

Approved: April 10, 1998  
Date

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION.

The meeting was called to order by Chairperson Michael R. O'Neal at 3:30 p.m. on March 18, 1998 in Room 519-S of the Capitol.

All members were present except:

Representative Bruce Larkin - Excused  
Representative Jim Morrison - Excused

Committee staff present: Ben Barrett, Legislative Research Department  
Avis Swartzman, Revisor of Statutes  
Cindy Wulfkuhle, Committee Secretary

The committee was provided with a proposed House Concurrent Resolution (HCR) regarding autism treatment options. (Attachment 1)

Representative Tanner made a motion to introduce the proposed HCR. Representative Faber seconded the motion.

Representative Shore recommended deleting, on page 2, the last sentence in the first paragraph, deleting the second paragraph on the page 2, and deleting "separate eligibility category of autism" in the title.

Representative Shore made a motion to introduce HCR with the suggested recommendations. Representative Tanner seconded the motion. The motion carried.

**SB 388 - School district food service programs, contract with municipalities**

Representative Storm made a motion to report SB 388 favorably for passage. Representative Empson seconded the motion. The motion carried.

**SB 510 - State educational institutions, residence of students for fee purposes**

Representative Stone made a motion to report SB 510 favorably for passage. Representative Storm seconded the motion.

Representative Tanner provided the committee with a balloon amendment dealing with Haskell Indian College. He made a motion to adopt the balloon amendment. (Attachment 2) The committee discussed the amendment and because there were many questions that could not be answered, Representative Tanner withdrew his motion.

Representative Ballou made a motion to adopt the balloon amendment. (Attachment 3) Representative Shore seconded the motion. The motion carried.

Representative Stone made a motion to report SB 510 favorably for passage, as amended. Representative Storm seconded the motion.

**SB 388 - School district food service programs, contract with municipalities**

Representative Aurand, voting on the prevailing side, made a motion to reconsider the committee's action on SB 388. Representative Horst seconded the motion. The motion carried.

Representative Horst made a motion to amend in HB 2907 - school district enrollment of nonresident pupils, as it left the House Chambers. Representative Shore seconded the motion. The motion carried.

Representative Aurand made a motion to report SB 388 favorably for passage, as amended. Representative Horst seconded the motion. The motion carried.

**SB 446 - School districts, duration of short-term suspension of pupils from schools**

Representative Wells made a motion to report SB 446 adversely. Representative Tanner seconded the motion. The motion failed 7-9.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION, Room 519-S Statehouse, at 3:30 p.m. on March 18, 1998.

Representative Tanner made a motion to report **SB 446** without recommendation. Representative Stone seconded the motion.

Representative Shore made a substitute motion to table **SB 446**. Representative Reardon seconded the motion. The motion failed 9-9.

Representative Tanner's motion to report without recommendation carried.

**HCR 6012 - Resolution requesting the state board of education to develop standardized assessment program for reading and mathematics**

Representative Horst made a motion to amend in the Envision request. (Attachment 4)

Representative Flaharty made a substitute motion to table the HCR. Representative Storm seconded the motion. The motion carried.

The committee meeting adjourned.

## HOUSE CONCURRENT RESOLUTION NO. \_\_\_\_\_

By Committee on Education

A CONCURRENT RESOLUTION urging the State Board of Education to contact professionals regarding information on autism treatment options; requesting compilation and distribution of such information; encouraging establishment of a separate eligibility category of autism.

WHEREAS, Autism is a severe neurological disorder which significantly impairs an individual's ability to process information and to learn, especially social and language skills; and

WHEREAS, The Legislature acknowledges that when a disability as severe as autism does not readily respond to traditional educational or treatment practices, the disability deserves special attention; and

WHEREAS, Providing information on legitimate interventions for autism to individuals with autism and to their families can be expected to increase the likelihood of more favorable developmental outcomes and thereby to lessen the emotional hardships on families and the future financial burden on communities in Kansas: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the Legislature, in recognition of the facts contained in the preamble of this resolution and in the belief that an increase in the availability of information concerning practices which have proven effective in remediating the incapacitating effects of autism would be immeasurably beneficial to children with autism and to the families of such children, hereby urges the State Board of Education to contact all known professionals who diagnose or conduct educational assessments of children having or suspected of having autism and to impress upon such professionals the

absolute necessity of providing the families of such children with written information regarding different types of treatment for children with autism, including information on traditional special education developmental approaches and applied behavior analysis, and with a listing of referral information which includes names, addresses, and phone numbers of those individuals and organizations, both in and out of state, qualified to provide appropriate assessment, treatment or training pertaining to the different available approaches. When contacting professionals as provided hereunder, the State Board of Education should emphasize the importance of presenting information to the families of children with autism in a neutral and unbiased manner; further, the information must be accurate in its definition of treatment approaches and the scientific documentation of the effectiveness of such approaches in treating individuals with autism must be included; and

Be it further resolved: That the Legislature hereby requests the State Department of Education to compile the information on autism treatment options and the resource lists provided by professionals in the field and to distribute such information and lists to all parties involved in the treatment review process, as well as to all professionals in Kansas who are qualified to make a diagnosis of autism, all school districts, all special education cooperatives and any autism resource centers in the state; and

Be it further resolved: That the Legislature, being fully aware of the uniqueness of autism in its educational focus and needs, hereby encourages the State Board of Education to establish a separate eligibility category of autism in order to remove existing barriers to effective education and to facilitate access to effective treatment for all children with the diagnosis of autism in the state of Kansas;

Be it further resolved: That as a formal expression of the sentiment of the Legislature, the Secretary of State is hereby

directed to transmit enrolled copies of this resolution to the State Board of Education and to the Commissioner of Education at 120 S.E. 10th Avenue, Topeka, Kansas 66612-1182.

## Proposed Amendments to SB No. 510

On page 2, following line 35, by inserting a new section as follows:

"New Sec. 2. (a) As used in this section, the term "credit hour" means one hour of instruction per week for 18 weeks or the equivalent thereof in a subject or course at a level not higher than those subjects or courses normally offered to freshmen and sophomores in four-year institutions of postsecondary education, which subject or course is approved by the state board of education. Credit hour does not include within its meaning any hour of instruction in a subject or course taken by a student enrolled for audit or in any subject or course not approved by the state board of education. The state board of education, in consultation with the state board of regents, shall determine which subjects and courses offered by Haskell Indian nations university are at the level of freshmen and sophomore subjects and courses offered in the state educational institutions and shall not approve any subject or course offered at a higher level.

(b) (1) Haskell Indian nations university shall be entitled to receive credit hour state aid as provided in this section. The basis for payments of credit hour state aid to Haskell Indian nations university for each credit hour of each duly enrolled student during the current university session shall be equal to the amount which is provided for by the legislature in acts making appropriations for the credit hour state aid entitlement of community colleges in accordance with K.S.A. 71-602 and amendments thereto. Payments of credit hour state aid shall be based only upon credit hours of duly enrolled students of Haskell Indian nations university who are residents of the state of Kansas as determined under the provisions of K.S.A. 71-406, and amendments thereto, or who are deemed to be residents of the state of Kansas under the provisions of K.S.A. 76-731, and amendments thereto.

(2) The determination of credit hours of duly enrolled students shall be made at times prescribed by the state board of education.

(c) Haskell Indian nations university shall be entitled to receive out-district state aid as provided in this section. The basis for payment of out-district state aid to Haskell Indian nations university shall be \$24 for each credit hour of each duly enrolled out-district student. Out-district state aid payments under this section shall be made only for credit hours of out-district students if such students (1) are residents of the state of Kansas or are deemed to be residents of the state of Kansas, as determined under subsection (b), (2) are not residents of Douglas county, and (3) upon determination by the state board of education, have not more than 64 credit hours from any institution of postsecondary education or have not more than 72 credit hours and are enrolled in terminal-type nursing courses or freshman-sophomore level pre-engineering courses.

(d) No out-district state aid entitlement and no credit hour state aid entitlement of Haskell Indian nations university shall be based upon enrollment in any subject or course the principal part of which is taught at a location outside Douglas county, unless the location of such course or subject is specifically authorized by the state board of education.

(e) On or before November 1 and on or before March 1 of each year, beginning November 1, 1998, the chief administrative officer of Haskell Indian nations university shall certify under oath to the state board of education the total number of duly enrolled credit hours of students of the university during the current university session who meet the state residence requirement. Each November 1 and March 1 certification for payment shall set forth separately the credit hour enrollment for preceding sessions and for the current session. The state board of education may require the university to furnish any additional information deemed necessary by it to carry out the provisions of this section, and shall prescribe such forms and policies as may

be necessary for furnishing such information.

(f) From the reports and information submitted and other information available to it, the state board of education shall determine the amount Haskell Indian nations university is entitled to receive as provided in this section. The state board of education may audit the records of the Haskell Indian nations university to verify the accuracy of the reports submitted by the university. The state board of education may adopt rules and regulations for the administration of this section.

(g) In the event the Haskell Indian nations university is paid more than it is entitled to receive under any distribution made under this section, the state board of education shall notify the university of the amount of such overpayment and the university shall remit the amount of overpayment to the state board of education and the state board shall deposit the entire amount remitted in the state treasury to the credit of the state general fund, and if the university fails so to remit, the state board of education shall deduct the excess amount so paid from future payments becoming due to the university. In the event the university is paid less than the amount to which it is entitled under any distribution made under this section, the state board of education shall pay the additional amount due at any time within the fiscal year in which the underpayment was made or within 60 days after the end of such fiscal year.

(h) Payments to Haskell Indian nations university of credit hour state aid and out-district state aid under this section shall be made on December 1 and April 1 of each fiscal year, commencing December 1, 1998, or as soon thereafter as is possible. The state board of education shall certify, on or before November 25 and March 25 of each fiscal year, to the director of accounts and reports the amount due the university on December 1 or April 1, as the case may be, and the director of accounts and reports shall draw a warrant upon the state treasurer in favor of the Haskell Indian nations university for such amount. Upon receipt of such warrant, the treasurer of the



Haskell Indian nations university shall credit the entire amount received to a separate operating fund of the university. All moneys received by the university under this section shall be used to pay current operating expenses of the university, and shall not be used for the making of capital improvements.";

By renumbering sections 2 and 3 as sections 3 and 4, respectively;

In the title, in line 9, after "concerning", by inserting "higher education; relating to residence of students enrolling at"; also in line 9, by striking "relating to resi-"; in line 10, by striking all before the semicolon and inserting "providing state aid for Haskell Indian nations university"

# SENATE BILL No. 510

By Committee on Education

1-27

9 AN ACT concerning the state educational institutions; relating to resi-  
10 dence of students for fee purposes; amending K.S.A. 76-729 and re-  
11 pealing the existing section.  
12

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

14 Section 1. K.S.A. 76-729 is hereby amended to read as follows: 76-  
15 729. (a) Persons enrolling at the state educational institutions under the  
16 control and supervision of the state board of regents who, if such persons  
17 are adults, have not been or, if such persons are minors, whose parents  
18 have not been residents of the state of Kansas for at least 12 months prior  
19 to enrollment for any term or session at a state educational institution are  
20 nonresidents residents for fee purposes. A person who has been a resident  
21 of the state of Kansas for fee purposes and who leaves the state of Kansas  
22 to become a resident of another state or country shall retain status as a  
23 resident of the state of Kansas for fee purposes if the person returns to  
24 residency in the state of Kansas within 12 months of departure. All other  
25 persons are nonresidents of the state of Kansas for fee purposes.

domiciliary residents of the state of Kansas  
domiciliary  
domiciliary

26 (b) The state board of regents may authorize the following persons,  
27 or any class or classes thereof, and their spouses and dependents to pay  
28 an amount equal to resident fees:

- 29 (1) Persons who are employees of a state educational institution;
- 30 (2) persons who are in military service;
- 31 (3) persons who are domiciliary residents of the state, who were in  
32 active military service prior to becoming domiciliary residents of the state,  
33 who were present in the state for a period of not less than two years  
34 during their tenure in active military service, whose domiciliary residence  
35 was established in the state within 30 days of discharge or retirement  
36 from active military service under honorable conditions, but whose dom-  
37 iciliary residence was not timely enough established to meet the residence  
38 duration requirement of subsection (a);
- 39 (4) persons having special domestic relations circumstances;
- 40 (5) persons who have lost their resident status within six months of  
41 enrollment;
- 42 (6) persons who are not domiciliary residents of the state, who have  
43 graduated from a high school accredited by the state board of education

Choices & resources for people who are blind or low vision



**Envision**<sup>SM</sup>

**PLEASE REPLY TO: Michael Byington, Director**  
**Envision Governmental Affairs Office**  
**P. O. Box 1063**  
**Topeka, Kansas 66601**  
**(785) 575-7477 (local office and voice mail)**  
**(785) 233-2539 (FAX)**  
***mbyington@delphi.com or mbyingto@ink.org***

March 17, 1998

TO: House Education Committee

I rise in support of Resolution 6012. I particularly want to commend Representative Franklin for the addition of the "further resolved" clause regarding the inclusion of pupils who have disabilities and who have limited English proficiencies.

Envision is a State-wide not-for-profit agency which works with people who are blind, low vision, and multiply disabled blind. Our comments will regard not only concerns about declining literacy levels overall, but particularly declining literacy levels among graduating students who are blind.

While Representative Franklin's language is very good, I MIGHT SUGGEST ONE SMALL AMENDMENT. Between the words "disabilities" and "and" on line 35, add the words ", pupils whose primary reading media is Braille."

While Envision is concerned about literacy levels overall, we have seen an even sharper decline in literacy levels among blind and low vision students

801 East Lincoln • Wichita KS 67211  
Tel 316.267.2244 House Education  
Web <http://www.ink.org> 3-18-98  
Attachment 4

than is the case with non-disabled students. This is particularly true with regard to Braille literacy, and is particularly the case among those students who are mainstreamed in total inclusion programs.

The Kansas Braille Bill, adopted in the early 1990s was intended to in part address this concern, but so far, it has not. The law has not been implemented or enforced.

This is why we requested introduction at the beginning of this Legislative Session of House Bill 2774 concerning testing for literacy levels among blind students. I realize that I am not here to speak regarding this bill, but Representative Franklin's resolution is relevant as it encourages looking at literacy levels as well as math competencies among all students, including those who have disabilities. This is a great idea! My proposed amendment simply insures that blind students who use specialized reading media are not left out.

We at Envision are in the business of developing good jobs for people who are blind and who have low vision. Although up to the present, many of our jobs have been in blue collar manufacturing, this is not the trend now. The jobs we are currently developing are more technical in nature, and the jobs of the next century are certainly going to require higher levels of literacy among our blind employees and among the blind people we place in integrated employment settings. With these types of jobs also comes greater security, better pay, and greater opportunities for advancement, but it all falls apart without a literate blind population. The development of new technologies now makes Braille literacy at high levels just as functional on many jobs as is standard print literacy. The technology is currently readily available to provide any text information most people get off of a computer screen in standard print also in paperless, refreshable Braille display. This opens some tremendous job potentialities for blind students now preparing to enter the world of work, but without literacy, unemployment among blind citizens in the United States is likely to remain around the same 74% which census data documents is the current

picture.

Making certain that blind students, including those who use Braille, are included in a proposed literacy and math survey or test does not have to exponentially raise the cost of the project. In documenting this fact, I must again refer to the fiscal note research done with regard to H.B. 2774. Again, I realize we are not debating this bill, but the data is nonetheless relevant to current proposals concerning Resolution 6012. Two fiscal notes were done on H.B. 2774. One was done by William Daugherty, Superintendent, Kansas State School for the Blind, and one was done by the Special Education Student Support Services Section of the Department of Education from up the street at 120 East 10th. Mr. Daugherty, who is an expert in the special teaching skills relevant to blindness and low vision, estimated the cost of a Braille literacy study would be around \$30,000.00. The more generalists special education professionals up the street here in Topeka estimated the cost at around \$900,000.00. This gap is the main reason I was not very aggressive about attempting to move 2774 along the process this year. I thought perhaps I had better take a year to resolve this fiscal note gap. Needless to say, Envision's estimate of costs are more in line with Superintendent Daugherty's. The emergence of Representative Franklin's fine resolution, however, necessitates visiting this subject this year. His concept is more global than was my original proposal, but we are both concerned about the same thing. His approach through the resolutions process may be more consistent with the Constitutional relationship between the Kansas State Board of Education and the legislative branch of Kansas Government than was mine, but we are both concerned about getting a handle on where we are with literacy and other academic competencies so that problems identified can be effectively and measurably addressed. I am simply asking that we make absolutely sure that the Board of Education is aware that blind students, including Braille users, are included in legislative intent for this resolution. I would thus close by asking you to adopt Representative Franklin's resolution, but to do so in a manner making sure that blind students will be included in the testing process. It is important for the future of blind children that this happen just as it is for sighted, non-disabled students, and if the right, specialized expertise is enlisted, this addition does not have to be a costly one.