

MINUTES OF THE HOUSE EDUCATION COMMITTEE

The meeting was called to order by Chairman Kathe Decker at 9:00 A.M. on February 16, 2006 in Room 313-S of the Capitol.

All members were present.

Committee staff present:

Theresa Kiernan, Revisor of Statutes Office
Art Griggs, Revisor of Statutes Office
Ann Deitcher, Committee Secretary

Conferees appearing before the committee:

Rep. Jerry Henry
Michael Newman, Supt. Elwood, USD 486 and
Wathena, USD 406
Dale Dennis, Deputy Commissioner, KSDE

The Chair called the Committee's attention to the brochures for the Education Technology Fair that were made available to them.

Copies of the State Department of Education's Charter Schools/Programs update was distributed.

HB 2625 - relating to schools' allowing for school districts to create shared schools by interlocal agreement; concerning operations and financing thereof.

Representative Henry addressed the Committee regarding **HB 2625** with its balloon amendments. (Attachments 1 and 2).

Dale Dennis and Michael Newman answered the Committees questions regarding **HB 2625**.

Chairperson Decker asked that Representatives Crow and Loyd work with Representative Henry and the Revisor to clarify existing language.

The hearing was closed on **HB 2625**.

HB 2578 - an act establishing the special education teacher service scholarship program.

Representative Storm made the motion that was seconded by Representative Horst that **HB 2578** be worked by the Committee. The motion passed on a voice vote.

Theresa Kiernan explained the balloon amendments to **HB 2578**. (Attachment 3).

Following a Committee discussion the Chair asked that **HB 2578** be given to the Select Committee on School Finance.

A motion was made by Representative Powers and seconded by Representative DeCastro to accept the balloon amendment to **HB 2578**. The motion carried on a voice vote.

It was moved by Representative Storm and seconded by Representative Horst to strike on page 2, lines 5 through 7, the words, "To the extent practicable and consistent with qualification factors, preference shall be given to students who are licensed teachers and are employed by or under contract with a school district.." The motion to amend passed on a voice vote.

A motion was made by Representative Powers and seconded by Representative Horst to move **HB 2578** as amended. The motion passed on a voice vote.

CONTINUATION SHEET

MINUTES OF THE House Education Committee at 9:00 A.M. on February 16, 2006 in Room 313-S of the Capitol.

HB 2712 - an act relating to the special education for exceptional children act.

A motion was made by Representative Horst and seconded by Representative Crow that **HB 2712** be worked by the Committee.

A balloon to **HB 2712** was explained by Theresa Kiernan. Inserted on page 2, (4)(A) "*parent shall be notified of IEP if so desired.*" (Attachment 4).

A motion was made to made this amendment to **HB 2712** by Representative Storm and seconded by Representative DeCastro. The motion passed on a voice vote.

It was moved by Representative Kelsey and seconded by Representative Powers to move **HB 2712** favorably as amended. The motion passed on a voice vote.

The meeting was adjourned at 10:25. The next meeting is scheduled for Friday, February 17, 2006.

HOUSE BILL No. 2625

By Representative Henry

1-17

9 AN ACT relating to schools; allowing for school districts to create shared
10 schools by interlocal agreement; concerning operations and financing
11 thereof.
12

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

14 Section 1. The provisions of this act shall be an alternative method
15 for school districts to enter into interlocal cooperation agreements when
16 school districts desire to create one or more shared schools. Such shared
17 schools shall be independent of the sponsoring school districts in accord-
18 ance with this act.

19 Sec. 2. (a) In the event the boards of education of any two or more
20 school districts desire to enter into a school district interlocal cooperation
21 agreement for the purpose of creating shared schools, the following condi-
22 tions shall apply:

23 (1) A school district interlocal cooperation agreement shall establish
24 a board of directors which shall govern the operations of the shared
25 schools and shall be referred to as the interlocal school board of directors.
26 The agreement shall specify the organization and composition of and
27 manner of appointment to the board of directors. Only members of
28 boards of education of school districts party to the agreement shall be
29 eligible for membership on the board of directors. The terms of office of
30 members of the board of directors shall expire concurrently with their
31 terms as board of education members. Vacancies in the membership of
32 the board of directors shall be filled within 30 days from the date of the
33 vacancy in the manner specified in the agreement.

34 (2) An interlocal cooperation agreement for shared schools shall pro-
35 vide for a certified school administrator to administer the shared schools
36 and be responsible to perform or oversee all administrative functions.
37 The school administrator shall be employed by and report to the interlocal
38 school board of directors. The shared interlocal schools shall operate as
39 public schools and shall be subject to the same statutes, regulations and
requirements as other accredited public schools of school districts.

41 (3) A school district interlocal cooperation agreement for shared
42 schools shall be effective only after approval by the state board of
43 education.

House Education Committee

Date: 2-16-06

Attachment # 1-1

1 (4) A school district interlocal cooperation agreement for shared
2 schools shall be subject to change or termination by the legislature.

3 (5) The duration of a school district interlocal cooperation agreement
4 for shared schools shall be stated in the agreement and may be perpetual.

5 (6) A school district interlocal cooperation agreement for shared
6 schools shall specify the method or methods to be employed for disposing
7 of property upon partial or complete termination.

8 (7) Within the limitations provided by law, a school district interlocal
9 cooperation agreement for shared schools may be changed or modified
10 by affirmative vote of not less than $\frac{2}{3}$ of the contracting school districts.

11 (b) Except as otherwise specifically provided in this subsection, any
12 power or powers, privileges or authority exercised or capable of exercise
13 by any school district of this state, or by any board of education thereof,
14 may be jointly exercised pursuant to the provisions of a school district
15 interlocal cooperation agreement for shared schools. Except as provided
16 in this act, no power or powers, privileges or authority with respect to the
17 levy and collection of taxes, the issuance of bonds, or the purposes and
18 provisions of the school district finance and quality performance act or
19 title I of public law 874 shall be created or effectuated for joint exercise
20 pursuant to the provisions of a school district interlocal cooperation agree-
21 ment for shared schools.

22 (c) Payments from the general fund of each school district which
23 enters into any school district interlocal cooperation agreement for shared
24 schools for the purpose of financing the joint or cooperative undertaking
25 provided for by the agreement shall be operating expenses.

26 (d) Upon partial termination of a school district interlocal cooperation
27 agreement for shared schools, the board of directors established under a
28 renegotiated agreement thereof shall be the successor in every respect to
29 the board of directors established under the former agreement.

30 (e) Nothing contained in this section shall be construed to abrogate,
31 interfere with, impair, qualify or affect in any manner the exercise and
32 enjoyment of all of the powers, privileges and authority conferred upon
33 school districts and boards of education thereof by the provisions of the
34 interlocal cooperation act, except that boards of education and school
35 districts are required to comply with the provisions of this section when
36 entering into an interlocal cooperation agreement that meets the defini-
37 tion of school district interlocal cooperation agreement for shared schools.

38 (f) As used in this section:

39 (1) "School district interlocal cooperation agreement for shared
40 schools" means an agreement which is entered into by the boards of
41 education of two or more school districts pursuant to the provisions of
42 this act.

43 (2) "State board" means the state board of education.

1-2-

1 Sec. 3. (a) The interlocal school board of directors shall approve an
2 annual budget by simple majority of the board. Such budget shall be
3 funded by full-time equivalent pupil contributions prorated on the basis
4 of the residency of the pupils from among the participating school
5 districts.

6 Sec. 4. If additional land, facilities or capitol improvements are re-
7 quired to enable the interlocal school to be operational, then the interlocal
8 board of directors shall establish a facilities budget. The interlocal board
9 of directors shall publish the proposed facilities budget and conduct a
10 public hearing thereon. The facilities budget shall be subject to the ap-
11 proval of each participating school district board of education.

12 Sec. 5. (a) Participating school districts may combine district valuation
13 for the calculation of the payment of ~~new facilities and divide the~~
14 ~~debt evenly among participating districts~~

state aid pursuant to K.S.A. 75-2319, and amendments thereto. The debt
service for new facilities shall be divided proportionally among the
participating districts, based on each district's enrollment in the shared
school

15 (b) Participating school district boards of education shall have the
16 authority to publish and establish a levy for the purpose of contributing
17 to the interlocal school facilities budget by simple majority vote of the
18 board. This levy shall be considered a bond and interest levy in the dis-
19 trict's budget.

20 (c) No bonds shall be issued for shared school facilities until a reso-
21 lution is published by each participating school district in accordance with
22 subsection (d) and either: (1) No valid protest petition has been timely
23 filed; or (2) an election has been held thereon and a majority of all school
24 voters from the participating school districts voting thereon approve the
25 bond issue.

26 (d) No bonds may be issued under this section unless the board of
27 education of each participating school district adopts a resolution author-
28 izing such a bond issue and publishes the resolution at least once in a
29 newspaper having general circulation in the district. The resolution shall
30 be published in substantial compliance with the following form:

31 Unified School District No. _____
32 _____ County, Kansas.

33 RESOLUTION

34 Be It Resolved that:

35 The board of education of the above-named school district is a participating school district
36 for shared schools. A bond issue in the amount of \$_____ is proposed to provide shared
37 school facilities. The bond issue shall be authorized unless a petition in opposition to the
38 same, signed by not less than 5% of the qualified electors of the school district, is filed in
39 ~~the~~ participating school ~~district~~ with the county election officer of the home county of the
40 school district within 30 days after the publication of this resolution. If such petitions are
41 filed, the county election officers for the participating school districts shall submit the ques-
42 tion of whether the bond issue shall be authorized in accordance with the provisions of this
43 resolution to the electors of their participating school district at the next general election of

50% or more of the
districts

h-1

1 the school district, as is specified by the interlocal school board of directors.

2 CERTIFICATE

3 This is to certify that the above resolution was duly adopted by the board of education of
4 Unified School District No. _____ County, Kansas, on the ____
5 day of _____, (year) _____

6 _____
7 Clerk of the board of education.

petitions

8 All of the blanks in the resolution shall be filled. If no ~~petition~~ as spec-
9 ified above ~~is~~ filed in accordance with the provisions of the resolution,
10 the resolution authorizing the bond issue shall become effective. If
11 petitions are filed as provided in the resolution, the interlocal board of di-
12 rectors may notify the county election officer of each participating school
13 district to submit the question of whether such bond issue shall be au-
14 thorized. If the board fails to notify each county election officer within
15 30 days after a petition is filed, the resolution shall be deemed abandoned
16 and of no force and effect and no like resolution shall be adopted by the
17 board within the nine months following publication of the resolution. If
18 a majority of the votes cast are not in favor of the resolution, the resolution
19 shall be deemed of no effect and no like resolution shall be adopted by
20 the board within the nine months following such election.

are

21 Sec. 6. (a) Participating school districts shall have the authority to
22 make fund transfers from the general fund to the bond and interest fund,
23 from the supplemental general fund to the bond and interest fund or
24 from capital outlay fund to the bond and interest fund to be used to pay
25 the district's contribution to the interlocal school building fund.

26 (b) Participating districts shall make their contribution to the inter-
27 local school facilities fund from the bond and interest fund.

28 Sec. 7. School districts that participate in an interlocal agreement for
29 shared schools that opens a new facility shall receive a 25% new facilities
30 weighting on the district's computed general fund for the budget for the
31 year the new facility opens ~~as well as the following two years.~~

pursuant to K.S.A. 72-6415, and amendments thereto. School facilities weighting may be assigned to the enrollment of the participating districts only in the school year in which operation of a new school facility is commenced and the next two succeeding school years

32 Sec. 8. This act shall take effect and be in force from and after its
33 publication in the statute book.

HOUSE BILL No. 2625

By Representative Henry

1-17

9 AN ACT relating to schools; allowing for school districts to create shared
10 schools by interlocal agreement; concerning operations and financing
11 thereof.

12
13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. The provisions of this act shall be an alternative method
15 for school districts to enter into interlocal cooperation agreements when
16 school districts desire to create one or more shared schools. Such shared
17 schools shall be independent of the sponsoring school districts in accord-
18 ance with this act.

19 Sec. 2. (a) In the event the boards of education of any two or more
20 school districts desire to enter into a school district interlocal cooperation
21 agreement for the purpose of creating shared schools, the following con-
22 ditions shall apply:

23 (1) A school district interlocal cooperation agreement shall establish
24 a board of directors which shall govern the operations of the shared
25 schools and shall be referred to as the interlocal school board of directors.
26 The agreement shall specify the organization and composition of and
27 manner of appointment to the board of directors. Only members of
28 boards of education of school districts party to the agreement shall be
29 eligible for membership on the board of directors. The terms of office of
30 members of the board of directors shall expire concurrently with their
31 terms as board of education members. Vacancies in the membership of
32 the board of directors shall be filled within 30 days from the date of the
33 vacancy in the manner specified in the agreement.

34 (2) An interlocal cooperation agreement for shared schools shall pro-
35 vide for a certified school administrator to administer the shared schools
36 and be responsible to perform or oversee all administrative functions.
37 The school administrator shall be employed by and report to the interlocal
38 school board of directors. The shared interlocal schools shall operate as
39 public schools and shall be subject to the same statutes, regulations and
40 requirements as other accredited public schools of school districts.

41 (3) A school district interlocal cooperation agreement for shared
42 schools shall be effective only after approval by the state board of
43 education.

in order to close one or more
schools in each of the districts
entering into the agreement.

1 (4) A school district interlocal cooperation agreement for shared
2 schools shall be subject to change or termination by the legislature.

3 (5) The duration of a school district interlocal cooperation agreement
4 for shared schools shall be stated in the agreement and may be perpetual.

5 (6) A school district interlocal cooperation agreement for shared
6 schools shall specify the method or methods to be employed for disposing
7 of property upon partial or complete termination.

8 (7) Within the limitations provided by law, a school district interlocal
9 cooperation agreement for shared schools may be changed or modified
10 by affirmative vote of not less than 2/3 of the contracting school districts.

11 (b) Except as otherwise specifically provided in this subsection, any
12 power or powers, privileges or authority exercised or capable of exercise
13 by any school district of this state, or by any board of education thereof,
14 may be jointly exercised pursuant to the provisions of a school district
15 interlocal cooperation agreement for shared schools. Except as provided
16 in this act, no power or powers, privileges or authority with respect to the
17 levy and collection of taxes, the issuance of bonds, or the purposes and
18 provisions of the school district finance and quality performance act or
19 title I of public law 874 shall be created or effectuated for joint exercise
20 pursuant to the provisions of a school district interlocal cooperation agree-
21 ment for shared schools.

22 (c) Payments from the general fund of each school district which
23 enters into any school district interlocal cooperation agreement for shared
24 schools for the purpose of financing the joint or cooperative undertaking
25 provided for by the agreement shall be operating expenses.

26 (d) Upon partial termination of a school district interlocal cooperation
27 agreement for shared schools, the board of directors established under a
28 renegotiated agreement thereof shall be the successor in every respect to
29 the board of directors established under the former agreement.

30 (e) Nothing contained in this section shall be construed to abrogate,
31 interfere with, impair, qualify or affect in any manner the exercise and
32 enjoyment of all of the powers, privileges and authority conferred upon
33 school districts and boards of education thereof by the provisions of the
34 interlocal cooperation act, except that boards of education and school
35 districts are required to comply with the provisions of this section when
36 entering into an interlocal cooperation agreement that meets the defini-
37 tion of school district interlocal cooperation agreement for shared schools.

38 (f) As used in this section:

39 (1) "School district interlocal cooperation agreement for shared
40 schools" means an agreement which is entered into by the boards of
41 education of two or more school districts pursuant to the provisions of
42 this act.

43 (2) "State board" means the state board of education.

so long as one or more schools in
each of the districts entering into
the agreement will be closed at
the same time that the shared
school is opened and such
schools remain closed

HOUSE BILL No. 2578

By Representatives Colloton and Decker

1-6

9 AN ACT establishing the special education teacher service scholarship
10 program.

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

12 Section 1. (a) Sections 1 through 8, and amendments thereto, shall
13 be known and may be cited as the special education teacher service schol-
14 arship program.
15

16 (b) The provisions of this act shall expire on June 30, 2011.

17 Sec. 2. As used in sections 1 through 8, and amendments thereto:

18 (a) "Executive officer" means the chief executive officer of the state
19 board of regents appointed under K.S.A. 74-3203a, and amendments
20 thereto;

21 (b) "qualified student" means a person who: (1) Is a resident of the
22 state of Kansas; (2) is licensed as a teacher; (3) has been accepted for
23 admission to or is enrolled in an approved course of instruction leading
24 to licensure as a special education teacher; and (4) has qualified for the
25 award of a scholarship under the special education teacher service schol-
26 arship program on the basis of having demonstrated scholastic ability, or
27 who has previously so qualified and remains qualified for renewal of the
28 scholarship on the basis of remaining in good standing and making sat-
29 isfactory progress toward completion of the requirements of the course
30 of instruction in which enrolled;

and full endorsement

31 (c) "special education teacher" means a person who is licensed to
32 provide special education to exceptional children who are children with
33 disabilities;

and fully-endorsed

34 (d) "special education," "exceptional children" and "children with
35 disabilities" have the meanings ascribed thereto in K.S.A. 72-962, and
36 amendments thereto.

37 Sec. 3. (a) There is hereby established the special education teacher
38 service scholarship program. The number of new scholarships awarded
39 each year shall not exceed 50. A scholarship may be awarded under such
40 program to any qualified student ~~if the student is not enrolled on a full-
41 time basis, the scholarship~~ may be renewed for each such student who
42 remains qualified for the scholarship. Determination of the students qual-
43 ified for such scholarships shall be made by the executive officer. Scho-

and

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3-2

lastic ability shall be determined on the basis of cumulative college grade point average and any other indicator of scholastic ability which the state board of regents determines to be demonstrative of potential for successful completion of a course of instruction leading to licensure as a teacher. (To the extent practicable and consistent with qualification factors, preference shall be given to students who are licensed teachers and are employed by or under contract with a school district.)

(b) A scholarship awarded under the program shall provide for payment to a qualified student of ~~(\$2,500) each semester or its equivalent~~ for a one year course of study that qualifies the student for licensure as a special education teacher. If a student is not enrolled on a full-time basis, a student may take up to ~~(three)~~ years to complete the requisite one year course of study and shall receive a proportionate amount of the one-year tuition based upon the number of hours enrolled in an academic period, as defined by the student's university or college, and computed as a fraction of the total number of credit hours required for licensure in the one-year course of study at the student's university or college.

\$3,000

five

Sec. 4. (a) An applicant for designation as a qualified student and for the award of a scholarship under the special education teacher service scholarship program shall provide to the executive officer, on forms supplied by the executive officer, information required by the executive officer.

(b) As a condition to awarding a scholarship under this act, the executive officer and the applicant shall enter into an agreement which shall require the applicant to:

(1) Complete the required course of instruction leading to licensure as a special education teacher;

and full endorsement

(2) engage in teaching special education to children with disabilities in Kansas and comply with such other terms and conditions as may be specified by such agreement;

(3) commence teaching special education of children with disabilities on a full-time basis in Kansas in an accredited public or private school in accordance with the agreement and continue such teaching on a full-time basis for a period of not less than ~~(two)~~ years or commence teaching special education of children with disabilities on a part-time basis in Kansas in an accredited public or private school in accordance with the agreement and continue such teaching on a part-time basis for a period of time that is equivalent to teaching on a full-time basis for a period of not less than ~~(two)~~ years, as determined by the state board of regents;

three

(4) commence teaching special education of children with disabilities in Kansas on a full-time or part-time basis within six months after licensure and continue such teaching for the period of time required by the agreement;

3
-
2

1 (5) maintain records and make reports to the executive officer as re-
2 quired by the executive officer to document the satisfaction of the obli-
3 gations under this act and the agreement; and

4 (6) ~~upon failure to satisfy an agreement to engage in teaching for the~~
5 ~~required period of time under any such agreement,~~ repay to the state
6 amounts as provided in section 5, and amendments thereto.

if the person fails to satisfy the obligation under any agreement

7 Sec. 5. (a) Except as provided in section 6, and amendments thereto,
8 upon the failure of any person to satisfy the obligation under any agree-
9 ment entered into pursuant to the special education teacher service schol-
10 arship program, such person shall pay to the executive officer an amount
11 equal to the total amount of money received by such person pursuant to
12 such agreement plus accrued interest at a rate which is equivalent to the
13 interest rate applicable to loans made under the federal PLUS program
14 at the time such person first entered into an agreement plus five per-
15 centage points. Amounts of payment under this section shall be adjusted
16 proportionately for full years of the obligation that have been satisfied.
17 Installment payments of any such amounts may be made in accordance
18 with the provisions of the agreement entered into by the scholarship re-
19 cipient or if no such provisions exist in such agreement, in accordance
20 with rules and regulations of the state board of regents, except that such
21 installment payments shall commence six months after the date of the
22 action or circumstances that cause the failure of the person to satisfy the
23 obligations of such agreements, as determined by the executive officer
24 based upon the circumstances of each individual case. Amounts paid un-
25 der this section to the executive officer shall be deposited in the special
26 education teacher service scholarship repayment fund in accordance with
27 section 8, and amendments thereto.

28 (b) The state board of regents is authorized to turn any repayment
29 account arising under the special education teacher service scholarship
30 program over to a designated loan servicer or collection agency, the state
31 not being involved other than to receive payments from the loan servicer
32 or collection agency at the interest rate prescribed under this section.

33 Sec. 6. (a) Except as otherwise specified in the agreement, an obli-
34 gation under any agreement entered into under the teacher service schol-
35 arship program shall be postponed: (1) During any required period of
36 active military service; (2) during any period of service as a part of vol-
37 unteers in service to America (VISTA); (3) during any period of service
38 in the peace corps; (4) during any period of service commitment to the
39 United States public health service; (5) during any period of religious
40 missionary work conducted by an organization exempt from tax under
41 section 501(c)(3) of the federal internal revenue code as in effect on
42 December 31, 2000; (6) during any period of time the person obligated
43 is unable because of temporary medical disability to teach; (7) during any

3-4

1 period of time the person obligated is enrolled and actively engaged on
 2 a full-time basis in a course of study leading to a degree in the field of
 3 education which is higher than that formerly attained; (8) during any
 4 period of time the person obligated is on job-protected leave under the
 5 federal family and medical leave act of 1993; or (9) during any period of
 6 time the state board of regents determines that the person obligated is
 7 unable because of special circumstances to teach. Except for clauses (6),
 8 (8) and (9), an obligation under any agreement entered into as provided
 9 in the special education teacher service scholarship program shall not be
 10 postponed more than five years from the time the obligation was to have
 11 been commenced under such agreement. An obligation under any agree-
 12 ment entered into as provided in the special education teacher service
 13 scholarship program shall be postponed under clause (6) during the pe-
 14 riod of time the medical disability exists. An obligation under any agree-
 15 ment entered into as provided in the special education teacher service
 16 scholarship program shall be postponed under clause (8) during the pe-
 17 riod of time the person obligated remains on FMLA leave. An obligation
 18 to engage in teaching in accordance with an agreement under the special
 19 education teacher service scholarship program shall be postponed under
 20 clause (9) during the period of time the state board of regents determines
 21 that the special circumstances exist. The state board of regents shall adopt
 22 rules and regulations prescribing criteria or guidelines for determination
 23 of the existence of special circumstances causing an inability to teach, and
 24 shall determine the documentation required to prove the existence of
 25 such circumstances.

be fully-endorsed and

or to be fully-endorsed

26 (b) An obligation under any agreement entered into as provided in
 27 the special education teacher service scholarship program shall be satis-
 28 fied: (1) If the obligation has been completed in accordance with the
 29 agreement; (2) if the person obligated dies; (3) if, because of permanent
 30 physical disability, the person obligated is unable to satisfy the obligation;
 31 (4) if the person obligated fails to satisfy the requirements for a graduation
 32 from a special education teacher education program after making the best
 33 effort possible; (5) if the person obligated fails to satisfy all requirements
 34 for licensure to teach special education to children with disabilities in
 35 Kansas or has been denied licensure after applying for a license to teach
 36 special education to children with disabilities and making the best effort
 37 possible to obtain such license; or (6) if the person obligated is unable to
 38 obtain employment as a special education teacher after making the best
 39 effort possible to obtain such employment and the person obligated oth-
 40 erwise completes the terms, conditions and obligations of the agreement.

41 Sec. 7. The state board of regents shall adopt rules and regulations
 42 for administration of the special education teacher service scholarship
 43 program and shall establish terms, conditions and obligations which shall

5-1-00

1 be incorporated into the provisions of any agreement entered into be-
2 tween the executive officer and an applicant for the award of a scholarship
3 under the program. The terms, conditions and obligations shall be con-
4 sistent with the provisions of law relating to the program and shall include,
5 but not be limited to, the circumstances under which eligibility for finan-
6 cial assistance under the program may be terminated, the amount of fi-
7 nancial assistance to be provided, the circumstances under which obli-
8 gations may be discharged or forgiven, the amount of money required to
9 be repaid because of failure to satisfy the obligations under an agreement
10 and the method of repayment.

11 Sec. 8. (a) There is hereby created in the state treasury the special
12 education teacher service scholarship program fund. The executive officer
13 shall remit all moneys received under such program, which are paid be-
14 cause of nonattendance or discontinuance by scholarship recipients, to
15 the state treasurer in accordance with the provisions of K.S.A. 75-4215,
16 and amendments thereto. Upon receipt of each such remittance, the state
17 treasurer shall deposit the entire amount in the state treasury to the credit
18 of the special education teacher service scholarship program fund. All
19 expenditures from such fund shall be for scholarships awarded under the
20 special education teacher service scholarship program and shall be made
21 in accordance with appropriation acts upon warrants of the director of
22 accounts and reports issued pursuant to vouchers approved by the execu-
23 tive officer or by a person designated by the executive officer.

24 (b) There is hereby created in the state treasury the special education
25 teacher service scholarship repayment fund. The executive officer shall
26 remit all moneys received under the special education teacher service
27 scholarship program, which are for payment of amounts pursuant to sec-
28 tion 4, and amendments thereto, to the state treasurer in accordance with
29 the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt
30 of each such remittance, the state treasurer shall deposit the entire
31 amount in the state treasury to the credit of the special education teacher
32 service scholarship repayment fund. All expenditures from such fund shall
33 be for scholarships awarded under the special education teacher service
34 scholarship program and shall be made in accordance with appropriation
35 acts upon warrants of the director of accounts and reports issued pursuant
36 to vouchers approved by the executive officer or by a person designated
37 by the executive officer.

38 Sec. 9. This act shall take effect and be in force from and after its
39 publication in the statute book.

HOUSE BILL No. 2712

By Committee on Education

1-25

9 AN ACT relating to the special education for exceptional children act;
10 amending K.S.A. 2005 Supp. 72-987 and repealing the existing section.

11
12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. K.S.A. 2005 Supp. 72-987 is hereby amended to read as
14 follows: 72-987. (a) (1) Except as specified in provision (2), at the begin-
15 ning of each school year, each agency shall have an individualized edu-
16 cation program in effect for each exceptional child.

17 (2) (A) In the case of a child with a disability aged three through five
18 and for two year-old children with a disability who will turn age three
19 during the school year, an individualized family service plan that contains
20 the material described in 20 U.S.C. 1436, and that is developed in ac-
21 cordance with this section, may serve as the IEP of the child if using that
22 plan as the IEP is agreed to by the agency and the child's parents.

23 (B) In conducting the initial IEP meeting for a child who was previ-
24 ously served under part C of the federal law, an agency, at the request
25 of the parent, shall send an invitation to attend the IEP meeting to the
26 part C services coordinator or other representatives of the part C system
27 to assist with the smooth transition of services.

28 (b) (1) Except as otherwise provided in this section, each IEP of an
29 exceptional child and any amendment or modification of an IEP shall be
30 made by the child's IEP team. Upon agreement of the parent and the
31 agency, an IEP team can meet in person or by alternative means, includ-
32 ing telephone conference calls and video conferences.

33 (2) A member of a child's IEP team shall not be required to attend
34 an IEP meeting, if the parent of the child and the agency agree that the
35 attendance of such IEP member is not necessary because the IEP mem-
36 ber's area of curriculum or related service is not to be discussed or mod-
37 ified at the meeting. The parent's agreement shall be in writing.

38 (3) A member of a child's IEP team may be excused from attending
39 an IEP meeting when the meeting is to involve a discussion of, and possi-
ably a modification to, the IEP member's area of the curriculum or re-
lated service, if:

- 42 (A) The parent and the agency consent to the excusal;
- 43 (B) the IEP member submits, in writing to the parent and the IEP

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1 team, input into the development of the IEP prior to the meeting; and

2 (C) the parent's consent to the excusal is in writing.

3 (4) (A) After the annual IEP meeting for a school year, the parent
4 of an exceptional child and an appropriate representative of the agency
5 providing services to the child may agree to develop a written document
6 amending or modifying the child's current IEP, without convening an
7 IEP meeting, *including any substantial change in placement and any*
8 *material change in services.*

9 (B) If the parent and agency representative develop a written docu-
10 ment amending or modifying a child's current IEP, the document shall
11 be dated and signed by the parent and the agency representative. The
12 parent and the agency shall be provided a copy of the document.

13 (c) The IEP for each exceptional child shall include:

14 (1) A statement of the child's present levels of academic achievement
15 and functional performance, including: (A) How the child's disability or
16 giftedness affects the child's involvement and progress in the general ed-
17 ucation curriculum; (B) for preschool children, as appropriate, how the
18 disability affects the child's participation in appropriate activities; and (C)
19 for those children with disabilities who take alternate assessments aligned
20 to alternate achievement standards, a description of benchmarks or short-
21 term objections;

22 (2) a statement of measurable annual goals, including academic and
23 functional goals designed to: (A) Meet the child's needs that result from
24 the child's disability or giftedness, to enable the child to be involved in
25 and make progress in the general education or advanced curriculum; and
26 (B) meet each of the child's other educational needs that result from the
27 child's disability or giftedness;

28 (3) a description of how the child's progress toward meeting the an-
29 nual goals will be measured and when periodic reports on the progress
30 the child is making toward meeting the annual goals will be provided,
31 such as through the use of quarterly or other periodic reports issued
32 concurrently with general education report cards;

33 (4) a statement of the special education and related services and sup-
34 plementary aids, based on peer-reviewed research to the extent practi-
35 cable, and services to be provided to the child, or on behalf of the child,
36 and a statement of the program modifications or supports for school per-
37 sonnel that will be provided for the child: (A) To advance appropriately
38 toward attaining the annual goals; (B) to be involved in and make progress
39 in the general education curriculum in accordance with provision (1) and
40 to participate in extracurricular and other nonacademic activities; and (C)
41 to be educated and participate with other exceptional and nonexceptional
42 children in the activities described in this paragraph;

43 (5) an explanation of the extent, if any, to which the child will not

The parent's consent to the revised IEP may be made by email, fax or telephone, if the telephone consent is documented by and signed by an IEP team member. At the time of consideration of an amendment or modification of the child's current IEP, the parent shall be informed of the parent's right to an IEP team meeting.