

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION AND ELECTIONS.

The meeting was called to order by the Chair, Rep. Carol Dawson, at approximately 9:00 a.m. on March 7, 1996 in Room 521-S of the Capitol.

All members were present except: Rep. Dee Yoh, Excused

Committee staff present: Dennis Hodgins, Legislative Research Department  
Carolyn Rampey, Legislative Research Department  
Jim Wilson, Revisor of Statutes  
Donna Luttjohann, Committee Secretary

Conferees appearing before the committee: Rep. Doug Mays  
Rep. Rocky Nichols  
Rep. Vaughn Flora  
Judy Krueger, Governor's Office  
Rep. Terry Presta  
Elias Garcia, Buena Gente  
Ana Riojas, KS Association of Hispanic Republicans  
Arthur Solis, American GI Forum of KS  
Phil DeLaTorre  
Scott Stone, KAPE  
Ascension Hernandez, LULAC  
Wayne Franklin, Secretary  
KS Dept of Human Resources  
O'Connell, Secretary of KDHE  
Jill Crumpacker, Governor's Office  
Rep. Ed McKecknie  
Carol Dermeyer, KS Dept of Education  
Rep. Pat Pettey  
Tom Laing, Interhab  
Donna Delaney, Hospital to Home  
Transition Program  
Dr. Laura Clark, Manhattan School District  
Lorraine Bockorny, Exec Dir, Rainbows United

Others attending: See attached list

**Hearing on:**

**HCR 6011: Disapproves ERO 28 relating to Kansas Human Rights Commission, advisory commission on hispanic affairs**

Madam Chairman Dawson requested Carolyn Rampey of the Legislative Research Department brief the Committee on the resolution. See Attachment 1.

Rep. Doug Mays was recognized by the Chair. He testified to the need of this resolution. See Attachment 2.

Rep. Rocky Nichols was recognized by Madam Chairman Dawson. He testified as a proponent of the bill and asked the Committee to consider the bill introduced in the Appropriations Committee that would set up the African-American Affairs Advisory Commission. See Attachment 3.

Rep. Vaughn Flora was recognized by Chair Dawson. He testified of the need to maintain the work of KACHA to educate Hispanics arriving from other states and Mexico, Puerto Rico and Cuba. See Attachment 4.

Judy Krueger was recognized by Chair Dawson as an opponent of HCR 6011. She testified that there were three primary factors that led to the Governor's ERO 28. The factors are cost, benefit and guidance from the U.S. Civil Rights Commission. See Attachment 5.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION AND ELECTIONS, ROOM 521-S Statehouse at 9:00 a.m. on March 7, 1996.

Madam Chairman Dawson recognized Elias Garcia as a proponent of the resolution. He testified that the proposed multi-cultural agencies are doomed for failure as past studies have proven. See Attachment 6.

Chair Dawson recognized Ana Riojas as a proponent of HCR 6011. She testified that the ERO 28 is deceptive in its intent and prejudicial in the method of its creation. See Attachment 7.

Madam Chairman Dawson recognized Arthur Solis as a proponent of HCR 6011. He testified that recent studies found that a coordinating council would not be able to meet the specific needs of each separate group and that needs would be better addressed through the establishment of separate commissions. Attachment 8.

Phil DeLaTorre was recognized by Chair Dawson in support of HCR 6011. He testified that the result of ERO 28 would undermine the effectiveness of the Kansas Human Rights Commission and the Kansas Advisory Committee on Hispanic Affairs. See Attachment 9.

Scott Stone was recognized by Madam Chairman Dawson as a proponent of HCR 6011. He testified that they are not asking for separation but to retain diversity and not roll everything together. See Attachment 10.

Chair Dawson recognized Ascension Hernandez as a proponent of the resolution. He testified that the Governor's ERO 28 would confuse the main issue of the Kansas Human Rights Commission which is to process formal discrimination complaints. See Attachment 11.

Wayne Franklin was recognized by Madam Chairman Dawson as an opponent of HCR 6011. Mr. Franklin testified that the Governor's ERO 28 is possibly the best way to solve the problem of the state working equally for all ethnic minority groups. See Attachment 12.

**The hearing on HCR 6011 was closed.**

**Hearing on:**

**HCR 6012: Disapproves ERO 27 that would transfer the administration of the Infants and Toddlers Program from the Department of Health and Environment to the State Board of Education.**

Madam Chairman Dawson requested Carolyn Rampey of the Legislative Research Department brief the Committee on the resolution. See Attachment 13.

James O'Connell was recognized by Chair Dawson as a proponent of the ERO 27. He testified that the program is based in the Department of Education on the Federal level and that Part H is the only involvement that KDHE has with this federal department. See Attachment 14.

Jill Crumpacker was recognized by Madam Chairman Dawson as a proponent of the ERO 27. Ms. Crumpacker testified that Part H requires interagency coordination and collaboration among agencies involved with the infants and toddlers with disabilities and their families and that it serves an important role in supporting community-based and family-centered services across the state. See Attachment 15.

Chair Dawson announced to the Committee that Rep. Ed McKechnie was scheduled to testify in opposition of the ERO 27 and his written testimony was made available to Committee members. See Attachment 16.

Carol Dermeyer was recognized by Madam Chair Dawson as a proponent of the ERO 27. She testified that the Dept. of Education would make every effort that the transfer of the lead agency does not interfere with the services of the infants and toddlers and their families. See Attachment 17.

Rep. Pettey was recognized by the Chair. She asked for the Committee's support for the Governor's ERO 27 which would be in the best interest for children and families.

Tom Laing was recognized by the Chair as a proponent of HCR 6012. He testified that KDHE is the agency that the infant and toddlers program should be administered because they have the

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experience and knowledge in the early childhood and health related services which are essential to the success of Part H. See Attachment 18.

Madam Chairman Dawson recognized Donna Delaney in support of HCR 6012. She testified that family support skills and medical support are crucial to the success of assisting the children. This is best accomplished through Part H being administered through KDHE. See Attachment 19.

Dr. Laura Clark was recognized by Chair, Carol Dawson. She testified that when the Department of Education assumes the administration of Part H, the duplication of systems will be alleviated. See Attachment 20.

Lorraine Bockorny was recognized by Chair Dawson. She testified in favor of HCR 6012 and noted additional support from associates was provided in written testimony. See Attachment 21.

**The hearing on HCR 6012 was closed.**

Madam Chairman adjourned the meeting at 10:30 a.m. and announced that the next meeting would be March 8, 1996, at 9:00 a.m. at the Capitol in Room 521-S.

**GOVERNMENTAL ORGANIZATION AND ELECTIONS  
COMMITTEE GUEST LIST**

DATE: March 7, 1996

NAME	REPRESENTING
<i>Denith MacPherson</i>	<i>citizen</i>
<i>Callie J Denton</i>	<i>KS Insurance Dept.</i>
<i>Arthur W. Solis</i>	<i>American GI Forum of KANSAS</i>
<i>Judy Krueger</i>	<i>Gov's Office</i>
<i>Mary Brown Handeman</i>	<i>citizen</i>
<i>Belva E Wilson</i>	<i>citizen</i>
<i>Cornie Hafenstein</i>	<i>KDOT</i>
<i>Beth Boy</i>	<i>DPS</i>
<i>John Carlin Ozeovic</i>	<i>KDHR</i>
<i>Phil DeLaJorre</i>	<i>citizen</i>
<i>ANA RIOJAS</i>	<i>KS ASSOC. of Hispanic Republicans</i>
<i>ED ZAMARRIPA</i>	<i>Citizen</i>
<i>Tina Clark</i>	<i>USD #383, FHCC, Citizen</i>
<i>Doug Bowman</i>	<i>CCELOS</i>
<i>Robert G. Lay</i>	<i>KHRC</i>
<i>Alberta Sandecker</i>	<i>Citizen</i>
<i>Jennifer Barnhart</i>	<i>Three Lakes Educational Coop. K.V.B</i>
<i>Carol Demyer</i>	<i>KSBE</i>
<i>Jill Cumpacker</i>	<i>Governor's Office</i>

GOVERNMENTAL ORGANIZATION AND ELECTIONS  
COMMITTEE GUEST LIST

DATE: March 7, 1996

NAME	REPRESENTING
Marnie Campbell	KSBE
<i>[Signature]</i>	CMP
Michael Spring	KSBE
Martha Cannon	Kansas Insurance Department
Sandra Clark	Kansas Insurance Dept
Alroy G. Scroggins	Blk Demo Club of KS.
Colleen Kruger	Senator Kark
Aracoma Hernandez	KANSAS LULAC
Viviano Revelas	GET Forum
Vanoyhn J. Stora	Rep 57th District
Jacalyn Muddell	Topeka Sentinel
Stella Thyrcill	KSNT TV
<i>[Signature]</i>	Boenbros United Inc Wichita
H. Lamy	InterTab
<i>[Signature]</i>	KDHE
Cassie Hamer	KDHE
Karen Lourey	<i>[Signature]</i>
Gasque, Charles	SDE
David Lindeman	KUAP



# MEMORANDUM

## Kansas Legislative Research Department

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February 20, 1996

**To:** Senate Committee on Federal and State Affairs

**From:** Mary Galligan, Principal Analyst

**Re:** ERO 28

ERO 28 would designate the existing Kansas Human Rights Commission (HRC) as the Kansas Commission on Diversity and Human Rights on July 1, 1996. The new Commission would be the successor to the HRC and the existing Kansas Advisory Committee on Hispanic Affairs (KACHA). The latter entity would be abolished by the ERO. All members and employees of the HRC would continue as members and employees of the new agency. Any employees of KACHA determined by the new Commission to be necessary to perform duties of the Commission or of its Office of Multicultural Affairs would be transferred to and become officers and employees of the new Commission. The position of Executive Director of the KACHA would be abolished. The new agency would inherit all statutory duties of the HRC and all existing HRC and KACHA legal responsibilities and liabilities, rules and regulations, and orders and directives which would continue in effect until they are changed in accordance with law.

The new Commission would have primary responsibility for:

- endeavoring to eliminate prejudice because of race, religion, color, sex, disability, national origin, or ancestry and to further good will, cooperation, and conciliation among individuals in these various groups in a framework of personal responsibility;
- promoting greater understanding, awareness, appreciation, and a discussion of issues relating to race and color, ethnicity, national origin and ancestry, gender, disability, and religion;
- promoting a culturally rich environment built on inclusion and inclusive policies and practices;
- promoting an understanding of goals and needs that are common to all citizens of Kansas; and
- promoting equal opportunity for all persons in education, civil rights, employment, economic development, and housing.

In order to fulfill its responsibilities, the new Commission would be authorized to:

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- gather and disseminate information, and conduct hearings, conferences, and studies regarding specified matters;
- develop plans and recommendations for policies, procedures, programs, services, or legislation addressing issues of equal opportunity, diversity, and inclusion, and transmit those plans and recommendations to the Governor or to state or local governmental agencies;
- coordinate, assist, and cooperate with appropriate state or local governmental agencies servicing the needs of particular groups, especially in the areas of culture, education, employment, health, housing, welfare, and recreation;
- develop, implement, and evaluate specified programs of public education and awareness;
- create advisory agencies, task forces, and local, regional, or statewide conciliation councils to assist in carrying out the purposes of the Order, implement special projects or carry out recognition ceremonies;
- seek and enlist the cooperation and assistance of private, charitable, religious, labor, civic, and benevolent organizations in carrying out the purposes of the Order;
- accept contributions from any person to assist in carrying out the Order;
- solicit, receive, and expend federal funds, subject to the provisions of appropriations acts, in order to carry out the purposes of the Order; and
- enter into contracts and agreements with any federal agency to fulfill the Commission's purposes.

The ERO would create an Office of Multicultural Affairs headed by a director under the new Commission. The director would be appointed by the Governor to an unclassified civil service position. The director would be under the supervision and direction of the new Commission and would be responsible for the new purposes, functions, duties, and powers of the Commission.

The ERO would direct the Secretary of Human Resources and the Executive Director of the new Commission to consult and reach agreement regarding the disposition of all property, property rights, and records which were used for or pertain to the performance of the powers and duties of KACHA. Any disputes regarding the disposition of property, personnel, records or the unexpended balance of any appropriation resulting from the Order would be resolved by the Governor whose decisions would be final.



**DOUG MAYS**  
 REPRESENTATIVE, FIFTY-FOURTH DISTRICT  
 SHAWNEE COUNTY  
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STATE CAPITOL—ROOM 182-W  
 TOPEKA, KS 66612-1504  
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TOPEKA

HOUSE OF  
 REPRESENTATIVES

COMMITTEE ASSIGNMENTS  
 CHAIRMAN — RULES AND JOURNAL  
 VICE CHAIRMAN — LOCAL GOVERNMENT  
 MEMBER — TAXATION  
 JUDICIARY  
 CHAIRMAN — SHAWNEE COUNTY DELEGATION

## House Resolution 6011

### Testimony of Representative Doug Mays

House Resolution 6011 disapproves Executive Order No. 28 which would dissolve the Kansas Advisory Committee on Hispanic Affairs (KACHA) and transfer its budget and functions to the Human Rights Commission and, in turn, rename that agency.

The Kansas Advisory Committee on Mexican-American Affairs (KACMAA) was established in 1974 to, among other objectives, research the economic and social effects of the increasing Hispanic population in Kansas and to analyze the issues concerning Hispanics. The agency's responsibilities were expanded in 1979, and in 1986 was given its present name in recognition of the large influx of Hispanics from countries, cultures and origins other than just Mexico.

Today, Kansas has an even larger and still rapidly growing Hispanic population. This segment of Kansans, many relatively new to our state, exhibit numerous cultural and linguistic distinctions and unique community concerns. The need for KACHA is greater today than in 1974.

The agency into which KACHA would disappear under ERO No. 28, the Kansas Human Rights Commission, serves a singularly different function. It is an independent commission, whose charge is to administer the Kansas Act Against Discrimination, and the Discrimination Against Employment Act.

Under these acts, the Commission screens, investigates, mediates, and adjudicates complaints of discriminatory violations. Currently, there exists a large backlog of cases, many of which will not be addressed for months or even years. The Commission simply does not have the resources, mindset or desire to continue the functions of a newly acquired KACHA, by any name.

Kansas needs an independent agency to resolve acts of discrimination. In addition, and separately, there continues to be a need for a committee to advise the executive and legislative branches on policy decisions regarding our states burgeoning Hispanic community. The two agencies simply do not mix and should not be merged. Please report HR6011 favorably.

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 Attachment 2

**ROCKY NICHOLS**  
STATE REPRESENTATIVE  
58TH DISTRICT  
SHAWNEE COUNTY



TOPEKA

HOUSE OF  
REPRESENTATIVES

COMMITTEE ASSIGNMENTS

MEMBER: APPROPRIATIONS COMMITTEE  
SUBCOMMITTEE ON HOSPITALS AND  
GENERAL GOVERNMENT  
SUBCOMMITTEE ON KPERS AND  
RETIREMENT ISSUES  
KANSAS FILM COMMISSION

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<http://www.cjnetworks.com/~rnichols/home.html>

March 7, 1996

## TESTIMONY IN SUPPORT OF REJECTING ERO 28

Chairperson Dawson and Members of the Committee

Thank you for allowing me the opportunity to testify in strong support of a resolution rejecting Governor Graves' Executive Reorganization Order (ERO) 28, which abolishes the Kansas Advisory Commission on Hispanic Affairs (KACHA) and sets up a multi-cultural commission under the Kansas Human Rights Commission.

HR 6011 is the resolution listed for an official hearing today, however, I would like to note that an identical resolution is in your committee which was actually introduced in the House before HR 6011. That resolution is HR 6009, of which I am the chief sponsor.

I do not want to take up a lot of time discussing the specifics of HR 6011, however, I do want to let you know that this committee has another option rather than allowing the administration to dismantle KACHA. Another option rests with taking two positive actions by this committee and the Legislature. Step one, involves passing a resolution to reject ERO 28, which you are debating today. The second step, involves passing a bill that would set up a separate African-American Affairs Advisory Commission, which is a bill that is currently in this committee.

I realize that the African-American Affairs Advisory Commission bill is a House bill, and thus is invalid due to the turnaround deadline. However, I had introduced the other day in House Appropriations Committee a bill to set up the African-American Affairs Advisory Commission, and thus that bill is now "blessed" and eligible to be considered.

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VALERIE L. FLORA  
 REPRESENTATIVE, 57TH DISTRICT  
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 TOPEKA, KANSAS 66607



COMMITTEE ASSIGNMENTS  
 MEMBER: BUSINESS, COMMERCE AND LABOR  
 ENERGY AND NATURAL RESOURCES  
 TRANSPORTATION

STATE CAPITOL  
 RM 278-W  
 TOPEKA, KANSAS 66612-1504  
 913-296-7658

TOPEKA

HOUSE OF  
 REPRESENTATIVES

March 7, 1996

GOVERNMENTAL ORGANIZATION & ELECTIONS COMMITTEE

Testimony on House Resolution 6011, disapproving the Governor's Executive Reorganization Order to abolish KACHA.

The Kansas Advisory Council on Hispanic Affairs was created in 1974 and is charged with gathering and disseminating information of the growing Hispanic population in Kansas. Hispanics make up 4% of the Kansas population with over 90,000 people. 50% of that population lives in the 10 largest cities in Kansas. The highest concentration of Hispanics is in 10 counties in southwest Kansas where they make up over 10% of the population.

The Hispanic population is a fast growing one and a very young one. 25% of Hispanics are below 10 years of age and nearly 2/3 are below 30 years of age. Hispanics move into the state from other states but primarily from Mexico, Puerto Rico and Cuba. Many do not speak English when they arrive. In 1995 KACHA conducted an education program for interpreters. 200 Spanish language interpreters were identified all over Kansas to help court personnel and law enforcement officials with Spanish speaking individuals. The rapidly growing Hispanic population looks to KACHA for information about state agencies and legislation which effects them. A sense of identity and belonging is created by this organization. Abolishing KACHA sends the wrong message.

I think the Governor's reorganization order is about priorities. Commissions and task forces are being eliminated. The Secretary of the Department of Transportation wants to abolish the State Highway Commission. A Governor's Task Force on Housing and Homelessness was

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abolished earlier this year in the Division of Housing by the Governor. The Department of Commerce is the only agency that the Governor has recommended for a budget increase ( 2 to 3 million).

KACHA's budget is \$163,000 or there about. This Advisory Council helps keep track of a population that is providing an important labor force throughout Kansas and I don't think it is too much to ask that a African American Advisory Commission be set up as well to deal with problems of housing, job creation and education of that minority population, too. Each group has a unique heritage and problems that are unique to their own population. Trying to blend those needs in a multi-cultural setting would dilute the effectiveness of the proposed Council.

I don't disagree with the Governor that job creation through expanding and new businesses is important. But we must also pay attention to those who will be filling those jobs and their unique set of problems.

Thank you for allowing me to testify today.

*Rep Vaughn L. Flora*

**COMMENTS TO THE HOUSE COMMITTEE  
ON GOVERNMENTAL ORGANIZATION AND ELECTIONS  
SUPPORTING E.R.O. 28; OPPOSING HR 1611  
BY JUDY KRUEGER, SECRETARY OF APPOINTMENTS  
MARCH 7, 1996**

Thank you for the opportunity to speak in favor of E.R.O. 28 and the thought process behind it. There were three primary factors that led to the decision to move in the direction of a single office which can address in an effective way the concerns of our multiple minority populations in Kansas. These factors are cost; benefit; and guidance from the U.S. Civil Rights Commission.

First, there are many different groups wanting special advocacy committees, and there is not enough funding to support such action. Second, while in its early years the Committee on Hispanic Affairs likely served an important need in certain communities in Kansas, a recent review of its activities brings into question whether this mechanism is the most appropriate approach now. Third, the U.S. Civil Rights agency has indicated it is encouraging all states to move in the direction of multicultural committees where activities of a proactive and positive nature can be initiated. These committees or offices would provide a vehicle for the celebration of our diversities and for addressing particular concerns, but would steer away from accentuating differences that create discrimination.

As in previous administrations, over the past year we have had a number of requests for single-ethnic focused offices, like the Kansas Advisory Committee for Hispanic Affairs. These inquiries have come from individuals "representing" Koreans, Vietnamese, Laotians, African Americans, and Native Americans. The mindset expressed has been, "if 'they' have one, we should too." These groups were evidently also contacting the Regional Office of the U.S. Commission on Civil Rights. We became concerned because taken at a bare minimum, such action would implicate over a million dollars. So cost was definitely a factor.

At this same time, the Governor was asking all agencies to do an evaluation of all programs to see if they are needed, if they were performing well -- meaning assessing whether programs have meaningful, measurable performance in accomplishing their stated mission, if there are programs that would fit better in another agency or combined with others, and whether there were any that had outlived the concern they were created to address. All cabinet secretaries were charged with this evaluation and assessment, starting the day they came on board. Revenue projections were not conducive to new and growing programs, and the 1994

election showed that voters wanted less bureaucracy, and more efficient and effective government.

The Kansas Advisory Committee on Hispanic Affairs (KACHA) was included in the overall assessment of programs at the Department of Human Resources. The Committee reported a lot of travel and a lot of activities. The results from these costs and activities were not tangible. The secretary of the agency asked the director to change the operation to reflect the referral and coordinating role of KACHA and to elicit coordination with other agencies involved. There was no change in performance and no suggestions for how to improve the operation of the office. We heard from many individual Hispanics that they could not point to anything KACHA had done for them or anyone else.

As stated earlier, we also were contacted by the U.S. Office of Civil Rights regarding the number of calls to establish a multitude of ethnically oriented advisory committees. We were advised on several occasions to instead move toward the establishment of a "multicultural" affairs office, one that could work proactively to provide recognition and celebration of our heritages as well as to bring focus and resolve to a number of problems that might arise. It was also suggested that by their very nature separate committees are discriminatory and contrary to the U.S. Civil Rights Act of 1964, and that separate committees serve more to divide and create controversy rather than to unite cultures, to evoke equality, or to bring resolution to any issues.

The Chair of the Kansas U.S. Civil Rights Committee shared a background paper with us which states:

"The purpose of establishing a multicultural affairs office is to provide a provocative, stimulating and insightful examination of critical issues relevant to issues of multiculturalism in the state. A secondary purpose is to promote greater understanding and discussion of race, ethnicity, geographical origin, (and) gender and to promote a culturally rich environment built on inclusion in the public sector of the state..."

"Multicultural is an agenda for equity....This agenda insists on practicing the principles of inclusion, respect and self-appreciation.... As a concept (it) challenges the status quo by proposing balance and fair representation for all members of society, especially the historically underrepresented populations."

With this background, we started to look at ways to make KACHA an effective office with broader parameters. One of the first issues to address was how to design an entity that could represent multiple population groups with existing resources. We based our plan on the direction suggested by the U.S. Civil Rights Commission. Creating an Office of Multicultural Affairs to serve all populations in Kansas would broaden the scope and eliminate the exclusivity of the existing Committee.

To address a second question, that of focus, we moved the office of multicultural affairs to a renamed Commission on Diversity and Human Rights, giving the office a broad and neutral foundation from which to operate rather than a more narrow (and often contentious) focus of an employment-oriented agency.

The various concerns arising indicated it is time to try a different approach with a goal to accomplish more harmonious relationships among all groups living in Kansas. The Governor is not trying "to do something to" anyone, but rather is effecting change to provide better government **for** everyone in Kansas. The Office of Multicultural Affairs from its new foundation of the Commission on Diversity and Human Rights would have the flexibility to address changing needs and issues -- including education, employment, health care, and housing -- leveraging local and state resources without bloating bureaucracy.

Ethnic groups and others, such as the departments of multicultural affairs at the Regents' institutions, would be welcome and invited to provide input, to enhance awareness, and to provide assistance. The office would work to recognize achievements of individuals representative of various ethnic groups, and would work with other agencies and local and state organizations to highlight ethnic celebrations and other ethnic contributions to our Kansas culture and heritage. We would look for results of more awareness of all populations in Kansas, for reduced high school dropout rates, increased employment, better housing opportunities, and better access to health care as well as for specific instances of intergovernmental cooperation to measure the performance of this office.

Change seems to be the most resisted of all actions, even when people have expressed the desire for change. It is no different in this instance. Many people have expressed concern about the accomplishments, fairness, and legality of KACHA, but not many people have been willing to provide the leadership to implement change. Governor Graves has proactively sought to bring about in all agencies those changes necessary to deliver better and more efficient services. It would be easier in many instances to simply maintain the status

quo, but we do not have the pleasure of such complacency. The Governor is not willing to continue to throw money at programs that are not working or not working as well as they should just because it would be easier to maintain the status quo.

Executive Reorganization Order 28 consolidates the existing functions of the Kansas Advisory Committee on Hispanic Affairs and the Kansas Human Rights Commission. It reiterates the Commission's authority to address a broad range of issues, to create task forces and study groups as needed, and to foster through community efforts or otherwise goodwill and cooperation and to minimize or eliminate discrimination. By creating a broader and stronger framework, the Office of Multicultural Affairs will not work to the exclusion of anyone, but rather work for the inclusion of everyone. The focus of the office will be to insure that every one and every group is included in all services and activities of government.

It is the Governor's desire, and I'm sure yours, that all programs of the state operate efficiently and effectively to serve the needs of all Kansans. As he said in the first paragraph of his 1996 State of the State address, "It is our responsibility to enhance opportunity for all Kansans," and he invited the Legislature to join him in that task. E.R.O. 28 is the embodiment of this invitation and reflects the Governor's resolve to be fiscally responsible as well. We hope you will give this plan a chance to work by not supporting HR 1611.



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## **TESTIMONY**

**TO: GOVERNMENTAL ORGANIZATION  
AND ELECTIONS COMMITTEE**

**FROM: ELIAS L. GARCIA  
"BUENA GENTE" COALITION**

**DATE: MARCH 14, 1996**

MADAME CHAIR AND HONORABLE COMMITTEE MEMBERS, THANK YOU FOR THE OPPORTUNITY TO ADDRESS THIS COMMITTEE ON BEHALF OF THE "BUENA GENTE" COALITION.

I STAND BEFORE YOU TODAY, AS WE HAVE DONE BEFORE OTHER COMMITTEES OF THIS RESPECTIVE LEGISLATIVE BODY TO OPPOSE GOVERNOR GRAVES EXECUTIVE REORGANIZATION ORDER #28. I APPRECIATE THE OPPORTUNITY TODAY TO EXPRESS OUR SUPPORT FOR HR 6011, THE HOUSE RESOLUTION WHICH ACCURATELY REFLECTS THE SENTIMENT OF THE KANSAS HISPANIC COMMUNITY AS WELL AS THOSE OF OTHER KANSAS ETHNIC GROUPS.

OVER THE LAST FEW WEEKS MY COLLEAGUES AND I HAVE SUBMITTED INTO TESTIMONY REFERENCES TO PAST STUDIES WHICH HAVE DOCUMENTED THAT PROPOSALS AS SET FORTH IN ERO 28 ARE NOT NEW, INNOVATIVE OR EFFECTANT. QUITE THE CONTRARY, SAID STUDIES NOTE IN THEIR FINDINGS INFORMATION WHICH MEMBERS OF ALL ETHNIC GROUPS HAVE ALWAYS KNOWN TO BE TRUE AND THAT IS THAT MULTICULTURAL AGENCYS AS PROPOSED BY ERO 28 ARE DOOMED FOR FAILURE . IT IS COMMON KNOWLEDGE AMONG MEMBERS OF ALL ETHNIC COMMUNITIES THAT THIS PROPOSED MULTICULTURAL OFFICE IS NOTHING MORE THAN A TOKEN EFFORT ON THE PART OF THIS ADMINISTRATION TO APPEASE ALL ETHNIC COMMUNITIES BUT IN REALITY THE ONLY THING THIS ADMINISTRATION HAS SUCCEEDED IN ACCOMPLISHING IS SHOWING IT TOTAL DISREGARD FOR THE BEST INTERESTS OF NOT ONLY THE 116,000 MEMBERS OF THE KANSAS HISPANIC COMMUNITY, BUT INDEED ALL ETHNIC COMMUNITIES WHO WILL BE THE BENEFICIARIES OF THE TOKEN PROPOSALS AS SET FORTH IN ERO 28.

FOR PURPOSES OF TODAYS HEARING, WE WOULD LIKE TO GO ON RECORD AS ECHOING WHAT THE VAST MAJORITY OF THE KANSAS HISPANIC COMMUNITIES BELIEVE AND THAT IS THAT ERO #28 IS NOT ONLY BAD PUBLIC POLICY, BUT IT IS JUST PLAIN BAD POLITICS.

BUENA GENTE TESTIMONY  
GOV. ORG & ELECTIONS COMM  
MARCH 14, 1996

BAD POLICY BECAUSE ERO 28 MEETS NO ONES NEEDS OR PURPOSES EXCEPT FOR THOSE OF THIS ADMINISTRATION WHO CONTINUE TO HID BEHIND AN INSINCERE AND THINLY DISGUISED VEIL OF FISCAL CONSERVATION AND GOODWILL FOR ALL KANSAS ETHNIC MASSES.

BAD POLITICS BECAUSE THIS ADMINISTRATION IS HAS FAILED AND IS FAILING TO ACT LIKE A REPRESENTATIVE ADMINISTRATION BY NOT CONFERRING WITH THEIR CONSTITUENCIES AND LISTENING TO THE CONCERNS OF THE VERY PEOPLE WHO SUPPORTED THEM IN THE LAST GENERAL ELECTION (REF: PETITIONS SUBMITTED TO JOINT COMMITTEE FEBRUARY 21, 1996).

BAD POLITICS BECAUSE THE GRAVES ADMINISTRATION CONTINUES TO IGNORE THE FACT THAT KANSANS, NOT UNLIKE THE NATIONAL ELECTORATE, DO NOT APPRECIATE POLITICIANS WHO, THROUGH THEIR LIEUTENANTS, SUBSCRIBE TO MEAN SPIRITED STRATEGIES AND THE FINE ARTS OF SMEAR CAMPAIGNS, CHARACTER ASSASSINATION AND MUDSLINGING-----FOR THE SELF SERVING PURPOSES OF EXASERBATING DIVISIVENESS WITHIN THE ETHNIC POPULATIONS AND PERPETUATION OF THEIR OWN MISGUIDED AGENDAS. WE SAY TO GOVERNOR GRAVES, THESE TYPES OF NEGATIVE CAMPAIGNS TO SWAY PUBLIC OPINION DO NOT WORK ON THE NATIONAL LEVEL AND THEY ARE NOT WORKING HERE IN KANSAS!!!

AS KANSANS, AND MORE SPECIFICALLY AS HISPANICS WHO HAVE A HISTORY AS DEFENDERS OF THIS COUNTRY AND AMERICAN VALUES, WE DEMAND RESPECT, CREDITABILITY AND ACCOUNTABILITY FROM OUR ELECTED OFFICIALS. WE DO NOT APPRECIATE A GOVERNOR WHO ON APRIL OF 94 POSES FOR PHOTOGRAPHS WITH THE EXECUTIVE DIRECTOR OF HISPANIC AFFAIRS, SIGNS A PROCLAMATION PROCLAIMING "INCLUSION DAY" INVITING ALL MINORITIES TO JOIN THE GOVERNMENTAL PROCESS OF DEMOCRACY, THEN THE NEXT YEAR FIRES THAT SAME INDIVIDUAL AND EXCLUDES THE HISPANIC COMMUNITY FROM DECISION MAKING PROCESS THAT WILL SIGNIFICANTLY AND NEGATIVELY IMPACT OUR COMMUNITY NOW, AND FOR GENERATIONS TO COME.

AT THIS TIME WE CALL ON GOVERNOR GRAVES TO ADMIT THAT ERO 28 WAS AN UNFORTUNATE MISTAKE THAT HAS BEEN ALLOWED TO GO TO FAR. WE CALL HIM TO WITHDRAW ERO 28 AND GET ABOUT THE BUSINESS OF PROVIDING LEADERSHIP FOR THE FUTURE----INSTEAD OF FALLING BACK ON FAILED POLICIES OF THE PAST.

HOUSE GOVT ORG & ELECTIONS  
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BUENA GENTE TESTIMONY  
GOV ORG. & ELECTIONS COMM  
MARCH 14, 1996

THE KANSAS HISPANIC COMMUNITY, EVEN AT THIS ELEVENTH HOUR,  
CONTINUES TO REACH OUT TO OUR GOVERNOR AND OFFER OUR GOODFAITH  
AND RESPECT FOR HIS POSITION IN RESOLVEMENT OF THIS ISSUE---DESPITE THE  
FACT THAT WE HAVE RECEIVE NEITHER FROM HIM.

IN CLOSING, WE REITERATE OUR SUPPORT FOR HR 6011 AND ENCOURAGE  
COMMITTEE MEMBERS TO FOLLOW THE PATH OF "CONSTRUCTING" GOODWILL  
AND GOOD GOVERNMENT FOR ALL KANSANS INSTEAD OF "DESTRUCTING"  
TRADITION RICH AND EFFECTANT INSTITUTIONS LIKE THE KANSAS ADVISORY  
COMMITTEE ON HISPANIC AFFAIRS AS PROPOSED BY ERO 28.

HOUSE GOVT ORG & ELECTIONS  
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Attachment 6-3

TESTIMONY OPPOSING EXECUTIVE REORGANIZATION ORDER NO. 28

by

Ana Riojas, Vice Chair  
KANSAS ASSOCIATION OF HISPANIC REPUBLICANS

March 7, 1996

The Kansas Association of Hispanic Republicans opposes Executive Reorganization Order (ERO) No. 28 because it is deceptive in its intent and prejudicial in the method of its creation.

The Hispanic Community was excluded from the process of determining whether the only agency created by the Kansas Legislature which addressed racial and cultural issues indigenous to Hispanics, the Kansas Advisory Committee on Hispanic Affairs (KACHA), would remain in position. Many Hispanics wrote letters to the Governor requesting a meeting to discuss those issues. Those requests were ignored and KACHA was abolished through a stroke of the pen by Governor Bill Graves.

ERO No. 28 denied the Hispanic community those very constitutional rights it is supposed to help insure by excluding it from the political process. By ignoring our requests for a meeting, the Governor sent a clear message to the Hispanic Community--that we do not matter, are not of consequence, and therefore, are not worthy of consideration by the current Administration.

Now we, Hispanic Americans, have come to that point of divine outrage that occurs when injustices continue that are based on culture and the color of skin which is not Northern European. Culture, which is imbedded in the soul, and color which is imbedded in the skin are two factors ordained by divine, not personal, choice. Yet these two characteristics have led to discriminatory actions by the current Administration against the Hispanic Community through ERO No. 28 issued by Governor Bill Graves.

Every paragraph of ERO No. 28 is like a knife that pierces the very soul of the Hispanic Community because of its deceptiveness and its clear intent.

Section 2(a)(1) reads: "Endeavoring to eliminate prejudice...and to further good will, cooperation, and conciliation among individuals...", yet, Hispanics were excluded from the political process that engineered this Order.

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Section 2(a)(2) reads: "Promoting greater understanding, awareness, appreciation, and discussion of issues relating to race and color, ethnicity, national origin and ancestry...", yet, Hispanics were denied the right to assist the Executive Branch in promoting understanding and raising their awareness of the "Hispanic culture". In fact, "culture" is what makes the Hispanic community different in its contributions to Kansas.

Section 2(a)(3) reads: "Promoting a culturally rich environment built on inclusion and inclusive policies and practices;", yet, Hispanics were promptly excluded from having any input on the very order that is supposed to be for its benefit. How inclusive can ERO No. 28 be when different cultures are not allowed to offer their cultural perspective?

Section 2(a)(4) reads: "Promoting an understanding of goals and needs that are common to all citizens of Kansas;" yet, Hispanics were not allowed to state what their goals and needs are, and we are registered, voting citizens of Kansas that contribute significantly to the state economy.

Section 2(a)(5) reads: "Promoting equal opportunity...", yet, Hispanics were not afforded the opportunity to be treated as equals. Indeed, ERO No. 28 smacks of the "Peon/Patron" mentality, or stated in a more popular vernacular, "father knows best".

KACHA is necessary because the Hispanic population is growing at a rate that is baffling many communities in addressing housing needs, police-community relations, educational issues and labor relations.

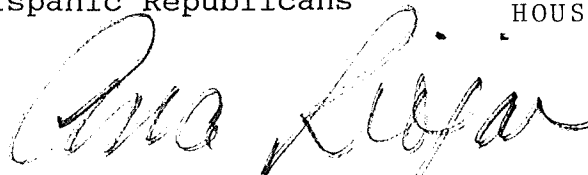
KACHA has proven to be an excellent Hispanic link between the Hispanic Community and state government agencies. To defeat ERO No. 28 and to reinstate KACHA is reasonable because it is right.

We, the Kansas Association of Hispanic Republicans, ask that the Committee on Governmental Organization and Elections vote to deny any credibility to ERO No. 28. We also request that KACHA be reinstated as the Agency which will pursue those objectives as stated in K.S.A. 64-6501 and K.S.A. 75-5716.

These actions will send a message to every citizen of Kansas that they will be protected by those individuals elected to represent them, regardless of race, color, ethnicity, culture, gender, or any other factor that is used to deny any human being his or her constitutional rights.

ANA RIOJAS, Vice Chairperson  
Kansas Association of Hispanic Republicans  
(913) 894-1200  
(913) 894-2468 (fax)

HOUSE GOVT OR &  
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## HISPANICS IN KANSAS

### POPULATION:

1990 Census	Total for Kansas	2,477,574	100%
	White	2,231,986	90.1%
	Blacks	143,076	5.8%
	American Indian	21,965	0.8%
	Asians	31,750	1.3%
	** Hispanics	93,670	3.8%
1994 Census Update -	Hispanics	116,000	4.7%

Many Hispanics do not participate in the Census because they are fearful of government agencies.

Most of the growth has been in Southwestern Kansas. The impact of beef packing plants on the changing demographics has been very noticeable. In five years Garden City grew 33% and became the fastest growing community in Kansas in 1985. The 19 county southwestern area is continuing to grow at an accelerated rate.

The Hispanic population grew by 25% and the voting age population grew by 33% in the same period and same area. The area is multicultural with the new population predominantly Hispanics. Southwestern Kansas has accommodated the new immigrants that work in agribusiness which has promoted the growth.

### HISPANIC ISSUES:

- \*\* Labor relations with agribusiness needs to be improved for new immigrants vis-a-vis wages, promotions, safety, etc.
- \*\* Housing is inadequate for the new population.
- \*\* Police-community relations needs improvement.
- \*\* Immigration bashing is on the uprise in Kansas.
- \*\* Hispanics and schools need to work together for the betterment of Hispanic students.
- \*\* Some schools in Garden City have as much as 90% Hispanic student population.
- \*\* Affirmative Action in state government for Hispanic employment.
- \*\* KACHA has proven to be an excellent Hispanic link between the Hispanic community and state government agencies.

Ana Riojas, Vice Chair

Kansas Association of Hispanic Republicans

2/21/96

HOUSE GOVT ORG & ELECTION  
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**WRITTEN TESTIMONY OF THE  
AMERICAN GI FORUM OF KANSAS**

**PRESENTED BEFORE THE  
HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION  
AND ELECTIONS**

**HOUSE RESOLUTION NO. 6011  
MARCH 7, 1996**

Thank you for the opportunity to present testimony of the **American GI Forum of Kansas** in support of House Resolution No. 6011, "A RESOLUTION disapproving Executive Reorganization Order No. 28. The **American GI Forum of Kansas** opposes ERO 28, which abolishes the Kansas Advisory Committee on Hispanic Affairs (KACHA) and creates an Office of Multicultural Affairs under the Kansas Commission on Diversity and Human Rights (the present "Kansas Human Rights Commission").

I am Arthur Solis, the State Commander of the **American GI Forum of Kansas**. The American GI Forum is the oldest and largest membership-based Hispanic organization in Kansas. The American GI Forum has local chapters in communities throughout Kansas.

**Summary of Testimony:** The objective facts as well as history do not support ERO 28. First of all, after an interim Legislative Committee in 1973 conducted hearings, it recommended the creation of a Commission on Mexican American Affairs. The 1994 Legislature created an Advisory Committee on Mexican American Affairs under the Kansas Commission on Civil Rights. In 1976, responding to the concerns of the Mexican American community, Governor Robert Bennett in his executive reorganization order made the Advisory Committee a part of the new Department of Human Resources.

Second, two recent reports show that a multicultural office is not viable. In 1993 the Legislature funded a study of minority needs. The study by Wichita State University concluded that the State should not establish an umbrella minority affairs office. Likewise, after conducting hearings, an interim Legislative Committee in 1994 recommended against a coordinating council for special advisory committees.

**Testimony:** To understand our opposition to ERO 28 requires a brief historical overview of KACHA. Kansans of Mexican ancestry had long advocated for a state government which could address the unique needs and interests of our community. After a long struggle, in 1973 an interim legislative committee held hearings to determine the feasibility of establishing a commission on Mexican American affairs. With due regard for the unique needs and interests of Kansans of Mexican ancestry and origin, the interim Legislative Committee recommended the creation of a Commission on Mexican American Affairs.

In 1974 the Legislature established the Advisory Committee on Mexican American Affairs, but placed the Advisory Committee under the Kansas Commission on Civil Rights (now the "Kansas Human Rights Commission"). Governor Robert Docking signed the bill into law on March 15, 1974.

In 1976, responding to the concerns of the Mexican American community, Governor Robert Bennett in Executive Reorganization Order No. 14 made the Advisory Committee on Mexican American Affairs a part of the new Department of Human Resources.

In a parallel bill, the 1974 Legislature had also established an Advisory Committee on Indian American Affairs under the Kansas Commission on Civil Rights. In his Executive Reorganization Order No. 14, Governor Bennett abolished the Indian Advisory Committee for the reason no members had been appointed to this Advisory Committee.

Regarding the viability of the multicultural affairs office, the record is clear. In 1993 the Legislature appropriated \$25,000 for a study of minority needs (L. 1993 ch. 292 § 45). On March 15, 1994, Wichita State University submitted its report, entitled *Special Needs of Minority Groups In Kansas*, to the Legislature. The WSU report (at page 102) made the following findings and conclusions:

[1] State government should not attempt to impose coalitions on minority groups for the purpose of communicating their policy interests, if these groups do not have shared cultural values or natural political alliances. [2] Although in theory the operation of an "umbrella" minority affairs office could increase the political impact of minority interests and maximize state resources, the WSU study team concludes that ... such a structure would lead to unproductive competition and conflict. [3] There is little evidence that individual minority groups in Kansas recognize a common purpose in working under a minority affairs organizational structure. [4] In fact, there is considerable opposition among Hispanic and African-American groups to such an arrangement. (Enumeration added.)



On October 19 and 20, 1994, an interim Legislative Committee conducted hearings to determine the feasibility of creating a coordinating council on human resources with the Department of Human Resources in order to facilitate central budgeting and staffing of special advisory groups. Like the WSU study team, the 1994 interim *Special Committee on Special Advisory Commissions* found:

Most [conferees] felt that a coordinating council would not be able to meet the specific needs of each separate group and that needs would be better addressed through the establishment of separate commissions.

The 1994 interim Legislative Committee then made the following conclusions and recommendations:

After considerable Committee discussion and based upon the testimony from conferees, [1] the Committee recommends against the creation of a coordinating council administered by the Department of Human Resources. [2] The Committee also recommends no further action be taken on the creation of additional advisory commissions until such time as the new Governor may provide input into consideration of these matters. (Enumeration added.)

It is appropriate at this point to reiterate the longtime support of the American GI Forum for the statutory creation of an African American advisory group. For example, during the 1991 Legislative Session the American GI Forum testified before the House and Senate Committees on Governmental Organization in favor of 1991 House Bill No. 2283, which would have established an Advisory Committee on African-American Affairs.

In closing, ethnic and racial minorities in Kansas have made, and continue to make, significant and constructive contributions to our State. Each of our communities have, time and time again, demonstrated its commitment to Kansas and our Nation. Statutory advisory groups are an investment in the future of our State. However, even though there are some commonality of interests, the unique and diverse interests and needs of our respective communities require separate statutory advisory groups for Hispanic Americans and African Americans. The **American GI Forum of Kansas** respectfully requests that this Committee disapprove Executive Reorganization Order No. 28 and adopt House Resolution No. 6011.

TESTIMONY

to: House Governmental Organization and Elections Committee  
date: March 7, 1996  
re: House Resolution 6011

My name is Phil DeLaTorre. My wife, my three sons, and I live in Lawrence. I have been a law professor at the University of Kansas for the last sixteen years, and in the interest of full disclosure, I want to tell you that I have been a Commissioner on the Kansas Human Rights Commission for the last four years. I am here to offer my views on House Resolution 6011. I offer my views neither as a law professor nor as a Kansas Human Rights Commissioner. I want to emphasize this: I do not represent the University of Kansas or the K.U. Law School, I am not here on behalf of the Kansas Human Rights Commission, and I do not speak for the Commission or for any of the other individual Commissioners. The views that I am about to express are my own and should not be attributed to any other person or any institution. I am here today only as a very concerned citizen of Kansas.

I oppose Executive Reorganization Order # 28, and I support House Resolution 6011. I oppose Order # 28 for several reasons. The Order would have the effect of undermining the effectiveness of two long-standing state agencies, the Kansas Human Rights Commission and the Kansas Advisory Committee on Hispanic Affairs, thereby giving new meaning to the old slogan, "killing two birds with one stone."

First of all, the Governor's proposal would, in my judgment,

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compromise the independent, neutral role of the Human Rights Commission. This should be of concern to anyone who cares about effective enforcement of civil and human rights. The Commission's purpose, first and foremost, is to enforce the state's anti-discrimination laws enacted by this legislature. The mission of enforcing those laws requires the Commission to play primarily a judicial role as it decides cases between complainants and respondents, between those who allege unlawful discrimination and those who are accused of having committed unlawful discrimination. In discharging its judicial role fairly, the Commission is required to conduct its activities, as best as it can, without predisposition to either complainant or respondent. Order # 28 now proposes to place under the name of the Human Rights Commission an advocacy group that, as a natural matter, would be charged with the goal of advancing the interests of complainants. There is a big difference between a judicial or enforcement role on the one hand, such as the Commission primarily has, and an advocacy role on the other hand, such as K.A.C.H.A. has. Your predecessors a generation ago were wise to separate the two roles. To mix the two would bring into serious question the Commission's ability to conduct its activities with the image of fairness and neutrality that its mission requires. For this reason alone, the Governor's Order is a bad idea.

But there are additional reasons why this Order should be disapproved. The Order creates an Office of Multicultural Affairs. The Director of this Office is to be appointed by the Governor.

The net result would be an Office of Multicultural Affairs that is essentially a politicized, partisan entity and one that operates under the name of the Human Rights Commission but over whom the Commission has little control as a practical matter. All of this has the potential of exposing the integrity and reputation of the Commission to serious question.

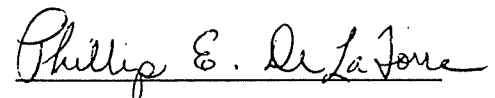
For decades now, the people of Kansas have had an advisory committee for Hispanic affairs that has very ably met the needs of the Hispanic community. K.A.C.H.A. has well served the Hispanic community by providing the Hispanic citizens of Kansas with a strong voice at the highest levels of state government. K.A.C.H.A. has well served all of the people of Kansas, Hispanic and non-Hispanic alike, by helping a significant portion of the Kansas population to advance in terms of education, participation in government, job opportunity, and health care, thereby becoming more productive and better contributors to the larger community, and thereby benefitting the entire state of Kansas. K.A.C.H.A. has always been a good investment on the part of the Kansas legislature. To diminish it now for the purpose of saving money would be penny wise and pound foolish. K.A.C.H.A. is far from being broken, and does not need to be fixed.

I fully realize that this Governor and this legislature have often been on the receiving end of demands to create an advisory committee for African-American affairs. There is a demonstrated need for such a committee. I have always supported the efforts to create such a committee. I am not politically savvy enough to know

why these efforts have always failed. But very clearly the proper solution at this point is not to target an already existing advisory committee, especially one with such a strong and proven track record. I do not claim to know what the Governor's motive was when he issued Order # 28, nor do I need to even question his motive. But let us not ignore the practical effect of this Order, which would be to sweep together the needs of very different minority groups into one corner, where they can more easily be polarized against each other, where they can be more easily divided and conquered, with the end result of depriving all minority groups of any type of effective voice.

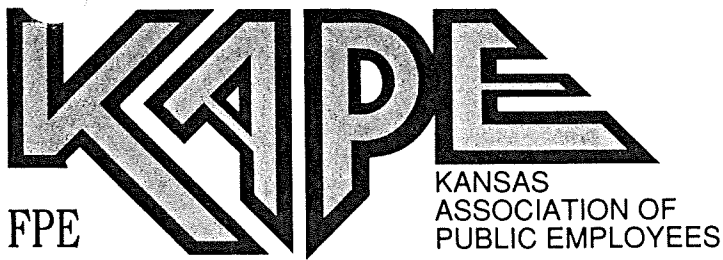
For these reasons, I oppose Executive Reorganization Order # 28. I urge you to disapprove it. I urge you to support House Resolution 6011.

Respectfully submitted,



Phillip E. DeLaTorre

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March 7, 1996  
Attachment 9-4



1300 South Topeka Avenue Topeka, Kansas 66612 913-235-0262 Fax 913-235-3920

**TESTIMONY OF SCOTT A. STONE**  
**Executive Director and Chief Counsel,**  
**Kansas Association of Public Employees (KAPE)**

Before the House Committee on Governmental Organization.

Thursday March 7, 1996, 9:00 a.m.  
 State Capitol, Room 521-S

In support of House Resolution 6011.

My name is Scott A. Stone and I am the Executive Director and Chief Counsel for the Kansas Association of Public Employees (KAPE). Members of the committee, I appreciate the opportunity to appear before you today to testify in support of House Resolution 6011 rejecting Executive Reorganization Order 28.

I am here representing Hispanic state employees, many of whom are members of KAPE. I am also here in a show of support for the Hispanic community who adamantly opposes Executive Reorganization Order 28. The labor movement and the civil rights movement have been intertwined for many years and our goals are often the same. We are not asking for separation, we are asking to retain diversity. Rolling everything together is not the answer. There must be entities capable of representing the interests of various cultural groups. KACHA, even on its small budget has made countless gains for Hispanic Kansans. To remove funding for such a positive program would do a disservice to all Kansans.

HOUSE GOVT ORG & ELECTIONS  
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ERO 28 proposes to abolish KACHA and transfer its duties to the Kansas Human Right Commission. The Kansas Human Rights Commission is the entity that investigates all civil rights claims in Kansas. In 1992, upon passage of the American with Disabilities Act, the Commission was inundated with disability claims. There is currently a two year delay in investigating any civil rights claim. Adding another duty to the Human Rights Commission will not help, and it may hurt.

I would again urge you to support House Resolution 6011. I would like to thank the members of the committee for their time and consideration on this matter. I will gladly stand for any questions the committee-persons may have.

Thank you.

HOUSE GOVT ORG & ELECTIONS  
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My name is Ascension Hernandez, I am the Kansas State Director, League of United Latin American Citizens (LULAC). LULAC is a civic and a civil rights group organized in Corpus Christi, Texas in 1927. and in Kansas in 1970.

I would like to thank the the House Committee for the opportunity to comment on House Resolution 6011. LULAC strongly opposes ERO No. 28 and is seeking the support of each and every House Committee Member around the table in passing House Resolution 6011 which will kill ERO No. 28.

Somebody gave Governor Bill Graves bad public policy advice. That person or persons should be fired. In 1974 KACHA was born during the Docking Administration and was given a healthy life and autonomy by Gov. Robert Bennett, who placed the agency in the Kansas Department of Human Resources. KACHA has provided a strong cost-effective and efficient link between the state government services and the Kansas Hispanic people, always at a budget level of \$154,000 or less. A mere drop in the bucket in the realm of an \$8 Billion dollar state budget. The KACHA budget, I heard equals the annual salary of a state of Kansas corporation executive. State services to the Hispanic community versus porkchops. THIS IS CRIMINAL. We Hispanics have been paying our fair share of state taxes since we settled here in the late 1800's. My grandpa, my parents and I have records to prove this.

The reorganization plan will confuse the main mission of the Kansas Human Rights Commission which is to process formal discrimination complaints. The office of Multicultural Affairs (sec. 3) will throw a bare bone at people of color, so they can fight for it, while the dominant society laughs. A divide and conquer technique.

This is my sixth visit to the State Capitol, this session to advocate for my people, 116,000 strong in Kansas. I get tired but I also get revitalized because the struggle for justice for the Mexican American in Kansas has just begun. The Hispanic community in Kansas is under siege!! English Only Legislation, qualified admissions, KACHA Killers, immigration bashing across the entire state, after our folks do the hard and dirty work, others don't want to do.

I could go on, but I'll stop and simply ask for your support, because I believe you are serious and intelligent thinkers. THANK YOU. Respectfully, Ascension Herenandez, 6425 Woodstock, Shawnee, KS

*March 7, 1996*  
HOUSE GOVT ORG & ELECTIONS  
March 7, 1996  
Attachment 11



House Resolution 6011

Written Testimony for Secretary Wayne L. Franklin  
March 7, 1996 Capitol - Room 521-S

Good morning. My name is Wayne L. Franklin and I am the Secretary of the Kansas Department of Human Resources. I am here today to voice my opposition to House Resolution 6011 and to support the Governor's Executive Reorganization order #28. Under this order, the Kansas Human Rights Commission is reorganized as the Kansas Commission on Diversity and Human Rights. The Kansas Commission on Diversity and Human Rights will have primary responsibility for statewide diversity and multicultural issues, and will carry out these duties through the Kansas Office of Muticultural Affairs.

Before I go into the reasons why I firmly support this restructuring, let me briefly explain why I'm qualified to register my professional opinion.

Prior to coming to state government, I served seventeen years with Southwestern Bell Telephone Company, serving in various capacities in several Kansas communities. From 1984-1990, I served the company as the Area Manager for Constituency Relations. In this capacity, I was responsible for maintaining close ties with the Aging Community, the Disabled Community, and the Ethnic Minority Community . . . which included the African American, Hispanic, and Native American groups. In this position, I was responsible for researching Minority issues and working closely with the various ethnic groups, looking for ways to invest Southwestern Bell charitable dollars to make the most impact. I worked closely with such groups as the N.A.A.C.P., The Urban League, The Kansas GI Forum, LuLAC, and Education groups. During this time I worked with five different KACHA Directors.

I've attended annual La Raza events and made sure Southwestern Bell worked effectively with the Hispanic and Black Community to provide youth scholarships and for other important community needs. This background in the private sector has given me the insight needed to speak out for fairness to ALL KANSANS.

On January 9, 1995 I assumed the position of Secretary of KDHR. I've seen firsthand the KACHA, KDHR, State and federal budgets. I've personally seen how federal and state dollars are getting tighter. I've been demanding fiscal excellence. I have been asking my employees to do more with less and have sought to broaden the vision of fairness, decency and equity to include more people.

In a November, Kansas City Star staff writer Mary Sanchez wrote these words . . . I quote: "Kansas is biased, several activists claim, because it funds a committee to address the concerns of Hispanic residents but ignores the needs of Black people and other minorities.

"Since 1974 the Kansas Legislature has funded the Kansas Advisory Committee on Hispanic Affairs. No such groups exists for the African-Americans although they outnumber Hispanics by 50,000 in Kansas.

"State officials argue that Kansas is caught between a desire to treat everyone fairly and a budget crunch." End of quote.

According to the 1990 US Bureau of Census: There are 143,076 Blacks in Kansas or 5.8%, 93,670 Hispanics or 3.8%, 31,750 Asian and Pacific Islander, 21,965 American Indians and Eskimos, and 48,797 Kansas residents of other races.

Kansas Government is not working for all ethnic minority groups in our state. The Governor's ERO is one way and possibly the best way to solve this dilemma.

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Since 1981- fifteen years - the Kansas Committee on Hispanic Affairs (KACHA) has been appropriated \$2,139,546.51, while the other ethnic groups in Kansas have received zero dollars in appropriations. KACHA has expended these funds on educational activities, political activities, and lobbying activities. The state of Kansas has over the last twenty years EMPOWERED Kansas Hispanics. Similar empowerment has not been conferred upon other racial minorities. And in this era of tight budgets and the broad desire to do more with less, I believe it is unlikely that other groups similar to KACHA in scope and mission will be created.

Ladies and gentlemen, this is a fairness issue and I would like to appeal to your sense of fairness and equity. One ethnic group in Kansas has been receiving state appropriated funds to assist their community, while other ethnic groups have not. Kansas Hispanics have been invited to the table to participate in the great development of government. Other racial minorities in Kansas - with fairness and equity concerns that are just as real as those lobbied for by KACHA - must fight their way to the table. This is the issue before us today and I urge you to oppose House Resolution 6011 and to support the Governor's Reorganization Order #28. Please give it your honest and serious consideration. Thank you for allowing me to share my convictions with you today.

**MEMORANDUM**

**Kansas Legislative Research Department**

300 SW 10th Avenue  
Room 545-N – Statehouse  
Topeka, Kansas 66612-1504  
Telephone (913) 296-3181 FAX (913) 296-3824

March 5, 1996

**To:** House Committee on Governmental Organization and Elections  
**From:** Carolyn Rampey, Principal Analyst  
**Re:** Executive Reorganization Order No. 27

**Executive Reorganizaiton Order No. 27**

Executive Reorganization Order (ERO) No. 27 would transfer the administration of the Infants and Toddlers Program from the Department of Health and Environment to the State Board of Education. Effective July 1, 1996, the powers and duties required of the "lead agency" for the program under state and federal law would be transferred to the State Board, along with the staff from the Department of Health and Environment that the Commissioner of Education considers necessary to perform the transferred responsibilities. The Commissioner of Education and the Secretary of Health and Environment would be charged with reaching an agreement regarding the disposition of property and records relating to the program. All appropriations to the Department of Health and Environment for the program would be shifted to the State Board.

**The Infants and Toddlers Program**

The Infants and Toddlers Program provides services for children, from birth to three years of age, who have developmental delays. States have the option of participating in Part H of the federal Individuals with Disabilities Education Act (IDEA), which provides funding for early intervention services for children in this age range who have disabilities. If a state opts to receive the money, it is obligated to follow the applicable federal rules and regulations. The program consists of several components:

1. **Screening and Evaluation.** This is done to determine if a child is eligible to be in the program. A child is tested in five areas to see how well it (1) learns, (2) communicates, (3) gets along with others, (4) hears, sees, and moves, and (5) does things independently.
2. **Development of an Individualized Family Service Plan (IFSP).** If a child is eligible for the program, an IFSP is developed that indicates the early intervention services that the family needs and identifies when the services will start and end, who will do them, where and how often they will be done, and how they will be paid for. The IFSP is developed by a team, which includes the family.

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3. **Selection of the early intervention services.** Based on the IFSP, a family may accept or refuse any service identified as needed for the child. Federal law requires that the following 16 services be provided:
- a. *Assistive technology* -- services to help the child use specialized equipment or devices needed for growing and developing.
  - b. *Audiology* -- hearing testing and help to make the best use of a child's hearing.
  - c. *Family services coordination* -- coordination of an early intervention program developed for the child and its family.
  - d. *Family information and counseling* -- information on the special needs of a child or family.
  - e. *Health* -- services to help a child participate in an early intervention program.
  - f. *Medical services for evaluation* -- medical testing to see how well a child is growing and developing.
  - g. *Nursing* -- care to prevent health problems and promote wellness.
  - h. *Nutrition* -- information on good eating habits and prevention of feeding and eating problems.
  - i. *Occupational therapy* -- services to help the day-to-day self help skills of a child.
  - j. *Physical therapy* -- services to help the way a child moves.
  - k. *Psychological services* -- testing and helping a child's behavior and learning, including family counseling and education.
  - l. *Social work services* -- assistance to a family in helping its child grow and learn.
  - m. *Special education* -- services to families and children to help the child in five developmental areas (physical and psychosocial development and cognitive, communication, and self-help skills).
  - n. *Speech-language pathology* -- services to help a child's communication.
  - o. *Vision* -- vision testing and help to make the best use of a child's vision.
  - p. *Transportation* -- help with the cost of travel for a family to use early intervention services.

## **How the Program is Organized and Services Delivered**

Federal law requires that there be a lead agency in each state to administer the Infants and Toddlers Program. The Governor designated the Department of Health and Environment the lead agency in 1986, which was the year Kansas began receiving federal funds under Part H for early intervention services. The designation was made statutory in 1992. Responsibilities of the lead agency include contracting with community-based networks to provide services; developing procedural safeguards concerning records, resolving complaints, and other matters; maintaining standards relating to personnel who provide services; compiling data on the program; developing an early intervention service system consisting of local councils that coordinate services; and developing a procedure for allocating grants to local community agencies or entities.

Federal law also requires the establishment of an Interagency Coordinating Council. In Kansas, that requirement is fulfilled by the Coordinating Council on Early Childhood Developmental Services, which provides oversight for all services to special needs children from birth through age five. (Services for children age three through five are part of the special education mandate under the jurisdiction of the State Board of Education.) The Coordinating Council consists of representatives of the Governor; the Legislature; the State Board of Education; the State Board of Regents; state departments of Insurance, Health and Environment, and Social and Rehabilitation Services; public and private providers of early intervention services; and parents of children with disabilities. The Council's role is to advise the lead agency in implementing the federal act and to develop interagency agreements to promote a comprehensive service delivery system. Statutory duties include soliciting information from concerned agencies, groups, and individuals on proposed policies and recommendations for services; disseminating information about the work of the Council; and recommending policies, procedures, and legislation to provide health, education, and social services for children from birth through age five.

Kansas is served by a network of more than 50 local interagency coordinating councils (ICCs) that coordinate 37 community networks that provide Infants and Toddlers services to all counties in the state. (Some community networks are so large that they fall under more than one ICC.) The purpose of the ICCs is to develop and coordinate community-based systems that provide services to target populations. Some of the ICCs target only services for children birth to age three, but many have broader target populations and coordinate services for at risk or disabled children to age five. Some coordinate services for disabled children to age 21 and a few target all disabled persons and their families or all persons needing human services.

The community networks are made up of all of the agencies, organizations, and individuals that are involved in early intervention services. There may be dozens of agencies and organizations represented in the network, such as school districts, county health departments, the Head Start Program, local hospitals and clinics, daycare centers, the Red Cross, churches, and the Salvation Army. In each network is a lead agency that is the administrative unit of the network and a fiscal agency that applies to the Department of Health and Environment for state and federal funds for the Infants and Toddlers Program and handles all of the other funding the network receives from other sources. It is up to the network to enter into agreements and contracts with service providers such as hospitals, schools, clinics, and other entities in order to make the 16 required services available to the population served by the network.

According to the Department of Health and Environment, the number of children served in the program was 979 in FY 1993, 1,480 in FY 1994, and 2,131 in FY 1995. The number of children served has grown because of efforts to publicize the program and increased hospital-to-home referrals. In addition, it has taken several years for the program to become fully implemented.

## **How the Program Works**

The first indication to a parent that a child may be disabled may occur shortly after the child is born. It often is a doctor or other health care professional who refers a parent to early intervention services. In other cases, a parent may realize when the child enters preschool that the child and the family need early intervention services. It is a priority at both the state and local level to make parents and others aware of services that are available. The Department of Health and Environment, the State Board of Education, the Coordinating Council on Early Childhood Development Services, and numerous local agencies engage in Child Find activities to publicize the services and promote statewide recognition of the program. Printed materials and videotapes are available and a number of local health departments and other health providers offer screening services known as Kan Be Healthy. One reason for involving so many public and private agencies, organizations, and individuals in the network is to maximize the likelihood that a parent with a disabled child will learn about the services that are available or will be referred to the Infants and Toddlers Program.

A parent who learns about the program and decides to explore the possibility of obtaining services is referred to the lead agency. The lead agency can be any of the participating agencies or organizations in the network, such as a school district, a local health department, a hospital, or a private agency. Within 45 days after referral, the lead agency must arrange for the child to be tested and evaluated to determine if the child is eligible for the program. If the child is eligible for early intervention services, an IFSP is developed that, among other things, lists the early intervention services that are indicated and how long they will need to be provided. The lead agency is responsible for contracting with the school, hospital, health department, individual practitioner, or other agencies or individuals to provide the services identified in the IFSP. There is no cost to parents for screening, IFSP development, or services that are provided. Parents can take their children out of the program at any time.

## **How the Program is Funded**

Federal funding under Part H of IDEA is estimated to be approximately \$3.1 million in FY 1997. In addition, an appropriation from the State General Fund is made to the Department of Health and Environment. For FY 1997, the amount recommended by the Governor is \$496,000. Some of the federal Part H money is used at the state level to pay for the costs incurred by the Department of Health and Environment in overseeing the program. Most of the federal money and all of the State General Fund appropriation is awarded to community networks on the basis of the number of children served. In addition, networks have a variety of other funding sources, such as state special education categorical aid, block grants from the Department of Social and Rehabilitation Services, support from local governmental units, and private and charitable contributions. It is possible for networks to get state special education categorical aid (1) when school districts conduct their own early childhood programs for children under the age of three years or (2) school districts contract with an area network to provide the service. According to staff in the State Department of Education, all but five of the 37 networks receive some state special education categorical aid.

## **Rationale For the Proposed Transfer**

Information was not found to document the reason for the 1986 designation of the Department of Health and Environment as the lead agency for the Infants and Toddlers Program. However, the present Secretary of Health and Environment has noted that, when very young children are involved, the focus of

the program tends to be on newborn screening, assessments, and other services that lead to an emphasis on health services instead of the educational needs of a child.

At the time the Infants and Toddlers Program was begun in Kansas, special education services for children age three to five were not mandated and many school districts did not have preschool special education programs. Today those programs must be offered and some school districts make services available for children younger than age three. The rationale for transferring the Infants and Toddlers Program to the State Board of Education is to consolidate all of the services for children with disabilities under a single authority and to avoid duplicating activities the State Department of Education already conducts for special education children age three and older. These include the development of due process and other procedures to protect the rights of children and their parents, the development of Individualized Education Programs (IEPs), data collection activities (which the State Department of Education already was doing for children from birth to age three because of federal requirements relating to other funds for the Infants and Toddlers Program that flowed through the State Department), and the disbursement of state and federal aid to school districts and other service providers.

According to staff in the State Department of Education, the proposed transfer of the program would not change the way the program operates at the local level. Local service areas, interagency coordinating council activities, and local lead agencies would continue to be locally determined and administered. In the staff's view, the transfer would consolidate programs for children with disabilities and streamline the administration of early intervention services at the state level.

#### **Other States**

All 50 states and several territories receive federal Part H funding and provide services for disabled children from birth to age three. Of those 35 states whose lead agency has a single focus, the designation is almost evenly divided among education, health, and social or human services. Of the ten states whose lead agency has a combined mission, health services are one of the missions. The states are listed below by category. In the case of the combination and "other" categories, the name of the lead agency in each state is shown.



**EDUCATION**

**HEALTH**

**SOCIAL or HUMAN SERVICES**

Colorado	Connecticut	Alabama
Illinois	Hawaii	Arkansas
Iowa	<b>KANSAS</b>	California
Louisiana	Massachusetts	Indiana
Maine	Mississippi	Kentucky
Michigan	New Jersey	Montana
Minnesota	New York	Nevada
Missouri	Ohio	North Carolina
Oklahoma	Rhode Island	North Dakota
Oregon	South Carolina	Pennsylvania
South Dakota	Utah	Virginia
Tennessee	Wyoming	

**COMBINATION**

Alaska -- Health and Social Services  
Delaware -- Health and Social Services  
Florida -- Health and Rehabilitative Services  
Georgia -- Human Resources, Division of Health  
Idaho -- Health and Welfare/Developmental Disabilities  
New Hampshire -- Health and Human Services  
New Mexico -- Health/Developmental Disabilities  
Washington -- Social and Health Services  
West Virginia -- Health and Human Services  
Wisconsin -- Health and Social Services

**OTHER**

Arizona -- Economic Security  
Maryland -- Governor's Office of Children, Youth, and Families  
Nebraska -- Education and Social Services (Co-Lead)  
Texas -- Interagency Council on Early Childhood Intervention  
Vermont -- Education and Human Services (Co-Lead)

State of Kansas

Bill Graves



Governor

---

Department of Health and Environment

James J. O'Connell, Secretary

Testimony presented to

House Governmental Organization and Elections Committee

by

The Kansas Department of Health and Environment

HR 6012

I appreciate the opportunity to provide testimony regarding the Part H Infant and Toddler Program state lead agency transfer.

The Department of Health and Environment (KDHE) supports the transfer of lead agency responsibility from KDHE to the Kansas State Board of Education (KSBE) because it offers the opportunity for more efficient and effective administration of this program, ultimately benefitting the children it seeks to serve. The program is based in the Department of Education at the federal level, an agency regularly dealt with by KSBE while Part H is the only involvement that KDHE has with this federal department. In addition, local agencies have often stated that they are confronted with dual reporting requirements and other administrative duplications as a result of the existing lead agency designation.

The Part H Program is designed to be, and will continue to be, a collaborative program among state agencies. KDHE's role in providing health professional staffing in support of early identification and intervention services for infants and toddlers will continue through an interagency agreement with KSBE. In addition, KDHE will continue to advocate for and help assure that needed health related services are available and provided for these children.

I will be pleased to respond to any questions you may have. Thank you for your attention.

Testimony presented by: James J. O'Connell  
Secretary

KS Department of Health and Environment  
March 7, 1996

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March 7, 1996  
Attachment 14

# STATE OF KANSAS

BILL GRAVES, Governor  
State Capitol, 2nd Floor  
Topeka, Kansas 66612-1590



(913) 296-3232  
1-800-432-2487  
TDD: 1-800-992-0152  
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OFFICE OF THE GOVERNOR

**Testimony  
to the  
House Committee on  
GOVERNMENTAL ORGANIZATION AND ELECTIONS  
by  
Jill Crumpacker  
Office of the Governor**

**Presented March 7, 1996**

**RE: Support ERO 27  
Oppose HR 6012**

- 
- ▶ Good morning Madame Chair and members of the Committee. My name is Jill Crumpacker, Senior Legislative Liaison for Governor Bill Graves. I appreciate the opportunity to appear before you today, on behalf of the Governor and as a member of the State Coordinating Council on Early Childhood Developmental Services, to support Executive Reorganization Order No. 27 and to oppose HR 6012, dealing with administration of the Part H Infants and Toddlers program.
  - ▶ Part H is part of the federal Individuals with Disabilities Education Act (IDEA) that enables parents of children birth-three with developmental delays or disabilities to receive early intervention services designed to help ready the children to enter pre-school and K-12.
  - ▶ Part H requires interagency coordination and collaboration among agencies involved with services to infants and toddlers with disabilities and their families. In Kansas, these agencies are the Kansas Department of Health and Environment (KDHE), the Kansas State Board of Education (KSBE), SRS, and the insurance department. Part H also requires the Governor to establish a State Interagency Coordinating Council composed of representatives of these agencies, as well as parents, providers, and members of the state legislature. As a member of this Council, I know it serves an important role in supporting efforts to achieve a seamless system of community-based and family-centered services across the state. Finally, Part H requires the Governor to designate a lead agency for administrative purposes.
  - ▶ Part H is a grant incentive program. Federal money is allocated to local service delivery through basic contracts, competitive grants, and other state initiatives. State funds are

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distributed directly to local networks. States that participate (and all states have participated fully since 1993) are obligated to follow the Part H law and regulations. Kansas has participated in Part H since 1987 and both KDHE and KSBE have cooperated and collaborated together and with other agencies during these eight years.

- ▶ As you know, ERO No. 27 transfers lead agency designation for administering Part H from KDHE to KSBE. Through this transfer, the main intent is to flow the maximum amount of federal funds received by the state to local providers. The Governor believes and both the Secretary of KDHE and the Commissioner of KSBE agree that administrative efficiencies can be improved through this transfer without affecting the services being provided to infants, toddlers, and their families.
- ▶ While the Governor does not expect ERO No. 27 to result in a cost savings per se, the Governor is confident that by transferring the administrative functions of Part H from KDHE to KSBE, program operations will improve. For instance, KSBE is responsible for a related IDEA program for children 3-21. Therefore, there is an infrastructure already in place at KSBE that would permit the elimination of duplicative administrative activities such as:
  - development of a system for compiling data,
  - establishment and maintenance of standards to ensure properly trained personnel, and
  - timely reimbursement of funds.
- ▶ Interagency coordination and collaboration will not, indeed, cannot, disappear. KDHE will continue as the agency responsible for early intervention services and for provider education by nursing and support staff.
- ▶ Local lead agencies and or fiscal agents will continue to be locally determined and administered. Just because KSBE becomes administrative lead agency does not mean that the local education agency must become local lead agency. ERO No. 27 will not result in an unfunded mandate to local school districts. For these same reasons, access to private funds should not be put at risk. The Part H program will remain a statewide system of coordinated, comprehensive, multi disciplinary, interagency, and community-based programs.
- ▶ Both Governor Graves and Lt. Governor Frahm appreciate fully the issues raised by ERO No. 27. As a new father, the Governor's appreciation of the needs of an infant is clear. As a previous school board member, member of the statewide Interagency Coordinating Council, and mother to a special needs child, the Lt. Governor's appreciation is very clear. The Administration remains committed to addressing the needs of children and families while also finding ways to improve the operation of state government, and, for that reason, we support ERO No. 27. Thank you.



TOPEKA

HOUSE OF  
REPRESENTATIVES

March 7, 1996

ED MCKECHNIE

REPRESENTATIVE, THIRD DISTRICT  
224 W. JEFFERSON  
PITTSBURG, KANSAS 66762  
(316) 231-1669

## OFFICE

JAN.—APRIL  
ROOM 302-S  
STATEHOUSE  
TOPEKA, KS 66612  
(913) 296-7699

## DEMOCRATIC WHIP

## COMMITTEE ASSIGNMENTS

RANKING DEMOCRAT: SELECT COMMITTEE ON  
DEVELOPMENTAL  
DISABILITIES

MEMBER: JOINT COMMITTEE ON STATE  
BUILDING CONSTRUCTION  
JOINT COMMITTEE ON LEGISLATIVE  
POST AUDIT  
CALENDAR AND PRINTING

VICE CHAIR: NATIONAL CONFERENCE OF  
STATE LEGISLATURES TASK  
FORCE ON DEVELOPMENTAL  
DISABILITIES

The Honorable Carol Dawson, Chair  
House Committee on Governmental Organization and Elections  
Room 171-W  
Statehouse  
Topeka, KS 66612

Dear Representative Dawson:

Thank you for scheduling a hearing on HR 6012, a resolution disapproving Executive reorganization Order No. 27. I truly regret that I cannot be with you today to participate in this important conversation.

My purpose for the introduction of this resolution was to provide an avenue for legislative oversight into the transfer of the supervision of federal Part H monies from the Kansas Department of Health and Environment to the Kansas Department of Education. In fact I considered drafting Legislation similar to ERO No. 27 prior to the start of the 1996 Legislative Session.

I hope the committee will learn from today's hearing how the Department of Education intends to implement ERO No. 27. These plans should provide for a seamless transition of services from birth to high school graduation for those persons who have developmental disabilities and their families who are in need of support services.

The Department should also explain how they intend to collaborate with community service providers.

Only if the Department is unable to answer these questions should HR 6012 be recommended favorably by the committee.

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I do regret I am unable to present my thoughts with you in person. The inauguration of the new president of Pittsburg State University requires that I be in my legislative district today. If you have any questions, or I you have additional hearings, I would be most pleased to attend your committee deliberations.

With best regards,

A handwritten signature in black ink, appearing to read "Ed McKechnie". The signature is written in a cursive, somewhat stylized font.

ED McKECHNIE

State Representative

cc: Members of the House Committee on Governmental Organization and Elections.

# Kansas State Board of Education

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

March 7, 1996

TO: House Committee on Governmental Organization and Elections

FROM: Kansas State Board of Education

SUBJECT: Executive Reorganization Order 27

My name is Carol Dermeyer, Coordinator, Student Support Services, Kansas State Board of Education. The Chairman has asked I appear to review the procedures that we would follow in administering the Part H Infant and Toddler Program.

State Board of Education staff have been collaborating with the Kansas Department of Health and Environment since the inception of the Part H Infant and Toddler Program. Many positive contributions made by the Department of Health and Environment, as lead agency, will be continued such as the Part H systems for locally determined interagency coordinating councils, designation of local lead agencies, regional meetings, program review, and assistive technology.

The State Board of Education has the infrastructure to support the Part H Infant and Toddler Program. Part H is one section of the Individuals with Disabilities Education Act (IDEA), it addresses young children and their families from birth through age two. Part B of IDEA addresses children from age three through 21. This would complete a full continuum of delivery of services to children with disabilities from birth through 21.

Many of the federal requirements are the same for Part H as well as the special education programs currently administered by the State Board of Education. Some of the advantages to the local providers include the following.

- \* Both programs are required to do a statewide child count on December 1 and provide other information that is reported from local programs. The State Board of Education has a statewide computerized data collection system in place which is utilized by Part H programs.
- \* The State Board of Education has a funding system in place which flows through funds to LEA's on a monthly basis.
- \* Funds for both programs are disseminated from the state to the local programs through an application process. Much duplication of paperwork could be eliminated at the local level by not having to provide similar documentation to two agencies.

(over)

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

- \* A Comprehensive system of Personnel Development is required for both Part H and Part B. This system assures the professional standards for personnel providing services to children and families. The State Board of Education has a data base of the personnel across the state including most of the Part H staff. This comprehensive system is already in place through the State Board of Education and would be extended to include Part H.
- \* The services required are the equivalent of those to be provided to all children ages birth through 21. In some cases, the same staff work for the two different programs. Service delivery systems are in place in most communities and would continue to be supported.
- \* The State Board of Education has legal staff who have a complete understanding of special education laws, regulations, policies, procedures, and Education Department General Administrative Regulations (EDGAR) requirements. Complaint procedures and due process are in place.

Every effort will be made to assure that the transfer of the lead agency does not interfere with the provision of services to the infants and toddlers and their families. The state lead agency will continue to provide technical assistance and support to maintain and expand the sources of funding and service providers at the local and state level. Additionally, the state agencies will continue to collaborate and support the Part H Infant and Toddler Program.



18

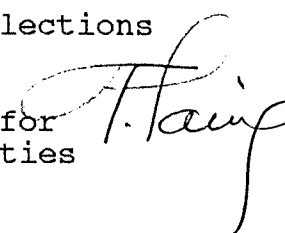
# InterHab

The Resource Network  
for Kansans with Disabilities

700 SW Jackson ~ Suite 803 ~ Topeka, Kansas 66603-3758 ~ interhab@ink.org  
voice 913/235-5103 ~ tty 913/235-5190 ~ fax 913/235-0020

March 7, 1996

TO: The House Committee on  
Governmental Organization and Elections

FROM: Tom Laing, Executive Director  
InterHab: The Resource Network for  
Kansans with Disabilities 

SUBJECT: House Resolution 6012  
Disapproving Executive Reorganization Order 27

InterHab represents community based organizations which provide services and supports to Kansans with disabilities. Our member organizations were founded by parents, friends and neighbors of Kansans with disabilities who wanted to see more services offered in their home communities.

Many InterHab members provide services for children and families, including pre-school aged children who are served through the federal IDEA Part H program.

On their behalf I am here today to urge your support of House Resolution 6012, which rejects the Executive Reorganization Order No. 27 to move Part H to the Kansas State Board of Education. We believe that KDHE, not KSBE, is the right lead agency for this program, due to its role in early childhood and health related services, experience that is essential to the success of Part H. The State Board of Education has as its primary role the delivery of K-12 education, not infant and toddler services.

We are concerned about the lack of planning which preceded the order and the loss of local funding which is likely to occur if this program is moved, and we oppose the process by which this order was developed.

#### The Planning:

As reported, local funding was lost when the 3-5 year old programs were moved under KSBE. Local funding sources were not willing to finance a state sponsored education program.

Despite that lesson, no survey of current local funding sources has been undertaken to measure whether that funding loss would occur again with the 0-3 program, and whether state general funds would be available to replace lost local funds.

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Potential Funding Loss:

If local funds (approximately \$3 million) are lost, and no state funds replace the lost funds, the state would be out of compliance with the federal requirements for maintenance of local effort and the program would be lost.

The Process:

The heart of the state coordinating role in Part H services has been the State Interagency Coordinating Council comprised of state officials, private sector officials and volunteers from around the state. Despite their obvious interest in the future of Part H, they were not consulted prior to the decision to issue the Executive Order. This is a bad first step for a program that is, by law, intended as a collaborative effort among interested parties.

Summary:

In summary, the Part H program has been growing every year in its effectiveness. It now serves more 2000 Kansas children, thanks primarily to its grassroots network of local providers and financial supporters.

Good common sense favors fixing what is broken, but ERO 27 proposes to break a vital program partnership that is fixed.

We urge your support for HR 6012.

Thank you for your consideration of this issue.

MEMORANDUM

TO: House Governmental Organization Committee

FROM: Donna Delaney  
 Family Resource Specialist Hospital to Home  
 Transition Program  
 Wichita, KS

DATE: March 6, 1996

RE: Hearing on House Resolution 6012 regarding Part H

My job as a family resource specialist brings me in contact with families at a time when they are first learning of their child's disability. This is a program that truly focuses on early intervention. Many of the children I see are newborns with major medical complications. Just breathing may require oxygen or even ventilator assistance. Some must be fed through tubes. Others may have vision or hearing problems. Conditions such as spina bifida, hydrocephaly, extreme prematurity, brain hemorrhages or Down Syndrome may be life threatening. Some do not survive, but many do. And these are the families I see on a daily basis.

Families who expected a healthy, active addition to their family are in shock. They are mourning the loss of the child they had hoped for, and don't often know yet what they need to learn about their new son or daughter and this "diagnosis". Many feel hopeless. They can appear shell shocked, immobilized by what is happening in their life. Our job is to build hope, with accurate information, support, and knowledge about real resources. For me education means educating the family. Even today some of these families will still hear they should institutionalize their child. It's with great pleasure that I'm able to tell them that we don't do that any more. We are there to help this family maintain their child in their family and in their community.

The most effective and least expensive resource for these children is a dedicated and well informed family. We work hard to be a family centered, family friendly service that builds the kind of family resources that will serve this child for years to come. We want a family that will advocate with medical, school, and other service providers to see that their child achieves maximum potential. The first three years are critical in this building process. We have educational services for the child, but in the early contacts, building the family's strengths is what's crucial. My concern is that KSBE oversight will not give sufficient priority to this component, which is not primarily a children's educational program.

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It is important that we start this early with families. The strain on these families can be so intense many of them buckle under the pressure. To do that we must have early referrals from doctors and hospitals. We have worked very hard for several years to develop a working relationship with the doctors and the hospitals in our community. Our first task was to build the trust and communication between the medical community and community resources. We now have a good working relationship. As the doctors and hospitals have developed trust in our system, they have become an integral part of the early intervention process.

Last week as part of this program I met with four different families in three different hospitals helping them to prepare to bring their babies home from the hospital. We discussed Part H, parent rights, accessing additional in home nursing care, therapy needs, medical equipment needed at home and a myriad of additional community resources. Again education here is education of the family. Because it is so important to build the family as resource for these children, the early years are crucial. During this time, service is not primarily early childhood education, it is family skill and strength development along with medical support for the child. During this period we believe the program oversight is best left with KDHE.

PLEASE SUPPORT HOUSE RESOLUTION 6012.

THANK YOU.

Donna Delaney

Testimony for House subcommittee on ERO 27

Hello, my name is Laura Clark-- I am the Director of Special Education in the Manhattan School District, I am also the administrator of the Infant/Toddler program for Riley County, I am the chair of the State Interagency Coordinating Council, I am president-elect of the Special Education Directors in Kansas and most importantly I am a parent of a child who received special education services from my local ICC. As you have just heard, I wear many different hats and it becomes difficult for me to separate all of the different roles that I play. Today, I am here to support the change in lead agency from all of the different perspectives which I have and I would like to elaborate on just a few of the positive changes which I see arising from a change in lead agency.

First, as a parent of a child with a disability continuity of services is crucial. It is exceedingly difficult to raise a child with a disability, when you couple this with having to traverse multiple service delivery systems, multiple paperwork systems, a variety of service providers and changes in philosophy it becomes almost impossible to just be a parent. I believe that when KSBE assumes the role of lead agent that many of these problems associated with moving between systems will be alleviated for families. For example, paperwork will be streamlined so that the paperwork which was completed when the child entered the infant-toddler program can be used when the child enters the 3-5 program. Evaluation data will not have to be replicated or duplicated and the child and parent will not be subjected to a second battery of tests. Most importantly there is a high probability that children and families could work with the same service providers and not have an abrupt break in staff or service provision when the child turns three and enters the school district program. Lastly, parents and children will enter one seamless system and be able to stay in the system until they are 21. This is very helpful for parents to know the staff, understand the services and feel comfortable. This change will help parents with a disabled child have one less concern and this may make all the difference for the family.

Secondly, as an administrator and a taxpayer in Kansas I am very concerned about duplication of services at the state level. In my own organization I try to streamline everything as much as possible to ensure that families and children are not overwhelmed and that crucial monetary resources are not wasted. I feel that when KSBE assumes the lead agency role that the duplication of services which has developed at KDHE in order to implement the infant/toddler program will cease. I would like to provide you with some examples. KSBE has an entire fiscal staff headed by Dale Dennis who are experts in school finance and budget management as well as flowing dollars to local education agencies in a timely manner. KDHE did not have this in place and has had to replicate a system which is costly and still does not have the level of expertise which is

obtainable at KSBE. In addition it is time consuming for the local education agency to complete multiple sets of fiscal paperwork, one for KSBE and one for KDHE to receive funding. The funding times are dissimilar so disruptions in cash flow occur regularly. KSBE has also established an extensive data management system which allows the state to monitor the children with disabilities in Kansas. KDHE is now in the process of setting up a similar data management system. I feel that this is a waste of monetary resources which could be utilized to provide services to children with disabilities. Lastly, KSBE has for many years met the federal compliance requirement of ensuring that services are provided to children with disabilities in conjunction with state and federal regulations. KDHE has had to set up a costly compliance model which duplicates what KSBE already has in place. I believe that each agency can learn from each other however, I feel that one agency with a state level compliance team is sufficient. Once again precious dollars are being channeled from children and families into a bureaucracy which is simply duplicating services. I applaud the governor for recognizing that monies are being frivolously wasted in a manner which our state and our disabled children cannot afford.

In conclusion, I would like to commend KDHE for their efforts in implementing a system that they had little background or technical expertise in which to do so. I have enjoyed and appreciated the work which KDHE has done however, the logical, reasonable and most cost-efficient agency to serve as the lead agency is KSBE. In addition, it will enhance the services to children and families and ensure that continuity of care is provided and the greatest number of dollars possible go to the children with disabilities and not for duplication of services in governmental bureaucracy.



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A child's promise of hope.

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- +Gladys Wiedemann

+Deceased

**TO:** GOVERNMENTAL ORGANIZATION COMMITTEE

**FROM:** Lorraine Bockorny, Executive Director  
RAINBOWS UNITED, INC. (a not-for-profit early intervention agency serving young children with disabilities and their families in Sedgwick County)

**DATE:** MARCH 6, 1996

**Issue:** On February 6, 1996, Governor Graves signed Reorganization Order No. 27 "which transfers the responsibility and power for performing duties and functions required of a state's lead agency under Part H of the Individuals with Disabilities Education Act (20 U.S.C. 1471 et seq.) from the Kansas Department of Health and Environment to the State Board of Education....."

**Concern:** The Part H system in Kansas currently provides community based early intervention services to 2,160 infants and toddlers using a collaborative, interagency, multidisciplinary, and family-centered system through 37 local community networks. The Part H system, with KDHE as lead, has continued to evolve and improve since its inception.

**Background:** In the late 1980's, a State mandate under the Kansas State Board of Education (KSBE) went into effect. This mandate was to ensure that services for children, 3 through 5 years of age, with disabilities would have services in their communities. Even though the federal law encouraged interagency collaboration, most local education agencies preferred to provide services in a solo fashion and most private, non-profit agencies discontinued services to this age group. Local funding sources, such as county mill levy, United Way, private grants and foundations that had been helping to support these services evaporated.

**ACTION:** PLEASE SUPPORT HR 6012 WHICH DISAPPROVES THE GOVERNOR'S PROPOSED CHANGE REORGANIZATION NO. 27 REGARDING LEAD AGENCY FOR PART H.

HOUSE GOVT ORG & ELECTIONS  
March 7, 1996  
Attachment 21-1



- Points:**
- 1) **ORDER IS INCONSISTENT WITH GOVERNOR GRAVE'S AND LEGISLATORS' DESIRE TO HAVE COMMUNITY BASED DECISION MAKING, AND PUBLIC PRIVATE PARTNERSHIPS.** Executive Order No. 27 does not appear consistent with Governor Grave's ideology. He speaks of privatization and community partnerships, but this order will only prevent or eliminate relationships/agreements already formed or in process.
  - 2) **DISCOURAGES COST-EFFECTIVE SERVICES DELIVERY SYSTEM.** There will be loss of current community investment of both time and financial support.
  - 3) **LOSS OF COMMUNITY PUBLIC AND PRIVATE DOLLARS.** Conservative estimates indicate that more than \$3 million will be at risk if Education assumes the lead agency designation. The perspective of many private and local public funding sources is that if Education is in charge, other sources of financial support will no longer be committed to the system.
  - 4) **NEED FOR INCREASED REVENUE FROM LEGISLATURE.** The state legislature will then be asked, once again, to increase appropriations in special education funding in order to make up this community loss of funds. (Already there is talk within Education of requesting an educational mandate to fund services to birth.)
  - 5) **PUBLIC EDUCATION SYSTEM ALREADY SIGNIFICANTLY CHALLENGED TO MEET THE NEEDS OF COMMUNITY SCHOOL AGED CHILDREN.** Public education is an already stressed bureaucratic system charged with assuming ever increasing responsibilities.
  - 6) **DISCOURAGES VOLUNTEERISM AND, COMMUNITY INVOLVEMENT.** This move will discourage the community involvement and volunteerism the Governor promotes.
  - 7) **DISCOURAGES LOCAL DECISION MAKING AND PARTNERSHIPS.** At a time when government is encouraging local decision making, partnership and consumer input, this action at the State level will more likely "dictate" to educational leaders across Kansas that they are now to be in charge and in control of early intervention services in their community.
  - 8) **EARLY INTERVENTION IS NOT AN EDUCATIONAL PROGRAM** Part H of IDEA requires a family centered interagency service delivery model, not an educational model. Historically when Education becomes responsible, educational philosophy and regulations are forced on children eligible for services. This action would have a negative impact on these consumers of services and community early intervention programs.





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A child's promise of hope.

## 1995 DEMOGRAPHIC INFORMATION

A total of 678 children birth through five were enrolled during 1995 (of these, 364 were center based). (510 children were enrolled in 1994, of whom 356 were center based). Transportation was provided to 64% of the center based enrollees (69% in '94).

Rainbows has 275 employees (244 in '94), of whom 169 are FTE (144 in '94), and 106 are part-time, including 81 respite care providers (100 part-time in '94, including 64 respite care providers).

25% of the children were African American. (28% in '94)  
64% of the children were Caucasian. (61% in '94)  
6% of the children were Hispanic. (6% in '94)  
3% of the children were Indian. (2% in '94)  
2% of the children were Asian. (3% in '94)

97% of the children lived in Sedgwick County. (97% in '94)  
2% of the children lived in Butler County. (2% in '94)  
1% of the children served lived in Kingman and Reno counties (1% in '94)

34% of the children served were birth through two (12-1-92 b.d.). (37% in '94)  
66% of the children served were three through five. (63% in '94)

The average family served by Rainbows has four family members. (same for '94)  
31% of children served came from households with five or more family members. (30% in '94)  
31% of children served came from single parent households. (36% in '94)

45% of children served had annual household incomes < \$10,000. (48% in '94)  
22% of children served had annual household incomes between \$10,000-\$20,000. (18% in '94)  
19% of children served had annual household incomes between \$20,000-\$40,000 (23% in '94)  
14% of children served had annual household incomes > \$40,000. (11% in '94)

32% of referrals to Rainbows came from health related agencies. (28% in '94)  
27% of referrals to Rainbows came from social service agencies. (36% in '94)  
23% of referrals to Rainbows came from families and friends. (26% in '94)  
10% of the referrals to Rainbows came from schools. (5% in '94)  
8% of referrals to Rainbows came from unknown sources. (5% in '94)

18% of the children received partial funding through Medicaid. (10% in '94)  
38% of the children received partial funding through S.R.S. (40% in '94)  
6% of the children received partial funding through private insurance (21% in '94)

37% of Rainbows funding is provided by Federal and State grants. (44% in '94)  
20% of Rainbows funding is provided by S.R.S. (14% in '94)  
14% of Rainbows funding is provided by United Way of the Plains. (15% in '94)  
11% of Rainbows funding is provided by Sedgwick County (14% in '94)  
13% of Rainbows funding is provided by private grants and donations. (8% in '94)  
3% of Rainbows funding is provided by private payors. (2% in '94)  
2% of Rainbows funding is provided by third party payors. (3% in '94)

HOUSE GOVT ORG & ELECTION  
March 7, 1996  
Attachment 21-3


\*The above figures do not include the 415 individuals served through respite care in 1995 (345 in 1994).



TO: <b>Ruby Gilbert</b> FAX #: <b>913-235-0020</b>	FROM: <b>Valarie Kerschen, MD</b> FAX #: <b>316-651-8581</b>	DATE: <b>3/6/96</b> PAGES INCLUDING THIS PAGE: <b>1</b>
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DATE: March 6, 1996

TO: Representative Ruby Gilbert


FROM: Valarie Kerschen, M.D.  
 Developmental Pediatrician   
 Assistant Professor of Pediatrics

RE: House Bill HR 6012

This is in regard to the House Bill HR 6012 which disapproves the proposal the governor has made regarding changing the lead agency for Part H services from KDHE to KSBE. I support KDHE as the lead agency because it is a well established program that functions well within the state. I have found the current Part H system to be very family centered and very beneficial to Kansas families. Specifically as a physician, the current programs under KDHE have been well organized and function quite efficiently. Referrals made to Part H programs have been simplified and communication among those involved has been greatly improved under KDHE's supervision.

SENT BY: HCA WESLEY MEDICAL 3-6-96 6:15PM Neonatology Dept. →  
TO: Jonathan Wells FROM: Valarie Kerschen, MD DATE: 3/6/96  
#: 913-235-0020 FAX #: 316-651-8581 PHONE #: 316-651-8577  
PAGES INCLUDING THIS PAGE: 1

INTERHAB:# 2

DATE: March 6, 1996  
TO: Representative Jonathan Wells  
FROM: Valarie Kerschen, M.D.   
Developmental Pediatrician  
Assistant Professor of Pediatrics  
RE: House Bill HR 6012

This is in regard to the House Bill HR 6012 which disapproves the proposal the governor has made regarding changing the lead agency for Part H services from KDHE to KSBE. I support KDHE as the lead agency because it is a well established program that functions well within the state. I have found the current Part H system to be very family centered and very beneficial to Kansas families. Specifically as a physician, the current programs under KDHE have been well organized and function quite efficiently. Referrals made to Part H programs have been simplified and communication among those involved has been greatly improved under KDHE's supervision.



# Russell Child Development Center

714 BALLINGER

GARDEN CITY, KANSAS 67846

(316) 275-0291

March 6, 1996

House Governmental Organization Committee  
Public Testimony Opposing HR 6012

Dear Members of House Governmental Organization Committee:

As Director of Russell Child Development Center in Garden City and as a Public Member of the Coordinating Council on Early Childhood Developmental Services, I support the Executive Reorganization Order No. 27 that transfers the lead agency for the Infant-Toddler Programs from KDHE to KSBE. This support is both from a local provider perspective in addition to my perspective as a member of the Coordinating Council from a state system viewpoint. The benefits of this transfer include:

- elimination of State Agency duplication of services
- improved technology support - at local and state level
- increased coordination of personnel preparation and training
- improved grant and system management

The service area in our local system covers over 10,000 square miles in a 12 county area. Our network serves over 200 infants and toddlers each year. We access a combination of private and public funds to provide services to the children and families in our area. These private funding sources of United Way, County Mil Support, and private foundation support are not jeopardized by this lead agency transfer. These private funding sources are represented by people who can understand the intent of the Governor's Executive Order. In most Kansas communities, the people involved in providing services to infants and toddlers with disabilities are adept at representing the continual changes in funding and systems management that have occurred in Early Childhood Services.

I do not want us to lose sight of the most important group affected by this change. The children and families receiving services and needing services will also gain from this transfer of lead agency. Many of us across the state have spent an inordinate amount of time and energy working with KDHE to help build a stable state system to best serve the children of Kansas. With the transfer of lead agency, we can now focus our energies on the priorities each of our local systems have identified. Children and families are best served by an efficient and effective government. Governor Graves recognizes this and we should support his efforts to improve services for children with disabilities.

The best interests of infants and toddlers with disabilities and their families are best served with the transfer of lead agency. Please do not support HR 6012. Thank you for your consideration of my written testimony.

Sincerely,

  
Nancy Linville  
Director

HOUSE GOVT ORG & ELECTIONS  
March 7, 1996  
Attachment 21-6

To: House Governmental Organization Committee

Re: HR 6012

My wife and I urge you to oppose HR 6012 and support ERO #27. We understand that ERO #27 transfers the lead agency for the Infant-Toddler Program (Part H, IDEA) from the Kansas Department of Health and Environment to the Kansas State Board of Education. Such a change would increase the flow of federal dollars directly to the local providers by eliminating the duplication of administrative duties at the state level. As parents of a child with special needs and as taxpayers we believe it is most important to funnel as much money as possible into direct services to families and young children at home.

Thank you.

Ernest H. Stubbs Jr

HOUSE GOVT ORG & ELECTIONS

March 7, 1996

Attachment 21-7

3-6-96



**HIGH PLAINS EDUCATIONAL COOPERATIVE #611**

621 E. Oklahoma • Ulysses, Kansas 67880 • (316) 356-5577

March 6, 1996

Dear Honorable Representatives:

The action proposed in HR6012 will not benefit children of Kansas. The result of the Governor's Executive Order which places the administration of the Part H, Infant-Toddler Program, with the Kansas State Board of Education will have positive benefit to children. In southwest Kansas we have minimal resources and we must use them wisely. The duplication of effort that is required under the present system, in which there are two lead agencies, is significant and can be reduced by placing all programs under one state agency, the KSBE. At the present time, both state agencies are attempting to comply with the same law. Part H is not a law that stands alone. Both agencies are required to provide services to children, develop a plan for meeting children's needs, establish due process procedures for families, monitor for compliance, assure adequate staff development, budget, and disseminate federal monies to local agencies. All of these tasks are already a part of the KSBE process and so will not be unique experiences for them.

It should be noted that fiscally, education dollars are already supporting a majority of the providers in the Infant-Toddler Programs; the majority of Part H providers are accessing categorical reimbursement. For these providers, the KSBE is already responsible for assuring providers are properly certified.

A final observation is that the U.S. Department of Education is dealing with two agencies in the state of Kansas at the present time: KDHE for children up to three years of age and the KSBE for children three and older. This requires the KDHE to implement procedures from a Department of Education

- USD CITY
- 478 Copeland
- 218 Deerfield
- 218 Elkhart
- 363 Holcomb
- 210 Hugoton
- 452 Johnson
- 215 Lakin
- 467 Leoti
- 371 Montezuma
- 209 Moscow
- 217 Rolla
- 507 Satanta
- 466 Scott City
- 374 Sublette
- 494 Syracuse
- 200 Tribune
- 214 Ulysses

which in itself may be awkward and unnecessary.

If your intent is to reduce duplication of effort; if your intent is to help create systems that are more family-friendly; if your intent is to reduce bureaucracy, then you will seriously consider supporting the Governor's Executive Order establishing the Kansas State Board of Education as the lead agency for all services for children which fall under P.L. 99-457 and the I.D.E.A. You will reject the intent and purpose of HR6012.

Thank you for the opportunity to address this issue which affects the quality of services Kansas can provide its children.

Sincerely,

T. ZoAnn Torrey



"Home of the Tigers"

# Washington Schools USD 222

Dr. Roger A. Baskerville, Superintendent  
Robert C. Hassler, High School Principal  
Ronald L. Scott, Elementary Principal

Washington, KS 66968 (913) 325-2261 FAX (913) 325-2138

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Attorney

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Director of Transportation



06 March, 1996

**TO: The House Committee on Governmental Organization**

**RE: Dr. Roger A. Baskerville, Superintendent of Schools, Washington, Kansas  
(USD 222)**

Thank you for the opportunity to express my feelings on the resolution to "disapprove" the Governor's Reorganization Order on "Part H" funding responsibility. It was impossible for me to be in Topeka today to speak personally before the Committee. However, the *gestalt* of assistance to infants/toddlers with special needs requires further clarification and explanation. It is essential that these be presented before this Committee at this time.

I currently serve as a member of the Clay and Washington Counties' ICC. This two-county provider of services was recently reorganized in order that both counties might receive (or have access to), categorical aid/funding. USD 222 voted to become the first public school "agent" connected with the Clay/Washington ICC. For years we have had our special needs' infants/toddlers served by a private provider in Clay County. The Geary County Unified Schools served as the "financial agent;" that is, the one (1) individual who tried to organize health, educational and rehabilitative services for our two (2) North Central Kansas' counties was "paid" by Geary County, simply because this USD agreed to "receipt" our limited grant dollars. Needless to say, Clay County and Washington County infants/toddlers *were not receiving* the quality assistance required for their specialized needs. When USD 222 (the Washington Schools), agreed to be the Categorical Aid Agent, this opened up new funding avenues as well as the creation of "local fiscal autonomy."

With this new-found autonomy the Clay/Washington Counties' ICC began the process of doing a more thorough and comprehensive job of identifying infants/toddlers with special needs. Accumulated data, empirical in nature, proved what had long been suspected; i.e., the majority of "special needs" centered around problems which could be both "treated" and ultimately resolved by education specialists. This is one (1) primary reason why the Clay/Washington Counties Infants/Toddlers' Coordinator/Director has an office at the *Washington County Early Childhood Center* in Greenleaf, Kansas. (This facility came into existence this year when USD 222 agreed to be the Categorical Aid Agent. It was formerly a closed elementary school in Greenleaf, Kansas.) And, this is also why those of us involved with our Infants/Toddlers' Program felt elated when the Governor decided to issue an Executive Reorganization Order concerning "Part H" funding. In short, in essence, and in effect

HOUSE GOVT ORG & ELECTIONS, March 7, 1996  
Attachment 21-10



# Washington Schools

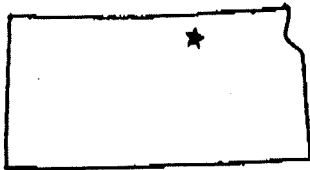
## USD 222

Dr. Roger A. Baskerville, Superintendent  
 Robert C. Hassler, High School Principal  
 Ronald L. Scott, Elementary Principal

Washington, KS 66968

(913) 325-2261

FAX (913) 325-2138



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 Attorney

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 Director of Transportation

it (the funding mechanisms/control), belongs with the State Department of Education. Prior to assuming the Superintendency of the Washington Schools in 1982 I served as a Superintendent of Schools in Iowa. The Code of Iowa *mandated State Responsibility for all children..., from birth to the age of twenty-one.* As a Superintendent I fully appreciated that *mandatum.* There was no "second-guessing" about who was responsible; about "what" was responsible. To whom and for how long, if asked at all, were rhetorical questions. It was sufficient to know that *all children* were being assisted in a systematic, orderly fashion. And, the State (through Iowa's Department of Public Instruction), provided for each and every individual's *special needs; from birth to the age of 21.* There were no questions asked. If they were born in Iowa, and if they required assistance due to a special need, the children were helped. It was that simple. And, since the majority of "special needs" requirements were of an educational nature, it made sense to have "all students" (from birth to 21), under the auspices of the Department of Public Instruction. That's why the Governor's executive decision to reorganize Kansas' involvement in Part H funding control *also* made sense. It was a step in the right direction.

Thank you for your time and patience in listening to our concerns. We respectfully request reconsideration of the House Committee's Resolution.

Sincerely yours,

Roger A. Baskerville, Ph.D.  
 Superintendent of Schools - USD 222



To: House Governmental Organization Committee  
Re: HR 6012

As providers of services to children in a birth through five program in Kansas, we are opposed to HR 6012. We feel strongly that a change of the Part H lead agency to the Kansas State Board of Education would be beneficial to the service delivery system for children birth through two and their families in Kansas. ERO #27 would provide the advantage of a birth through 21 service delivery system with the entire program administered by one agency. This would serve to eliminate duplication of items such as the data management system and staff costs. This is occurring in the current system with the Kansas Department of Health and Environment as lead agency of the birth through two program. We believe that saving money at the state level would allow more dollars to flow to local programs to be spent for direct services to children. Please support ERO #27 by opposing HR 6012. Thank you.

KaAnn Graham  
Director, Early Education Center  
Reno County Early Intervention Coordinating Council  
P.O. Box 399  
Hutchinson, KS 67504-0399

Marcia Corey  
Infant Development Specialist  
Early Education Center  
P.O. Box 399  
Hutchinson, KS 67504-0399

03/06/80 11:55 FAX 813 672 3173 N.R.E.S.C. 0002  
March 6, 1996

To Whom It May Concern:

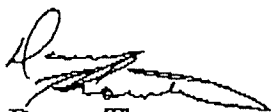
Our agency has received Part H funds since our first grant (1987-88). As lead agency for the local Part H programming, we have been there during KDHE's administration of Part H. In 1980 our agency began servicing young children below kindergarten age, from birth to five years of age, and did not make special bureaucratic distinctions dependent on the age of the child until the development of Part H through the Kansas Department of Health and Environment. Our existing coordinating council (started in 1979) took up the role of interagency coordinating council and became the body through which the Part H grants are developed, submitted and implemented.

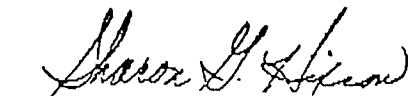
We support the transfer of the lead agency for the Infant-Toddler Program (Part H, IDEA) from the Kansas Department of Health and Environment (KDHE) to the Kansas State Board of Education (KSBE) effective July 1, 1996. Due to the significant support from education through state categorical aid dollars, it makes sense to administer Part H from the KSBE. As we understand it, approximately half of the Part H grantees are education agencies now with working relationships with KSBE. KSBE offers a state-wide network that is available to every family (with infants and toddlers) in the state. No such network exists with KDHE. I cannot see that local health providers were influenced to greater participation due to the lead agency of KDHE, therefore no local participation by health providers would be lost. The intent of Part H is to be interagency so the local fiscal agents and coordinating councils will always work with other agencies, however it will be easier for us to accomplish the Part H goals due to the good relationship we already have with KSBE. KSBE has always been conservative with the amount of dollars they keep back for administrative costs and would be able to send more of the federal dollars out to local coordinating councils for Part H services to infants and toddlers and their families. As many of these children will be transitioning to Part B services, the transition from Part H to Part B services will be easier with KSBE the lead agency for Part H as it is of course already the lead agency for Part B. I would expect greater cohesion in a Part H system for servicing young children with developmental delays with KSBE as the lead agency.

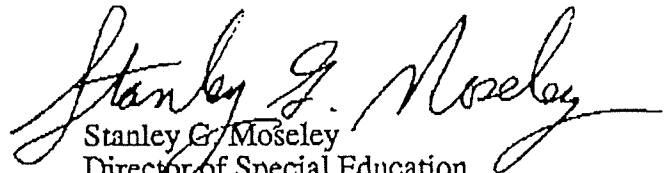
I recognize that private agencies may have a vested interest in the economic benefits they have enjoyed through the use of state dollars for Part H programs.

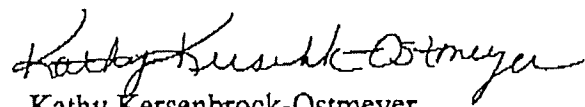
This executive order does nothing to "mandate" that local education agencies are responsible for infants and toddlers with developmental delays. KSBE is no doubt more accustomed to the technical assistance and auditing procedures to assure that services are being provided as needed and dollars are being used wisely.

We support the Executive Reorganization Order No. 27--it makes good sense!

  
Danny Thornton  
Executive Director

  
Sharon Hixson  
Assistant Director of Special Education

  
Stanley G. Moseley  
Director of Special Education

  
Kathy Kersenk-Ostmeyer  
Assistant Director of Special Education

Northwest Kansas Educational Service Center  
703 W. Second  
Oakley, KS 67748  
(913) 672-3125

HOUSE GOVT ORG & ELECTIONS  
March 7, 1996

Attachment 21-13

# Children and Teenagers Clinic

Modesto S. Gometz, M.D. - Jim McDaniel, M.D.  
909 E. CENTENNIAL - P.O. BOX 1748  
PITTSBURG, KANSAS 66762-1748

March 6, 1996

Mr. Doug Bowman  
Coordinating Council on Early Childhood Development Services  
Landon State Office Building, Room 1005  
900 S.W. Jackson  
Topeka, Kansas 66612-1290

Dear Mr. Bowman:

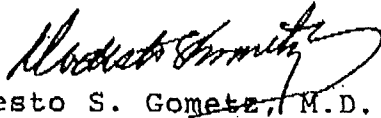
With great disappointment I have read the notification that Governor Graves has signed an Executive Reorganization Order (ERO) #27 on February 6, 1996, transferring the lead agency for the Infant-Toddler Program (Part H, IDEA) to the Board of Education.

The early childhood development which takes care mainly children at risk from 0 to 2 or 3 was appropriately under the Kansas Department of Health and Environment. The reason is that children under three years of age has more medical than educational problems. Actually, our job was to put these children in good physical condition to learn later on, when ready to go to pre-school or kindergarten.

I doubt that the Kansas State Board of Education has expertise and the man power to meet the basic essential criteria of health care in the early childhood.

I respectfully request the reconsideration of the executive order.

Sincerely,



Modesto S. Gometz, M.D.  
MSG/ks

HOUSE GOVT ORG & ELECTIONS  
March 7, 1996  
Attachment 21-14

**Lawrence Public Schools**  
Service Center  
3705 Clinton Parkway  
Lawrence, Kansas 66047-2150  
(913) 832-5000  
Fax: (913) 832-5016



March 6, 1996

Dear House Governmental Organization Committee:

I am writing in regards to Executive Reorganization Order #26. This order would place Part H under the Department of Education and I strongly support this move! I have moved to Kansas from the state of Nebraska where I served on the state of Nebraska Interagency Coordinating Council (ICC). During my tenure on the ICC and in Nebraska, I saw the Part H program go from the Department of Education to a collaborative project with the Department of Education and Department of Social Services (DSS). This co-lead agency concept proved to be more burdensome and there were decisions being made which people had no background in and a power struggle ensued. DSS attempted to tell school districts what to do and it was not well received.

When the program was under the Department of Education, it ran much smoother and sound decisions were made without the concerns of "who was in charge" or "why some decisions were made that did not seem educationally appropriate." I strongly support the direction of Executive Reorganization Order #26 and I know that the state of Kansas will benefit from this change. Please do not consider a co-lead agency concept! I feel it will be detrimental as we work through this transition of Part H to the Department of Education. Thank you for your time and attention in this matter!

Sincerely,

Doug Eicher, Ph.D  
Director, Special Services  
Lawrence Public Schools (USD #497)

HOUSE GOVT ORG & ELECTIONS  
March 7, 1996  
Attachment 21-15

# East Central Kansas Special Education Cooperative

P. O. Box 268 • Paola, Kansas 66071 • Tele: 913-294-2303

Paola  
U. S. D. 368

Oswatimie  
U. S. D. 367

Garnett  
U. S. D. 366

Louisburg  
U. S. D. 416

Prairie View  
U. S. D. 362

Central Heights  
U. S. D. 288

Jayhawk  
U. S. D. 348

Pleasanton  
U. S. D. 344

## MEMO

**DATE:** March 6, 1996

**TO:** Doug Bowman

**FROM:** Bill Vivers

As the Director of the East Central Kansas Special Education Cooperative, which is the lead and fiscal agent for the Part H Program serving Miami, Linn and Anderson Counties, I am opposed to H.B. 6012 and endorse Governor Graves' ERO #27. Placing special education services for children ages 0-21 under one agency should reduce some of the duplication in our reporting system, our funding procedures, etc.. We need to take every opportunity possible to eliminate unnecessary paperwork.

HOUSE GOVT ORG & ELECTIONS  
March 7, 1996  
Attachment 21-16

CAROLYN NEWMASTER  
DIRECTOR OF SPECIAL SERVICES



Office - Room 1114  
OTTAWA MIDDLE SCHOOL  
242-3818

## DEPARTMENT OF SPECIAL SERVICES

UNIFIED SCHOOL DISTRICT #290  
OTTAWA, KANSAS 66067

March 6, 1996

House Governmental Organization Committee  
House of Representatives  
Topeka, Kansas

Dear Sir/Madam:

We wish to express our support of Executive Reorganization Order #27 and our opposition to HR 6012. We believe the change in lead agency at the State level will be beneficial for Part H providers and can provide more effective services for infants and toddlers.

With shrinking financial resources available, it is vital that all programs operate as efficiently and effectively as possible. The transfer of lead agency to the Department of Education can eliminate duplication of data collection and reports, both of which are time consuming for the providers. We also hope there will be less administrative costs at the State level, by including Part H in the Department of Education.

We appreciate the opportunity to provide support for the Executive Order naming the Department of Education as the lead agency for Part H.

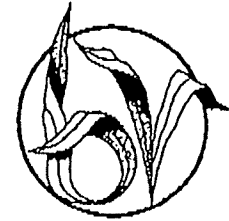
Sincerely,

Carolyn Newmaster  
Ottawa-Wellsville Early Childhood Council

HOUSE GOVT ORG & ELECTION  
March 7, 1996  
Attachment 21-17



# Parents as Teachers



March 6, 1996

Mr. Doug Bowman  
Coordinator Kansas State ICC  
Landon State Office Building  
Topeka, Kansas 66612

Dear Doug,

This letter is in response to the fax I received this morning regarding the public hearing regarding the Executive Reorganization Order #27 changing the state lead agency from KDHE to KSBE, effective July 1, 1996.

I am in favor of this reorganization IF the following concerns are addressed:

- Interruption of services to families.
- Revision or changes in current policies after the effective date of July 1, 1996
- Change in your position and reporting procedures.

No change in local lead agency.

As a parent of a child with special needs, and as a professional in the field my concern is that each child in the state of Kansas receive prompt and effective services without the reorganization of government placing the service in jeopardy.

Sincerely,

Mimi Nagle  
ICC Parent Representative  
Parent Educator

HOUSE GOVT ORG & ELECTIONS  
March 7, 1996  
Attachment 21-18



USD 244 BURLINGTON TEL: 316 364 8548 FAX: 316 364 8548 10-25 NO.002 P.02

# Coffey County Special Education Cooperative

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200 South Sixth

Burlington, Kansas 66839

(316) 364-5151  
FAX: (316) 364-8548

March 6, 1996

To Whom It May Concern:

We are in favor of the Executive Reorganization Order #27 changing the state lead agency from KDHE to KSBE.

Respectfully,



Derald C. Hurt  
Administrator

DCH:mn

HOUSE GOVT ORG & ELECTIONS  
March 7, 1996  
Attachment 21-19

USD 243 Labo-Waverly  
(913) 733-2651

USD 244 Burlington (Sponsoring District)  
(316) 364-8478

USD 245 LeRoy-Gridley  
(316) 964-2212

Unified School District No. 480  
**EDUCATION SERVICE CENTER**  
624 N. Grant - P.O. Box 949  
Liberal, Kansas 67905-0949  
(316) 626-3824

March 6, 1996

Carol Dauson  
Madam Chairperson  
House Governmental Organization  
Committee  
171 West  
State House  
Topeka, Kansas

Dear Madam Chairperson:

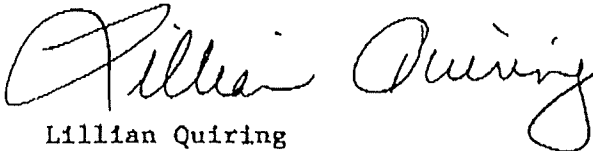
I am writing to state my opposition to HR6012. Executive Reorganization Order No. 27 signed by Governor Graves would continue to provide the needed coordination to provide appropriate programming for infants and toddlers with disabilities. With the KSBE as the lead agency, the duplication of some functions within the two present agencies (KSBE and KDHE) could be eliminated.

As a parent of a child with a disability as well as a director of special education within the state of Kansas, I have been very pleased with the efforts made on behalf of children by the KSBE. We have found the staff to be a valuable resource for needed information as well as responding to concerns and suggestions in a timely and efficient manner.

Please consider changing the lead agency for Part H services from the KDHE to the KSBE.

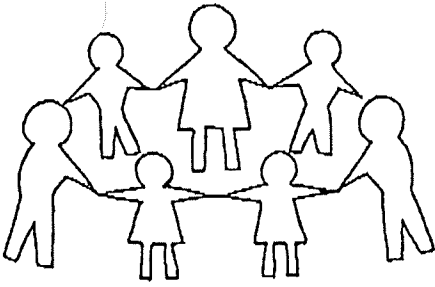
Thank you for your attention to this matter.

Sincerely,



Lillian Quiring  
Director of Special Education  
USD #480  
Liberal, KS 67901

HOUSE GOVT ORG & ELECTION  
March 7, 1996  
Attachment 21-20



**PARENTS AND CHILDREN TOGETHER, INC.**  
Education Service Center  
624 N. Grant - Liberal, KS 67901  
(316) 626-3824

**Serving Seward County, Kansas**

March 6, 1996

Carol Dauson  
House Governmental  
Organization Committee  
171 West  
State House  
Topeka, KS

Dear Madam Chairperson:

As a Family Services Coordinator for Part H services within Seward County, I am writing to express my opposition to HR 6012. I believe it is in the best interest of the program for the lead agency to be the KSBE. I support Governor Graves' Executive Reorganization Order No. 27.

Sincerely,

A handwritten signature in cursive script that reads "Jan Nondorf".

Jan Nondorf  
Family Services Coordinator  
FACT, Inc.  
Seward County

March 6, 1996

To: House Governmental Organization

From: Kathy Johnson, Coordinator for Infant Toddler Services in Shawnee County, and Sabra Diehl, Child Development Director, TARC, Topeka, Ks.

Re: HR 6012

There are several issues that are of concern to our community with regard to the change in lead agency from KDHE to KSBE.

Shawnee County Interagency Coordinating Council, and local agencies as well as individual service providers, have worked very diligently to build a collaborative network that provides funding and a comprehensive service delivery system with a focus on the Family of infants and children with special needs. The ability to maintain that collaboration and focus is crucial and the basis for our concern. The focus on the family needs to be provided in a holistic approach. Typically education has not focused on the family, or social, environmental, and medical issues. All of these areas addressed in the current process of service delivery do not fit in the "educational model." It is our concern that in an attempt to provide regulatory standards for personnel and services, we will lose the collaborative and family focus. In addition our community utilizes a wide variety of funding resources, such as United Way, Medicaid, County Mill Levy, grants, and private foundations to provide services. In the past when education has provided services these funding sources have been eliminated.

An additional concern involves the process that was utilized in making the decision to change lead agencies. If The State Coordinating Council is to be effective then they should have been key in the decision making process, with all agencies represented in making state-wide decisions as well as considerable input from the local networks and school districts. Local networks were not involved in this decision, thus raising the question of where collaboration, and local control will be considered when both were left out of this crucial decision.

Thank you for your consideration.

HOUSE GOVT ORG & ELECTIONS  
March 7, 1996  
Attachment 21-22



## Butler County Infant-Toddler Program

924 N. Topeka B-1 El Dorado, KS 67042

Phone: (316) 321-6726 / 1-800-611-8840

Fax: (316) 321-5328

3-6-96

Deidra Heath  
Butler County ICC  
Parent of 2yr old with Downs Syndrome

If you can keep what programs you have and not tear everything down I,m  
for the change. IF it will make it more efficient that's okay with me.  
I can see where it would save money and might make services more  
available. Let's make it easier for the families.

HOUSE GOVT ORG & ELECTIONS  
March 7, 1996  
Attachment 21-23



Associated  
Colleges  
of  
Central  
Kansas

March 6, 1996

Representative Dawson and Members of the House Government Organization Committee:

I come to you as a long-time participant in developing Kansas early intervention services, as facilitator of community deliberations on Kansas Infant-Toddler networks, and as a personnel trainer, statewide and nationally, in preservice and inservice teacher education.

A Consortium  
Providing  
Service To:

BETHANY COLLEGE  
Lindsborg

BETHEL COLLEGE  
North Newton

KANSAS WESLEYAN  
UNIVERSITY  
Salina

McPHERSON COLLEGE  
McPherson

STERLING COLLEGE  
Sterling

TABOR COLLEGE  
Hillsboro

- 1) The decision to move lead agency for Infant-Toddler Services from KDHE to KSBE should not have been made so quickly, without public comment and exploration of possible consequences. It is not just a structural matter but, rather, an issue with political, fiscal, and psychological implications for Kansas communities.
- 2) There are advantages to moving Infant-Toddler Services from KDHE to KSBE: most notably, improved collaboration with other early childhood programs at state and community levels, many of which are guided by KSBE at the state level. This is extremely significant--compelling, in my opinion.
- 3) There are also risks to moving Infant-Toddler Services from KDHE to KSBE: most worrisome, relationships with medical service providers (so necessary with many infants with special needs) may be de-emphasized.
- 4) The governor, the legislature, all state agencies, and local networks for Infant-Toddler Services must continue to emphasize that a lead agency change should in no way affect local relationships or financial support for Part H services. The lead agency, whether KDHE or KSBE, must actively verbalize and support this philosophical and fiscal continuity in all interactions.
- 5) In reality, a change in state lead agencies will probably benefit some communities' Infant-Toddler Services and hinder others. Kansas must not allow any community agency funds to be withdrawn (supplanted) during this transition. Withdrawal of funds caused a major crisis in delivery of services to children and families in the early 1990s when Kansas began to mandate Early Childhood Special Education services for three and four year olds.

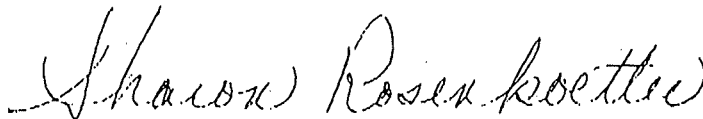
HOUSE GOVT ORG & ELECTIONS  
March 7, 1996  
Attachment 21-24

- 6) If your committee recommends that this transfer go forward, a transition task force must immediately be named to expedite wise administration of Infant-Toddler Services.

Major concerns that have already arisen include:

- A lack of information from the highest levels to squelch rumors and allay fears of parents and community service providers.
- The need to bolster community networks in continuing their interagency collaboration in providing Infant-Toddler Services (currently, there is widespread fear in the State that agencies will "pull out" or "take over" services that currently are being provided collaboratively. The Transition Task Force is needed right now to address this major concern).
- Pressing difficulties in planning personnel training, contracts, and services for the coming year (as a contractor providing services and consultation for Infant-Toddler Services, I find it problematic to be planning projects with people who will not oversee or evaluate my work).

In summary, it is not a higher education issue nor is it a critical personal issue for me which agency is lead agency for Infant-Toddler Services. The urgent need is that we have continuity in funding, philosophy, and services for Kansas children and their families. Please use your influence to make this transition, if it is to occur, a smooth one for all involved. If I can assist in any way or answer questions about these comments, please do not hesitate to call.



Sharon Rosenkoetter, Ph.D.  
Co-Chair of Special Education



334 N TOPEKA, STE 100

WICHITA, KANSAS

ZIP CODE 67202

PH 316.267.3535

March 6, 1996

Dear Legislators:

The Sedgwick County Early Childhood Coordinating Council and Steering Committee met on February 15, 1996. Among the agenda items was Governor Graves' Reorganization Order No. 27 which transfers lead agency for Part H services from KDHE to KSBE.

Members of our local coordinating council are concerned about this recommendation and feel that such an action would have a negative impact on services for infants and toddlers in our community. In Sedgwick County, over 25 providers and many parents of young children with disabilities have come together to assure that services are family friendly and responsive to the *individual* needs of children. Part H funds are used in combination with *numerous* other funding sources to assure that each child receives the array of early intervention services he needs and that families receive the support they need in order to successfully care for their child.

The Part H system in Sedgwick County has evolved through the years into the interagency, cooperative service system it is today. A shift in lead agency at the state level would have ramifications at the local level as well. Once education is recognized as the agency "in charge", an erosion of the multi-agency support we now enjoy would follow.

The Part H system is not flawless. The solution, however, is not to switch leads, but rather to work with the system already in place. If KDHE could experience the degree of cooperation and collaboration from SRS and KSBE that exists among local providers, movement of the lead agency would not be an issue. Let us all work toward strengthening what we have rather than making a drastic change which would only set our state back and put communities at risk.

**PLEASE REVOKE EXECUTIVE ORDER NO. 27. PLEASE SUPPORT HR 6012!**

Sincerely,

Suzanne Chapel-Miller  
Social Service Coordinator  
Connecting Point

HOUSE GOVT ORG & ELECTIONS  
March 7, 1996

Attachment 21-~~25~~ 26



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Home Phone 316-636-9375

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March 07, 1996

Honorable Carol Dawson, Chairperson  
House Governmental Organization Committee  
300 S.W. 10th Avenue  
Topeka, Kansas 66612-1504

Chairperson Dawson and Committee Members,

I am writing on behalf of myself and my husband, Mitchell Herren, to express our deep concern about the governor's recent reorganizational move that transferred responsibility for Part H to the Department of Education.

We are the parents of a five year old girl, Lauren, who is severely affected with cerebral palsy. When Lauren was born, we lived in Shawnee Mission. When she was three, we moved to Wichita.

We have utilized the services of hospitals, private physicians and therapists, the school system, Families Together, and United Way funded organizations such as Rainbows United and Heartspring of Wichita and the Infant Development Center of Shawnee Mission Medical Center. We have constantly attempted to assemble the best "team" of professionals and non-professionals that we could find.

After working for almost six years on this very difficult process, we firmly believe Governor Graves' action will have severely detrimental effects on families of very young, disabled children. We say this, not because the Department of Education is ineffective, but because by nature it has a unique perspective and purpose--education. However, education is not the most important need during the first few years of a disabled child's life.

During the first three years, the parents' ability to provide for the basic medical, emotional, and social needs of the disabled child and the other siblings is critical. The physical, financial, and emotional drain on the parents is more than overwhelming. The organizations that were the most helpful in our survival of the first five years of Lauren's life were those whose mission and expertise was in assisting in the integration of the child's family with the physicians, therapists, respite care givers, church and pre-school educators. One of the helpful features of the current system is its decentralized nature. The department of education standing alone would certainly be more myopic in its approaches and abilities, and would likely feel unable to assist families that needed assistance in, for example, integrating the child into her local Sunday School class or religious preschool. "Disabled" children and their families come in an infinite variety of forms, each presenting a unique set of legitimate medical and social needs.

Each governmental department and private organization brings unique experience and expertise to the family in need. The Department of Education's expertise is in public education, not in providing or coordinating the personal touch that families so desperately need during the crucial early years of the disabled child's life. Rather than forcing the public "educators" to somehow become something they are not, what is needed is for the present diversification of groups to continue.

We also fear this reorganization will impact funding of essential, private services. Although we realize funding to organizations such as Rainbows is not supposed to change under the new plan, we have personally experienced how private funding for these crucially important groups dries up soon after it is known that the school system has "responsibility" for an aspect of the disabled child's life.

HOUSE GOVT ORG & ELECTIONS  
March 7, 1996  
Attachment 21-~~26~~ 27

Creating a more centralized system under Education is a mistake. Centralized responsibility and planning almost never turns out to be the best approach, no matter how well-intentioned. We voted for Governor Graves and believe he also believes in this principle, despite this recent move. Please take action to reverse his well intentioned, but dangerous mistake.

Respectfully submitted,

Lisa D. Herren