

Approved: 4/28/99
Date

MINUTES OF THE SENATE EDUCATION COMMITTEE.

The meeting was called to order by Chairperson Senator Barbara Lawrence at 8:00 a.m. on March 25, 1999 in Room 423-S of the Capitol.

All members were present except: Senators Hensley, Jones, Lee

Committee staff present: Avis Swartzman, Revisor
Ben Barrett, Legislative Research
Jackie Breymeyer, Committee Secretary

Conferees appearing before the committee: Michael Byington, ENVISION

Others attending: See Attached List

The Chairperson called the meeting to order and directed the committee's attention to **SB 328 - career teacher salary plan**, and asked for comments from the members of the committee.

Senator Kerr stated the bill has a good deal of support. Initially there will be a relatively small contingent of teachers that will opt in to it, but as teachers find that this is very successful in encouraging higher levels of performance and that arbitrary dismissals do not occur, they will want to support it. It will allow for the first time in Kansas, some options in career tracks. This will be a logical first step. The money for it will be built into the school finance law at .4 per pupil. He thinks it is late enough in the year to hold the bill this year. Mr. Price, who was present and testified to the bill, has spoken to a lot of groups and will present this to more groups this summer. The Senator would prefer to see a real consensus rather than a contest. He feels the support will be there next session to pass it all the way through the legislature.

The Chairperson asked if there was anyone else that wanted to speak to the bill.

Senator Downey stated that she would like to work on some kind of career track bill that recognizes some professional standards similar to national board certification. There are some states that are using the concept of career track. She appreciates Senator Kerr building into the finance formula a way that could be done. She would be interested on working on this from a different angle.

The Chairperson stated that this is an idea whose time has come. Next year the committee can look at it again, perhaps with several different options that could be wedded.

Senator Kerr stated that he hoped the committee could focus on results on not just inputs.

Senator Oleen stated that if there is an education related interim this summer, she thinks this topic would certainly be one that is appropriate.

The Chairperson said she would consider that as one of the requests for an interim.

The Chairperson asked the Committee to direct its attention to **HCR 5010 -Kansas State Board of Education to conduct a state-wide study of blind pupils to assess literacy skills and reading speed levels**

Michael Byington, Director, Envision, had three pieces of material distributed. The first piece was his testimony (Attachment 1); The second piece of material was a letter from Jo Ann Donnell, urging support of the resolution (Attachment 2) and the third piece of material, typed and written in braille, was from the Kansas Association for the Blind and visually Impaired, Inc. (Attachment 3)

Mr. Byington's testimony dealt with the concern blind adults in Kansas have been expressing about the literacy levels of blind and legally blind high school graduates. There has not been adequate documentation concerning the magnitude of literacy difficulties.

CONTINUATION SHEET

MINUTES OF THE SENATE EDUCATION COMMITTEE, Room 423-S Statehouse, at 8:00 a.m. on March 25, 1999.

Census data from 1990 shows that 74% of working aged blind and legally blind American are unemployed. Fewer jobs exist in our economy which do not require literacy.

Mr. Byington told of the advances in Braille currently being made with regard to assistive technology. Braille used to be bulky and hard to store and documents had to be slowly and painstakingly converted into Braille, but these problems have largely been resolved through assistive technology.

Mr. Byington asked the committee to begin the process toward a literacy study. He paused to introduce Georgia Layton, Kansas Rehabilitation for the Blind, and Beulah Carrington, active in blind services. He then asked if there were any questions.

Questions were asked about the fiscal note. Mr. Byington said the \$30,00 figure is consistent with the type of study and what it should cost. The mechanism is already in place for looking at grade level reading levels of blind and sighted students. In response to a question whom it would include, Mr. Byington stated the study will focus on K-12.

Mr. Byington stated that with regard to IDEA in terms of Braille is that when anyone sits down with a student who is legally or totally blind to discuss Braille in the IEP conference, it must be brought up. If anyone on the IEP team feels that Braille is appropriate for the student, then Braille training must be provided.

One of the committee stated that she thinks it is a new requirement that all districts who have students who are on IEPs with a disability related to blindness are going to have to have an adaptation of the state assessment including reading and language arts and that information will be available.

Mr. Byington stated that it was the feeling that the reason this study could be done for the figures that are provided was because a lot of the figures will exist and it will be more of a compilation process.

The Chairperson stated she understands the seriousness of the matter. It would be her recommendation that it go to the Ways and Means committee and deal with it in the omnibus bill as a proviso measure.

A committee member stated that he saw no problem with the committee passing the bill. If it were done, the Department would feel the necessity of doing it.

Dale Dennis, Deputy Education Commissioner, stated what would be done is they would take a look to see if they could find the money in federal fee funds.

One of the committee members stated that this could be brought up as an omnibus item if need be, but the time in Ways and Means is getting down to it being more valuable than the funding. The committee should take whatever action it wants to.

Mr. Byington stated that he was encouraged by the statements about the reauthorization of IDEA. There is nothing in the resolution that would prevent the Board of Education from the data exists and look for compilation of the data. This would reduce the fiscal note even farther.

The Revisor stated that the assessments discussed take place only twice a year. She doesn't think they would necessarily assess Braille literacy. They would assess academic areas. What she thinks Mr. Byington is saying is that they are not using Braille to teach blind students.

Mr. Byington stated he suspects that part of the problem may be the fact that Braille is perceived as being more difficult. A lot of children are being educated with the wrong reading media and this is one of the problems causing literacy to be lower than it ought to be.

Senator Kerr moved the favorable adoption of HCR 5010. Senator Oleen gave a second to the motion. The motion carried.

The committee turned its attention to **SB 53 - core academic areas**

CONTINUATION SHEET

MINUTES OF THE SENATE EDUCATION COMMITTEE, Room 423-S Statehouse, at 8:00 a.m. on March 25, 1999.

Senator Bleeker had an amendment which she distributed and explained. She stated this amendment would direct more policy and more of a mission statement without micromanaging it quite so much.

In answer to a question from one of the committee she stated the components of **SB 53** would be struck; she is striking the language in the bill, but not the language in the statute.

Another member stated she appreciate the work Senator Bleeker had done on the bill, but she questions whether we need to go about making any of these changes. She has sensed no groundswell of discontent over current language in the statutes and is uncomfortable rushing something through. If it is important it could lay over for review next year.

After further discussion on the proposed amendment,

Senator Bleeker moved her amendment. Senator Umbarger gave a second to the motion. The motion failed.

Chairperson Lawrence stated the bill would lay over in committee until next year. She thanked the committee for all its good work and adjourned the meeting.



Choices & resources for people who are blind or low vision

Envision®

**PLEASE REPLY TO: Michael Byington, Director
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(785) 575-7477 (pager)
(785) 354-4646 (FAX)
mbyingto@ink.org or
michael.byington@envisionus.com**

March 23, 1999

TO: Senate Education Committee

SUBJECT: House Concurrent Resolution 5010

Let me begin with a little recent history concerning this proposal. I will then discuss its merits.

This proposal came out of the House Education Committee on a unanimous favorable vote. It was adopted by the House through a concert calendar process. It was not considered controversial on the House side because the resolutions structure in fact leaves the final decision to act to the Kansas State Board of Education, and because it is a virtual no brainer that literacy is important to ALL Kansans, includeing those who are blind. If there is a potential problem with literacy, it is quite clearly something which needs to be addressed.

Blind adults in Kansas have been expressing the concern for some time that they feel that literacy levels of blind and legally blind high school graduates

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3-25-99*

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are dropping in the State. I realize that this concern is not restricted to persons who are blind only, and that there is a nation-wide concern about literacy levels. In Kansas at least, however, there has not been adequate documentation concerning the magnitude of literacy difficulties among blind students, and a degree of quantification is needed if effective solutions are to be sought.

Similar concerns exist in a number of States. To this end, Representative Bill Boucher, Missouri, sent me, last year, a copy of some legislation which he was introducing in Missouri, and which proposed to study literacy levels among blind students. He suggested we might be interested in introduction of similar legislation in Kansas. Indeed we were, and this resulted in last year's introduction of House Bill 2774.

During the time this legislation was introduced, Representatives of the National Federation of the Blind of Kansas, the Kansas Association for the Blind and Visually Impaired, Inc., and Envision were engaging in a series of meetings with then Chief of Special Education Student Support Services, Mike Remus, and selected members of his staff, to explore the literacy among blind students and Braille literacy concerns. These meetings placed even more focus on the fact that all agreed that there may be a problem with literacy levels among blind students, but we really do not have a handle on the magnitude of the problem.

Last year's 2774 would have done essentially the same thing as is urged via HCR 5010. The Constitutional structure in Kansas, however, lead us to believe that the HCR format was a more cogent legal fit, so that is why the proposal takes this form this year.

Last year there was some confusion concerning the size of study being requested by the Legislation. This resulted in differing fiscal notes being provided by two sections of the State Department of Education. One note suggested that the requested study would cost in the neighborhood of \$30,000.00, and the other suggested that the study would cost around one million dollars. The study the blindness advocates had in mind tended to lean more toward the lower figure, but the higher figure limited serious consideration of last year's proposal. This year, an effort has been made by both the Kansas Department of Education and the blindness community to communicate more effectively about what is desired and what can be done.

The Kansas Department of Education has thus drafted a fiscal note strategy which is consistent with the lower figure. This information has not yet been requested of the Department this year by Legislative Research, probably because of the HCR format being used, but with the permission of Assistant Commissioner Dennis, I am attaching a copy of the draft work on a new fiscal note which has been done by staff in the Department of Education. You will note that the attachment from this Department proposes three phases of work. The first phase only, at \$41,000.00, is the one which is actually proposed by HCR 5010. Phase II, and III, however, are welcome planning additions which anticipate follow-up being done after study results are received. As to the design of Phase I of the Department's draft proposal, I have suggested to Department of Education officials that, for the proposal to glean the information intended, there needs to be a greater emphasis on including rural areas in the sampling. Department officials and I agree that this would add four to nine thousand dollars to the Phase I proposal, so the actual fiscal note for the study proposed in HCR 5010 would run \$50,000.00 or under.

There is one error in the Legislation which needs to be corrected with a technical amendment. The proposal, as drafted, hurries the Department of Education a little faster than intended. Line 7 of page two should feature the date 2001 instead of 2000.

Now as to the merits of this proposal, I can think of no more important educational issue for the future of blind Kansans. We know from 1990 census data that, currently, 74% of working aged blind and legally blind Americans are unemployed. We also know that fewer and fewer jobs exist in our economy which do not require literacy. We further know, via research done by the American Foundation for the Blind, that the percentage of blind Americans who are proficient with the use of Braille is declining while the correlation of Braille literacy and employment is quite high, and is on the rise. All of this suggests that, if we are to even hold our own concerning employment among blind workers, let alone make progress toward reducing unemployment, literacy, and often Braille literacy, is going to be of paramount important.

As one of the major tools for literacy among persons who are blind, it should be pointed out that the use of Braille for literacy purposes in the work place is becoming more and more practical due to the advances

currently being made with regard to assistive technology. Braille used to be very hard to transcribe and to store. It had to be transcribed one word at a time by hand, and with the labors of an expert transcriber. Once a document had been slowly and painstakingly converted into Braille, it was bulky and very hard to store. These two problems have been largely resolved through assistive technology. There are now several excellent computer driven Braille translators on the market. This software can translate a standard text computer file into the Braille code; the Braille can then be printed in whatever quantities are needed through use of computer driven Braille embossers which attach to the computer just as would a standard print printer. Additionally, much Braille which is stored in a computer as noted above can be read without ever appearing on paper or having to be stored accordingly. This is due to the development of paperless, or refreshable Braille display technology. This is a braille display hooked to a computer much as a standard monitor is connected. The Braille dots pop up electronically through a device which resembles a small peg-board. When the blind user has read one display (or screen load of Braille) they hit an advance key, and the next load of Braille pops up.

We are asking you to begin a process by adopting HCR 5010. This is a process which will protect a much more basic right than any of those which we commonly regard as civil rights, the right to read, to know, to be truly literate. It is not going to cost much to do this, even assuming that the Board of Education concurs with the study exactly as here proposed, but the benefits of getting blind Kansans back on the road of literacy will be tremendous as we move into our next, more highly technical and competitive generation.



Kansas State Department of Education

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

copy

TO: Dale Dennis, Deputy Commissioner
FROM: Kerry Ottlinger, Coordinator, Student Support Services
William Daugherty, Superintendent, Kansas State School for the Blind
Joan Houghton, Program Consultant, Student Support Services
DATE: January 25, 1999
RE: Draft Fiscal Note for Statewide Assessment of Student Braille Literacy

*The following was developed based on House Bill 2774 introduced in the 1998 legislative session. The most relevant factors to consider in responding to the provisions of HB 2774 include three phases for implementation, timelines, and cost estimates of each phase. Please note that a review of this information will need to occur when/if a bill or concurrent resolution is submitted in the 1999 legislative session.

Phase I

A pilot study of students' literacy using Braille or other printed communication media from two districts (USD 259 Wichita and USD 512 Shawnee Mission) and the Kansas State School for the Blind (KSSB) would be conducted. Students will be tested for their literacy skills and appropriate learning media. These three sites were selected based on Student Support Services Management Information System (MIS) data, 1997 and American Printing House for the Blind (APH) data, 1998. These agencies have the largest number of students with visual impairments and blindness with a combined total of 150. Portions of the Learning Media Assessment - Revised Edition and selected reading assessments will be used to assess the students' skills and appropriate reading medium. Permission for testing will have to be obtained from the students' parents to participate in the study, which could possibly reduce the total number of students to 120. A report describing the results will be written. Completion of Phase I would meet the basic intent of the legislation.

Timeline for Phase I: July 2000 to June 2001

Cost Estimate for Phase I:

120 students each tested for 2 hours (240 hours)	
240 hours (including testing and report in writing) at \$150 per hour	\$36,000
Travel expenses for outside evaluators	\$ 5,000

Phase II

A “train the trainers” session will be conducted to instruct selected teachers of students with visual impairments (approximated 20-30) and evaluate skill competencies on assessing students’ Braille literacy skills or printed communication media skills using the Learning Media Assessment –Revised Edition for a three day training period conducted by the authors of the assessment guide, Alan Koenig, Texas Tech University and Cay Holbrook, University of Vancouver.

Timeline for Phase II: July 2001 to June 2002

Cost Estimate for Phase II:

Trainers honorarium and expenses for 3-day training	\$ 8,000
Expenses for 20-30 participants	\$10,000
Training accommodations (e.g. meeting room, meals, etc.)	\$10,000
Trainers’ expenses for follow-up evaluation	\$ 8,000

Phase III

Kansas trainers (who passed the train the trainer session in Phase II) will train teachers of students with visual impairments and blindness throughout the state on techniques to assess appropriate written communication media using the Learning Media Assessment –Revised Edition in four geographic regions. The training will consist of two-day training sessions for approximately 25 participants in each geographical area. This model will build local capacity within the state and enhance the skills of teachers in the local school districts without having to rely on the skills of outside experts. Blind and visually impaired students across the state will then have access to appropriate assessments of their literacy levels and of their need for Braille, print, or both.

Timeline for Phase III: July 2002 to June 2003

Cost Estimate for Phase III:

Trainers’ honorarium and expenses for two-day training session	\$ 6,400
Training accommodations (e.g. meeting rooms, meals, etc.)	\$20,000

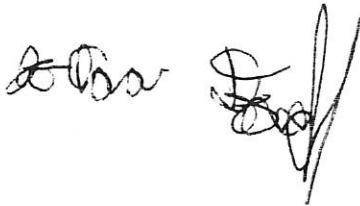
Total Cost Estimates:	Phase I	\$ 41,000
	Phase II	36,000
	Phase III	<u>26,400</u>
		\$103,400

March 23, 1999
Jo Ann Donnell

Attention Senate Members of the Education Committee:

Honorable Senators, my name is Jo Ann Donnell and I am an individual who is blind. I am writing this testimony in support of HR 5010. I myself was instructed in the reading and writing of braille during my elementary school years. Throughout my years braille afforded me the ability to have equal access to most written materials. Also the tool of braille made it possible to take needed class notes and so much more. Communications is an integral necessity to achieve any type life success. Braille is a skill without which much of my learning process would have been drastically curtailed. I am a well educated woman with both a bachelors and masters degree and currently am employed at Topeka Independent Living Resource Center as a communications services advocate.

Recently I was made aware that less than half of school age students who have a visual disability are equipped with the skill of reading and writing braille. This situation is deplorable and denies these individuals to equality of education. This lack of literacy accessibility must be corrected to enable all young people who need braille skills to have the ability to obtain their full educational potential. I urge you to do what is just and morally right and to pass HR 5010 and legislate this as law throughout Kansas. Thank you for your attention and I am available to answer any questions that may surface. Please contact me at 233-4572.



Jo Ann Donnell

*Senate Education
Attachment 2
3-25-99*



Kansas Association for the Blind and Visually Impaired, Inc.

AN AFFILIATE
OF THE
AMERICAN COUNCIL
OF THE BLIND

Testimony in Support of HCR 5010

I am providing testimony in support of House Concurrent Resolution 5010 on behalf of the members of the Kansas Association for the Blind and Visually Impaired, Inc. (KABVI), the Kansas affiliate of the American Council of the Blind. I serve as Education committee Chair for KABVI, as well as the Secretary and a past Board member of the Braille Revival League (BRL), a special-interest affiliate of the American Council of the Blind.

I am employed as a Rehabilitation Specialist at the Kansas Rehabilitation Center for the Blind (RCB), though this testimony is not being provided as a state employee. My work with young, college-age students at the RCB, however, provides an ongoing opportunity to evaluate, and try to address the lack of literacy among high-school age blind and/or visually-impaired students. As a member of the undergraduate scholarship committee of the American Council of the Blind, I regularly observe the value of braille literacy related to students' academic and professional success. As an instructor of braille at the adult level, I am continually reviewing teaching materials, both for children and adults.

I have been evaluating the literacy skills of Kansas high school students who are blind as a part of my professional duties for over ten years. The blindness community in general has expressed concerns that literacy levels among blind students in Kansas have been declining for some time. While I may not have a statistically valid sampling, I can affirm that I have noted a steady decline in abilities to read and write Braille among a student population which would quite clearly benefit from Braille. The proposed study would help to identify problems and improve literacy among blind students State-wide.

As educators or people interested in facilitating the best education possible for all Kansans, the need for literacy and the current factors negatively influencing literacy across the board are probably well known. Factors which compound the problems for blind and/or visually-impaired students include:

- a shortage of special education teachers in the state who are certified in the area of vision education;
- no vision disability-specific teacher preparation programming in the state, except for continuing education opportunities after vision education certification has been received from an out-of-state program;

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- the need for teacher competencies in reading and writing braille to be achieved and then maintained throughout the teacher's career;
- the current focus in general and special education on technology or assistive technology as solutions to problems of disability without attention to the low-tech basic skills areas of instruction;
- the feeling among teachers, students and parents that learning to read and write braille is extremely difficult and somehow isolates the blind or visually-impaired student from his sighted peers;
- the fact that the age at which braille instruction is provided has a measurable impact on the child's proficiency with braille as an adult;
- the lack of an adult blindness peer group for students and their vision teachers, particularly in rural areas who see braille used on a day-to-day basis;
- the fact that there continues to be a shortage of readily available brailled math, language and music teaching materials, and even when such material is available, local school districts often opt to purchase less expensive alternative media (tapes, without giving due consideration to the necessity for actually reading math, foreign language or music texts);
- the need to view braille literacy as a positive tool for education and future employment success, rather than a stigma symbol of blindness;
- expanded employment opportunities for persons who are blind or visually impaired have resulted in fewer blind persons working as teachers either in public schools or residential schools for the blind, thus serving as role models for blind or visually-impaired students and general or special educators
- acceptance by parents and educators of the expectation that blind and or visually-impaired children will function one to two years behind their sighted peers in language development, math, and reading creating lower standards than grade level appropriate skills;

The Kansas Association for the Blind and Visually Impaired, Inc. supports House Concurrent Resolution 5010 and the Draft Fiscal Note for Assessment of Student Braille Literacy, provided the sample student population tested include students from rural areas as well as those from urban areas noted. Students in rural areas typically receive a very different level of service than those in urban

settings. A KABVI resolution passed at our most recent Annual Convention in further support of this project is attached. In an era when 74% of blind and/or visually-impaired adults are either unemployed or underemployed, while the need to access information is increasing exponentially, and where good oral and written communications skills are directly impacting company growth, it is imperative that an assessment of literacy among blind and visually-impaired students be conducted, problem areas be enumerated and solutions be undertaken.

Sincerely:
Ann Byington
Education Chair
KABVI

RESOLUTION 9813

WHEREAS, the provision of comprehensive Braille teaching services for Kansas primary and secondary students continues to be unavailable or insufficiently available in many parts of Kansas; and

WHEREAS strong evidence exists that Braille literacy levels continue to drop among Kansas students and high school graduates; and

WHEREAS Braille is an increasingly important form of literacy needed by individuals who are legally or totally blind in order for them to live and work competitively; and

WHEREAS the Kansas Department of Education has failed to take necessary steps to reverse trends in declining Braille literacy; and

WHEREAS during meetings held between Kansas Association for the Blind and Visually Impaired, Inc. (KABVI) representatives, representatives of the Kansas Department of Education, Special Education Division; representatives of The National Federation of the Blind of Kansas (NFBK), and representatives of Envision, it was established that Kansas Department of Education officials question the severity of concerns expressed about Braille literacy levels; and

WHEREAS, in an attempt to procure more compelling and statistically significant documentation concerning Braille Literacy levels among Kansas students, Envision proposed Legislation in the 1998 session of the Kansas Legislature which would have required a State-wide survey of Braille literacy levels; and

WHEREAS, while the Kansas State School for the Blind offered a very realistic, and relatively low, estimate of the cost of such a survey, the Kansas Department of Education dissuaded the Kansas Legislature from moving the proposed legislation forward by submitting an inflated, unrealistically high fiscal note for the project; and

WHEREAS, last minute attempts to move the legislation forward by converting it to State Resolutions format also failed;

THEREFORE BE IT RESOLVED BY The Kansas Association For The Blind And Visually Impaired, Inc. in convention assembled this 26th day of September, in Topeka, at the Days Inn Capitol Center, that

this organization urges that this legislation, in bill or resolutions form, be re-introduced in the 1999 session of the Kansas Legislature;

BE IT FURTHER RESOLVED that this organization pledges support for such legislation;

BE IT FURTHER RESOLVED that this organization urges that the realistic fiscal note from the Kansas State School for the Blind be the only one sought or utilized in evaluating the proposed legislation.

BE IT FURTHER RESOLVED, that copies of this resolution be sent to: both major party candidates for Governor of Kansas; the Commissioner of Education; Director of Special Education; Mr. Bill Daugherty, Kansas State School for Blind; Michael Byington, Director of Governmental Affairs, Envision; members of the House Education Committee; and selected additional members and candidates, Kansas Legislature.

ATTACHMENTS

3-6 THROUGH

3-11 ARE IN

BRAILLE. DID

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