

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 8, 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: Joe Lawhon, Legislative Post-Audit Division
Dean Carlson, Secretary of Transportation

Others attending: See attached list

Briefing on:

K-GOAL Audit - Kansas Department of Transportation

Madam Chairman Dawson recognized Joe Lawhon, Legislative Post-Audit to address the Committee. He noted the three issues audited in the Department of Transportation were the Highway Program, the quality of work at competitive prices and fiscal responsibility. A copy of the report is on file in the Office of Legislative Post-Audit for a more detailed description.

Dean Carlson was recognized by the Chair. He explained that reporting the increase in revenue for the Department was not accurate and that it was an improper interpretation of the accounting system. See Attachment 1.

Testimony that was not made available to the Committee from the meeting of March 7, 1996, was passed out to Committee members. See Attachment 2.

Continue discussion on:

HB 3000-Prescribing certain standards governing ethics and conduct for public officers and employees

The Chair continued discussion on HB 3000 beginning with Section 26. A suggested replacement for Section 30 was made available by staff. See Attachment 3.

The Madam Chair adjourned the meeting at 9:54 a.m. and announced that the next meeting would be March 12, 1996, at 9:00 a.m. at the Capitol in Room 521-S.

GOVERNMENTAL ORGANIZATION AND ELECTIONS
COMMITTEE GUEST LIST

DATE: March 8, 1996

NAME	REPRESENTING
Valerie Denton	KID
Adam Kierm	KA KSHE
Carol Wells	WCBS
Garnie Stewart	KS AFL-CIO
Bob Totten	Ks Construction Association
Bill Watts	KDOT
Nancy Bogina	KDOT
Joe Lawton	Post Audit
Kim Selley	League of KS Muni
Anna Burnett	USD 50 / #
Patrick Hurley	Economic Lifelines
J. L. Nelson	UWSA
Margaret Wilson	WV SA
Arant Jones	ASB
Tom Brown	Allen Assoc.



KANSAS DEPARTMENT OF TRANSPORTATION

E. Dean Carlson
Secretary of Transportation

*Docking State Office Building
Topeka 66612-1568
(913) 296-3566
TTY (913) 296-3585
FAX (913) 296-1095*

Bill Graves
Governor of Kansas

**Testimony before the
HOUSE GOVERNMENTAL ORGANIZATION COMMITTEE
March 8, 1996**

**Regarding the Performance Audit Report,
"REVIEWING HIGHWAY CONSTRUCTION IN KANSAS"**

Madam Chairman and Members of the Committee:

I appreciate the opportunity to appear before you today in response to the Department's K-Goal Audit. We provided a written response to the audit in November, which is included in the final report, and I do not want to repeat those remarks. I would like to say that the Department appreciates the thoroughness and professionalism of the audit staff in conducting its evaluation, and we are very pleased with the positive results that are reflected in the report. Given the cost and scope of the Comprehensive Highway Program, we believe the fact that Legislative Post Audit made only four recommendations is strong evidence for the quality of our performance. Our greatest concern was with the finding that we had not spent all of the funds allocated to programs for the elderly and disabled on a timely basis. We were not aware that we had a problem in that area, and took steps to correct it as soon as it was drawn to our attention. Several other recommendations pointed out ways to improve our monitoring procedures and documentation, and we have addressed those concerns as well.

There are a number of areas throughout the report where Legislative Post Audit used data or approaches that differ from ours, and some questions have arisen as a result. Further review indicates many of those differences are a matter of presentation or interpretation, not substance. As a result, when Post Audit staff was asked to respond to questions about the reasonableness of the Department's revenue projections by developing their own projections, their results did not differ greatly from the information we had originally provided.

I will be happy to address any other questions you may have.



**KANSAS
HISPANIC
CAUCUS** *HISPANICS FOR ACTION*

March 7, 1996

CHAIRMAN
CHAD LOPEZ

VICE CHAIRMAN
MARCUS RAMIREZ

SECRETARY
CHRISTINE ANDRADE

TREASURER
RAÚL R. GUEVARA

Representative Carol Dawson, Chairperson
Committee on Government Organization and Elections

Honorable Chair and Committee Members:

Thank you for the opportunity to address the Committee on Government Organization and Elections. I appear before you as Treasurer of the Kansas Hispanic Caucus in support of HR 6011 which stands in opposition of Executive Reorganization Order Number 28.

KACHA targets and addresses the specific needs and concerns of a very proud and distinct subset of our wonderful nation -- the Hispanic culture.

This venerable nation's Forefather's were all mostly British, yet realized that this proud and distinct "subset" of the British Empire -- this British colony had specific needs and concerns which could only be addressed by its own manifesto. Thus, our great nation was born.

So, too, KACHA fulfills the same function.

It is admirable that the Governor's reorganization appears to "lighten the load" upon the citizenry of Kansas. It is laudable that our great Governor is seeking ways to diversify his Administration with such a reorganization. It is his prerogative to do so. It is sad, however; that this reorganization must be accomplished upon the backs of the protected classes. KACHA and its proud constituents should not shoulder the heavy burden of reorganization.

KACHA is an investment with a big return on the Kansas taxpaying dollar.

KACHA is already an office of Multicultural Affairs by addressing the needs and concerns of Mexican Americans, Puerto Ricans, Cubans, Central and South Americans.

The **KANSAS HISPANIC CAUCUS** is dedicated to supporting and promoting the election and appointment of Hispanic candidates for all levels of public office. We are committed to concentrating on the implementation of principles that improve the quality of life for Hispanics in Kansas.



913-234-0425
P.O. Box 1914
TOPEKA, KANSAS
66601-1914

It is critical, imperative and absolutely essential that KACHA remain independent and autonomous.

I urge you to provide KACHA the maximum freedom to achieve an agreed upon goal. Respect and listen to Kansas citizens' opinions and concerns. Hire the right people to do the job. Remove obstacles to performance. Clearly dictate what we are trying to avoid, preserve or accomplish.

Appoint an Executive Director promptly to advise you on innovative and efficient ways to meet the obligation to the people of Kansas and address the mountain of issues before the legislature.

KACHA must continue to conduct social research, provide technical assistance, training, information clearing house services and serve as catalyst for plans and programs that will improve the quality of life for Latinos throughout the Sunflower State.

The aspiration of equality exists, not the reality.

KS - 8% of college students are non-white
Only 50% of Hispanics graduate from high school
Of those Hispanic high school graduates, only 50% attend college vs. 64% whites

Continuing education is an issue that Hispanics must aggressively address. The value of education is indisputable. Higher education means higher wages.

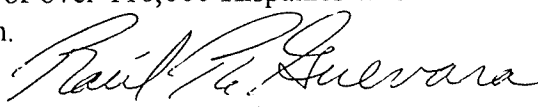
75% of prisoners are high school drop outs

Although we have much in common with our Black hermanos, there do exist unique language and cultural differences. While they may share our concern for bilingual and migrant education issues these are issues that we live with on a daily basis. Our goals of parity and equity may be the same, but our methods, objectives and approach are not identical. Cattlemen and sheep ranchers have a lot in common, yet they cannot or will not work together.

The \$165,123 Governor's Recommendation to the KACHA budget is a pittance of the \$7.9 billion State of Kansas FY 96 budget from all funds. It constitutes .00002088898 of 1%. (You could fund KACHA 47,872 times and remain within the budget).

I urge you to provide the resources necessary to plan, organize, staff, direct, coordinate, report, budget and solve the problems of this disenfranchised population.

It is time for government to do the right thing. I believe in the power and strength of justice. I respectfully urge and encourage you to appoint a qualified bilingual civil servant that shares your philosophy to aggressively pursue the rightsizing of government with the fiscal responsibility to neither sacrifice the future nor penalize the present needs of over 116,000 Hispanics who believe Kansas is an attractive place to pursue the American dream.


HOUSE GOVT ORG & ELECTIONS
March 8, 1996
Attachment 2-2

HISPANIC AMERICAN

H.A.L.O.

LEADERSHIP ORGANIZATION

GARDEN CITY COMMUNITY COLLEGE 801 CAMPUS DRIVE GARDEN CITY, KS 67846

MARCH 7, 1996

GARDEN CITY COMMUNITY COLLEGE HALO SUPPORTS H.R. BILL #6011
KACHA IS NEEDED BY THE YOUTH GROUPS IN KANSAS.

PRESIDENT: ANDREA VALVERDE :

Andrea Valverde

HOUSE GOVT ORG & ELECTIONS
March 8, 1996
Attachment 2-3



LULAC

LEAGUE OF UNITED LATIN AMERICAN CITIZENS

Garden City LULAC Council #11073

P.O. Box 1437

Garden City, Kansas 67846

MARCH 7, 1996

AS A MEMBER OF THE GARDEN CITY LULAC COUNCIL, WE SUPPORT H.R.
BILL #6011. KACA IS NEEDED BY OUR HISPANIC COMMUNITY.

TIM CRUZ.

Tim Cruz

HOUSE GOVT ORG & ELECTIONS
March 8, 1
Attachment 2-4

RAINBOWS

United, Inc.

A child's promise of hope.

Board of Directors

Mike Shonka
Bank IV
President

Jake Hesse
Hesse Petroleum
Vice President

Joe Bunk
Certified Public Accountant
Treasurer

Jack Spines, Jr.
Investments
Secretary

Helen Healy
Community Volunteer
Immediate Past President

Jeanne Devine Bonner
Hyde Park United
Methodist Church

Frank Brosius, M.D.
Cardiologist

Marla Chandler
Community Volunteer

Patricia Coffey
Klenda, Mitchell,
Austerman & Zuercher

Clara Curry
Community Volunteer

Diane Dunn
Certified Public Accountant

Mike Engelbrecht
Advocate and Geologist

Deena Garvin
Wichita USD 259

Cozy Goebel
Community Volunteer

Kerry Gray
Associated Advertising

Leddy Greever
Retired Beech Aircraft

Glorene Haney
Registered Nurse

Chuck Morrow
Willis Corroon

Gayle Nobles
Community Volunteer

Derek Park
PMS Foods

Douglas Pringle
Commerce Bank

Rob Ramseyer
Murfin Drilling

Lou Ann Ritchie
Community Volunteer

Rosalind Scudder, PhD
Wichita State University

Grant Stannard
Stannard Construction

David Williams
Raytheon Aircraft

Greg Wilson
Emprise Bank

Emeritus Board

Richard Gilmartin, M.D.
Hal McCoy

Doug Pence, M.D.
Jane Ritchie

Proctor Ritchie
+Vivian Ritchie

Linda Weir-Enegren
+Gladys Wiedemann

+Deceased

March 6, 1996

Representative Carol Dawson, Chair
Governmental Organization Committee
State of Kansas Capitol - Room #171-W
300 S.W. 10th Avenue
Topeka, Kansas 66612-1504

Dear Representative Dawson:

As President of the Board of Directors for Rainbows United, Inc. I encourage you to reconsider your decision regarding Executive Order No. 27 moving the Lead Agency for Part H of IDEA from KDHE to KSBE. I feel the order will negatively impact the community ability to provide efficient and effective early intervention services. The current system allows the community to collaborate in the provision of services through the utilization of expertise across participating providers of service thus providing cost effective quality services through partnerships between many public and private organizations.

In Wichita alone over 40 providers come together to integrate the strengths of their services into the system which serves hundreds of children in our community each year. This present system allows and encourages partnerships and sharing of resources through creative solutions and responses to families whose children are in need of services. Medical practitioners recognize their critical role in the system and early on make referrals to appropriate community agencies. Trained providers assist with the child's medical needs, while providing parents with the information and assurance they need to adequately and confidently care for their child. Respite workers share the burden of the intensive 24 hour care these children require. Physical and occupational therapists assist in identification and procurement of equipment necessary to provide for the physical and medical needs of the child. Family Service Coordinators are available to assist the families in identifying and procuring the services and supports necessary for their child and family.

HOUSE GOVT ORG & ELECTIONS
March 8, 1996
Attachment 2-5



The financial cost of this system are tremendous but, under the current system no one agency or family bears the burden. Many sources of funding are utilized to support this system. Historically when education or the schools identified as responsible for a given program or service component other funding sources dried up. We expect this will happen again even with the attempts to prevent it. Early intervention would become an educational program and no longer meet the more encompassing needs of the child and family. Why do we insist on doing things the same way we have in the past even though those methods have not necessarily been successful? Why can't we continue to work with the opportunities we have to create one of the best truly "family centered systems" possible? Why can't we embrace the challenges that accompany creative solutions to problems for Kansas and its citizens?

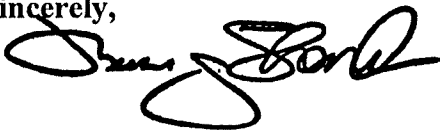
This change will probably cost Kansas several million dollars currently being invested in the system by city and county governments and private sources such as United Way. In our agency alone 38% of the agency's five million dollar budget comes from those sources. Another 37% comes from Federal and State sources such as educational flow through funds, federal entitlements and KDHE, 20% comes from SRS, and 5% comes from third party payors such as insurance. Over 275 employees provide service to these young children and their families through our agency.

In 1995 our organization provided early intervention services to 678 birth through five year olds (34% of whom were under three years of age).

Please allow the system to continue to evolve under KDHE's leadership. Require that all bodies of government come together to serve young children with disabilities. Recognize this is not an educational program and please don't allow it to become one. In moving the lead agency to KSBE, we would be doing irreparable damage to young children and their families in communities across Kansas.

Please revoke Executive Order No. 27. Please support HR 6012.

Sincerely,



Michael J. Shonka, President
Rainbows United, Inc. Board of Directors

MJS/jm

HOUSE GOVT ORG & ELECTIONS
March 8, 1996
Attachment 2-6



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

As a supporter of ERO 27 I would like to offer the reasons for my support. I believe that KSBE can use systems already in place to improve the Part H program and make better use of the dollars available to us. It makes sense to eliminate duplication and streamline administration whenever possible. By moving the program to KSBE and utilizing the structures that are currently in place I believe we will operate in an even more efficient manner.

Please know that I am not unhappy with KDHE. On the contrary, if it were not for the staff I would not have been able to serve families in the manner that I have. The Infant - Toddler staff is very helpful and have a 'can do' attitude that makes Part H work so well. The State ICC also has the positive attitude and is open to local ICC's comments. It is my hope that Part H Infant-Toddler Services can help KSBE improve and continue to grow in a way that is family friendly and make the lives of children better in a way that is directed by the families.

Please consider your decision carefully and weigh all factors involved. This is not an easy issue for those of us so closely working with families and children who have an already uncertain future.

HOUSE GOVT ORG & ELECTIONS
March 8, 1996
Attachment 2-7

TO: GOVERNMENTAL ORGANIZATION COMMITTEE

FROM: Lynda Cook Pletcher, M.Ed. *Lynda Cook Pletcher*
Family Resource Coordinator, Rainbows United
Adjunct Faculty, Wichita State University,
Department of Curriculum and Instruction

DATE: March 6, 1996

RE: In Support of Resoultion 6012

*I would like to express my concern over changing the Part H Lead Agency to Education.
I am not in favor of this change.*

I have spent the last 25 years working with young children and their families in a number of programs. These programs have included public school systems and public and not-for-profit early intervention agencies. From 1989-1994 I provided training and technical assistance to over 75 early intervention programs located around the nation. This training was provided through the federally funded Family Enablement Project. These national programs all recognized a need to move away from the "professionally driven, special education, deficit model of service delivery towards a service system that was parent-centered, strengths-based and involved extensive community and resource collaboration. The needed shift in service design and delivery came about from listening and responding to the needs of parents with young children with disabilities. Our 1986 legislation which established Part H services for children and families was designed, after lengthy testimony from parents, to be a system far different than what existed under our special education mandates. In many states lead agencies who are not part of special education systems have been in better positions to make the 1986 visions become realities.

In the last 10 years we have learned much about what works and what is desired by the consumers of services, the families. One of the most significant findings is that for parents it is more important HOW services are delivered. Data gathered through the Family Enablement Project found these program components to be key to parent satisfaction. Programs needed to be flexible, individualized, provide frequent contact, focus on the whole family, and use natural family activities to work with the child. Staff behaviors most commonly mentioned as most helpful included such things as: listening, caring, encouraging, offering assistance, allowing families to identified their needs, including family as a real part of the child's team, creating flexible goals based on family strengths, and allowing family control in the decision making process.

Research published by Dr. Carl Dunst of Allegheny-Singer Research Institute represents a ten year look at successful early intervention programs. Findings clearly point out that early intervention programs and the people who staff these programs need to be very different from traditional teachers and school system, center-based programs for children with disabilities.

Lisbeth Schorr, in her text "Within our Reach", documents research findings of successful family/child programs. Her findings include services and programs that: "hold non traditional views of assessment and intervention practices, that people not professionals drive the system, staff members and program structures are fundamentally flexible, programs offer a wide spectrum of services in non traditional settings in ways that are easy to access and use, assume that all people have strengths and build on these strengths, and are programs that regularly cross or circumvent traditional professional and bureaucratic boundaries".

Information gathered for the text "Reinventing Human Services" challenges all programs that work with young children and families to continue to develop agencies and services that are different. These important differences include programs that are: "designed to strengthen rather than substitute for the caring capacity of families and communities, are shaped by all citizens so that people can get a little help when they need it without having to fit a narrow category or be thought of as "clients", are geared to recognizing and building on strengths and resources of families and communities rather than focusing on their deficits, and workers are encouraged to use their professional judgement and creativity to get results and effect change rather than to simply follow rules and get paperwork done."

None of the model programs cited by Dunst , Schorr or the editors of "Reinventing Human Services" are programs developed by special education agencies. These models described are programs which are family-centered, empowerment models. They are resource based in service delivery and community centered in practice. Like the models cited above, the programs I have been associated with best able to realize many of the above mentioned practices were NOT tied to special education systems. The programs which had the most difficult time establishing and using many of the cited characteristics WERE in fact tied to special education models. Special education systems thus far have not supported the type of programs and services that families with young children with special needs want and need.

It is my opinion that redesigning Kansas' early intervention Part H agency under the Department of Education, special education is not a positive step in continuing the important changes and gains made in our early intervention service delivery system in the last decade.



*Division of
Youth Services*

March 6, 1996

The Honorable Carol Dawson, Chair
Governmental Organization Committee
House of Representatives
Topeka, KS 66612

Dear Representative Dawson:

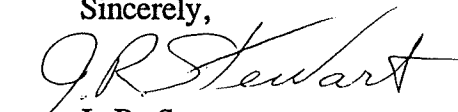
I am writing in support of HR 6012, which disapproves Governor Graves' proposed Reorganization Order No. 27.

As a Director of Special Education in Wichita USD 259, I have worked with the Part H Program, birth to three year olds with disabilities and their families, and the school-aged programs, three years to 21 years, for children with disabilities. Through the current system of collaborating funds and providing interagency services, we in Wichita have been able to provide a comprehensive system of services for young children with special needs and their families.

The Governor's proposal to change the lead agency from the Kansas State Department of Health and Environment (KDHE) to the Kansas State Board of Education (KSBE) is not just a simple administrative change. This executive order may soon effect the funding sources that are now available to the Part H system. Over \$3 million in funding statewide comes from local sources such as county mill, United Way, private grants, and through private foundations. Historically, we saw these same funding sources disappear from the three to five year old programs when it was put under the administration of KSBE.

We are not opposed to seeing both KDHE and KSBE being co-leads for Part H. This type of relationship fosters collaboration at the highest level in our State. In addition, such interagency collaboration would help secure the necessary health and educational services and funding required to fully implement Part H of IDEA (Individuals with Disabilities Education Act).

Sincerely,


J. R. Stewart
Director of Special Education

HOUSE GOVT ORG & ELECTIONS
March 8, 1996
Attachment 2-10

6417 Magill
Wichita, KS 67206
March 6, 1996

The Honorable Carol Dawson, Chair
Governmental Organization Committee
House of Representatives
Topeka, KS 66612

Dear Representative Dawson:

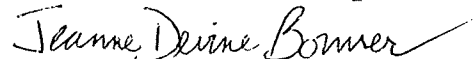
I write in support of HR 6012, which disapproves Governor Graves' proposed Reorganization Order No. 27.

As a parent of a 13-year old daughter with a serious physical disability, I know firsthand that early intervention services for children involve much more than educational services. For parents who are struggling to come to terms with a diagnosis of disability or developmental delay for their child, family support is vital. Building trusting relationships with a variety of professionals, many in the medical and therapeutic communities, is a very important part of the first three years of the child's life.

As a former member of the Special Education Advisory Council of USD 259, I know that our educational system is struggling mightily right now to meet the needs of currently enrolled students ages three and older. I firmly believe our present educational system could not possibly meet the additional needs presented by the children Part H is intended to serve.

The Reorganization Order was signed by the Governor with no consultation with the Legislature. This matter affects families across Kansas, not simply the state government and its departments. Our legislatures are best able to reflect our concerns. I hope your Committee will pass HR 6012 and continue the Department of Health and Environment's lead agency responsibility for Part H services. Thank you.

Yours sincerely,



(The Rev.) Jeanne Devine Bonner

HOUSE GOVT ORG & ELECTIONS
March 8, 1996
Attachment 2-11

913-828-3113
Fax: 913-828-3671

1318 Topeka Avenue
Lyndon, KS 66451

Jennifer Barnhart, Ph.D.
Director

Kim Bodensteiner
Assistant Director

Three Lakes Educational Cooperative

Interlocal #620

My name is Dr. Jennifer Barnhart and I am the director of special education for Three Lakes Educational Cooperative. I have also been asked to represent eight other directors of special education from KASEA Region IV.

KASEA Region IV is in strong opposition to House Resolution 6012, and unanimously supports Governor Grave's Executive Reorganization Order #27. We firmly believe that the status of lead agency for the Part H Infant and Toddler Program should be transferred to the Kansas State Board of Education.

It is our belief that this change would greatly improve the efficiency of operations, and would result in improved services to children and their families. Under the current system, local Part H providers have been subjected to complying with two parallel systems which required additional paperwork, forms, audits, and compliance reviews, but provides no additional benefits to the children and families we serve. Combine this with the frustration and fear associated with the possibility of a loss of federal Part H revenues, many lead agencies were considering dropping programs rather than placing their agencies at financial risk.

KASEA Region IV believes that making the Kansas State Board of Education the state lead agency will address these concerns and will help to create a more seamless system for children and families.

HOUSE GOVT ORG & ELECTIONS
March 8, 1996
Attachment 2-12

USD 287 West Franklin • USD 420 Osage City • USD 421 Lyndon
USD 434 Santa Fe Trail • USD 454 Burlingame • USD 456 Marais de Cygnes Valley

Equal Opportunity Employer

KASEA REGION IV MEMBERS

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Basil Kessler
Kansas State Board of Education
120 S.E. 10th Avenue
Topeka, KS 66612-1182
(913) 296-3743
Fax: (913) 296-1413

March 6, 1996

Dear Legislators,

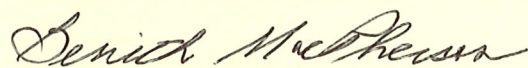
I urge you to support HR 6012 which disapproves the Governor's Reorganization No. 27 regarding change in lead agency from the Department of Health and Environment to the Kansas Board of Education. In the early 1970's, I worked as a social worker at The Capper Foundation in Topeka and later was project director for a federally funded early intervention program at that agency. During the 1980's, I chaired an interagency coordinating council for services to children birth to five in Topeka. More recently, job responsibilities have included serving as Part H liaison to the Sedgwick County Early Childhood Coordinating Council.

Both as a social worker and an administrator, I recognize the collective good that results from interagency collaboration and a sharing of resources, and value an approach which views the child within the context of his family, and the family, within the context of the community in which they live. A family centered approach, while an appropriate model for children of all ages, is **critical** to the success of early intervention programs. This model fits more comfortably with the Department of Health and Environment than with the Board of Education.

The Governor's recommendation begs the question "Why change, why now?" The Kansas Department of Health and Environment's Infant/Toddler Services has experienced growing pains, not unlike those experienced by any person progressing from infancy to adulthood. At this point, KDHE has developed a firm foundation. The tasks of "early childhood" have been accomplished. Continued growing pains are inevitable as Part H continues to move toward adulthood. However, this is NOT the time to close the door on the adolescent! It is a time, rather, to celebrate the gains that have been made and provide the nurturance, guidance and support that the adolescent needs in order to successfully move forward. A change in lead agency is not the solution! We as citizens of Kansas and active participants in our local communities have too much invested in bringing the Part H system to its current stage of development. I, for one, am confident that Part H services, with KDHE as lead agency, will continue to improve in the years ahead. What is needed is for the Board of Education, rather than contend for lead agency status, to fully support the development of the Part H service system within KDHE. Unfortunately, attitudinal changes cannot be mandated, but require voluntary participation on the part of the players.

Please support HR 6012, to keep open the channels for further communication and thoughtful deliberation regarding the Governor's proposed reorganization of Part H.

Sincerely,



Benith MacPherson, LMSW
7612 Richards Drive
Shawnee, Kansas 66216

HOUSE GOVT ORG & ELECTIONS
March 8, 1996
Attachment 2-14

Written Testimony: Regarding Governor Graves' Executive Order #27
Change of Lead Agency for Part H Services in Kansas from KDHE to KSBE

Kansas House Governmental Organization Committee
April 7, 1996

Governor Graves has provided the state of Kansas with a window of opportunity to critically examine issues related to leadership in the state and the delivery of early intervention services to infant and toddlers with disabilities, or Part H of the Individuals with Disabilities Act (IDEA). This Executive order has quickly lead to much debate, the posing of hard probing questions, examination of our vision for the future, and the determination of what we believe as appropriate leadership for services to our youngest children with disabilities and their families. As will be heard throughout the testimony this morning, there are eloquent arguments to either side of this issue. The road has been, to put it mildly, rocky at times and will by all means be challenging in the future. But in the final analysis the question becomes what agency can provide effective and efficient leadership and what agency has demonstrated that leadership.

As an individual who has been involved with the delivery of early intervention and preschool services for a length of time that predates the authorization of Part H in 1986, in my experience, the Kansas State Board of Education has provided the type of leadership that is essential to the development of a collaborative comprehensive system of services. When services were developed in southeast Kansas, as well as other communities across the state, in the early 1980s, KSBE was the partner that provided not only the financial support for the development of services, but provided training and technical assistance for the development of quality of services and encouraged that services be provided from birth. KSBE has a strong history. Now we must look forward to leadership that can provide a strong and bright future.

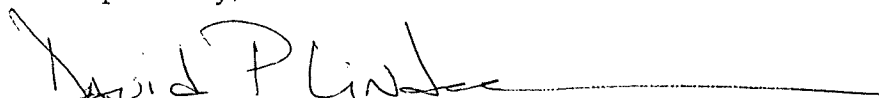
One can argue the shortcomings of either KDHE or KSBE, be afraid of the unknown, or question the advisability of a change. But we must support this move and quickly move on as many critical decisions must be made in a short period of time. We must take full advantage of the upcoming transition period for our state to remain in a position to assure services across the state. Otherwise we may see some services disappear.

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There are a number reasons why I am confident that KSBE can and will take pride in the Part H program, nurture it, support its development, and foster quality collaborative services across our state. Included are thoughts such as KSBE has been the major provider of state financial support for infant/toddler services since its beginning; KSBE has reliably be in the position to fund programs within its responsibility, KSBE has the infrastructure to support state-local coordination, data collection, information management, training and technical assistance, and administration of a seamless system for services; KSBE has initiated and fostered collaboration of services and programs at the local level, KSBE has fostered local autonomy in the development, decision making and delivery of services; and finally, within KSBE early childhood has been and will remain a priority (attached is an expanded list and explanation).

In my analysis, the questions have been answered, and that answer is -- KSBE is the agency to provide the leadership related to Part H Services.

Respectfully,

A handwritten signature in black ink that reads "David P. Lindeman". The signature is written in a cursive style and is followed by a long horizontal line.

David P. Lindeman, Ph.D.

Positive Aspects of KSBE as Lead Agency

- All 3 agencies, Kansas Department of Health and Environment (KDHE), Social and Rehabilitation Services (SRS), and Kansas State Board of Education (KSBE), support this decision.
- Many positive contributions made by KDHE 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, assistive technology, etc.
- Funding support would be presented to the legislature as a birth through twenty-one system of services.
- KSBE has a framework for state-local coordination in place.
- KSBE has a Management Information System (MIS) in place for data collection.
- KSBE has a fiscal system with mechanisms for forward funding of local programs.
- Part B of IDEA administered through KSBE permits the use of funds for services to eligible children from birth to 21, and requires child find activities be carried out to locate and identify all children from birth to 21 in need of services.
- The Preschool Grant program administered through KSBE permits the use of funds for "planning and developing a statewide comprehensive delivery system for children with disabilities from birth through age five," and to provide services to eligible two-year-olds during the year they will turn 3.
- KSBE's support team at the state level works with many of the same infant-toddler staff at the local level; the provision of technical assistance and training will be enhanced by having a centrally coordinated effort.
- In the past there have been separate contracts from both KDHE and KSBE with outside agencies (e.g., Families Together, Bridging Early Services, etc.) to administer the surrogate parent program, provide training, develop materials; these may now be combined and many parallel efforts will be more efficiently managed.
- A seamless Comprehensive System of Personnel Development (CSPD) will increase the impact on institutions of higher education, and coordinated staff development throughout the state.
- Promotes more efficient local staffing patterns, eliminating some duplication of effort.
- Of the three agencies, KSBE is most accustomed to understanding educational systems and programs. As KSBE moves toward more school-linked services, coordination with health and social services (for infant-toddler as well as other age groups) is a natural extension.
- KSBE staff and legal office are familiar with Special Education laws, regulations, policies, procedures, Education Department General Administrative Regulations (EDGAR) requirements.
- By placing the administration of the infant-toddler program with the preschool program, a seamless system of services for children 0-5 and their families will be supported.
- Language within Reauthorization proposals seeks to further the infant-toddler principles into Part B of the Individuals with Disabilities Education Act (IDEA).
- Early childhood is a priority of the State Board, and ties into other KSBE programs (e.g., Parents as Teachers, Even Start, Deaf-Blind Project).

TESTIMONY REGARDING HR 6012
by Patty Hart

My name is Patty Hart and I am Director of Special Education for the Northeast Kansas Education Service Center. We are both the fiscal agent and the lead agency for the provision of Infant/Toddler services in the areas served by our special education cooperative, which includes Jefferson County and all of Atchison County but the city of Atchison. We were instrumental in the formation of the Local Coordinating Council of Atchison and Jefferson Counties five years ago and were actually providing services for infants and toddlers prior to that time. The NEKESC also sponsors a Parents As Teachers program that supplies parent educators to approximately twenty school districts in northeast Kansas. We are involved with these programs because we recognize the importance of the first five years in the development of a child.

I am present today to discuss HR 6012, which I oppose. Instead, I support the Governor's Executive Reorganization Order, changing the state lead agency for the administration of the Part H Infant/Toddler program to the Kansas State Board of Education. My opinion is based on our experiences as a Part H provider and fiscal agent. I will briefly discuss three reasons for my position, which are financial concerns, the desire to eliminate duplication of efforts when dealing with two state agencies, and the opportunity to develop a seamless system for service delivery.

The current fiscal year has been very difficult for Infant/Toddler programs in Kansas. We learned long after July 1, the start of the fiscal year, that federal funds for our program might not be available for several months. At this point we were providing services with staff who expected to be paid. Fortunately, we were able to survive this crisis, but we understand there were programs who could not continue.

In many of the rural areas of Kansas, such as our region, special education programs have taken the lead in organizing and providing Infant/Toddler services. With the transfer of the lead agency to education, we will be interacting with only one state agency, not two, in the areas of compliance monitoring, technical assistance, and tracking of children and families receiving services. With the tremendous amount of paper work required for federal programs, this change could eliminate considerable amounts of time spent on communication.

Finally, at both the federal and state levels there has been much discussion of providing a "seamless" system of service delivery for children and families as they move from Part H Infant/Toddler programs to Part B Early Childhood Special Education Programs. This feat requires coordination both at the local and state levels. For our area this has not been difficult, since our agency administers both programs. I believe we could eliminate a huge seam for Kansas if the same state agency administers both programs.

TESTIMONY

TO: GOVERNMENTAL ORGANIZATION & ELECTIONS COMMITTEE
FROM: RICHARD E. LOPEZ
DATE: MARCH 8, 1996

HONORABLE CHAIRS AND HONORABLE COMMITTEE MEMBERS, THANK YOU FOR THE OPPORTUNITY TO PRESENT TESTIMONY IN SUPPORT OF HOUSE RESOLUTION 6011 WHICH OPPOSES EXECUTIVE REORGANIZATION ORDER NO. 28.

I AM RICHARD E. LOPEZ, A RESIDENT OF WICHITA, KANSAS, AS WELL AS A CONCERNED HISPANIC TAX PAYER WHO BELIEVES THAT THE KANSAS ADVISORY COMMITTEE ON HISPANIC AFFAIRS IS ONE OF THE BEST OF PROACTIVE USE OF MY TAXES.

THE KANSAS LEGISLATURE IN 1994 CREATED THE ADVISORY COMMITTEE ON MEXICAN AMERICAN AFFAIRS IN RESPONSE TO THE CONCERNS VOICED BY THE MEXICAN AMERICAN COMMUNITY FROM THROUGHOUT THE STATE. THROUGH THIS ACT THE KANSAS LEGISLATURE CREATED AN ASSET FOR THE STATE OF KANSAS THAT HAS SERVED THE STATE WELL, AS WELL AS THE STATES HISPANICS.

THE FORESIGHT EXHIBITED BY LEGISLATORS SOME 20 PLUS YEARS AGO HAS SERVED KANSAS AND ITS HISPANIC CONSTITUENTS IN A MANNER THAT ALLOWED FOR REPRESENTATION FROM AREAS OF THE STATE POPULATED BY HISPANICS WHO HAD SEEN THEMSELVES AS DISENFRANCHISED AND DISTANT FROM THE STATE.

HISPANICS WHO RESIDE AND ARE GAINFULLY EMPLOYED IN THE STATE SEE THEIR HARD EARNED TAX DOLLARS BEING PUT TO GOOD USE THROUGH THE EFFORTS OF THE KANSAS ADVISORY COMMITTEE ON HISPANIC AFFAIRS. THE ADVISORY COMMITTEE HAS COME OUT TO HISPANIC COMMUNITIES TO COMMUNICATE THE EVENTS THAT ARE SHAPING AND EFFECTING THEIR FUTURE. THE ADVISORY COMMITTEE ADDRESSES THE UNIQUE AND SPECIFIC CONCERNS OF HISPANICS AND TAKES THESE ISSUE BACK TO THE CAPITAL.

TO ABOLISH THIS UNIQUE ASSET, THE ADVISORY COMMITTEE ON HISPANIC AFFAIRS, WOULD CREATE A VOID IN COMMUNICATION, COOPERATION AND ADVOCACY VEHICLE WITH THE STATE AND ITS HISPANIC CONSTITUENTS. IN ESSENCE STEPPING BACK IN TIME MORE THAN 20 YEARS.

I AM AWARE OF THE STUDY FUNDED BY THE LEGISLATURE IN 1993 AND

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CONDUCTED BY WICHITA STATE UNIVERSITY WHICH CONCLUDED THAT THE STATE SHOULD NOT ESTABLISH AN UMBRELLA MINORITY AFFAIRS OFFICE.

IN 1994, AFTER CONDUCTING HEARINGS, A LEGISLATIVE COMMITTEE RECOMMENDED AGAINST A COORDINATING COUNCIL FOR SPECIAL ADVISORY COMMITTEES. I WOULD RECOMMEND THAT YOU TAKE DIRECTION FROM, AND HEED THE RECOMMENDATION OF PRIOR LEGISLATIVE EFFORTS AND FORESIGHT OF YOUR PREDECESSORS WHICH RECOGNIZED THAT THE ESTABLISHMENT OF SUCH AN ASSET COULD BENEFIT THE STATE. I IMPLORER YOU NOT TO BE MOTIVATED BY HINDSIGHT OR MISPLACED POLITICAL GUIDANCE, AND VOTE TO SUPPORT HOUSE RESOLUTION 6011 AND NOT ABOLISH THE KANSAS ADVISORY COMMITTEE ON HISPANIC AFFAIRS.

State of Kansas
House of Representatives

TOM SAWYER
House Democratic Leader



Topeka Address
State Capitol
Room 327-S
Topeka, Kansas 66612-1504
(913) 296-7630

Office of the Minority Leader

Dear Committee Members:

I submit this testimony in strong support of House Resolution's 6011 & 6009 which would rescind the Governor's Executive Reorganization Order #28, abolishing the Kansas Advisory Committee on Hispanic Affairs in favor of a multi-cultural committee within the Kansas Human Rights Commission.

Since its creation in the early 1970's, KACHA has allowed a growing Hispanic population in Kansas a voice in state government. To take away that voice today would be, in my view, a very short-sighted mistake.

The Hispanic community in Kansas looks to KACHA for information on legislation and other policies within state government that directly affects them. KACHA has also done a lot of work promoting the importance of education among young Hispanics.

Furthermore, KACHA has held agenda building meetings every year to help the Hispanic community formulate a legislative agenda to highlight their concerns and interests for the Legislature and other government officials.

As you can see, KACHA has played an important role in seeing that the Hispanic community has an opportunity to participate in their government. By abolishing this vital entity, the state would only make it harder for these Kansans to seize that opportunity, while sending a very insensitive message to a growing population in the state.

In closing, the minimal cost to maintain KACHA is but a small price to pay to insure Hispanics in the state of Kansas have a voice in their government.

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PROPOSED AMENDMENT TO HB 3000

For Consideration by Committee on Governmental Organization
and Elections

March 5, 1996

New Sec. 30. The commission shall adopt rules and regulations prescribing a lobbyists' code of professional responsibility which shall include provisions encompassing the matters covered by the provisions and the intent of Kansas statutes relating to the regulation of lobbying and lobbyists and such other matters which are in furtherance of such provisions, including, but not limited to, the standards of behavior for the relationships between lobbyists, lobbyists and past, current and potential represented persons, including limits on (a) existing or potential conflicts of interest, (b) representing substantially adverse interests without appropriate disclosures or written consent after appropriate disclosures, with or without appropriate waiting periods, (c) restrictions on acting on information gained through lobbying, which is not public information or generally known to others, for personal benefit or gain, and (d) unreasonable fees or fee arrangements.

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Attachment 3