

Approved: March 17, 1992
Date

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION.

The meeting was called to order by Chairperson Rick Bowden at 3:30 p.m. on March 2, 1992 in room Room 519-S of the Capitol.

All members were present except:

Committee staff present:

Dale Dennis, State Board of Education
Ben Barrett, Legislative Research
Avis Swartzman, Office of Revisor of Statutes
Shirley Wilds, Committee Secretary

Conferees appearing before the committee:

Dr. Lee Droegemueller, Commissioner - State Board of Education
Patricia Baker - KASB
Peg Dunlap - KNEA
Rod Bieker, Director of Legal Services - Department of Education
John Peterson - KS Association of Private Schools
Harry Dickerson, Bryan Institute - Wichita
Joan Strickler, KS Advocacy and Protection Services
Gary Bishop, Director - USA

The meeting was called to order by Chairperson Rick Bowden.

Chairman Bowden announced to the committee that they review the list of committee bills and report to him and Representative Crumbaker on any they wish to have for hearing.

Hearing on HB 3076:

Rod Bieker. Mr. Bieker appeared as a proponent on behalf of the Court/Education/SRS Liaison Committee. In reviewing current provisions, the Committee suggested the amendments now proposed on HB 3076. The Committee believes that the changes in the bill provides consistency in the st Statutes and clarifies the definition. (See Attachment #1.)

Joan Strickler. Ms. Strickler said Kansas Advocacy and Protection Services believes that HB 3076 addresses the issue of residence on a broader scale and the issue of special education students placed in treatment and/or training facilities can be resolved. (See Attachment #2.)

Patricia E. Baker. Ms. Baker said KASB supports the recommendation of the Court, Education and SRS Liaison Committee. They do have concern that the proposed language may be interpreted to allow parents to transfer their children to any school district within the state solely for school attendance purposes. Ms. Baker provided a suggested amendment to help address this issue. It is also suggested that SB 523 be worked together with this bill to prevent an ultimate conflict. (See Attachment #3)

Gary Bishop. Mr. Bishop, speaking on behalf of Kansas Association of Special Education Administrators, said they prefer the current language remain unchanged and if the issue must be addressed, they recommend care givers be provided ready access to the resources they need to meet the requirement. (See Attachment #4.)

Hearing on HB 3077:

John Peterson. Mr. Peterson said as private institutions, Kansas Association of Private Career Schools urges support for the amendments on HB 3077 and favorable passage. (See Attachment #5.)

Rod Bieker. Mr. Bieker said the Board of Education requested the introduction of a bill to provide additional protection to the students of proprietary schools, and the Board supports the concept of adding language to the Proprietary Schools Act providing for continuance of educational programs. In addition, he said members and staff of the State Board of Education met with representatives of the proprietary schools and found support for HB 3077. (See Attachment #6.)

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION, Room 519-S Statehouse, at 3:30 p.m. on March 2, 1992

Hearing on HB 3078:

Lee Droegemueller. Mr. Droegemueller reported that many educators believe HB 3078 would educationally benefit many students requiring longer period of time to learn a given subject through non-certified persons with supervision of a certified teacher. He recommends favorable passage of the bill. (See Attachment #7.)

Patricia Baker. Ms. Baker said that Section 2 (a), Page 3 is a welcome clarification of the law and Section 2 (b) would allow non-certified staff to assist teachers in many activities and alleviate the workload of classroom teachers. She said KASB recommends HB 3078 favorably for passage. (See Attachment #8.)

Peg Dunlap. Ms. Dunlap reported that KNEA⁷ opposes HB 3078, because the amendments offered set a dangerous precedent in that to allow someone who does not hold a license to practice a profession is unethical and, usually, illegal. She added that deregulation may be in the best interest of schools, but they do not believe it is in the best interest of students in this instance. The committee was urged to not pass this bill. (See Attachment #9.)

Discussion and action on HB 2835:

The Chairman provided a copy of a proposed amendment to HB 2835. (See Attachment #10.)

Avis Swartzman. Ms. Swartzman explained the proposed amendment to the committee.

Representative Hackler moved that HB 2835 be amended (as per attached); Representative Hensley seconded the motion. Motion carried.

Representative Ramirez made a motion to pass HB 2835 favorably, as amended; seconded by Representative Praeger. Motion carried. Representatives Amos, Jennison and Smith are recorded as voting Nay.

The next meeting is scheduled for March 3, Room 519, Statehouse.

The meeting adjourned at 5:20.

March 2, 1992

TO: House Education Committee
FROM: Court/Education/SRS Liaison Committee
SUBJECT: 1992 House Bill 3076

My name is Rod Bieker and I am appearing before you as a proponent of House Bill 3076 on behalf of the Court/Education/SRS Liaison Committee. This Committee was formed in the mid-1970's and is comprised primarily of local judges, school district administrators and SRS area directors. Each of the areas represented has seven members on the Committee. Members are appointed by the Chief Justice of the Supreme Court, the Commissioner of Education, and the Secretary of SRS.

The Committee meets to discuss matters of mutual concern regarding children and to propose solutions to problems that are identified.

One of the matters that has come to the attention of the Committee is the inconsistent definitions of the term "person acting as parent" under the state's special education law and school attendance law. In the special education law, the definition fails to mention a legal guardian, and uses the phrase "person who has physical or legal custody of a child." The school attendance law, however, includes a legal guardian, and uses the phrase "a person having physical and legal custody of a child."

These differences led the Committee to review the current provisions and, then, to suggest the amendments that are now proposed in HB 3076. The amendments are meant simply to provide consistency between the statutes and to clarify the definition. There is no intent to expand the definition to include persons who are not already included in the definition.

The Committee believes that the definition of this term as used in these two school laws should be consistent and clear. We believe the suggested changes accomplish these goals. Consequently, the Committee asks for your favorable recommendation on House Bill 3076.

Education
Attachment #1
3/2/92

Kansas Advocacy & Protective Services, Inc.

#2



513 Leavenworth, Manhattan, KS 66502 (913) 776-1541, FAX (913) 776-5783

Kansas City Area
6700 Squibb Rd.
Suite 104
Mission, KS 66202
(913) 236-5207

Wichita Area
255 N. Hydraulic
Wichita, KS 67214
(316) 269-2525

TO: The House Committee on Education
Representative Rick Bowden, Chairperson

FROM: Kansas Advocacy and Protective Services, Inc.
Joan Strickler, Executive Director

DATE: March 2, 1992

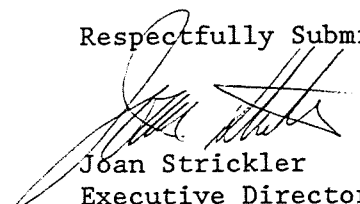
RE: H.B. 3076

KAPS assists disabled children and adults in gaining access to the rights and services to which they are entitled. We fulfill the protection and advocacy requirements of P.L. 94-103, as amended, the Developmental Disabilities Act; and P.L. 99-319, as amended, the Protection and Advocacy for Mentally Ill Individuals Act. We also administer the Kansas Guardianship Program for the State. KAPS is a private, non-profit corporation, created specifically to fulfill these roles in Kansas.

Our staff has been very much involved in working with families and schools when problems and disagreements arise regarding special education matters. We have become increasingly concerned about a problem that occurs when a special education student is placed in a treatment and/or training facility in a location other than that served by the local school district in which the family resides. For instance, a 16 or 17 year old student with mental retardation and behavioral problems may be placed in a long term nursing facility or mental retardation center residential program but still be entitled to receive special education services. When this occurs, disagreements have arisen as to which school district, the one in which the parent lives or that in which the student lives, is financially responsible for the services.

While H.B. 3076 would appear to address issues of residence on a broader scale, we would hope that the issue of special education students placed in treatment and/or training facilities can be resolved. One vehicle for solving the problem is H.B. 3076. It is our understanding that the Senate, in S.B. 523, is also looking at the issue.

Respectfully Submitted,



Joan Strickler
Executive Director

KAPS has been charged with developing systems of advocacy and protective services in Kansas relevant to the provisions of Sec. 113 of P.L. 94-103, as amended; the Developmental Disabilities Services and Facilities Construction Act, and P.L. 99-319, the Protection and Advocacy for Mentally Ill Individuals Act.

Education
Attachment #2
3/2/92

KANSAS
ASSOCIATION



OF
SCHOOL
BOARDS

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

Testimony on H.B. 3076
before the
House Committee on Education

by

Patricia E. Baker
Associate Executive Director/General Counsel
Kansas Association of School Boards

March 2, 1992

Thank you, Mr. Chairman, for the opportunity to appear on H.B.
3076.

We support the recommendation of the Court, Education and SRS
Liaison Committee clarifying the statute with regard to residency for
school attendance purposes. The current definition causes confusion
about who is responsible for the provision of educational services,
particularly in non-traditional family settings. We understand the
intent is to ensure that no child is denied an education simply because
the child's residency does not comply with the statutory language. We
support all efforts to clarify the language.

However, we have some concern that in solving one problem we may
inadvertently create others.

Education
Attachment # 3
3/2/92

The proposed change in language may well be interpreted to allow parents to transfer their children to any school district in the state solely for school attendance purposes and yet still maintain the primary family residence for all weekends, vacations, summers and holidays. Whether this would result in flight from inner-city schools or unplanned growth in suburban districts we can't tell. But we would rather address the problem now than try to rectify it later.

I have attached a suggested amendment which may help address our concerns. There may be other language which would be preferable but would also ensure that the law does not inadvertently allow or encourage problems in school attendance.

Attch #3-2

HOUSE BILL No. 3076

By Committee on Education

2-20

8 AN ACT concerning school districts; affecting the definitions of par-
9 ent and person acting as parent for purposes of determining school
10 district residence and provision of special education services;
11 amending K.S.A. 1991 Supp. 72-962 and 72-1046, and repealing
12 the existing sections.

13
14 *Be it enacted by the Legislature of the State of Kansas:*

15 Section 1. K.S.A. 1991 Supp. 72-962 is hereby amended to read
16 as follows: 72-962. As used in this act:

- 17 (a) "School district" means any public school district.
18 (b) "Board" means the board of education of any school district.
19 (c) "State board" means the state board of education.
20 (d) "Department" means the state department of education.
21 (e) "State institution" means Topeka state hospital, Osawatomie
22 state hospital, Rainbow mental health facility, Larned state hospital,
23 Parsons state hospital and training center, Norton state hospital,
24 Winfield state hospital and training center, Kansas neurological in-
25 stitute and any state youth center as defined by K.S.A. 38-1602,
26 and amendments thereto.
27 (f) "Exceptional children" means persons who: (1) Are school age,
28 to be determined in accordance with rules and regulations adopted
29 by the state board, which age may differ from the ages of children
30 required to attend school under the provisions of K.S.A. 72-1111,
31 and amendments thereto; and (2) differ in physical, mental, social,
32 emotional or educational characteristics to the extent that special
33 education services are necessary to enable them to progress toward
34 the maximum of their abilities or capacities.
35 (g) "Gifted children" means exceptional children who are deter-
36 mined to be within the gifted category of exceptionality as such
37 category is defined in the state plan.
38 (h) "Special education services" means programs for which spe-
39 cialized training, instruction, programming techniques, facilities and
40 equipment may be needed for the education of exceptional children.
41 (i) "Special teacher" means a person employed by a school district
42 or a state institution for special education services who is: (1) A
43 teacher qualified to instruct exceptional children as determined by

Attach # 3-3

Attached # 3-4

1 standards established by the state board and who is so certified by
2 the state board; or (2) a paraprofessional qualified to assist certificated
3 teachers in the instruction of exceptional children as determined by
4 standards established by the state board and who is so approved by
5 the state board.

6 (j) "State plan" means the state plan for special education services
7 authorized by this act.

8 (k) "Agency" means boards and the secretary of social and re-
9 habilitation services.

10 (l) "Lawful custodian" means a parent or a person acting as par-
11 ent. If none of the above is known or can be found, an agency shall
12 cause proper proceedings to be instituted pursuant to the Kansas
13 code for care of children to determine whether a child is a child in
14 need of care. For a child whose custodian is the secretary of social
15 and rehabilitation services, the term lawful custodian means the
16 secretary except, when used in K.S.A. 72-972 through 72-975, and
17 amendments to such sections, the term means an education advocate.

18 (m) "Parent" means a natural parent, an adoptive parent, or a
19 stepparent.

20 (n) "Person acting as parent" means: (1) A ~~person, other than~~
21 ~~a parent, who has physical or legal custody of a child, or is~~
22 ~~guardian or conservator; or (2) a person, other than a parent, who~~
23 ~~is liable by law liable to maintain, care for, or support the child,~~
24 ~~or is contributing the major portion of the cost of support of~~
25 ~~the child, or who has physical custody of the child with the written~~
26 ~~consent of a person who has legal custody of the child, or who has~~
27 ~~been granted custody of the child by a court of competent~~
28 ~~jurisdiction.~~

(o) "Physical custody" means providing a permanent home where the child resides and providing supervision of the child.

29 ~~(o)~~ "Education advocate" means a person appointed by the state
30 board in accordance with the provisions of K.S.A. 38-1513a, and
31 amendments thereto. A person appointed as an education advocate
32 for a child shall not be (1) an employee of the agency which is
33 required by law to provide special education services for the child,
34 or (2) an employee of the state board, the department, or any agency
35 which is directly involved in providing educational services for the
36 child, or (3) any person having a professional or personal interest
37 which would conflict with the interests of the child.

Insert new "(p)"

38 Sec. 2. K.S.A. 1991 Supp. 72-1046 is hereby amended to read
39 as follows: 72-1046. (a) Any child who has attained the age of eli-
40 gibility for school attendance may attend school in the district in
41 which the child lives if (1) the child lives with a resident of the
42 district and the resident is the parent, or a person acting as parent,
43 of the child; or (2) subject to the provisions of subsection (c), the

1 child lives in the district as a result of placement therein by a district
2 court or by the secretary of social and rehabilitation services; or (3)
3 the child is a homeless child.

4 (b) Any child who has attained the age of eligibility for school
5 attendance may attend school in a school district in which the child
6 is not a resident if the school district in which the child resides has
7 entered into an agreement with such other school district in accor-
8 dance with and under authority of K.S.A. 72-8233, and amendments
9 thereto.

10 (c) Any child who has attained the age of eligibility for school
11 attendance and who lives at the Judge James V. Riddel Boys Ranch
12 as a result of placement at such ranch by a district court or by the
13 secretary of social and rehabilitation services shall be deemed a
14 resident of unified school district No. 259, Sedgwick county, Kansas,
15 and any such child may attend school which shall be maintained for
16 such child by the board of education of such school district as in
17 the case of a child who is a bona fide resident of the district.

18 (d) As used in this section:

19 (1) "Parent" means and includes natural parents, adoptive par-
20 ents, stepparents, and foster parents;

21 (2) "person acting as parent" means (A) a legal guardian or con-
22 servator, or (B) a person, other than a parent, who has physical
23 custody of a child and has legal custody of the child, or is by
24 law liable by law to maintain, care for, or support the child, or is
25 contributing the major portion of the cost of support of the
26 child who has physical custody of the child with the written consent
27 of a person who has legal custody of the child, or who has been
28 granted custody of the child by a court of competent jurisdiction;
29 and

30 ~~(3)~~ "homeless child" means a child who lacks a fixed, regular,
31 and adequate nighttime residence and whose primary nighttime res-
32 idence is (A) a supervised publicly or privately operated shelter
33 designed to provide temporary living accommodations (including wel-
34 fare hotels, congregate shelters, and transitional housing for the men-
35 tally ill); or (B) an institution that provides a temporary residence
36 for individuals intended to be institutionalized; or (C) a public or
37 private place not designed for, or ordinarily used as, a regular sleep-
38 ing accommodation for human beings.

39 Sec. 3. K.S.A. 1991 Supp. 72-962 and 72-1046 are hereby
40 repealed.

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

(3) "Physical custody" means providing a permanent home where the
child resides and providing supervision of the child.

Insert new "(4)"

Attach #3-5

House Education Committee
HB 3076
2/2/92
United School Administrators
and
Kansas Association of Special Education Administrators

We are concerned about the requirement for "persons acting as parent" to have either written consent or court action in order to approve special education action for a child.

In most cases we believe that the natural parent would be unavailable to sign a consent.

We also are of the opinion that in the majority of the cases the care giver would not have the resources to go to court.

We think that in any case the requirement would significantly delay the school's ability to respond to some children's needs for special education.

We would prefer the current wording remain unchanged.

If the issue must be addressed we recommend care givers be provided ready access to the resources they need to meet the requirement.

Gary Bishop
KASEA Legislative Committee
233-0313 ext. 315

*Education
Attachment #4
3/2/92*

#5

Testimony of John Peterson
Kansas Association of Private Career Schools
House Education Committee
re House Bill 3077
March 2, 1992

Mr. Chairman, members of the Committee. I am pleased to appear before you today regarding House Bill 3077 on behalf of the Kansas Association of Private Career Schools. That Association is made up of 14 postsecondary educational institutions which are nationally accredited and offer a variety of programs to high school graduates in Kansas.

As private institutions, not supported by tax dollars (and in fact paying property, income, sales and other taxes) these schools must fill a training need in the marketplace and be able to quickly adjust to its changing needs and demands.

As with all independent, non tax supported institutions, some will not succeed in that marketplace and will be forced to close their doors. For many years our schools have attempted to alleviate the hardship on students at a closed institution by providing for a teachout of the students' program. Last year an electronics school in Wichita closed. Another school, at no charge, took over all of these students and the students neither lost tuition nor had their training interrupted. Such an ideal situation cannot always occur either because of a lack of schools or of specific programs being taught in the same geographic area. The Proprietary Advisory Commission has been working with the State Department of Education to come up with a workable solution.

Education
Attachment #5
3/2/92

HB 3077 establishes a tuition protection fund paid for by assessments on career schools. The amendments you have before you refine the initial draft to address several of the policy issues which both groups have discussed. These amendments would replace Section 1(a) entirely and would make an additional amendment to the current bonding law not in the original draft of 3077. It would be limited to schools operating a facility in Kansas and only students of those facilities could be reimbursed from the fund. It would continue to encourage a teachout of the students' program but would provide a reimbursement mechanism if such a teachout could not be effectuated.

Although not addressed in these amendments, the Committee should consider whether all independent institutions of postsecondary education should be covered by this plan. In recent years, and even recent weeks, we have seen closures of barber and cosmetology schools and of independent colleges.

We would urge your support for the amendments and for the passage of House Bill 3077.

Attach #5-2

Proposed amendment to House Bill 3077

John Peterson, Kansas Association of Private Career Schools

By striking all of lines 14 through 26 and in line 37 by striking "(b)" and inserting in lieu thereof

New Section 1. (a) There is hereby established in the State Treasury the Tuition Protection Fund. The fund shall consist of monies collected from fees established under this section.

(1) The State Board of Education shall collect from each initial application for approval of a proprietary school which proposes to operate any facility within the state of Kansas a fee, in addition to the statutory licensing fee, of \$200.00. (2) The State Board of Education shall collect from each proprietary school which operates any facility located in the state of Kansas, at the time of collection of the fee for renewal of a certificate of approval, and as a condition of such renewal, a fee which shall be established by the State Board in an amount not to exceed \$4.00 for each student enrolled at such facility during the preceeding year. The State Board shall collect this fee until the balance in the fund reaches \$60,000, then the Board shall discontinue the collection of such fees on renewals until such time as the balance is less than \$50,000.

(b) Fees paid to the State Board pursuant to this section shall be deposited in the State Treasury and credited to the Tuition Protection Fund. In the event that after the effective date of this act a proprietary school closes a facility located in the state of Kansas, the State board shall attempt to arrange for students of the closed school to complete their program of instruction at another proprietary school. Any expenses incurred by the State Board in attempting to assist students to continue their education or to receive a refund and any extraordinary expenses incurred by a school in providing a teachout that are directly related to educating a student placed in the school under this section may be paid from the Tuition Protection Fund. If the student cannot be placed in another school, the student's tuition and fees may be refunded under this section. If another school is willing to assume responsibility for a closed school's student with no significant changes in the quality of training, the student shall not be entitled to a refund. Attorney's fees, court costs, or damages may not be paid from the Tuition Protection Fund.

(c) In order to be eligible for payments from the fund, students of proprietary schools that have ceased operation shall submit an application for payment to the State Board. Applications shall contain such information and be prepared and submitted in such form and manner as the State Board shall require. All payments from the fund shall be made upon warrants of the Director of Accounts and Reports pursuant to vouchers approved by the State Board or by a person or persons designated by the State Board.

(d) The closed institution shall be liable to the State Board of Education for any funds paid for or on behalf of its students from this fund. All such monies recovered shall be deposited in the Tuition Protection Fund.

(e)

Also by amending Section 2, on page 2, line 24, by inserting before the period, "and that the school shall pay all obligations under Section 1 arising out of the closing of the institution during the period of time which the certificate of approval is issued."

#6

Kansas State Board of Education

120 S.E. 10th Avenue, Topeka, Kansas 66612-1182

March 2, 1992

TO: House Education Committee
FROM: State Board of Education
SUBJECT: 1992 House Bill 3077

I am Rod Bieker, Director of Legal Services for the State Department of Education. I am here today on behalf of the Kansas State Board of Education to support the concept embraced in House Bill 3077.

The State Board of Education requested the introduction of a bill to provide additional protection to the students of proprietary schools which fail or otherwise go out of business. The recent closing of a proprietary school called attention to the need for such additional protection.

The Board supports the concept of adding language to the Proprietary Schools Act which would provide for the continuance of the educational program of students of a closed proprietary school or, if that was not possible, then the refund of the tuition the student had paid for the program. The State Board believes it is appropriate to request that the funding necessary to protect students of proprietary schools be provided by those licensed to operate such schools.

Members and staff of the State Board of Education met with representatives of the proprietary schools and found support for this proposal. The Board understands that the proprietary schools will offer amendments to the bill to help clarify the statute. The State Board would not oppose amendments, if they accomplish the overall purpose desired by the State Board and do not place unreasonable requirements upon the State Board or its staff. Therefore, the State Board would ask for the Committee's support of the concept of House Bill 3077.

Legal Services
(913) 296-3204

*Education
Attachment # 6
3/2/92*

#7

Kansas State Board of Education

120 S.E. 10th Avenue, Topeka, Kansas 66612-1182

March 2, 1992

TO: House Education Committee

FROM: State Board of Education

SUBJECT: 1992 House Bill 3078

My name is Lee Droegemueller, Commissioner of Education. It is a pleasure for me to appear before this Committee on behalf of the State Board of Education.

House Bill 3078 amends statutes governing authority for unified school districts to employ noncertified personnel.

The proposed change would permit school district to employ noncertified persons, not only to supervise students in noninstructional activities as they currently may do, but also assist certified teachers in providing instructional services.

As you will notice, the new language provides that the noncertified person must be under the direct and continuous supervision of a certified teacher. The purpose of this proposed change is to permit noncertified persons to assist teachers in the instructional process.

Many educators believe that House Bill 3078 would educationally benefit many students who require a longer period of time to learn a particular subject through the assistance of noncertified persons working under the direct supervision of certified teachers. Because of this, the State Board of Education recommends that you support House Bill 3078 favorably for passage.

Dale M. Dennis
 Deputy/Assistant Commissioner
 Division of Fiscal Services and Quality Control
 (913) 296-3871

*Education
 Attachment 7
 3/2/92*



Testimony on H.B. 3078
before the
House Committee on Education

by

Patricia E. Baker
Associate Executive Director/General Counsel
Kansas Association of School Boards

March 2, 1992

Mr. Chairman, Committee members, I appear in support of H.B. 3078. Section 2(a), page 3 is a welcome clarification of the law. The change from dealing with salary to specifically prohibiting the employment of non-certificated persons in teaching and administrative positions will be helpful.

Section 2(b), if adopted, would allow non-certified staff to assist teachers in many activities relative to preparation, supervision and organization. To some extent this simply puts into statute what is the current practice. The use of paraprofessionals and teacher aides has expanded as a means to alleviate the workload of classroom teachers. To the extent that these employees are supervised by certificated staff, this is a practice that should be continued. We hope you will recommend H.B. 3078 favorably for passage.

Thank you for your consideration.

#8
Education
Attachment #8
3/2/92



#9

KANSAS NATIONAL EDUCATION ASSOCIATION / 715 W. 10TH STREET / TOPEKA, KANSAS 66612-1686

Testimony before the
House Education Committee
Peg Dunlap, Kansas NEA
HB 3078
Monday, March 2, 1992

Thank you, Mr. Chairman and members of the committee. My name is Peg Dunlap and I am here today representing the 24,000 members of Kansas NEA to speak in opposition to HB 3078.

This bill would allow noncertified persons to perform instructional functions.

We believe the amendments offered in this bill set a dangerous precedent, one that erodes the very essence of the teaching profession - namely, the requirement that a person earn a teaching license before being allowed to practice the art and science of teaching in Kansas.

This license is the State's guarantee to the public that the bearer has met certain requirements and has demonstrated his or her ability to perform tasks required of that profession.

To allow someone who does not hold a license to practice a profession is unethical and, usually, illegal. This is certainly the case with other licensed professions in Kansas, such as medicine, law, cosmetology, engineering, mortuary science, etc.

Our strong opposition to this bill is definitely not to be interpreted as a denigration of the role of nonlicensed personnel in the field of education. Teacher aides, teacher associates, paraprofessionals all play extremely important roles. Their

Education
Attachment #9
3/2/92

presence is valued in schools, their work is essential. Their work is different from that of licensed personnel.

The question I would urge you to ask is, why are these amendments being proposed?

I have heard several arguments for them. The most disturbing is that "districts are already doing this, and it's hard to monitor them or stop them, so we might as well make what they're doing legal." You can imagine the damage and chaos that would ensue if that line of logic were to be broadly applied.

Another argument favors that ever-popular word, deregulation. Many in the Department of Education and elsewhere believe that this concept is necessary and in the best interests of Kansas schools. Certainly there are rules and regulations that should be examined, modified, or possibly revoked. There are others that must be maintained.

The State Board's own Accreditation Advisory Committee has recommended that of the current existing regulations, one of the few that must be kept is the requirement that teachers hold valid licenses and that noncertified personnel be limited to noninstructional duties (91-31-7).

Another that they recommend keeping, 91-31-4, allows schools to request a waiver of other specific regulations if they make it impossible to conduct "special, exemplary or innovative programs". If the regulation on licensure of staff can be demonstrated to be harmful, there is already an option for waiver.

Deregulation may be in the best interest of schools, but we do not believe that in this case it is in the best interest of

Attach #9-2

students.

We believe that these amendments would require licensed personnel to behave unethically, we believe that they are harmful to the profession and to the students that licensed teaching professionals serve, and we believe they are, at the very least, unnecessary. We urge you not to pass HB 3078.

Attach ~~to~~ 3

Proposed Amendment to House Bill No. 2835

On page 1, in line 20, before "Section", by inserting "New"; in line 22, by striking "appropriated therefor or"; also in line 22, by striking "by the"; in line 23, by striking "legislature" and inserting "under the provisions of subsection (c)";

On page 2, in line 18, by striking all after "(c)"; by striking all of line 19; in line 20, by striking all before "state" and inserting "The"; in line 21, by striking all after "shall"; by striking all of line 22; in line 23, by striking all before the period and inserting "certify to the director of accounts and reports the entitlements of school districts determined under the provisions of subsection (b), and an amount equal thereto shall be transferred by the director from the state general fund to the school district capital improvements fund for distribution to school districts";

Also on page 2, in line 25, by striking "a time to be" and inserting "times"; in line 26, after "education", by inserting "to be necessary to assist school districts in making scheduled payments pursuant to contractual bond obligations"; in line 28, after "district", by inserting "entitled to payment from the fund"; following line 32, by inserting two new sections as follows:

"Sec. 2. K.S.A. 1991 Supp. 75-6704 is hereby amended to read as follows: 75-6704. (a) The director of the budget shall continuously monitor the status of the state general fund with regard to estimated and actual revenues and approved and actual expenditures and demand transfers. Periodically, the director of the budget shall estimate the amount of the unencumbered ending balance of moneys in the state general fund plus the unencumbered ending balance of moneys in the state cash operating reserve fund for the current fiscal year and the total amount of anticipated expenditures, demand transfers and encumbrances of moneys in the state general fund for the current fiscal year. If the amount of such unencumbered ending balance in the state general fund plus

*Education
Attachment #10
3/2/92*

such unencumbered ending balance in the state cash operating reserve fund is less than \$100,000,000, the director of the budget shall certify to the governor the difference between \$100,000,000 and the amount of such unencumbered ending balance in the state general fund plus such unencumbered ending balance in the state cash operating reserve fund, after adjusting the estimates of the amounts of such demand transfers with regard to new estimates of revenues to the state general fund and to the state cash operating reserve fund, where appropriate.

(b) Upon receipt of any such certification and subject to approval of the state finance council acting on this matter which is hereby declared to be a matter of legislative delegation and subject to the guidelines prescribed by subsection (c) of K.S.A. 75-3711c and amendments thereto, the governor may issue an executive order reducing, by applying a percentage reduction determined by the governor in accordance with this section, (1) the amount authorized to be expended from each appropriation from the state general fund for the current fiscal year, other than any item of appropriation for debt service for payments pursuant to contractual bond obligations or any item of appropriation for employer contributions for the employers who are eligible employers as specified in subsections (1), (2) and (3) of K.S.A. 74-4931 and amendments thereto under the Kansas public employees retirement system pursuant to K.S.A. 74-4939 and amendments thereto, and (2) the amount of each demand transfer from the state general fund for the current fiscal year, other than any demand transfer to the school district capital improvements fund for distribution to school districts pursuant to section 1 and amendments thereto.

(c) The reduction imposed by an executive order issued under this section shall be determined by the governor and may be equal to or less than the amount certified under subsection (a). Except as otherwise specifically provided by this section, the percentage reduction applied under subsection (b) shall be the same for each item of appropriation and each demand transfer and

shall be imposed equally on all such items of appropriation and demand transfers without exception. No such percentage reduction and no provisions of any such executive order under this section shall apply or be construed to reduce any item of appropriation for debt service for payments pursuant to contractual bond obligations or any item of appropriation for employer contributions for the employers who are eligible employers as specified in subsections (1), (2) and (3) of K.S.A. 74-4931 and amendments thereto under the Kansas public employees retirement system pursuant to K.S.A. 74-4939 and amendments thereto or any demand transfer to the school district capital improvements fund for distribution to school districts pursuant to section 1 and amendments thereto. The provisions of such executive order shall be effective for all state agencies of the executive, legislative and judicial branches of state government.

(d) If the governor issues an executive order under this section, the director of accounts and reports shall not issue any warrant for the payment of moneys in the state general fund or make any demand transfer of moneys in the state general fund for any state agency unless such warrant or demand transfer is in accordance with such executive order and such warrant or demand transfer does not exceed the amount of money permitted to be expended or transferred from the state general fund.

(e) Nothing in this section shall be construed to (1) require the governor to issue an executive order under this section upon receipt of any such certification by the director of the budget; or (2) restrict the number of times that the director of the budget may make a certification under this section or that the governor may issue an executive order under this section.

~~(f) -- The provisions of this section shall take effect and be in force on and after July 17, 1991.~~

Sec. 3. K.S.A. 1991 Supp. 75-6704 is hereby repealed.";

By renumbering section 2 as section 4;

In the title, in line 17, after "districts", by inserting "; amending K.S.A. 1991 Supp. 75-6704 and repealing the existing section"

Attach #10-3