

Approved March 23, 1987
Date

MINUTES OF THE SENATE COMMITTEE ON EDUCATION

The meeting was called to order by SENATOR JOSEPH C. HARDER at
Chairperson

1:30 ~~xxx~~ a.m./p.m. on Thursday, March 19, 1987 in room 254-E of the Capitol.

All members were present except:

Committee staff present:

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

Conferees appearing before the committee:

HB 2482 - Special education for exceptional children, interlocal agreements
(Education, by request)

HB 2443 - Special education for exceptional children, cooperative agreements
(Education, by request)

Proponents:

Mr. Ken Rogg, Legislative Representative, Schools for Quality Education
Mr. Onan Burnett, Director of Governmental Affairs, USD 501
Mr. Ron Fielder, Director of Special Education, Concordia
Mr. (I.B.) Sonny Rundell, President of the Board, High Plains Educational
Cooperative, Ulysses
Dr. Nelson Bryant, Superintendent of Schools, Hugoton
Mr. (William L.) Bill Jones, Superintendent of Schools, Deerfield
Ms. Connie Hubbell, Legislative Representative, State Board of Education
Ms. Brilla Scott, Asst. Executive Director, United School Administrators
of Kansas
Mr. C. L. Riley, Superintendent of Schools, USD 336, Holton
Mr. Don L. Nigus, Director, High Plains Educational Cooperative; Ulysses
(written testimony only)

Opponents: (HB 2443)

Mr. Robert Haight, President of the Board, USD 244, Burlington
Dr. Larry Clark, Superintendent, USD 244, Burlington

Speak only: (HB 2482 and HB 2443)

Dr. Dave Bilderback, Waverly; Director, Three Lakes Special Education
Cooperative, sponsored by USD 434, Santa Fe Trail
Mr. Tom Bishard, Superintendent, USD 421, Lyndon

Mr. Ken Rogg, Schools for Quality Education, provided background information on district cooperatives and interlocal plans and said that while these groups have worked well in serving Kansas at the most economical cost in the past, recent developments demonstrate a need for some regulation regarding withdrawal from an interlocal or cooperative agreement. He explained that HB 2443, dealing with cooperatives, and HB 2482, dealing with interlocal agreements, would require approval of the State Board for any district to withdraw from an agreement providing special education services. (Attachment 1) In responding to questions, Mr. Rogg replied that at the present the duration of interlocal or cooperative agreements is a minimum of three years and not more than five years. He also responded that school districts, under current law, are not compelled to renew their contracts.

Mr. Onan Burnett, USD 501, stated his support for the testimony provided by Mr. Rogg. In addition, Mr. Burnett stated that hard feelings have developed among some members of interlocal and cooperative groups, since it has appeared that the reason for withdrawal by some members is based upon personality differences of participating members. Mr. Burnett expressed concern that personality differences could affect the economic status of the cooperatives.

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.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON EDUCATION

room 254-E, Statehouse, at 1:30 ~~xxx~~ p.m. on Thursday, March 19, 1987

Mr. Ron Fielder, Director of Special Education, Concordia, expressed support for both HB 2482 and HB 2443. He stated that the bills are both timely and necessary not only because of the revenue shortage in our state but also because of the way special education is funded in the state. Mr. Fielder expressed concern as to whether or not the law permits cooperatives from seeking special education services from a service center such as another cooperative.

Mr. Sonny Rundell, President of the Board, High Plains Educational Cooperative, Ulysses, testified in support of both HB 2482 and HB 2443, because, he explained, the bills clarify language of the existing law and provide guidance for his colleagues who are threatened with a possible breakup of the cooperative. Mr. Rundell emphasized economic reasons in his support for the bills.

Dr. Nelson Bryant, Superintendent of Schools, Hugoton, expressing support for both HB 2482 and HB 2443, stated that he represented the same cooperative as Mr. Rundell. Dr. Bryant related that he is looking at containment costs and said that although he plans to cut staff this year in order to effectuate this objective, he does not want to cut services. Adding more units, he maintained, would only cost more money. He, too, cited personality differences as a possible reason for the intended breakup of his cooperative.

Mr. Bill Jones, Superintendent of Schools, Deerfield, testifying in support of both bills, noted how costs would escalate should a breakup and restructuring of the cooperative occur, and he encouraged support of HB 2482 and HB 2443 in order to maintain stability within the cooperatives.

Ms. Connie Hubbell, Legislative Chairman, State Board of Education, testified that the State Board is in support of passage of HB 2482 and HB 2443. (Attachment 2) Ms. Hubbell also recommended amending both bills with a technical amendment as well as with an amendment providing clarification that the State Board would be given authority to designate a hearing officer to conduct the hearings when they believe this is appropriate. (Attachment 3) In response to questions, Ms. Hubbell replied that a member district which wishes to withdraw from a special education cooperative or interlocal would have to prove just cause, and the State Board would have to approve this withdrawal.

Speaking on behalf of the United School Administrators of Kansas, Assistant Executive Director Ms. Brilla Highfill Scott supported passage of HB 2482 and HB 2443 in her testimony found in Attachment 4.

Mr. C. L. Riley, Superintendent of Schools, USD 336, Holton, also testified in support of HB 2482 and HB 2443.

The director of the High Plains Education Cooperative, Mr. Don L. Nigus, Ulysses, who was unable to be in attendance, submitted written testimony in support of House Bills 2482 and 2443. (Attachment 5)

Vice-chairman Salisbury, in the absence of the Chairman, then recognized Mr. Robert Haight, President of the Board, USD 244, Burlington. Mr. Haight, stating that he is on the board of Three Lakes Special Educational Cooperative, gave background information regarding the planned dissolution of the Cooperative at the end of the 1986-87 school year on June 30. Mr. Haight, in speaking against the bill, maintained that the bill will not only undo several years of planning for improved services for the special needs children of his district but will, no doubt, wreck other districts' plans. (Attachment 6)

Dr. Larry Clark, Superintendent of USD 244, Burlington, opposing HB 2443, also gave background information on the Three Lakes Special Education Cooperative and explained the steps that had been taken by the districts in the Coop since Santa Fe Trail, USD 434, had decided it would no longer be the sponsoring district. (Attachment 7) Dr. Clark said that arrangements for

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON EDUCATION,

room 254-E, Statehouse, at 1:30 ~~xxx~~ p.m. on Thursday, March 19, 1987

this dissolution had commenced prior to any knowledge of the introduction of HB 2443 in the legislature. Dr. Clark requested that HB 2443 be amended to allow cooperatives currently in the process of a breakup to fulfill their plans or else delay the effective date of the bill until July 1, 1987.

The director of the Three Lakes Special Educational Cooperative, Mr. Dave Bilderback, Waverly, also recommended amending HB 2443 to make the effective date July 1, 1987 so as to allow dissolution of the Three Lakes Special Educational Cooperative as planned. Mr. Bilderback also recommended that criteria be established for determining the size of interlocal agreements by the number of districts to be included.

Mr. Tom Bishard, Superintendent, USD 421, Lyndon, also urged the Committee to consider amending HB 2443 to allow those districts which are in the process of withdrawal from a cooperative to be able to complete this procedure. He also recommended that criteria be established for use in judging future applications for withdrawal from cooperatives.

Hearing no response when Vice-chairman Salisbury called for further testimony on HB's 2482 and 2443, the Vice-chairman announced that the hearings on HB 2482 and HB 2443 were concluded and that the bills would be taken under advisement.

When the Vice-chair called for a motion on the minutes, Senator Allen moved, and Senator Anderson seconded the motion to approve minutes of the meeting of March 18. The motion carried, and the vice-chairman adjourned the meeting.

SENATE EDUCATION COMMITTEE

TIME: 1:30 p.m. PLACE: 254-E DATE: Thursday, March 19, 1987

GUEST LIST

NAME

ADDRESS

ORGANIZATION

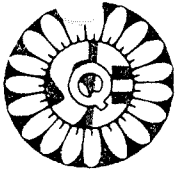
Ann C. Bennett	Topshoe	USA 501#
David Bildbach	Waverly	Three Lakes Sp. Ed. Coop
Jim Jrey	Melverad	USD 456
Ruth Moore	Topshoe	—
Bary Condra	Lawrence	—
Judith Condra	Lawrence	—
Billa Scott	Topshoe	USA
Ken Feltner	Concordia	USD 333
Ann Kione	Concordia	USD #333
Ken Roosa	Paola	LCB
Larry Clark	Burlington	USD #244
Robert W. Haight	Burlington	USD 244
Cynthia Thuesen	Topshoe	SEB of IL
Rod Bieber	Topshoe	KSDE

SENATE EDUCATION COMMITTEE

TIME: 1:30 p.m. PLACE: 254-E DATE: Thursday, March 19, 1987

GUEST LIST

<u>NAME</u>	<u>ADDRESS</u>	<u>ORGANIZATION</u>
Craig Grant	Lawrence	K-NEA
Woody Housman	Topeka	KSDE
C. B. "Sam" Turner ^{Turner}	Syracuse	High Plains Sp Ed
C. W. Ritey	Hatton	Hatton USD 336
W. h. Jones	Deerfield	Deerfield USD #216
NELSON BRYANT	HUGOTON	USD 210
JOHN KOEPRC	Topeka	KASB
Tom Bishard	Lyndon	USD 421
Von C Lauer	Sabetha	USD #441



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

Senate Education Committee

March 19, 1987

Regarding HB2443 and HB2482

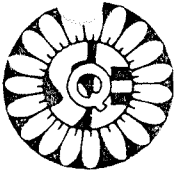
by

Ken Rogg, Legislative Representative

Schools for Quality Education

Senate Education
3/19/87
Attachment 1

“Rural is Quality”



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.

While a number of cooperative programs providing expanded educational opportunities to Kansas students were in existence by the early 1970s, 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 administrators 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; recordkeeping, 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. The above and other administrative difficulties caused us to seek legislative remedy by 1973. 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.

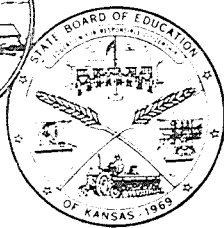
HB2443, dealing with cooperatives, and HB2482, dealing with interlocal agreements, would require approval at the State Board for any district to withdraw from an agreement providing special education services. We believe this is necessary in order to control unnecessary growth in the numbers of teaching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

“Rural is Quality”

Kansas State Board of Education

Kansas State Education Building

120 East 10th Street Topeka, Kansas 66612-1103



Mildred McMillon
District 1

Kathleen White
District 2

Paul D. Adams
District 3

Connie Hubbell
District 4

Sheila Frahm
District 5

March 19, 1987

Bill Musick
District 6

Richard M. Robl
District 7

Evelyn Whitcomb
District 8

Robert J. Clemons
District 9

Marion (Mick) Stevens
District 10

TO: Senate Education Committee

FROM: State Board of Education

SUBJECT: 1987 House Bills 2482 and 2443

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 Bills 2482 and 2443 require that school districts receive approval from the State Board of Education prior to withdrawing from a special education cooperative or interlocal.

The State Board would be required to hold a hearing and consider all testimony and evidence prior to issuing any order approving or disapproving withdrawal of a school district from such agreements.

The State Board of Education supports House Bills 2443 and 2482 but would like to offer one amendment to each bill. The State Board suggests that they be given authority to designate a hearing officer to conduct the hearings when they believe appropriate.

The State Board is in the process of appointing a committee to study special education cost containment. The committee will include representatives from the Kansas Legislature. We believe this is a step in the right direction.

The State Board recommends that these bills be reported favorably for passage with the suggested amendment.

Senate Education
3/19/87
Attachment 2

Proposed Amendment to HB 2482
(As Amended by House Committee)

On page 1, in line 32, after "interlocal", by inserting "cooperation";

On page 2, in line 48, after "interlocal", by inserting "cooperation"; in line 50, after "interlocal", by inserting "cooperation"; in line 52, after "interlocal", by inserting "cooperation"; in line 53, by striking all after "in"; in line 54, by striking "services" and inserting "performing any of the services, duties, functions, activities, obligations or responsibilities, other than the provision of special education services, which are authorized or required by law to be performed by school districts of this state,"; in line 56, after "interlocal", by inserting "cooperation"; in line 60, after "interlocal", by inserting "cooperation"; in line 67, after "interlocal", by inserting "cooperation"; in line 80, after "interlocal", by inserting "cooperation";

On page 3, in line 90, after "interlocal", by inserting "cooperation"; in line 98, after "interlocal", by inserting "cooperation"; following line 100, by inserting a new paragraph as follows:

"(7) Within the limitations provided by law, a school district interlocal cooperation agreement may be changed or modified by mutual consent of the contracting school districts.";

On page 4, following line 128, by inserting two new sections as follows:

"Sec. 2. K.S.A. 72-7519 is hereby amended to read as follows: 72-7519. (a) For the purpose of hearing any appeal, case or other matter of any kind whatsoever required by law to be determined or heard and determined by the state board of education ~~as specified by any statute enumerated in this act or by any rule or regulation of the state board of education~~, the state board of education may appoint one or more hearing officers. Any such hearing officer shall be an officer or employee of the state department of education. Any such appointment shall apply to a particular hearing or to a set or

class of hearings as specified by the state board of education in making such appointment.

(b) To the extent that the provisions of this section conflict with the provisions of any other law, the provisions of such other law shall control.

(c) The provisions of this section shall not operate or be construed in any manner so as to authorize the substitution of hearing by a hearing officer in lieu of hearing by the professional practices commission provided for by K.S.A. 72-8506, and amendments thereto.

"Sec. 3. K.S.A. 72-7520 is hereby amended to read as follows: 72-7520. Whenever a hearing officer appointed under authority of ~~this--act~~ K.S.A. 72-7519, and amendments thereto, hears any appeal, case or other matter, ~~he--shall~~ the hearing officer, after hearing the same, shall prepare a written report thereon to the state board of education. After receiving any such report, the state board of education shall determine the case, appeal or other matter with or without additional hearing. Any matter determined by the state board of education in accordance with this act section shall be valid to the same extent as if the matter were fully heard by the state board of education without a hearing officer.";

Also on page 4, by renumbering sections 2 and 3 as sections 4 and 5, respectively; in line 129, after "K.S.A.", by inserting "72-7519, 72-7520, 72-7521 and"; also in line 129, by striking "is" and inserting "are";

In the title, in line 19, by striking "special"; also in line 19, by striking all after "education"; in line 20, by striking "children"; also in line 20, after "to", by inserting "school district"; also in line 20, after "interlocal", by inserting "cooperation"; in line 21, by striking "thereof" and inserting "of services; authorizing the appointment of hearing officers by the state board of education under certain conditions"; also in line 21, after "K.S.A.", by inserting "72-7519, 72-7520 and"; in line 22, by striking "section" and inserting "sections; also repealing K.S.A. 72-7521"



HB 2443
and
HB 2482

Testimony presented before the Senate Education Committee
by Brilla Highfill Scott, Associate Executive Director
United School Administrators of Kansas

March 19, 1987

Mister Chairman and members of the committee.

We thank you for the opportunity to speak in support of House Bills 2443 and 2482. At a time when the need to contain the costs of special education has occupied so much time and effort, it makes sense to Kansas administrators to clean up the language of the statute authorizing the establishment or termination of interlocal and sponsoring district cooperative agreements.

We will not attempt to speak to the quality of service provided to students following the dissolution of two agreements in recent years. We only note that additional staff was hired to serve the same number of kids. We believe that cooperative agreements 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 House Bills 2443 and 2482 favorably for passage.

GWH/ed

Senate Education
3/19/87
Attachment 4

Don Nigus Testimony 3/19/87

Senator Harder, Members of the Senate Education
Committee:

As the Director of the High Plains Educational Cooperative, delivering special education and related services to approximately 1000 students in 20 school districts in 15 counties in Western Kansas. We would recommend your support of the current proposed legislation clarifying terminology in existing statute (72-8230) and providing a process to provide justification for increasing the number of Special Education Administrative Units.

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.

Senate Education
3/19/87
Attachment 5

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.

My name is Robert Haight, and I am president of the board of education of USD 244 in Burlington. During the past several years I have taken a particular interest in special education, serving since 1984 on the board of the Three Lakes Special Educational Cooperative in addition to my own board. Three Lakes is a nine-district coop serving Coffey, Osage and Franklin counties in eastern Kansas, sponsored by USD 434 Santa Fe Trail.

I'd like to take these minutes before you to illustrate how local boards see and meet the needs of their special children and how these bills will impact that process. Since the inception of mandated special services, small districts such as Burlington with seven hundred students have struggled to meet each new requirement as they were created. For that reason, in the early Seventies most smaller districts banded together in cooperatives as a way to meet the rapidly changing directives which we lacked the staff and resources to do on our own. Our first cooperative venture was made up of the three Coffey County districts. During the middle Seventies as the pace of the change seemed to accelerate, it seemed that even this was not enough, so in 1978 the Three Lakes Cooperative was formed. It eventually grew to nine districts representing over 5,000 students in four counties.

This finally allowed us to meet the requirements, but created some problems of its own. Any time you have to meet the diverse needs of such a large group, there is a trend to provide the minimum mandated services; the lowest common denominator effect, so to speak. In the case of my own district, one with high valuation, our local board has taken that opportunity as a chance to provide the best possible educational program. A conflict soon became apparent to us; this was working for most of our children, but the ten percent or so who were being taught under special education were actually being denied what we were providing their own brothers and sisters. To illustrate, one way we use our district's assets is by offering salaries that assure us of getting the best possible teachers available for our kids. However, since our special education teachers are paid on the sponsoring district's lower pay scale, we found that many of the positions were going unfilled or having high rates of turnover due partly to the quality of personnel attracted by that pay scale.

This we found unsatisfactory if we are going to provide the best opportunities for all our children.

We were not the only district with problems and concerns. Since 1984 the Three Lakes board and each member board, have studied these problems carefully. Each district has assessed its own needs and the best ways to meet them. A variety of solutions were proposed and discussed. The point is that each district considered what would best serve its own students and community.

A window of opportunity did present itself. Our current contract among the districts expires June 30, 1987. Due to the relative stability in newly mandated services as well as effective cost controls now in place, it was felt that perhaps such a large cooperative might not be required. Smaller, more efficient local ventures might be more effective. Accordingly, the Osage County schools felt that an interlocal structure best met their needs, while the Coffey County schools opted for a cooperative with our district sponsoring. One district decided to purchase services from a larger one. The districts voted unanimously to allow Three Lakes, which had served its purpose during the period of rapid change, to die a graceful death at the end of its current three year contract so that its successors might come into existence. Each local Board had thus found what it felt would best serve the needs of its kids.

Senate Education
3/19/87
Attachment 6

Then last December, a problem surfaced. At the KASB general assembly a few districts proposed changing the current laws relating to cooperatives. That measure failed to attract enough support to even be considered. Curious as to the issues involved, I asked knowledgeable people about the measure, and found it related to the breakup of a large interlocal in one region of the State, one which had involved court battles, suits and appeals by dissatisfied parties.

When House Bills 2443 and 2482 emerged from committee and were rushed through the floor of the House, it was a surprise to everyone. I was even urged by one of the districts involved in the breakup to support this bill. Because of its retroactive nature and making the effective date prior to June 30, the expiration date of many agreements, it was clearly an attempt to set the past to concrete; a thinly disguised attempt to reverse a loss in the courts by changing the law after the fact.

A change of this magnitude will not only undo several years of planning for improved services for my special needs children, it will no doubt wreck other districts' plans. But beyond that, it raises the entire issue of local control of schools; is the State Department of Education the best or only agency to decide how best a local district should meet the needs of its own children? Fifteen years ago, when special education was new and unknown to most Boards, it might have been. But today every Board has had to learn how to serve those children. These bills would, for all practical purposes, freeze any attempts to find a better way to provide those services. It might prevent some costs from rising in some cases, but it would also perpetuate any institutional inefficiencies as well.

Local boards must be the first line of defense for the special child. If through hasty legislation boards are prevented from responding to those needs, the problems will come before you again and again until they are dealt with fairly.

If there is one final point I would like to leave you with, it is this one; if a local board finds that it has even one student whose needs cannot be properly met through its existing cooperative, should that board wash its hands of helping that child because the State has locked it into that cooperative "in perpetuity", or should it try to find a better way? If you were the parent of that child, would you be satisfied until you confronted the agencies with the power to again revise that statute? If you can answer that question, I believe this issue will resolve itself.

Robert W. Haight
President, USD 244 Board of Education
Burlington, Kansas

Senate Education Committee Hearing On HB 2443

March 19, 1987

Opponent testimony by Larry Clark, Superintendent, Burlington USD 244

USD 244 Burlington is a member of the Three Lakes Special Education Cooperative. Prior to entering the Three Lakes Special Education Cooperative Burlington, Lebo-Waverly and LeRoy-Gridley were in a Coffey County Cooperative. The Three Lakes Special Education Cooperative was created during the 1978 school year. The sponsoring district is USD 434 Santa Fe Trail. The other cooperating districts are; USD 243 Lebo-Waverly, USD 245 LeRoy-Gridley, USD 287 West Franklin, USD 420 Osage City, USD 421 Lydon, USD 454 Bulingame and USD 456 Marais Des Cygnes.

Burlington has a student enrollment large enough that all of the special education services are provided within the boundaries of the Burlington School District; with the exception of one SMH student. Lebo-Waverly and LeRoy-Gridley both bus their students to Burlington.

During the 1984-85 school year there was discussion at a Cooperative meeting that centered around the fact that USD 434 Santa Fe Trail didn't want to be the sponsoring district at the conclusion of the current contract; which expired June 30, 1987. The USD 244 Burlington Board of Education discussed the pros and cons of staying in the Cooperative or providing our own special education services. No decision was made at that time.

The following school year(1985-86) there was more discussion at the Coop meetings about the status of the Coop and who was going to be the sponsoring district at the conclusion of the current contract. A salary cost study was done to determine which district would be more desirable to have as the sponsoring district.

Burlington would have been interested in discussing being the sponsoring district but the other schools didn't want to consider Burlington due to our higher salary schedule. At this time the Burlington Board of Education started talking more seriously about pulling out of the Coop and providing our own special education services. Burlington did a cost study and inquired with other district regarding the selling of special education services.

Early in the 1986-87 school year Santa Fe Trail District stated they would not sponsor the Coop for the 1987-88 school year. After alternatives were discussed the discussion moved toward the formation of an interlocal rather than continuing with the Cooperative. Burlington was not interested in the development of an interlocal for special education services. The December Cooperative meeting agenda was to include a vote by all member districts on their interest in continuing the special education service through the Three Lakes Cooperative. Each school district voted to dissolve the Three Lake Cooperative at the conclusion of the 1986-87 school year (June 30). Please note the attached withdrawal sheets signed by the officials of each participating school district. At the December Coop meeting it was decided that the February meeting would be the deadline date to express an interest in the formation of an interlocal. Burlington, Lebo-Waverly and LeRoy-Gridley voted negative on the participation in the interlocal.

Burlington, Lebo-Waverly and LeRoy-Gridley have submitted an Agreement to the State Board of Education requesting the approval for the formation of a Coffey County Cooperative. Burlington will be the sponsoring district. Burlington has sent staff vacancy notices to the college placement centers and has informed the staff currently working in the Burlington schools of

the procedure to be followed in filling the special education positions. All of these decisions were made prior to any knowledge of HB 2443.

The current status of HB 2443 has caused a drop in moral of special education teachers in Burlington. The staff is not sure of their job security. We have been informed that some teachers are making application in other districts because they do not want to wait until action is taken on HB 2443 to determine which format will be used to structure special education services. They want to know now if they have a job and for whom they are going to work. The onslaught of HB 2443 has tied the hands of the USD 243, 244 and 245 administration in that plans are on hold until the outcome of HB 2443 is known.

Burlington believes it is unfair to put the staff and administration in a position of waiting to see how the legislature will vote on HB 2443. If we wait until a vote is taken and HB 2443 is not enacted it will be too late to get an Agreement passed and hire staff. As it stands now we cannot proceed on with our plans because if we contract staff and take the necessary steps to insure a successful program, and HB 2443 is enacted, we may have contractual legal action against us.

Burlington, Lebo-Waverly and LeRoy-Gridley feel that the decision to withdraw from the Three Lakes Cooperative was well thought through and in the best interest of the children of our district.

We request that the legislature amend HB 2443 to allow Cooperatives currently in the process of a breakup to fulfill their plans or delay the effective date of HB 2443 until July 1, 1987. Your consideration on this important issue will be appreciated.

THREE LAKES SPECIAL EDUCATION COOPERATIVE

P.O. Box 212, Waverly, Kansas 66871
Equal Opportunity Employer

TELEPHONE:
913-733-2731

DIRECTOR:
David Bilderback

Assistant Director: Diana Larson

USD: 243 Lebo-Waverly
244 Burlington
245 LeRoy-Gridley
287 West Franklin
420 Osage City
421 Lyndon
434 Santa Fe Trail - Sponsor
454 Burlingame
456 Marais Des Cygnes Valley

TO: Kansas State Board of Education and
Dr. Blackburn, Commissioner

FROM: David Bilderback

DATE: March 11, 1987

IN RE: Three Lakes Special Education Cooperative Dissolution

Three Lakes Special Education Cooperative, sponsored by USD #434, Santa Fe Trail, is comprised of the following districts: USD 243 Waverly - Lebo; USD 244 Burlington; USD 245 LeRoy-Gridley; USD 287 West Franklin; USD 420 Osage City; USD 421 Lyndon; USD 434 Santa Fe Trail; USD 454 Burlingame; and USD 456 Marais des Cygne Valley. On December 15, 1986 at the Three Lakes Special Education Cooperative board of directors meeting all nine school districts gave their notice to withdraw from Three Lakes Special Education Cooperative, thereby dissolving the Special Education Cooperative effective June 30, 1987. Attached are the official notices submitted by their respective school boards.

ta

pc: Dr. Larry Clark

NOTICE OF WITHDRAWAL FROM THREE LAKES COOPERATIVE
Sponsoring District: USD 434, Santa Fe Trail

USD # 243 hereby gives official notice to the Three Lakes Cooperative board and to the Santa Fe Trail Board of Education (USD #434), that USD # 243 will withdraw from the cooperative effective June 30, 1987. This notice is given in accordance with Article VIII of the Three Lakes Cooperative Articles of Agreement to Organize and Operate a Comprehensive Special Education Cooperative effective from July 1, 1984 through June 30, 1987.

The Board of Education of USD # 243 took action to withdraw at a regular school board meeting held on December 8, 1986.
(regular or special)

Attested by:

Verita Lynn
Clerk

December 8, 1986
Date

Vernon Sargent
Board President USD 243 Lebo - Waverly

12-8-86
Date

NOTICE OF WITHDRAWAL FROM THREE LAKES COOPERATIVE
Sponsoring District: USD 434, Santa Fe Trail

USD # 244 hereby gives official notice to the Three Lakes Cooperative board and to the Santa Fe Trail Board of Education (USD #434), that USD # 244 will withdraw from the cooperative effective June 30, 1987. This notice is given in accordance with Article VIII of the Three Lakes Cooperative Articles of Agreement to Organize and Operate a Comprehensive Special Education Cooperative effective from July 1, 1984 through June 30, 1987.

The Board of Education of USD # 244 took action to withdraw at a regular school board meeting held on December 8, 1986.
(regular or special)

Attested by:

Carol Hoover
Clerk

[Signature]
Board President

12/08/86
Date

12/8/86
Date

NOTICE OF WITHDRAWAL FROM THREE LAKES COOPERATIVE
Sponsoring District: USD 434, Santa Fe Trail

USD # 245 hereby gives official notice to the Three Lakes Cooperative board and to the Santa Fe Trail Board of Education (USD #434), that USD # 245 will withdraw from the cooperative effective June 30, 1987. This notice is given in accordance with Article VIII of the Three Lakes Cooperative Articles of Agreement to Organize and Operate a Comprehensive Special Education Cooperative effective from July 1, 1984 through June 30, 1987.

The Board of Education of USD # 245 took action to withdraw at a regular school board meeting held on December 8, 1986.
(regular or special)

Attested by:

Jane Keef
Clerk

Lail Harvey
Board President

12/8/86
Date

12/8/86
Date

NOTICE OF WITHDRAWAL FROM THREE LAKES COOPERATIVE
 Sponsoring District: USD 434, Santa Fe Trail

USD # 287 hereby gives official notice to the Three Lakes Cooperative board and to the Santa Fe Trail Board of Education (USD #434), that USD # 287 will withdraw from the cooperative effective June 30, 1987. This notice is given in accordance with Article VIII of the Three Lakes Cooperative Articles of Agreement to Organize and Operate a Comprehensive Special Education Cooperative effective from July 1, 1984 through June 30, 1987.

The Board of Education of USD # 287 took action to withdraw at a REGULAR school board meeting held on NOVEMBER 10, 1986. (regular or special)

Attested by: *Celia Dumas*
 Clerk

Mary C. Weigand
 Board President

Dec. 2, 1986
 Date

Dec. 2, 1986
 Date

NOTICE OF WITHDRAWAL FROM THREE LAKES COOPERATIVE
Sponsoring District: USD 434, Santa Fe Trail

USD # 429 hereby gives official notice to the Three Lakes Cooperative board and to the Santa Fe Trail Board of Education (USD #434), that USD # 420 will withdraw from the cooperative effective June 30, 1987. This notice is given in accordance with Article VIII of the Three Lakes Cooperative Articles of Agreement to Organize and Operate a Comprehensive Special Education Cooperative effective from July 1, 1984 through June 30, 1987.

The Board of Education of USD # 420 took action to withdraw at a Regular school board meeting held on December 11, 1986.
(regular or special)

Attested by:

L. Williams
Clerk

Robert A. Peterson
Board President

December 11, 1986
Date

December 11, 1986
Date

DEC 10 1986

NOTICE OF WITHDRAWAL FROM THREE LAKES COOPERATIVE
Sponsoring District: USD 434, Santa Fe Trail

USD # 421 hereby gives official notice to the Three Lakes Cooperative board and to the Santa Fe Trail Board of Education (USD #434), that USD # 421 will withdraw from the cooperative effective June 30, 1987. This notice is given in accordance with Article VIII of the Three Lakes Cooperative Articles of Agreement to Organize and Operate a Comprehensive Special Education Cooperative effective from July 1, 1984 through June 30, 1987.

The Board of Education of USD # 421 took action to withdraw at a regular school board meeting held on Dec. 8, 1986.
(regular or special)

Attested by: Pamela Y. Lockett
Clerk

Ed Warner
Board President

12-8-86
Date

12-8-86
Date

12/11/86

NOTICE OF WITHDRAWAL FROM THREE LAKES COOPERATIVE
Sponsoring District: USD 434, Santa Fe Trail

USD # 434 hereby gives official notice to the Three Lakes Cooperative board and to the Santa Fe Trail Board of Education (USD #434), that USD # 434 will withdraw from the cooperative effective June 30, 1987. This notice is given in accordance with Article VIII of the Three Lakes Cooperative Articles of Agreement to Organize and Operate a Comprehensive Special Education Cooperative effective from July 1, 1984 through June 30, 1987.

The Board of Education of USD # 434 took action to withdraw at a regular school board meeting held on December 8, 1986. (regular or special)

Attested by: Doris Collins Clerk Herbert M. Hutz, Jr. Board President

December 8, 1986
Date

December 8, 1986
Date

DEC 08 1986

NOTICE OF WITHDRAWAL FROM THREE LAKES COOPERATIVE
Sponsoring District: USD 434, Santa Fe Trail

USD # 454 hereby gives official notice to the Three Lakes Cooperative board and to the Santa Fe Trail Board of Education (USD #434), that USD # 454 will withdraw from the cooperative effective June 30, 1987. This notice is given in accordance with Article VIII of the Three Lakes Cooperative Articles of Agreement to Organize and Operate a Comprehensive Special Education Cooperative effective from July 1, 1984 through June 30, 1987.

The Board of Education of USD # 454 took action to withdraw at a regular school board meeting held on December 4, 1986.
(regular or special)

Attested by: Kathryn L. Kraus
Clerk

Jean Antzler
Board President

12-4-86
Date

12-4-86
Date

NOTICE OF WITHDRAWAL FROM THREE LAKES COOPERATIVE
Sponsoring District: USD 434, Santa Fe Trail

USD # 456 hereby gives official notice to the Three Lakes Cooperative board and to the Santa Fe Trail Board of Education (USD #434), that USD # 456 will withdraw from the cooperative effective June 30, 1987. This notice is given in accordance with Article VIII of the Three Lakes Cooperative Articles of Agreement to Organize and Operate a Comprehensive Special Education Cooperative effective from July 1, 1984 through June 30, 1987.

The Board of Education of USD # 456 took action to withdraw at a regular school board meeting held on December 8, 1986.
(regular or special)

Attested by:

Jean Lawhorn
Clerk

Harry R. Thurst
Board/President

12-10-86
Date

8 Dec 1986
Date