

MINUTES OF THE SENATE COMMITTEE ON EDUCATION.

The meeting was called to order by Chairperson Senator Dwayne Umbarger at 1:30 p.m. on March 7, 2001 in Room 123-S of the Capitol.

All members were present except: Senator Corbin (excused)

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

Conferees appearing before the committee: Diane Gjerstad, Wichita Public Schools
Ben Gaut, General Director of Special Education, USD 501
Craig Grant, KNEA
David Monical, Washburn University
Robert Kelly, Exec. Director, KS Independent College Assn.
Christine Ross-Baze, Director, KDHE

Others attending: See Attached List

Chairman Umbarger asked for a motion to reconsider the Committee's action on **SB124** and bring the bill back to the Committee. The Committee passed the bill after turnaround and the bill had not been "blessed." Senator Oleen offered a motion to reconsider action on SB124. Senator Teichman seconded the motion. Motion carried.

SB338--School district finance, revising definition of enrollment for count of nonresident exceptional children

Diane Gjerstad, Wichita Public Schools, offered testimony in support of **SB338**. (Attachment 1) **SB338** would add an additional count date for out of state special education students after September 20. At present, the districts do not receive the base per pupil for students who arrive after the September 20 count date. The districts receive categorical aid only if a teacher or paraprofessional is hired.

The Committee asked about pro-rating payment to districts if a later count date is used and what happens if the count is less at a later count date. Diane stated the bill did not ask for pro-rated payment and that the special education count continues to go up, it has never gone down. The bill does not ask for pro-rated payment because the program is under funded.

Ben Gaut, General Director of Special Service, USD 501, offered testimony to support **SB338**. (Attachment 2) The new counting procedure would allow the schools to receive additional revenue to provide special education services.

The Committee discussed whether a residency law was needed if districts are attracting so many out of state special education students. It is not that students are coming to Kansas just for the schools, the parents move into the area with jobs and are then residents.

Craig Grant, KNEA, provided written testimony in support of **SB338** (Attachment 3)

HB2015--Postsecondary educational institutions, certain programs exempted from licensure as a child care facilities

David Monical, Washburn University, gave testimony in support of **HB2015**. (Attachment 4) The bill, as amended, would exempt public and independent postsecondary educational institutions from the necessity of having a day care license or temporary permit from the Secretary of Health and Environment in order

CONTINUATION SHEET

March 7, 2001

to operate various academic, athletic and recreational camps on their campus.

Robert Kelly, Kansas Independent College Association, gave testimony in support of **HB2015**. (Attachment 5) Mr. Kelly agreed with Mr. Monical's testimony and stated that he did not believe that the state ever intended to license their summer camps as day care centers.

Christine Rose-Baze, Director Child Care Licensing and Registration Section, Bureau of Consumer Health, Kansas Department of Health and Environment, offered testimony supporting **HB2015** with reservation. (Attachment 6)

Chairman Umbarger closed the hearings on **HB2015**.

Senator Teichman made a motion to accept the minutes of February 27, February 28 and March 1, 2001. Senator Vratil seconded the motion. Motion carried.

Chairman Umbarger advised the Committee that the intent on **SB124** was to amend its contents into **SB134** on the Senate floor.

Meeting was adjourned at 1:29 p.m. The next meeting is scheduled for March 8, 2001.

SENATE EDUCATION COMMITTEE GUEST LIST

DATE - 3-7-01

<u>NAME</u>	<u>REPRESENTING</u>
Jacques Dokes	SQE
Debbie Ayt	USA / KCK
Craig Grant	HNEA
Gacey Farmer	KASB
Chris Bass - Baze	KOH E
Steve Page	KDHE
David G Moncal	Washington University
Bob Kelly	KICA
Don Humes	USA.
DICK CARTER	KBOX
Sarah Souk	Anten - Siechman
SHELBY SMITH	USD 501
Ben Gant	USD 581
Diane Gjerstad	USD 259
Bill Brady	Schools for Fair Funding
Bill Truckl	Sharon Mission Schools



Senate Education Committee
Senator Umbarger, chair
S.B. 338
Special Education Funding

March 7, 2001

Diane Gjerstad
Wichita Public Schools

Mr. Chairman, members of the committee:

The school finance act embodies the funding for schools from 65 students to 49,000. The formula set out general funding principals. And from time to time the legislature finds situations so unique as to require special attention.

Today, I bring to you a special cause: the influx of special education students moving into the Wichita Public Schools after September 20.

The attached graph illustrated the continued influx of special education students through out the school year. These students have already been identified as needing special education serves. The students have an "individual education plan" in hand. In other words, a demand for service.

During the year 653 special education students moved into the district. That is equivalent to "growing" a district.

From October to April, 404 special education students arrived. Because they arrive after the September 20 count date, we do not receive the base per pupil. The district receives special education categorical aid only if a teacher or paraprofessional is hired.

After September 20 count date 404 special education students enter Wichita schools:

- 270 in-state special education students
- 132 out-of-state special education students

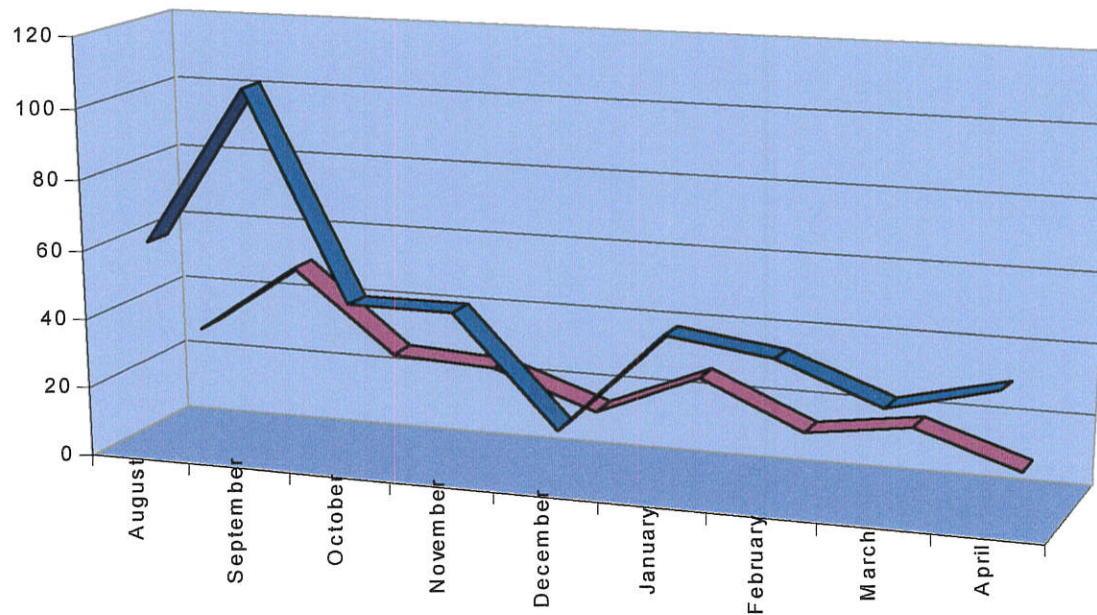
S.B. 338 would add an additional count date for *out of state* special education students after September 20. Simply put districts which receive high cost, high needs students after September 20 would receive a little help.

Thank you, Mr. Chairman.

Senate Education
3-7-01
Attachment 1

Special Education Move-ins 1999-2000

1-2



	August	September	October	November	December	January	February	March	April	Totals
■ IN-STATE	62	107	48	48	17	46	42	31	38	439
■ OUT of STATE	30	50	27	25	15	27	14	18	8	214

■ IN-STATE ■ OUT of STATE

Presentation to Board of
Education Workshop on July 17,
2000

Senate Education Committee
March 7, 2001

Testimony Regarding Senate Bill 338

My Name is Ben Gaut and I am the General Director of Special Education for USD 501.

I appreciate the opportunity to appear before this committee and to express my support of Senate Bill 338. This bill contains a new counting procedure which would allow school districts to reflect any additional out of state special education students into highest of three multiple count dates. If the number of out-of-district students increases, the district would realize additional revenue to provide special education services.

The Topeka Public Schools is an example of a school district with a high incidence of students with disabilities. We believe this high incidence is explainable when you consider that Topeka is the home of many excellent public and private institutions, and other agencies, which serve students with disabilities. Among these institutions and agencies are the Kansas Neurological Institute, Florence Crittenton Home, Capper Foundation, Family Service and Guidance Center, and the Topeka Association of Retarded Citizens. Due to these excellent programs, many families gravitate to the Topeka Community to take advantage of the excellent services provided by these agencies and subsequently enroll their children in our school district.

We have always appreciated the support that the Legislature has provided to the exceptional students of Kansas and if enacted, this bill would allow additional revenues to support special education services for additional out-of-district students enrolled after September 20.

Ben Gaut, Ph.D.
General Director of Special Services
USD 501, Topeka, Kansas

Senate Education
3-7-01
Attachment 2



KANSAS NATIONAL EDUCATION ASSOCIATION / 715 SW 10TH AVENUE / TOPEKA, KANSAS 66612-1686

Craig Grant Testimony
Senate Education Committee
Wednesday, March 7, 2001

Thank you, Mr. Chairman. I am Craig Grant and I represent Kansas NEA. I am submitting written testimony to you today and would be available for questions from the committee. We appreciate the opportunity to do so.

Kansas NEA supports the concept contained within Senate Bill 338 which would add count dates to determine enrollment. SB 338 would allow district to count exceptional children who are nonresidents of the state of Kansas and who enroll in the district after September 20 and use the April 1 or April 20 count dates for counting these children.

This policy affects certain districts more than other ones; however, special education children who come into the district after September 20 do cost money to the district. The district can presently adjust for the excess costs due to special education. A district can not generate extra funds for the regular cost of special education. Since the state is only at 85% payment for excess costs, a district needs some way to recoup some of its expenses of the regular cost of special education. This money will be transferred to the special education fund to be used for the special education expenses associated with the student or students. KNEA believes that this is a good policy decision for the state to make.

Kansas NEA supports SB 338 and hopes that the committee passes it out favorable. Thank you for giving attention to our concerns.

*Senate Education
3-7-01
Attachment 3*



WASHBURN UNIVERSITY

**Testimony to the
Senate Education Committee
regarding House Bill 2015**

by

**David G. Monical
Executive Director of Governmental & University Relations
Washburn University
March 7, 2001**

Mr. Chairman, Members of the Committee:

It is a pleasure to appear before you today and ask your support of House Bill 2015. The bill, as amended, will exempt public and independent post-secondary educational institutions from the necessity of having a day care license or temporary permit from the Secretary of Health and Environment in order to operate various academic, athletic and recreational camps on our campuses.

The issue was initially brought forward by Washburn University to the Kansas Board of Regents and, subsequently, was considered by the Legislative Educational Planning Committee. Both the Kansas Board of Regents and the Legislative Educational Planning Committee have endorsed this request and the LEPC was responsible for the introduction of House Bill 2015. While Washburn raised the issue, the language in House Bill 2015 applies to "post-secondary educational institutions." This means any public university, such as the Regents' institutions, community colleges, technical colleges, vocational education schools, and includes any entity resulting from the consolidation or affiliation of any two or more of such post-secondary educational institutions. House amendments have expanded coverage to include accredited independent colleges.

You will notice that Washburn University, a municipal university under the Kansas Constitution, is not included in this definition. A companion bill, Senate Bill 5, has passed the Senate and is on House General Orders to add Washburn University to the list of post-secondary educational institutions. When the Legislature passed the Higher Education Coordination Act in 1999 (SB 345), through an oversight, Washburn was not included in the list of post-secondary educational institutions. This oversight is rectified through the technical amendment contained in SB 5.

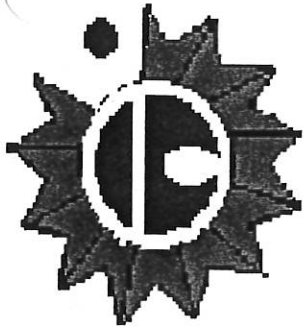
There is a policy issue before you as to the scope of which educational institutions should be excluded from this requirement. We think it is appropriate to be inclusive. However, at a minimum, we urge you to exempt Washburn University from this requirement just as you have exempted other public, four-year institutions in the state by virtue of their status as a "state institution maintained and operated by the state."

Senate Education Committee
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March 7, 2001

While coverage of this statute would relate to any academic, athletic or activity camp offered by any of our institutions, what has prompted this request is our operation of the National Youth Sports Program (NYSP) summer projects under the auspices of the National Association for Intercollegiate Athletics (NCAA). We have been operating this camp for the past eight years, focusing on economically deprived children aged 10-16 in the Topeka area. Last year, the camp operated from June 8 through July 14 and in those 25 days had an average daily attendance of 216 children. Twenty-three staff persons were involved, the University served over 10,000 breakfasts and lunches, and each day bus transportation was provided to and from campus. The program includes instruction in drug and alcohol prevention, activity oriented science and math, nutrition and personal health, and instruction in careers, job responsibilities and higher education opportunities. Also included in the program are sports activities such as swimming, basketball, golf, tennis and softball. Washburn's program has consistently received top ratings in the NCAA evaluation of such programs.

We hope you will recommend HB 2015 favorably for passage. Thank you for your consideration of this matter.

TESTIMONY/DGM/SenEd030701:HB2015:skp



KANSAS INDEPENDENT COLLEGE ASSOCIATION

700 SW Kansas Ave. Suite 515
Telephone (785) 235-9877

Topeka, Kansas 66603
FAX (785) 235-1437

ROBERT N. KELLY, Executive Director

Testimony of HB2015 before the Senate Education Committee March 7, 2001

Thank you Mr. Chairman, Members of the Committee.

I am Bob Kelly, Executive Director of the Kansas Independent College Association, representing the eighteen accredited independent colleges in Kansas.

We are supportive of HB2015, as amended. Our colleges want to thank Washburn for pointing out that we may have been in violation of the letter of the law by sponsoring summer camps without being licensed as a day care center. Our colleges, as some of you probably know, offer summer camps in athletics, fine arts, music, and mathematics. None of these programs lasts longer than three weeks and none has participants under 10 years old. It is our belief that the state never intended to license our summer camps as day care centers.

Thank you, I will stand for questions.

For your information, the language of K.S.A. 74-32, 120(f) is:

“Kansas educational institution” means a state educational institution under the control and supervision of the board of regents, a municipal university, or a not-for-profit independent institution of higher education which is accredited by the north central association of colleges and secondary schools accrediting agency based on its requirements as of April 1, 1985, is operated independently and not controlled or administered by the state or any agency or subdivision thereof, maintains open enrollment, and the main campus or principal place of operation which is located in Kansas.”

**BAKER UNIVERSITY/BENEDICTINE COLLEGE/BETHANY COLLEGE/BETHEL COLLEGE/CENTRAL COLLEGE/
DONNELLY COLLEGE/FRIENDS UNIVERSITY/HESSTON COLLEGE/KANSAS WESLEYAN UNIVERSITY/
MCPHERSON COLLEGE/MIDAMERICA NAZARENE UNIVERSITY/NEWMAN UNIVERSITY/OTTAWA
UNIVERSITY/SAINT MARY COLLEGE/SOUTHWESTERN COLLEGE/STERLING COLLEGE/TABOR COLLEGE**

*Senate Education
3-7-01
Attachment 5*



KANSAS
DEPARTMENT OF HEALTH & ENVIRONMENT
BILL GRAVES, GOVERNOR
Clyde D. Graeber, Secretary

Testimony Concerning House Bill 2015

to

Senate Education Committee

Presented by

Christine Ross-Baze, Director

Child Care Licensing and Registration Section

Bureau of Consumer Health

March 7, 2001

Senator Umbarger, and members of the Senate Education Committee, I am pleased to appear before you today to discuss House Bill 2015 as amended by the House and its impact on Kansas children.

House Bill 2015 proposes to exempt from child care facility licensure, any residential facility or hospital for children operated and maintained by a state agency. The existing language in the statute refers to these programs as "state institutions". The Department believes the proposed language in (a) more precisely defines what state institutions are exempt from licensure. Examples of state operated and maintained programs are the juvenile correctional facilities operated and maintained by the Juvenile Justice Authority, any hospitals operated and maintained by the Department of Social and Rehabilitation Services for children, and the School for Blind and the School for the Deaf. While these programs are exempt from licensure they are still inspected by the Department of Health and Environment for health and safety as required by K.S.A. 65-176.

House Bill 2015 also proposes to exempt from child care facility licensure, any summer instructional camp operated by a Kansas Educational Institution or a Post Secondary Educational Institution which provides educational instruction to children 10 years of age and older for up to five weeks during the summer. In order to be exempt from licensure as a child care facility the camp must be accredited by an agency or organization acceptable the Secretary of Health and Environment. Under current statute many of these camp programs are subject to licensure as a child care facility.

The Department of Health and Environment is charged with safeguarding the health and safety of children up to 16 years of age who are being cared for away from their parents or guardians. Parents enrolling children in programs such as these summer camps have an expectation that their children are kept safe and healthy. Parents

expect that the instructors and staff are qualified to work with children, that children are not exposed to adults who have a history of crimes against persons or child abuse, that the building and activities are appropriate and safe for children and that the policies and practices support what we know about children's health, development and well-being. Child care regulations address these issues in the form of minimum health, safety, program and staffing requirements and the inspection process assures that the program meets minimum standards for care.

By exempting short term summer camps for children 10 years of age and older operated by Kansas Educational Institutions and Post Secondary Institutions from child care facility licensure, minimum health, safety, program and staffing requirements appropriate for children are removed. The language in House Bill 2015 proposes to address the lack of safeguards and regulatory oversight by allowing the exemption only if the summer camp is accredited by an agency or organization acceptable to the Department of Health and Environment.

National accreditation standards typically exceed minimum state licensing requirements in many areas and require an inspection by the accrediting agency. However, accreditation standards do not always address all state licensing requirements. In the case of the NCAA summer sports camps, the majority of standards meet or exceed Kansas child care licensing regulations. However, the standards do not require a criminal history or child abuse registry background check, health assessments or TB tests for staff, discipline policies, nor physical plant requirements such as lighting, fire safety and building maintenance.

It is with reservations that the Department supports the proposed language in House Bill 2015. Children 10 years of age are still in elementary school and developmentally are considered to be about half way through middle childhood. Due to their young age and developmental level, they are more vulnerable than older youth. The next stage of development is early adolescents which starts about 12 years of age. The buildings used by Kansas Educational Institutions and Post Secondary Educational Institutions are only required to meet certain fire codes and building codes for adult educational settings.

If it is the intent of the Legislature to exempt these camps from licensing requirements, then the short term nature of the camps coupled with the age of the children and the accreditation requirement, will provide some safeguards to the children and families using these programs and will enable the Department to provide limited oversight.

I thank you for the opportunity to appear before the Senate Education Committee and will gladly stand for any questions the committee may have on this topic.