law liable to maintain, care for, or
 0102 support the child, or is contributing the major portion of the cost
 0103 of support of the child.

0104 (o) "Education advocate" means a person appointed by ~~a~~ the state
 0105 board in accordance with the ~~guidelines prescribed by the state~~
 0106 ~~board under K.S.A. 72-963e and authorized to make educational~~
 0107 ~~decisions for a child provisions of K.S.A. 38-1513a, and amend-~~
 0108 ~~ments thereto~~. A person appointed as an education advocate for a
 0109 child shall be an employee of the secretary of social and reha-
 0110 ~~ilitation services, or a person approved by the secretary, but~~
 0111 shall not be (1) an employee of the secretary if the secretary is the
 0112 agency which is required by law to provide special education
 0113 services for the child, or (2) an employee of any other agency
 0114 which is directly involved in providing educational services for
 0115 the child, or (3) any person having a professional or personal
 0116 interest which would conflict with the interests of the child.
 0117 Sec. 3. K.S.A. 72-963c is hereby amended to read as follows:
 0118 72-963c. (a) The state board, in consultation with the state advi-
 0119 sory council for special education, shall:

selection

for appointment

0120 (1) Prescribe guidelines for the ~~appointment by boards~~ of
0121 persons ~~as education advocates and for the exercise of their~~
0122 authorized powers, duties and functions;

0123 (2) establish standards and criteria for qualification of per-
0124 sons *for appointment* as education advocates; and

0125 (3) provide for special training programs with respect to the
0126 powers, duties and functions of lawful custodians.

0127 (b) Lawful custodians who are education advocates shall, and
0128 all other lawful custodians may, participate in the special train-
0129 ing programs provided for under provision (3) of subsection (a).

0130 (c) The state board shall adopt rules and regulations for
0131 effectuation of the provisions of this section and shall make such
0132 rules and regulations a part of the state plan.

0133 Sec. 4. K.S.A. 72-964 is hereby amended to read as follows:

0134 72-964. (a) The state advisory council for special education shall
0135 consist of nine members. Members of the advisory council shall
0136 be appointed by the state board of education, and every such
0137 appointment shall be for a fixed term of not to exceed three years.

0138 Whenever a vacancy occurs in the membership of the advisory
0139 council for any reason other than the expiration of the term of a
0140 member, the state board shall appoint a successor for the re-
0141 mainder of the unexpired term. Members appointed under this
0142 section shall be representative of persons and community orga-
0143 nizations interested in exceptional children, professions related
0144 to the educational needs of exceptional children, local school
0145 districts and boards of education thereof, state institutions of
0146 higher education and state institutions.

0147 (b) The state advisory council for special education shall: (1)
0148 Advise and consult with the state board in the preparation and
0149 administration of the state plan and in the formulation and
0150 review of rules and regulations adopted pursuant to this act; (2)
0151 consider any problems presented to it by the state board, and
0152 give advice thereon; and (3) make recommendations to the state
0153 board concerning special education services. In addition, the
0154 advisory council shall have and perform such powers, functions
0155 and duties as are specified by law.

0156 (c) Members of the state advisory council for special educa-