

Approved Gary Blumenthal Date 2-10-92

MINUTES OF THE House COMMITTEE ON Governmental Organization

The meeting was called to order by Rep. Gary Blumenthal at Chairperson

9:10 a.m./~~p.m.~~ on February 4, 1992 in room 522-S of the Capitol.

All members were present except:

All present

Committee staff present:

- Carolyn Rampey, Research Dept.
- Avis Swartzman, Revisors Office
- Nita Shively, Committee Secretary

Conferees appearing before the committee:

- Glen Yancey, Commissioner, Rehabilitation Services, SRS
- Lila Pasley, Executive Director, TARC
- Martha Gabehart, Executive Director, KS Commission on Disability Concerns
- Patty Gerdel, parent
- Yo Bestgen, Executive Director, KARF
- Faith Loretto, Dept. of Administration
- R.M. Steinman, Full Citizenship Inc.

Chairman Blumenthal called the meeting to order when quorum was present.

Hearing on HB 2800 - An act concerning the transitional planning act.

Chair recognized Glen Yancey, who appeared as a proponent of HB 2800, furnishing written testimony, (Attachment 1). Mr. Yancey emphasized that the successful transition from school to the adult world and workplace is essential for any person in order to become a self-reliant adult. Therefore, it is vital for individuals with disabilities to receive the necessary services in order to attain that goal.

HB 2800 will start the planning process at an earlier age (16), revise the language in the 1986 bill to conform with new federal law and direct development of a state-wide network of local transition councils. Mr. Yancey expressed confidence that this bill will strengthen the state mandate to serve this group.

Discussion followed. In response to questions Mr. Yancey advised that continued efforts are taking place to improve cooperation between SRS and the Board of Education. He noted there are major problems in determining who pays for what. It was also pointed out that there is no money involved in transition councils; this is not an additional budget item. In addition, the home district is legally responsible for providing fully accessible education for any student with disabilities. The fiscal impact came under scrutiny also.

Chair recognized Lila Pasley, who appeared in support of HB 2800, furnishing written testimony, (Attachment 2). She emphasized the benefits of lowering the age for transition services to 16. Early planning will enable enhancement of independent living skills and improve functional job abilities.

Ms. Pasley directed members' attention to the recent SRS Task Force Report by the subcommittee on Mental Retardation and Developmental Disabilities. Two of their recommendations were to allow individuals to make informed choices and to develop services based on individual needs.

Martha Gabehart spoke briefly in support of HB 2800, furnishing written testimony, (Attachment 3). Ms. Gabehart stated that she is in total agree-

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 House COMMITTEE ON Governmental Organization,  
room 522-S, Statehouse, at 9:10 a.m./~~p.m.~~ on February 4, 1992

ment with Mr. Yancey's testimony. She further noted that she attended a commission meeting recently and all members agreed that it is a very important issue. They would like to see more counselors to assist in this area.

Chair recognized Patty Gerdel, who testified and presented written testimony in support of HB 2800, (Attachment 4). Mrs. Gerdel described to the committee how her involvement in transition councils eventually resulted in her son receiving attendant care through the Home and Community Based Waiver and his obtaining employment with McDonalds. Although her 21 year-old son, with C/P, was considered too disabled to be part of sheltered workshop activities, he has benefited from transition planning. Mrs. Gerdel feels that services coordination is an absolute must for individuals with disabilities and their families also.

Yo Bestgen testified and furnished written testimony in support of HB 2800, (Attachment 5). She pointed out how providers must struggle with a long waiting list (1400) and how individuals with disabilities can be served more effectively with early transition planning. In many instances an individual can be diverted to a less costly and restrictive program.

R.M. Steinman added his input to the above testimony citing the experience of his agency with regard to transition planning. He agreed with Ms. Bestgen that when no transition planning is available, an individual winds up in a more restrictive environment. Coordinating efforts is essential, especially on the local level. This can also be considered a preventive measure since it can result in fewer people on welfare roles.

Hearing closed on HB 2800.

Hearing continued on HB 2723.

Faith Loretto briefed the committee on this bill in order to clear up some of the questions that arose during yesterday's hearing. She went through the required steps that an agency must take before rules and regulations can be adopted. Ms. Loretta stated that under this proposed bill, the length of time for public notice is the same--only the time period at the end would be shorter. This would eliminate some administrative difficulties.

Second hearing closed on HB 2723.

Chair again urged members to avoid being late so committee meetings can begin on time.

Meeting adjourned at 10:15 a.m. Next meeting will be at 9:00 a.m. on February 10th in Room 522-S.



Kansas Department of Social and Rehabilitation Services  
Donna Whiteman, Secretary

**Presenter's name:** Glen Yancey  
Acting Commissioner  
Rehabilitation Services  
(913) 296-3911

**Topic:** Testimony in support of HB 2800

**Date:** February 4, 1992

**Committee:** Governmental Organization

Mr. Chairman and Members of the Committee: On behalf of the Secretary of Social and Rehabilitation Services, I thank you for the opportunity to present you with this testimony in support of HB 2800.

Transition from school to the adult world of work and community living is especially challenging for special education students with disabilities. In spite of their progress through special education, and a heightened awareness of the importance of participating in their communities, many of these students face an uncertain future upon leaving school.

Note these rather alarming statistics provided by the University of Kansas Special Education Department:

- \* Students with disabilities have only a 35 to 45 percent chance of finding full-time work after leaving school. The probability of future employment decreases over time, other factors being equal.
- \* Special education graduates and school leavers earn minimum wage or less. About 80 percent of workers with disabilities earn less than \$7,000 a year. Half of this group of workers earn less than \$2,000.
- \* Special education students drop out more often than non-disabled students. Those who drop out aren't employed or earn less than those who complete school. Dropout rates are estimated at 30%.
- \* Special education graduates continue to live at home with their parents three to five years after leaving school. More often than not, this time is spent on a waiting list for community services.
- \* Parents of special education graduates report that their sons' and daughters' psycho-social needs remain their number one problem during the postschool years.
- \* While increasing in number, postsecondary options for training, continued education, employment or integration into the community are inadequate in quantity and quality. If residential and employment opportunities are not available and there are no outlets to use the skills learned in school, these young adults with disabilities are almost certain to experience a functional loss.

90 2-4-92  
attachment 1

Our experience since the original transition planning legislation was passed in 1986 shows us that more positive outcomes are possible. Through transition planning, students with severe disabilities and their parents have received:

- \* Information and referral about available services, and assistance in contacting community programs prior to graduation
- \* Counseling to help identify individual strengths and goals
- \* Advocacy in the Individual Education Plan process to assure that the student will receive a functional education and/or work experience, which can help them achieve community employment and living
- \* Advocacy with employers
- \* Assistance in identifying opportunities for social integration, such as activities at YMCAs, churches, civic groups, peer support groups and family organizations

Transition planning can help special education students progress directly from school to employment or other services. The continuity of services and activity helps assure that they will retain - and even advance - the functional capability they had when they left school.

Since 1986, 72% of the participants reported that transition planning was very useful.

- \* A case history from our files perhaps is the best illustration of the positive impact of transition planning. Mary, a young woman with cerebral palsy, lives in a small community in eastern Kansas. Her parents never dreamed she would work in community employment. At 21 years of age, in her last year of school, Mary worked with a transition counselor to review her abilities and goals. She and her parents thought about life goals, learned about service options and worked with the school and adult service programs to achieve community employment. This planning led to a job at Long John Silver's as a customer service specialist. She enjoys the financial and social benefits of a community job. The restaurant realizes the productivity of a reliable employee. Kansas taxpayers realize a return on their special education investment.
- \* This positive experience in Kansas is supported by a national study published in the February 1992 Exceptional Children magazine. It showed that 80 percent of the students with mild disabilities were employed after receiving transition services similar to those being provided in Kansas.

Passage of HB 2800 would allow some important improvements in the transition planning process in Kansas.

- 1) Special education students will be able to receive transition planning at an earlier age. Students will have enhanced independent living skills and improved functional job skills for future employment.

*g. o 2-4-92  
attachment 1-2*

- 2) HB 2800 will complement the recent federal Americans with Disabilities Act (ADA) and the Individuals with Disabilities Education Act (IDEA). In anticipation of services IDEA will require, Rehabilitation Services and the Kansas State Board of Education (KSBE) are working on an interagency agreement to further coordinate services and eliminate duplication. HB 2800 would positively impact this collaboration. The successful transition of youth with disabilities from school to work and adult life depends largely upon collaborative planning and cooperation of school personnel, transition service providers, post-secondary personnel, and employers.
- 3) There are now approximately 10,000 secondary special education students in Kansas. Will they face an uncertain future? Curtis Hartenberger, USD 501 school board member, recently stated that 4 of the 10 individuals on the KBI most wanted list are former special education students.

In contrast, transition services improve opportunities for special education students to achieve integrated employment and living as contributing members of their communities. Tax-users become tax-payers. **This program is prevention oriented, not crisis driven.**

- 4) The transition councils recommended in HB 2800 will provide a grass roots effort to improve opportunities for individual students. Councils are a representative group of persons with disabilities and their families, school personnel, adult service agency personnel, employers and members of the general public. The councils develop annual plans to improve secondary special education, transition and transition planning services in their communities. The **essence** of these councils is that they function at the local level. The members of the councils work together, supported by the strength of their own communities while assessing, planning and working to solve common problems and maximizing resources.

On behalf of Secretary Donna Whiteman, I respectfully request the passage of HB 2800. Thank you.

*g.o. 2-4-92  
attachment 1-3*



*Hope through understanding*

February 4, 1992

TO: Representative Gary Blumenthal, Chair  
Members of the House Governmental Organization  
Committee

FROM: Lila Paslay, Chair  
Bob Geers, Coordinator  
Legislative Affairs Committee

RE: H. B. 2800

On behalf of the 5,000 members of the Association for Retarded Citizens of Kansas, I appear before you in support of H.B. 2800.

Since the inception of transition services in Kansas, we have been encouraged that for the first time parents, vocational rehabilitation staff, special education professionals and community providers have had the opportunity to meet together to discuss and plan for the future of individuals with mental retardation/developmental disabilities. In many instances, it has made a significant difference in the lives of individuals and families.

Even though the legislature has responded to the needs of persons with mental retardation/developmental disabilities in the community, there still exists a lengthy waiting list. By moving the age for transition services to 16 years, individuals can be placed on waiting lists earlier and perhaps avoid several years of being without services. The earlier age also provides community programs an opportunity to plan for the individuals needs

This earlier date would also allow public schools to provide education that will be more relevant to the future of the student. For those students who have employment opportunities during their school years, a smooth transition for continued employment is more likely to occur.

The success of transition services has varied across the state. Many communities have developed Transition Councils which discuss not only the issues of individuals but address the availability of services in the community as well.

The SRS Task Force Subcommittee on Mental Retardation and Developmental Disabilities recommendations include two conclusions that can be enhanced by earlier transition services:

*J.O. 2-4-92  
Attachment 2*

"All individuals and/or their guardians shall have opportunities to make informed choices including, but not limited to, where to live, work and play....."

"Each individual shall receive services tailored to address their unique personal strengths and needs rather than based on the availability of services."

We urge you to support H.B. 2800.

g.o. 2.4-92  
attachment 2-2





# Kansas Department of Human Resources

Joan Finney, Governor  
Joe Dick, Secretary

## Commission on Disability Concerns

1430 S.W. Topeka Boulevard, Topeka, Kansas 66612-1877

913-296-1722 (Voice) -- 913-296-5044 (TDD)

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TESTIMONY IN SUPPORT OF HB 2800  
HOUSE GOVERNMENTAL ORGANIZATION COMMITTEE  
by MARTHA K. GABEHART, EXECUTIVE DIRECTOR  
on February 4, 1992

Thank you for the opportunity to testify in support of House Bill (HB) 2800. HB 2800 would establish transition planning services for individuals with disabilities presently in Special Education.

Transition services are necessary to teach students with disabilities how to live independently prior to graduation. Such independent living skills include how to use local transportation, locating housing and the responsibilities of living in rented housing, living within a budget, finding training in order to get a job and finding a job. Also included in a good transition plan would be locating the services needed in order to maintain community living. These might be home health services, transportation services or personal care assistance.

Without transition skills, most individuals who have been through Special Education are dependent on others to take care of them. There are classes now for non-disabled students on independent living skills. It is imperative these skills also be taught to Special Education students even though they require more specific training, more repetition to teach or are more far reaching in context than classes for non-disabled students.

HB 2800 formally brings Kansas into compliance with the Individuals with Disabilities Education Act (IDEA) (formerly called the Education for All Handicapped Children's Act). KCDC encourages the passage of HB 2800.

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*g.o 2-4-92  
attachment 3*

Testimony presented by Patty Gerdel, Parent of a young adult with a disability.

I am here today to discuss transition planning and the value transition planning has been to our family. My son Keith is 21 years old and graduated last year. He has received special education services since age 7 when he entered the public school. Prior to that time, we were in a small town in Missouri where education services were few for children with disabilities.

It is important for me to feel that you have a sense of the disabilities by son has contended with and yet I do not want to do a list of technical medical terms. Let it suffice to say that when Keith was diagnosed with Cerebral Palsy, the doctor told us to take him home and love him as that was about all we could do. I would also like to state that when we began to discuss what Keith would do when he left school, we found that his disabilities were too severe for him to be part of work center or sheltered workshop activities. He qualified for adult day care.

When Keith was 19, we began talking with the school about transition planning and I became very involved with the transition activities going on in Kansas. I have participated in the state and local transition councils. We began to learn of the many programs of supported employment and independent living. We learned that all adults with disabilities do not need to go to sheltered programs or live in group homes. We began to dream. To me, transition planning means dreaming with persons that can work with you to make things happen.

I often feel that we should rename transition planning and call it interagency planning because therein lies the real value for families. After a person with a disability turns 18, there are endless things that must be done, from application for Social Security Income benefits to application for a medical card, registration for the draft, guardianship, application for rehabilitation services, and the list goes on. Through transition planning, we were able to get the interagency planning that is so necessary for families in order to understand the possibilities.

I am pleased to report that Keith now has attendant care through the Home and Community Based Waiver and is employed by McDonalds 2½ hours a day and he is receiving minimum wages. We have overcome the transportation problem by making our van, which is equipped with a lift, available to meet Keith's needs. We must keep in mind that this is not an option for most young adults with transportation needs and continue to strive for adequate public transportation.

The Americans With Disabilities Act is, I believe, a law to make inclusion happen for persons that have been discriminated against for too long. Transition planning is the piece that families need to help them plan for inclusive lives, not just at the point of exit from school, but for a lifetime.

Only through linking our education agencies with our adult service agencies can we find ways, creative ways, to provide persons with a disability with the lifestyle they are so much entitled to.

I have long said that all families that include an infant, child, or young adult with a disability need extensive, unbiased, services coordination. I have been told that this is very costly and not possible for the state to provide. Possibly through programs such as this transition legislation we can at least provide this services coordination at a time when young adults and families need it so much.

Thank You.

*J.O. 2-4-92*  
*Attachment 4*



# Kansas Association of Rehabilitation Facilities

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TO: Representative Gary Blumenthal  
Chair, House Governmental Organ. Committee

FROM: Kansas Association of Rehabilitation Facilities  
Yo Bestgen, Ex. Director

RE: HB 2800; transition planning services

DATE: Feb. 4, 1992

My name is Yo Bestgen and I am the Executive Director of the Kansas Association of Rehabilitation Facilities. The KARF represents forty-one community providers which offer vocational/day activity, community living alternatives, independent support services and other community support programs and services. The services offered by these programs serve the largest number of special education students with mental retardation and developmental disabilities upon their graduation.

Our Association would request your support of HB 2800 which strengthens the transition planning services for children. This bill offers several improvements: planning is for all students with disabilities and it begins the planning at age sixteen.

From the view of the provider for adult services the earlier that the planning begins the better able the adult system is to design appropriate and cost effective services. Kansas has been struggling with an ever growing waiting list for community services. Today the numbers waiting for services is nearly 1,400. With early transition planning services many of those students could be served in a less costly manner and in some situations not even require direct services as an adult. If the adult service system could have early information than we could plan for programs that serve the direct needs of the individual.

I would urge your support of HB 2800 so that students with all disabilities can better be served while still in special education and so that the adult system can better be prepared for their needs when they become adults.

Thank you.

*g. O 2-4-92  
attachment 5*