

Approved: 1/21
Date

MINUTES OF THE SENATE COMMITTEE ON EDUCATION

The meeting was called to order by Chairperson Barbara Lawrence at 9:00 a.m. on January 15, 1998 in Room 123-S of the Capitol.

All members were present except: Senator Hensley - Excused

Committee staff present: Ben Barrett, Legislative Research Department
Carolyn Rampey, Legislative Research Department
Avis Swartzman, Revisor of Statutes
Jackie Breymeyer, Committee Secretary

Conferees appearing before the committee: Mark Tallman, Kansas Association of School Boards
Dale Dennis, State Department of Education
Dr. Steven Jordan, Kansas Board of Regents
Gloria Timmer, Department of Administration, Budget Division
Diane Gjerstad, Wichita Public Schools
Karla McGlothlin, Kansas Autism Foundation

Others attending: See attached list

Chairperson Lawrence called the meeting to order for the purpose of bill requests. She asked the Committee if any of the members had any requests.

Senator Emert stated that SB 36 was originally the bill that would extend term suspensions from five to ten days, but it became the LOB vehicle. He would like to see the original intent of the bill introduced.

Senator Langworthy moved the bill introduction, seconded by Senator Oleen. The motion carried.

Senator Emert requested that the low enrollment weighting affected by pupil residence language contained in HB 2142 be introduced in the Senate. The bill is sitting in the House Education Committee.

Senator Emert moved the bill introduction, seconded by Senator Oleen. The motion carried.

The Chairperson called on Mark Tallman, Kansas Association of School Boards for his bill introduction request.

Mr. Tallman explained that Kansas had adopted a charter school law several years ago, but there was little interest, largely due to the bill probably being unconstitutional. Now recent actions by the federal government that provide incentive funding for charter school start-up have committed 15 charter school spots. KASB supports a charter school law. The bill, if introduced, would removed limits on the number of charter schools (Attachment 1).

Senator Lee moved the bill introduction. Senator Emert gave a second to the motion. The motion carried.

Dale Dennis, Kansas State Department of Education, was present to request three bill introductions.

The first request dealt with the strengthening and clarifying of the Proprietary School Act and to increase proprietary schools fees as recommended by the Proprietary School Advisory Commission.

The second bill concerned community college funding and would eliminate the over 64/72 academic credit hour limitation in computing out-district state aid and out-district tuition for community colleges - funding all community college vocational credit hours at 2 for 1 rather than 1.5 to 1.

The third bill request would amend the special education law to coincide with the new Federal Individuals with Disabilities Education Act (IDEA).

Mr. Dennis had an attachment that gave further information on the requests (Attachment 2)

Senator Umbarger moved the introduced of the bill requests. Senator Jones seconded the motion. The motion carried.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON EDUCATION, ROOM 123-S-Statehouse, at 9:00 a.m. on January 15, 1998.

Dr. Steven Jordan, Kansas Board of Regents, appeared with three bill requests; amend State Scholarship Program statutes to limit access to the Program to the four years (or five years for designated five-year programs) following high school graduation; amend statutes on the Regents Supplemental Grant and Tuition Grant Programs related to the definition of residency for eligibility; and, amend residency statutes to permit a person who is a Kansas resident for fee purposes and who leaves the state with the intention of becoming a resident of another state or country to return to Kansas within 12 months and retain the "resident for fee purposes" status and be treated for fee purposes as if the person had never left Kansas. Mr. Burris distributed a paper with further clarification of the requests (Attachment 3). At the request of one of the Committee members, Mr. Burris said he would pull together some numbers on the scholarship program and get them back to the Committee.

Senator Oleen moved the bill requests. Senator Downey gave a second to the motion; the motion carried.

Gloria Timmer, Department of Administration, Budget Division, was present to request the governor's finance plan that would increase the per-pupil expenditure by \$35 to \$3,705; provide special education funding at 85% of cost; provide \$10 million to fund fifth year high correlation weighting; increase by 20% support for at-risk children; add nearly \$2 million to increase support for the parents as teachers program; and expand early head-start for children ages 3 to 5.

Senator Emert moved the request for bill introduction; Senator Langworthy gave a second to the motion. The motion carried.

Senator Lee was recorded as voting 'no'.

Diane Gjerstad, Wichita Public Schools, presented a request to amend the school finance formula calculation used to determine "at-risk" weighting factor. The bill would include students eligible for reduced lunch and calculate the at-risk populations at the elementary level. Ms. Gjerstad distributed a graph showing non free and reduced, reduced and free in the elementary, middle and high schools. (Attachment 4)

Senator Emert moved the bill introduction, seconded by Senator Jones. The motion carried.

Karla McGlothlin, Kansas Autism Foundation, asked for consideration of the bill that would increase the availability of information concerning practices which have proven effective in remediating the incapacitating effects of autism.

The KSDE would establish a separate eligibility category of autism (Attachment 5)

Senator Langworthy moved introduction of the request, with a second by Senator Lee; the motion carried.

The meeting was adjourned.

The next meeting is scheduled for January 20, 1997.

KANSAS
ASSOCIATION



OF
SCHOOL
BOARDS

1420 S.W. Arrowhead Rd, Topeka, Kansas 66604
913-273-3600

TO: Senate Committee on Education
FROM: Mark Tallman, Director of Governmental Relations
DATE: January 15, 1998

RE: Requests for Bill Introduction

We appreciate the committee's willingness to consider requests for bill introduction from organizations such as ours. Most issues contained in our legislative priorities have either been previously introduced or will be. We have a single request today.

Kansas adopted a charter school law several years ago. Initially, there was little interest. We believe this was largely due to some significant problems in that law (for example, probably being unconstitutional). However, recent actions by the federal government to provide incentive funding for charter school start-up costs has accomplished its purpose: the 15 charter schools spots allowed under current law are already committed.

KASB supports a charter school law which allows local school boards to create new, innovative and flexible programs which are exempt from most state school laws and regulations, but required to meet school improvement standards.

We are asking you to introduce a bill which would remove limits on the number of these charter schools; streamline the process for establishing such schools; and clarify the authority of such schools. We have drafted such legislation for the reviser's consideration. We look forward to discussing this measure in greater detail if you agree to its introduction and hold hearings.

Thank you.

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1-15-98
Attachment 1*



Kansas State Department of Education

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

January 15, 1998

TO: Senate Education Committee

FROM: Dale M. Dennis, Deputy
Commissioner of Education

SUBJECT: Request for Introduction of Bills

The State Board of Education would appreciate permission to introduce three bills in the Senate Education Committee. The subject matter of these bills is listed below and additional information attached for your review.

- * Strengthen and clarify the Proprietary School Act and to increase proprietary school fees as recommended by the Proprietary School Advisory Commission.
- * Eliminate the over 64/72 academic credit hour limitation in computing out-district state aid and out-district tuition for community colleges.

Fund all community college vocational credit hours at 2 for 1 funding rather than 1.5 to 1 funding.
- * Amend special education law to coincide with the new Federal Individuals with Disabilities Education Act (IDEA).

*Senate Education
1-15-98
Attachment 2*

**PROPOSED LEGISLATION TO STRENGTHEN AND CLARIFY
THE PROPRIETARY SCHOOL ACT, K.S.A. 72-4916 *et seq.***

This bill addresses several concerns related to the Proprietary School Act. All of these proposals have been endorsed, and are supported, by the Proprietary School Advisory Commission.

The State Board of Education recommends the following amendments to the current Proprietary School Act:

1. A major component of the bill is to provide adequate protection for students of such schools if they close for any reason. This bill adds provisions creating a state student tuition protection fund. The source of money for this fund is fees collected from the proprietary schools. Moneys in this fund would be available to reimburse the tuition paid by students if a proprietary school closes.
2. In a related manner, if a proprietary school closes, it is vital that the students' records of that closed school be maintained and information relating to students of the school be kept. The current act does not provide adequate provisions to address this vitally important matter.
3. Another area in need of attention is the fee schedule provided for in this law. The schedule has not been changed since 1977. Once again, the change needed in the fee schedule is supported by the advisory commission, the majority of which are proprietary school owners or managers.
4. Finally, the language used in this 27-year old statute needs to be edited and updated to assist in the proper administration of the law. Therefore, many editorial changes are made.

We continue to believe that enactment of this bill will strengthen the proprietary school law and provide adequate protection to students enrolled in such schools.

COMMUNITY COLLEGE FINANCING

The State Board of Education recommends the following amendments to the current state laws governing community colleges.

- Increase out-district state aid/tuition by eliminating the 64/72 academic credit hour limitation.

Estimated Cost: \$1,525,000

- Reimburse vocational credit hours two times the academic rate for all community colleges. Currently, there are five community colleges (Pratt, Cowley County, Dodge City, Hutchinson, and Johnson County) that have a designated area vocational school as part of the community college who receive 2 for 1 funding for approved vocational credit hours. The remaining 14 community colleges receive 1.5 for 1 funding.

Estimated Cost (for equalizing the 2 for 1 funding for 14 community colleges):
\$3,000,000

In order to come into compliance with the IDEA-97 KSDE will ask the Kansas Legislature to review and revise K.S.A. 72-962 et seq. in regard to the following matters:

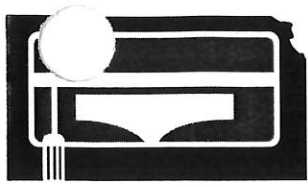
- One purpose of the state law is to comply with federal law
- State law should direct the State Board to adopt regulations to implement both federal and state special education law
- Children with disabilities who have been suspended or expelled from school must continue to receive a free appropriate public education
- Services for children enrolled in private schools by their parents
- State Advisory Panel membership
- Parental consent for reevaluation
- Due process hearing procedures
- When parents must be notified of their rights
- Content of Parent Rights Notice
- Mediation
- Placement of student in an alternative educational setting for carrying a weapon to school or possesses or uses illegal drugs, or if poses a danger to self or others

Additional K.S.A.s needing review and revision or to be repealed:

K.S.A. 72-8902 Duration of short term suspensions from 5 to 10 days

K.S.A 72-5392-5394 Auxiliary school services for children enrolled in private schools
(Repeal - *This subject to be addressed in the Special Education Act*)

K.S.A. 72-53,109 No requirement for educational services for incarcerated youth 18 to 21 years of age



KANSAS BOARD OF REGENTS

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STUDENT FINANCIAL AID • 785-296-3517

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<http://www.ukans.edu/~kbor>

MEMORANDUM

TO: Senate Education Committee

FROM: Stephen M. Jordan *SMJ*
Executive Director

RE: **1998 LEGISLATIVE PROPOSALS OF THE BOARD OF REGENTS**

DATE: January 15, 1998

The following proposals have been approved by the Board of Regents for submission to the 1998 Session of the Legislature. I respectfully request the Senate Education Committee to consider these proposed statutory amendments for introduction this Session:

- a. Amend State Scholarship Program statutes to limit access to the Program to the four years (five years for designated five-year programs) following high school graduation. Recipients must demonstrate a high level of scholarship, as evidenced by the fact that the academic profile of 1997 scholars included an average ACT of 29 and an average GPA of 3.85. Recipients must also complete the Regents Recommended Curriculum. A time limit on access to the program should ensure that awards are made to the most scholarly students. Existing statutes allow for lifetime eligibility, which means awards may be given to persons who have been out of high school for many years and who do not meet the higher academic standards set by recent high school graduates. Additionally, lifetime eligibility is burdening the tracking system with almost 40,000 names in the history file. The proposed amendment would reduce that file to about 12,000 names and allow easier tracking to ensure students do not receive the scholarship for more than the statutorily imposed limit of eight semesters.
- b. Amend statutes on the Regents Supplemental Grant and Tuition Grant Programs related to the definition of residency for eligibility. Currently, persons are eligible for the Regents Supplemental Grant and Tuition Grant Programs who are not Kansas residents for fee purposes but who fit within one of the statutory categories of persons who are allowed to pay an amount equal to resident fees. On the other hand, a person must be a Kansas resident for fee purposes to be eligible for the State Scholarship Program. The Board recommends the residency definition for all three programs be consistent and conform to the residency definition used for the State Scholarship Program. The impact of this change would be to make ineligible for the Regents Supplemental Grant and Tuition Grant Programs, certain non-residents who are authorized to pay resident fees, such as military personnel; Regents institution employees; persons transferred or recruited to Kansas for employment; and certain Kansas high school graduates whose parents have moved out of Kansas.

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- c. Amend residency statutes to permit a person who is a Kansas resident for fee purposes and who leaves the state with the intention of becoming a resident of another state or country to return to Kansas within 12 months and retain the "resident for fee purposes" status and be treated for fee purposes as if the person had never left Kansas. Currently, statutes provide that persons may pay an amount equal to resident fees if they have lost their resident status within six months of enrollment. The proposed amendment would allow persons to pay resident fees if they have lost their resident status within twelve months of enrollment. The proposed changes would increase the number of persons who are eligible to pay tuition at the resident rate. These will be persons who have given up their Kansas residency by establishing a domicile elsewhere but have returned to Kansas within twelve months. Such persons have usually not established residency in another state. Denying these former Kansans the ability to pay resident tuition upon returning to Kansas is appropriate under current statute. However, to them this seems unfair when they have not been domiciled in another state long enough to be classified as a resident of that state.

cc: Legislative Liaisons
Christy Crenshaw
Joe Barron

**Senate Education Committee
Senator Lawrence, Chair**

January 15, 1998
Submitted by: Diane Gjerstad

Madame Chair, members of the committee:

The Wichita Public Schools requests the courtesy of a bill introduction to amend the school finance formula calculation used to determine "at-risk" weighting factor.

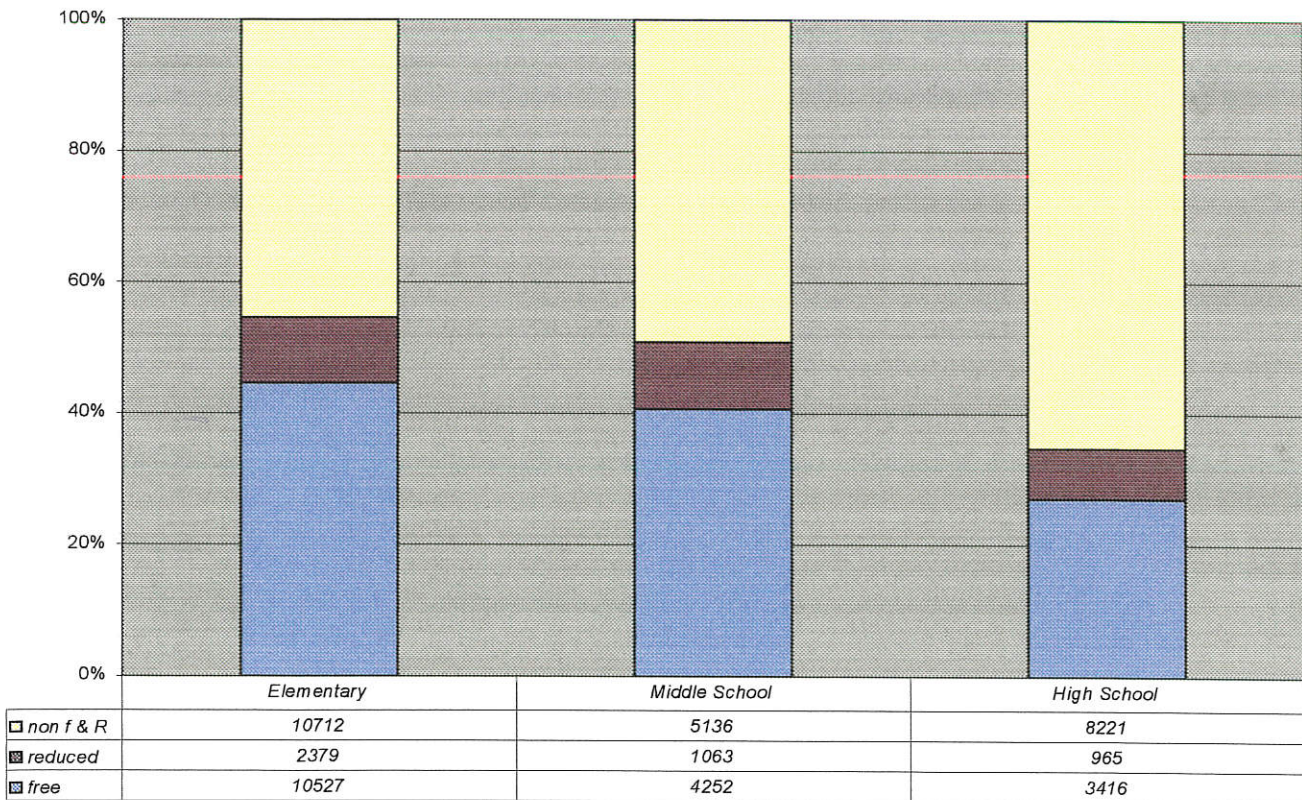
Currently only free lunch eligible students are used to determine at-risk weighting.

USD 295 requests a bill that would:

- a) include students eligible for "reduced" lunch, and
- b) calculate the "at-risk" populations at the elementary level, using that percentage extrapolate the secondary students eligible.

Thank you for considering our request.

USD 259



*Senate Education
1-15-98
Attachment 4*

KANSAS AUTISM INFORMATION ACT

DEFINITIONS

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

Professional is a person who conducts diagnostic or educational assessments of children having or suspected of having autism.

REASON FOR THIS BILL

When a disability this severe does not readily respond to traditional educational or treatment practices, it deserves special attention. The purpose of this act is to increase the availability of information concerning practices which have proven effective in remediating the incapacitating effects of autism. Providing information on legitimate interventions for autism to individuals with autism and their families in Kansas, is expected to increase the likelihood of more favorable developmental outcomes, thus, lessening the emotional hardships on families and future financial burden to communities.

ACTUAL BILL

- A. Any professional who diagnoses or conducts an educational assessment for a child having or suspected of having autism shall provide the family of such child the following:
1. Written information regarding different types of treatment for children with autism, including information on traditional special education developmental approaches and Applied Behavior Analysis. Such information shall be presented in a neutral and unbiased method. The information, however, must be accurate in its definition of treatment approaches and the scientific documentation of their effectiveness in treating individuals with autism provided.
 2. 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 treatments.
- B. The Kansas State Department of Education (KSDE) will be responsible for assembling the information on treatment options. Professionals, as indicated in section A, shall provide the information and resource lists to KSDE for distribution.

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attachment 5*

Thereafter, the information shall be provided by KSDE to all parties involved the treatment review process, as well as to all professionals in Kansas who are qualified to make such a diagnosis, all school districts, all special education cooperatives and any autism resource centers in the state.

- C. By reason of the uniqueness of this disability in its educational focus and needs, the KSDE will establish a separate eligibility category of autism in order to remove existing barriers to effective education. The establishment of such category will facilitate access to effective treatment for all children with the diagnosis of autism in the state of Kansas.