

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 Tuesday, March 24, 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 2420 - Special education services for exceptional children, education advocates, advisory council (Education)

Proponents:

Ms. Mildred McMillon, Tonganoxie, member, State Board of Education
Ms. Kay Coles, Director of Communication, Kansas-National Education Association
Mr. Richard Funk, Asst. Executive Director, Kansas Association of School Boards

HB 2427 - Bilingual education, definition of program, requiring employment of qualified teachers (Education)

Proponents:

Ms. Mildred McMillon, Tonganoxie, member, State Board of Education
Mr. James Copple, Legislative Director, Wichita Federation of Teachers
Ms. Kay Coles, Director of Communications, Kansas-National Education Association

Mr. Marc Marcano, Executive Director, Kansas Advisory Committee on Hispanic Affairs

After Chairman Joseph C. Harder opened the meeting, Senator Allen moved, and Senator Arasmith seconded the motion to approve minutes of the Committee meeting of March 23. The motion carried.

The Chairman then introduced Ms. Mildred McMillon, Tonganoxis, a member of the State Board of Education, as the first conferee in support of HB 2420. Ms. McMillon explained that HB 2420 provides that when a child is under the custodianship of the Secretary of Social and Rehabilitation Services and the child appears to be an exceptional child under Kansas law, the Secretary of SRS would be required to notify the State Board of Education and request the appointment of an educational advocate to represent the child. She said the present procedure is to have the Secretary of SRS appoint the advocate. (Attachment 1)

Ms. Kay Coles, Director of Communications, K-NEA, said that she supports HB 2420 on behalf of her organization and explained that although K-NEA had concerns with the bill when it was being considered in the House, Committee amendments had addressed their concerns. Ms. Coles, responding to a question, estimated that there currently is a 4 to 6-week delay in placing students with an educational advocate.

When the spokesman for Kansas Association of School Boards testified in support of HB 2420, Mr. Richard Funk requested amending the bill on line 0033 and explained that the amendment would provide clarity of the language and, also, require that the Secretary of SRS notify the local school district as well as the State Board of Education. (Attachments 2 and 3) Mr. Funk explained that this was an oversight by KASB when the bill was being considered in the House. In response to a question, Mr. Funk replied that an advocate is trained by the State Department of Education and is appointed for a designated period of time. In response to further questions, staff

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON EDUCATION,
room 254-E, Statehouse, at 1:30 ~~xxx~~ a.m./p.m. on Tuesday, March 24, 1987

replied that the reference to advocate as contained in HB 2420 relates to an advocate on educational matters only.

Following testimony by Mr. Funk, the Chairman announced that the hearing on HB 2420 was concluded and that the bill would be taken under advisement.

HB 2427 - The Chair then recognized Ms. Mildred McMillon, who testified as a proponent for HB 2427 on behalf of the State Board of Education. She explained that the bill authorizes the State Board of Education to determine the qualifications of paraprofessionals involved in the instruction of limited English proficient pupils. (Attachment 4)

Mr. James E. Copple, Wichita Federation of Teachers, stated that because certain school district representatives have convinced his organization that the problem of finding adequate numbers of certified personnel has been adequately addressed, his organization now supports HB 2427. (Attachment 5)

K-NEA representative, Ms. Kay Coles, also rose in support of HB 2427 and stated that children who need bilingual services in order to improve their English language skills should receive the services of a qualified instructor. (Attachment 6)

Mr. Richard Funk expressed support for the provisions of HB 2427 on behalf of the Kansas Association of School Boards.

Mr. Marc Marcano, Executive Director of the Kansas Advisory Committee on Hispanic Affairs, stated that he is also testifying on behalf of Ms. Sharon Weiss, Co-chairperson of the Kansas Council on Bilingual Education. Mr. Marcano maintained that because a teacher is certified it does not imply that s/he is knowledgeable in LEP (limited English proficient) instruction. He, therefore, recommended amending HB 2427 on lines 0040, 0041, and 0042 as stated in his testimony found in Attachment 7. The purpose of the amendment, he explained, is to require certified teachers who are responsible for instructing LEP students and supervising paraprofessionals to also be required to receive some LEP training as determined by the State Board of Education.

Following testimony by Mr. Marcano, the Chair, hearing no further response for testimony, announced that the hearing on HB 2427 was concluded and that the bill would be taken under advisement.

The Chair then referred the Committee's attention to HB 2420, relating to custodianship by SRS of an exceptional child, and asked the Committee's pleasure. Senator Anderson proposed a conceptual amendment to HB 2420 which would incorporate the concept for an amendment as proposed by Mr. Funk, KASB. Ms. Avis Swartzman, Revisor of Statutes, asked the Committee's permission to include in the amendment the language "the district in which the child is residing", and the Committee agreed to this request. Senator Warren seconded the motion for an amendment, and the amendment was adopted. Senator Warren then moved that HB 2420, as amended, be recommended favorably for passage. The motion was seconded by Senator Karr, and the motion carried.

The Chair then called the Committee's attention to HB 2013, relating to the establishment of a Kansas Career-Work-Study Program. He informed the Committee that Mr. Ted D. Ayres, General Counsel, State Board of Regents, in response to a Committee request, had given him a recommendation for an amendment so that funds that had not been used by Regents' institutions for this program could be reallocated. During Committee discussion for an amendment, Ms. Avis Swartzman, Revisor of Statutes, informed the Committee that at present the state allocates appropriations for these programs to each institution. Following Committee discussion, Senator Karr made a motion for a conceptual amendment whereby the state would appropriate funds for the Career-Work-Study Program to the State Board of Regents who, in turn, would allocate these funds to the institutions, including Washburn University, with the authority of reallocation when such funds are not being used. The motion for the amendment was seconded by Senator Warren, and the amendment was adopted.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON EDUCATION,
room 254-E Statehouse, at 1:30 ~~am~~/p.m. on Tuesday, March 24, 1987

Senator Salisbury then moved to amend HB 2013 by placing a limit of four percent for administration costs of the program as recommended by the Associated Students of Kansas. Senator Karr seconded the motion, and the amendment was adopted.

Due to lack of time, the Chair announced that further action on HB 2013 would be taken at the next meeting, and he adjourned the meeting.

SENATE EDUCATION COMMITTEE

TIME: 1:30 p.m. PLACE: 254-E DATE: Tuesday, March 24, 1987

GUEST LIST

<u>NAME</u>	<u>ADDRESS</u>	<u>ORGANIZATION</u>
Kay Cline	Topeka	K-NEA
Richard Funk	Topeka	KASB
Lester H. Higginwood	Topeka	Rep Hasler (Antenn)
Dwight M. Goering	Moundridge, Ks. 67007	Teacher
Elaine Rust	Rose Hill	W.F.T.
Brenda Satterlee	Wichita	WFT
Carolyn N. O'Laughan	Wichita	WFT
Pat Cynke	Wichita	WFT
Janice P. Jones	Wichita	WFT
Jersey Kelle	Wichita	WFT
Wardell Bell	Wichita	WFT
Bob Kelly	KICA Topeka	
Gary Condra	Lawrence	SELF
Jacquie Oakes	Topeka	HCA Schools 500
Mary K. McKenney	Wichita	W.F.T.

SENATE EDUCATION COMMITTEE

TIME: 1:30 p.m. PLACE: 254-E DATE: Tuesday, March 24, 1987

GUEST LIST

<u>NAME</u>	<u>ADDRESS</u>	<u>ORGANIZATION</u>
Warren Bell	120 E 10th	State Dept of Educ.
Ken Gentry	120 E 10th	State Dept. of Education
Mace Marcum	512 W. 6th	Hispanic Affairs
Briella Scott	Tajana	USA
Geal Wadsworth	Opaka	USA
J. R. Baker	Baker	State Dept. of Ed.
Frederick D. Wilson	Longoria	Min. State Board of Education

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 24, 1987

Marion (Mick) Stevens
District 10

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

My name is Mildred McMillon, a member of the State Board of Education from Tonganoxie. 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 State Board of Education 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.

Senate Education
3/24/87
Attachment 1

KANSAS
ASSOCIATION



OF
SCHOOL
BOARDS

5401 S. W. 7th Avenue Topeka, Kansas 66606
913-273-3600

TESTIMONY ON H.B. 2420

by

Richard Funk, Assistant Executive Director
Kansas Association of School Boards

March 24, 1987

Mr. Chairman and members of the committee, we appreciate the opportunity to testify today on behalf of the 303 members of the Kansas Association of School Boards. KASB supports the provisions found in H.B. 2420. We would request that some clarifying language be added to line 0033. This change in procedure will improve the availability of services to those students under care of S.R.S.

Thank you for your consideration and we would ask you to consider H.B. 2420, with the added language, favorably for passage.

Senate Education
3/24/87
Attachment 2

HOUSE BILL No. 2420

By Committee on Education

2-18

0018 AN ACT concerning special education for exceptional children;
0019 affecting certain definitions; providing for appointment of
0020 education advocates for certain children; relating to the state
0021 advisory council; amending K.S.A. 38-1513a, 72-962, 72-963c
0022 and 72-964, and repealing the existing sections.

0023 *Be it enacted by the Legislature of the State of Kansas:*

0024 Section 1. K.S.A. 38-1513a is hereby amended to read as
0025 follows: 38-1513a. (a) When the court has granted legal custody
0026 of a child in a hearing under the Kansas code for care of children
0027 to an agency, association or individual, the custodian or an agent
0028 designated by the custodian shall have authority to make educa-
0029 tional decisions for the child if the parents of the child ~~refuse or~~
0030 ~~fail to make such decisions.~~ *are unknown or unavailable. When*
0031 *the custodian of the child is the secretary, and the child appears*
0032 *to be an exceptional child who requires special education ser-*
0033 *vices, the secretary shall* notify the state board of education of
0034 ~~the school district in which the child is residing, or a designee of~~
0035 ~~the state board, that the child is in need of an education advo-~~
0036 ~~cate. Immediately upon receipt of a notice~~ As soon as possible
0037 after notification by the secretary of the need by a child of an
0038 education advocate, the state board of education, or its designee,
0039 shall appoint an education advocate for the child.

0040 (b) As used in this section ~~shall be a part of and supplemental~~
0041 ~~to the Kansas code for care of children, the terms exceptional~~
0042 ~~child, special education services, and education advocate have~~
0043 ~~the meanings respectively ascribed thereto in the special edu-~~
0044 ~~cation for exceptional children act.~~

0045 Sec. 2. K.S.A. 72-962 is hereby amended to read as follows:
0046 72-962. As used in this act:

immediately notify the local
school district and

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
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March 24, 1987

Marion (Mick) Stevens
District 10

TO: Senate Education Committee
FROM: State Board of Education
SUBJECT: 1987 House Bill 2427

My name is Mildred McMillon, a member of the State Board of Education from Tonganoxie. I appreciate the opportunity to appear before this Committee on behalf of the State Board.

House Bill 2427 authorizes the State Board of Education to determine the qualifications of paraprofessionals involved in the instruction of limited English proficient pupils. In addition, the language has been changed to read in a more positive manner.

The recommendations in House Bill 2427 are a result of a task force study from school district officials directly involved in the program.

The State Board of Education recommends that you report House Bill 2427 favorably for passage.

Senate Education
3/24/87
Attachment 4

Wichita Federation of Teachers

Local 725, American Federation of Teachers, AFL-CIO



TESTIMONY IN SUPPORT OF HOUSE BILL NO. 2427

James E. Copple

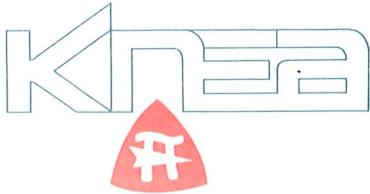
Legislative Director

Wchita Federation of Teachers

Mr. Chairman, members of the Senate Education Committee, the Wichita Federation of Teachers urges a favorable reading of HB. 2427, which affects the definition of bilingual program. Our first reading of HB. 2427 raised questions, but none so serious that we would have opposed the bill. A primary concern for us was the issue related to the ability of the districts to find sufficient numbers of certified personnel who could meet State Board standards for certification. This question is relevant for those districts that have been impacted by large numbers of immigrants, particularly, Southeast Asians. Many of these districts have had difficulty finding trained staff who could truly meet State Board requirements for certification. This was a problem five, even three years ago in some Western Kansas schools. Discussion with school district representatives in Dodge City, Garden City and Liberal have convinced us that the problem with finding adequate numbers of certified personnel has been sufficiently addressed.

Given the challenges of bilingual education and its importance for the cultural adaptation of the immigrant population, basic state certification is the least we should expect. If HB. 2427 is given a favorable reading, then we can be assured that Boards of Education will take all necessary steps to find the most qualified teacher for the position. The bilingual student deserves and will continue to need qualified instructors. We urge your adoption of HB. 2427.

Senate Education
3/24/87
Attachment 5



Kay Coles testimony before the
Senate Education Committee
March 24, 1987

Thank you Mr. Chairman. Members of the Committee, my name is Kay Coles and I am here today representing Kansas-NEA. I appreciate the opportunity to speak with you about HB 2427.

Kansas-NEA rises in support of HB 2427. The addition of a clear definition of "qualified teacher" for bilingual programs in our school districts should add to the quality of those programs. Children who need bilingual services in order to improve their English language skills should receive the services of a qualified instructor.

We encourage you to report HB 2427 favorably for action. Thank you.

Senate Education
3/24/87
Attachment 6

KANSAS COUNCIL ON BILINGUAL EDUCATION



Sharon Weiss, Co-chairperson
11821 W. 100th Terrace
Overland Park, Kansas 66214
(913) 492-5751

TO: Senate Committee on Education
FROM: Kansas Council on Bilingual Education *sw*
SUBJECT: Request for an Amendment to HB #2427
DATE: March 23, 1987

In reference to HB #2427, we are requesting an amendment regarding the qualifications of certificated teachers supervising paraprofessionals working with limited English proficient (LEP) students.

Non-English speaking (NES) and/or limited English proficient (LEP) students require sequentially planned language programs. The goal of these language programs is to aid the students become proficient in English as quickly as possible.

The rationale behind the amendment is that all students are entitled to receive a sound educational program that is supervised by knowledgeable personnel in the specific area of instruction. The fact that a teacher is certificated does not imply s/he is knowledgeable in LEP instruction.

Certificated teachers responsible for instructing LEP students and supervising paraprofessionals should be required to receive some LEP training as determined by the State Board of Education.

It is recommended that Lines 0040, 0041, and 0042 be amended to read (2) a paraprofessional qualified to assist certificated teachers who have been trained in the instruction of limited English proficient pupils.....

Senate Education
3/24/87
Attachment 7