

MINUTES OF THE SENATE EDUCATION COMMITTEE

The meeting was called to order by Chairman Jean Schodorf at 1:40 p.m. on January 24, 2008, in Room 123-S of the Capitol.

Committee members absent: Janis Lee- excused

Committee staff present: Sharon Wenger, Kansas Legislative Research Department  
Theresa Kiernan, Revisor of Statutes Office  
Matt Todd, Revisor of Statutes Office  
Shirley Higgins, Committee Secretary

Conferees appearing before the committee: Dale Dennis, Deputy Commissioner, Kansas Department of Education  
Heidi Zimmerman, Legislative Division of Post Audit

**Bill Introduction**

Senator Schodorf informed the Committee that she had a request to introduce a bill concerning a three-year phase in of full-day kindergarten as proposed by the Governor. Theresa Kiernan, Revisor of Statutes Office, explained that the first year, pupils attending full-day kindergarten at an attendance center with an enrollment of at least 61 percent who are eligible for free or reduced-priced meals would be counted as one pupil in school year 2009-2010. The following year, pupils attending full-day kindergarten at an attendance center with an enrollment of at least 33 percent who are eligible for free or reduced-priced meals would be counted as one pupil in school year 2010-2011. The third year, all children attending full-day kindergarten would be counted as one pupil in school year 2011-2012 and each school year thereafter.

Senator Schodorf moved to introduce the bill, seconded by Senator Teichman. The motion carried.

Senator Schodorf called attention to copies of a letter to the Legislative Division of Post Audit from Joe Flint, Superintendent, U.S.D. 495. She explained that Sen. Janis Lee, who was unable to attend the meeting, requested that the copies be distributed to committee members. The letter was in response to a recent performance audit report concerning the statewide expenditure of special education funds. (Attachment 1)

**Staff Review of Legislative Educational Planning Committee (LEPC) Reports**

Sharon Wenger, Kansas Legislative Research Department, distributed copies of recommendations included in the LEPC report for 2007. (Attachment 2) At the Senator Schodorf's request, she focused on the portion dealing with virtual schools (pages 12-12 and 12-13). Ms. Wenger noted that the LEPC did not recommend any legislative proposals for virtual schools. Instead, LEPC requested that the Kansas Department of Education work with school district superintendents in the districts containing virtual schools and develop a proposal for funding the schools more in line with actual costs, as well as discuss attendance policies. In this regard, she distributed copies of a memorandum prepared by Dale Dennis, Deputy Commissioner, Kansas Department of Education. Mr. Dennis reported the results of a conference call with 20 superintendents and service center directors conducted on December 6, 2007, to discuss the counting of virtual school students, the computation of budget authority, and the compulsory school attendance law. (Attachment 3)

Following several questions from committee members concerning the consensus reached in the conference call, Senator Schodorf suggested that a subcommittee be appointed to discuss the findings and to consider what the direction should be taken with regard to virtual schools – such as standardized guidelines or statutory language. For the Committee's information, Mr. Dennis distributed copies of guidelines for virtual schools in Kansas regarding the responsibilities of the Department of Education, personnel requirements, program requirements, and student/parent responsibilities. (Attachment 4) He also responded to questions regarding virtual school funding.

**Review of Legislative Division of Post Audit Report on Special Education**

Heidi Zimmerman, Legislative Division of Post Audit, distributed copies of a school district performance audit report to the Legislative Post Audit Committee entitled, "K-12 Education: Reviewing Issues Related

## CONTINUATION SHEET

MINUTES OF THE Senate Education Committee at 1:30 p.m. on January 24, 2008, in Room 123-S of the Capitol.

to Special Education Funding.” Copies of the report may be obtained at the Legislative Division of Post Audit, 800 SW Jackson Street, Suite 1200, Topeka, Kansas. Ms. Zimmerman pointed out that the audit answers the question, “What percent of special education excess costs are school districts reimbursed for, and why do those percentages vary?” She noted that the audit also addressed a secondary question, “How will school districts and cooperatives be affected by changes to school-based Medicaid funding?”

At the outset, Ms. Zimmerman explained that the federal Individuals with Disabilities Education Act (IDEA) requires states to provide special education services to all children with disabilities between the ages of 3 and 21. She noted that Kansas school districts provided special education services to approximately 80,000 students in school year 2006-2007. She explained that school districts can either provide special education services independently or they can join with other school districts to form a cooperative or interlocal. She further explained that special education has two distinct components: (1) calculating the amount the Legislature will fund and (2) distribution of that funding. In this regard, she referred to a table on page 5 of the report which showed the statewide calculation and distribution of state categorical aid for the 2006-2007 school year. In the 2006-2007 school year, the Legislature appropriated almost \$334 million in categorical aid for special education services. Ms. Zimmerman noted that, in 2005-2006, the state categorical aid for special education covered between 45 percent and 207 percent of the excess costs for districts and cooperatives. The lowest percent was for Mulvane, and the highest percent was for Silver Lake. She referred to a table on page 8 of the report which showed the special education excess costs covered by categorical aid in the top ten and bottom ten districts in the 2005-2006 school year. In discussing the reasons for the variation in the percent of special education excess costs that were covered by categorical aid, she explained that Post Audit calculated the average special education expenditures, primary funding, and state categorical aid for districts with low percent of excess costs covered, moderate percent of excess costs covered, and high percent of excess costs covered. Post Audit determined that the more a district or cooperative spends per special education student, the lower its percent of excess costs are covered by categorical aid. Comparative information about school districts and cooperatives that had higher and lower percents of their excess costs funded with state categorical aid is shown on a chart on page 12 of the report. With regard to the statistics concerning enrollment levels, she noted that, for districts that had a lower percent of excess costs funded, the average total cost per FTE was almost \$30,000.00 per FTE; while districts that had a higher percent of excess costs funded, had an average which was a little less than \$18,000.00 per FTE. She went on to discuss the estimated effect of two scenarios which Post Audit developed to cap special education categorical aid at 110 percent and 100 percent of excess costs as outlined in chart on page 15 of the report.

With regard to the second question addressed in the report, Ms. Zimmerman noted that, because some special education services provided by districts and cooperatives are health related, they are able to bill Medicaid to help pay for these services if the students are eligible. She went on to discuss several key changes made to the Kansas Medicaid plan which will make it more difficult for districts and cooperatives to access this funding beginning with the 2007-2008 school year. The changes include the requirement for a doctor's authorization for the service in order for that service to be eligible for reimbursement, parental authorization for the school to seek Medicaid reimbursement, and the return to a fee-for-service reimbursement plan from a bundled rate plan. She noted that these changes are expected to significantly decrease the amount of Medicaid funding districts and cooperatives receive. The Consensus Estimating Group estimates that these changes will reduce school-based Medicaid funding from \$35.0 million to \$11.5 million, starting with this school year. Under the current school finance formula, the Legislature will replace 92 percent, or almost \$22.0 million of the lost Medicaid revenues with state categorical aid. Districts and cooperatives will have to fund the remaining almost \$2.0 million with their own revenues, and some districts and cooperatives are likely to be affected more adversely than others. In this regard, she called attention to a chart on page 18 of the report which included a summary of the estimated effect of the Medicaid changes on districts and cooperatives. She noted that Post Audit determined that suburban districts with little poverty are likely to gain the most funding, and districts with high poverty are likely to lose the most funding. In conclusion, Ms. Zimmerman noted that Post Audit made the following recommendation: To help ensure that districts and cooperatives correctly report their special education expenditures and that statewide calculation of special education excess costs is as accurate as possible, the Department of Education should give all districts and cooperatives additional guidance on which funds they should use to report their special education expenditures.

The meeting was adjourned at 2:30 p.m. The next meeting is scheduled for January 28, 2007.

SENATE EDUCATION COMMITTEE  
GUEST LIST

DATE: January 24, 2008

NAME	REPRESENTING
Heidi Zimmerman	LPA
Mike Reecht	KIZ INC
GARY LEWIS	USD 497
Sherril Yarn	USD 218
Bill Reardon	USD 500 (K.C.Ks.)
Tom Kuh	RASB
MARIK BORANYAK	
Jim Edwards	KASB
Jessica Wright	KDHE
Katrin Osterhaus	LPA
JFF Anon	Division of the Budget.
Scott Frank	LPA
Jacquelyn Koehler	Kansas, Inc.
Todd Powell	Fort Hays State
JOHN DOUGHERTY	ESU
Jennie Rose	KCSL
Andsey Douglas	Hein Law Firm
KATIE FIREBAUGH	KATSC
Dixie Heinrich	KSHA









Fort Larned Unified School District  
OFFICE OF SUPERINTENDENT

120 East 6th Street P: 620 285 3185  
Larned, Kansas 67550 F: 620 285 2973

January 9, 2008

Legislative Division of Post Audit  
800 SW Jackson Street, Suite 1200  
Topeka, KS 66612-2212

Ladies and Gentlemen,

This letter is in response to the recent performance audit report covering the statewide expenditure of special education funds, specifically the portion of the report on pages 13 & 14 that discusses our reporting of these expenditures.

We take exception to the report stating that Unified School District No. 495, Fort Larned (USD 495) misreported or significantly under-reported special education expenditures in the amount of \$528,000. This funding represents reimbursements USD 495 received from Larned State Hospital under a contract between Larned State Hospital and USD 495. Pursuant to this contract, USD 495 provides teachers and support staff for the school located at the Larned State Hospital facility and is reimbursed by Larned State Hospital for the costs incurred by USD 495 in providing these services. The \$528,000 received by USD 495 for 2005/06 represents the total amount received from the State Hospital reimbursing all instructional services provided by USD 495 including not only special education but also regular education, vocational education and federal title programs. Special education costs under this contract are not billed separately and therefore are not specifically determinable. Our estimation of the portion of the \$528,000 reimbursement that specifically pertains to special education expenditures is ten percent or less. This estimate is based on the amount of special education state aid attributable to the school at the Larned State Hospital facility actually received by USD 495 in 2005/06 from the State as determined by the audited FTE of special education teachers and paraprofessionals employed by USD 495 and working at the Larned State Hospital school under the contract discussed earlier.

The amounts expended and reimbursements received by USD 495 pursuant to the contract with Larned State Hospital, as well as amounts received from the Juvenile Justice Authority pursuant to a similar contract for the education of children under their authority, were reported by the District in its budget and audit report in a fund called Tuition Reimbursement. In 2005 this fund was created in accordance with Kansas statutes, which specifically states that the payments of tuition received and expenses of a district attributable to the costs of providing educational services to a child in an institution under the jurisdiction of the secretary of social and rehabilitation services shall be deposited in and paid from the tuition

*Senate Education Committee  
1-24-08  
Attachment 1*



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reimbursement fund. It is our understanding and interpretation of this law that the funds discussed above were correctly recorded in this fund by USD 495. Prior to the creation of this fund, these reimbursements and expenditures were recorded by the District in the Special Education Fund.

The above concerns and explanations were provided to your staff on various occasions during their audit process. We even offered to provide the detail of the expenditures associated with the reimbursement of the \$528,000 to show how this money was spent, but we were told that you did not need that information. Our position is that since the special education portion of the \$528,000 in question was so small that this be excluded from their computation of special education costs. The draft version of the report we received from you even addressed this in a separate paragraph as follows:

“Because we initially included the \$528,000 SRS payment the district receives, but the corresponding expenditures were left out “excess costs” were understated, causing the cooperative to appear as the outlier in *Figure I-3*. Because the district doesn’t track special education expenditures for the State hospital students separately (expenditures include those for regular and special education), we decided to exclude the \$528,000 revenue from our analysis to have equivalent information. This resulted in the cooperative to have a more normal proportion of excess costs covered, with 146%.”

We discussed this draft report with your staff and agreed with the inclusion of this paragraph. We followed up our conversation regarding the draft report and the changes we felt were necessary for the report to be accurate and were not told that this paragraph was omitted from the final report. We were not provided a final version of the report before the hearing to know what was changed from the draft and what was not. Portions of the final report were read to us over the phone, but not the parts identified earlier in this letter, which we are taking exception with.

In closing, we feel the report is drawing incorrect conclusions as to the amount of underreported special education expenditures and therefore the state reimbursement amount. In general we are disappointed with the process and feel that the final report is misleading and places inappropriate blame on our District for how we reported our expenditures. It is our opinion that we properly followed the law and guidance provided at the time in how we recorded and reported these payments and expenditures. We have since discussed this matter with Dale Dennis at the Kansas State Department of Education and based upon his suggestion we will record the reimbursements received from Larned State Hospital and related expenditures in the Special Education Fund in the future.

Sincerely,

Jon Flint, Superintendent  
Unified School District No. 495



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*Bonnie Carlson*

Bonnie Carlson, Director of Finance  
Unified School District No. 495

*Mark Bauer CPA*

Mark Bauer, CPA  
VonFeldt, Bauer & VonFeldt, Chtd.

Cc: Mrs. Janis Lee, State Senator  
Mr. Mitch Holmes, State Representative  
Mr. Larry Powell, State Representative  
Mrs. Sally Cauble, State Board of Education  
Mr. Dale Dennis, State Deputy Commissioner  
Mr. Brad Neuenswander, State Finance Director



# Legislative Educational Planning Committee

## ELEMENTARY AND SECONDARY EDUCATION POSTSECONDARY EDUCATION

### CONCLUSIONS AND RECOMMENDATIONS

The Legislative Educational Planning Committee (the Committee) approved introduction of 20 bills and one concurrent resolution to be considered during the 2008 Session. Those items as well as other recommendations are described below.

- The Committee recognized the importance of appropriate screening and intervention for students with dyslexia and other related disorders. In light of this, the Committee recommended that the Kansas Coalition on Dyslexia Legislation meet with the Commissioner of Education to discuss the Kansas Coalition's concerns. These meetings began during the 2007 Interim. In addition, letters relating to the above concerns of the Kansas Coalition were sent by the Committee to the Kansas Department of Education and the Kansas Board of Regents in an effort to underscore the issues.
- The Committee agreed to introduce, as a courtesy, six legislative items recommended by the 2010 Commission. The details of these six items are described within this Report.
- The Committee agreed to introduce a bill mandating attendance of half-day kindergarten which included an exception for religious groups opposing attendance in kindergarten.
- The Committee recommends \$15.0 million be provided to school districts to fund the first year of a five-year phase-in counting a kindergarten pupil as one full-time equivalent pupil under the school finance law.
- The Committee recommends a bill be introduced to establish a "healthy weight education program" targeted at middle-school students. Subject to appropriations, the bill would establish a grant program which would award funds to local school districts to establish healthy weight programs.
- The Committee agreed with the recommendations of the 2010 Commission regarding the administration of early childhood programming and made two recommendations in that regard:
  - Introduce a concurrent resolution requesting the Governor designate the State Board of Education as the lead agency for administration of the *tiny-k* Program.
  - Introduce legislation transferring the Pre-kindergarten Pilot Program (currently administered by the Children's Cabinet) and Early Head Start (currently administered by the Department of Social and Rehabilitation Services) to the Department of Education.

- The Committee agreed to introduce two legislative initiatives as a courtesy to the Kansas Autism Task Force. Details of these two items are included in this Report.
- The Committee requested the Department of Education work with school district superintendents operating virtual schools to develop a proposal for funding virtual schools in a way that more accurately reflects the actual costs of operation as well as discuss attendance policies for virtual schools and provide information on these items to House and Senate Education Committees during the 2008 Legislative Session.
- The Committee agreed to introduce legislation ensuring a school district facing loss of population because of a natural disaster will not immediately lose base state aid per pupil funding.
- The Committee agreed to endorse a scope statement for the performance audit of the Kansas State High School Activities Association (KSHSAA).
- The Committee agreed to introduce all the postsecondary education initiatives proposed by the Kansas Board of Regents. Details of these initiatives are presented with this report.
- The Committee agreed to introduce legislation establishing the Military Service Scholarship Program (similar to a program created in 2007 by proviso) in state law.

**Proposed Legislation:** The Committee recommends 20 bills and one resolution.

## BACKGROUND

The Legislative Educational Planning Committee (LEPC) is a statutorily-created committee with authority over preschool, elementary, secondary, and postsecondary education. The Committee is charged statutorily with monitoring the implementation and ongoing operation of the Kansas Higher Education Coordination Act (KSA 74-3201 *et seq.*). Legislation enacted by the 2005 Legislature changed the Committee's role to exclude matters relating to school finance from its purview. This action was intended to eliminate duplication between the LEPC and the 2010 Commission, an entity created by the 2005 Legislature which is responsible for monitoring school district funding.

The LEPC consists of seven House members and six Senate members appointed by the Legislative Coordinating Council (LCC). The Committee may initiate its own studies or

be assigned proposals by the LCC. The LCC assigned the Committee the following five studies during the 2007 Interim:

- **Services to Deaf Children Ages 0 to 3 - Sound Start Program.** The LEPC was charged to study the proposed Sound Start Program for deaf children ages 0 to 3. Sound Start is a proposed collaborative program between the Kansas State School for the Deaf and the Kansas Department of Health and Environment that would provide services to deaf children ages 0 to 3 and their parents through regional consultations with the local Health and Environment Infant and Toddler Services (*tiny-k*) networks. In addition, the Committee was to study the need for the coordinated program to serve infants and toddlers with hearing loss, determine if any duplication of services would exist if the Sound Start Program was implemented, and which state agency should be the lead agency if the Sound Start Program is implemented.

- **Obesity in Children.** The LEPC was charged to study ways to address the current and future problems of obesity in children, and assess the applicability and viability of programs to address the issue of obesity in children.
- **Teacher Recruitment and Retention.** The LEPC was charged to study the teacher recruitment and retention issues facing Kansas school districts; review the recent Legislative Post Audit report — *Reviewing Issues Related to Developing and Retaining Teachers and School Principals*; and examine options to address the projected number of teacher vacancies in the near future.
- **Issues Related to Virtual Schools.** The LEPC was charged to study issues related to the state regulation and oversight of virtual schools; review the recent (April, 2007) Legislative Post Audit report, *K-12 Education: Reviewing Issues Related to Virtual Schools*; study whether the state should control the growth of virtual schools by limiting the number of virtual schools that may receive state funding; review whether the current state funding adequately or overcompensates school districts for virtual education; determine whether the current oversight of virtual schools sufficiently ensures their quality and accountability; and review whether the current requirements for school attendance are applicable to virtual students.
- **Dyslexia and Related to Learning Disorders.** The LEPC was charged to study dyslexia and related learning disorders; and examine the need for procedures related to dyslexia and guidelines for school districts, charter schools, campuses, teachers, and parents or guardians in the identification and instruction of students with dyslexia.

## COMMITTEE ACTIVITIES IN ELEMENTARY AND SECONDARY EDUCATION

### Sound Start

One of the education-related budget issues during the 2007 Legislative Session was state funding for the Sound Specialized Teams for families to Access Resources and Training (Sound START) of Kansas Program. Sound START is a collaborative program between the Kansas State School for the Deaf (KSSD) and the Kansas Department of Health and Environment (KDHE) providing services to deaf children ages 0 to 3 and their parents through regional consultation with the local KDHE Infant and Toddler Services (*tiny-k*) networks.

Sound START was developed as a statewide plan of training, resources and support for *tiny-k* service providers and for families who have a young child with hearing loss. Research has shown that early coordinated intervention with infants and toddlers with hearing loss has the potential for a long-term fiscal impact on schools, communities, and society as a whole. Infants and toddlers who are identified early and receive services early often develop language skills equal to that of their hearing peers and need fewer supports in their later education years.

The Legislative Coordinating Council (LCC) recommended that the Committee do the following:

- Study the need for a coordinated program to serve infants and toddlers with hearing loss;
- Review if any duplication of services would exist if the Sound START program is implemented; and
- Review which state agency should be the lead agency if the program is implemented.

In its report to the 2007 Legislature, the Joint Committee on Children's Issues (1) noted



the testimony it received about the need for a coordinated program for early identification and provision of services to help children acquire language appropriately; and (2) recommended that the Legislature appropriate the additional funding requested by the KSSD for a regional system to ensure services across the state.

The KSSD, in its FY 2008 budget submission, requested the addition of \$398,200, all from the State General Fund, for the implementation of the proposed Sound START program. The Governor did not recommend funding this program, and the 2007 Legislature concurred with the Governor's recommendation. However, during the Omnibus session, questions were raised about duplication of services and who should be the lead agency if the program were implemented. As a result, LEPC was assigned this topic for further review.

Dr. Robert Maile, KSSD Superintendent, told Committee members that part of the school's mission is to be a resource all over the state. He advised that having met with families with infants, school-age children, and others, it has become apparent there are some children who are not receiving the assistance needed. One of the reasons is that deafness is considered a very low-priority disability and assembling people who understand the culture, the language, and the needs is nearly impossible for each jurisdiction to do on its own.

Dr. Petra Horn-Marsh, Bilingual Specialist (with sign language interpreter, Vicki Scales) told Committee members that in America every year, on average two to three of every 1,000 babies are born deaf. When focusing on the State of Kansas, every year, 80-120 babies are born deaf. Of those children, 90 percent have hearing parents and 40 percent of those babies have other disabilities. There is a wide range in hearing loss, from mild to totally deaf. Some hearing loss is only in one ear and some is bilateral (both ears). Dr. Horn-Marsh told of the difficulties hearing

parents encounter when faced with a child with hearing loss.

Carol Busch, Early Childhood Team Leader, told Committee members of areas of needs that have been identified as "loss to follow-up." It is an early hearing detection and intervention strategy which reflects the national guidelines for hearing training in hospitals. They have guidelines referred to as 1-3-6, *i.e.* the baby is screened for hearing at one month, diagnosed by three months, and into early intervention by six months. One of the biggest decisions a family faces is language development and which type of communication they are going to use.

Tammy Stallbaumer and Genevieve Delrosario, parents of children with hearing loss, each told Committee members of the difficulties and experiences her family and child had encountered in learning of their child's hearing loss.

Linda Kenney, Director, Bureau of Family Health, Kansas Department of Health and Environment, told Committee members about Sound Beginnings (the Kansas hearing screening program for all newborns), and how it related to the understanding about the proposed Sound START program. She also clarified that, although the two programs are correlated, Sound START would not duplicate Sound Beginnings services. Kansas' Sound Beginnings program is the designated state surveillance and tracking program for early hearing detection and intervention (EHDI). The goal of the Sound Beginnings program is referred to as the EHDI 1-3-6 plan. The "1" means the baby will be screened before one month of age, preferably before leaving the birth facility. The "3" means a baby who does not pass the screen will need to have a full hearing test before three months of age. And the "6" means a baby who has a hearing loss should obtain intervention services before six months of age. Given the number of children reported to Sound Beginnings in Kansas who are identified with hearing loss, there are

many areas where regional resources for hearing loss would support this program and the families served.

Colleen Riley, Director, Student Support Services, Kansas Department of Education, told Committee members about the advantages of Sound START. She said this would allow for oversight from the state level to ensure a seamless transition in services for families from birth through pre-school. It would allow for consistency of services across the state and increased capacity statewide. Deaf education is critical at the infant and toddler age and early intervention in language acquisition is critical for these children. This program would provide technical assistance to support *tiny-k* networks in providing services to families in planning and training.

Committee members were advised that the Kansas State Department of Education supports any initiative which increases knowledge of and accessibility to appropriate services to meet the unique needs of Kansas children and their families. Sound START provides critical early intervention for children who are deaf, hard of hearing, or both.

The Kansas Coordinating Council on Early Childhood Developmental Services gave written testimony in opposition to the Sound START proposal.

### **Status of the Deaf and Hard-of-Hearing Children's Education Bill of Rights**

Joe DeFazio, Chairman, Ad Hoc Committee for the Kansas Deaf and Hard-of-Hearing Children's Education Bill of Rights, told Committee members that Kansas has gone without deaf and hard-of-hearing (D/HH) education guidelines for many years. Because positive outcomes and education reform have been seen in states that have passed a deaf and hard-of-hearing bill of rights, members of the Kansas Association of the Deaf (KAD) together

with the Kansas Commission for the Deaf and Hard-of-Hearing (KCDHH) sponsored and called upon an Ad Hoc Committee of parents and professionals within the state to look into putting together a Deaf and Hard-of-Hearing Children's Education Bill of Rights for the State of Kansas in the fall of 2006. Currently, the group is in the middle of a statewide stakeholder review with more than 300 individual and association stakeholders already contacted for feedback. The Ad Hoc Committee plans to continue its work until the review is complete and the language of the proposed bill is ready for drafting by the Legislature. It is the intent of the Ad Hoc Committee to have the bill of rights ready for introduction in the 2008 Legislative Session.

### **Identifying and Instructing Students with Dyslexia**

According to the International Dyslexia Association, dyslexia is a specific learning disability that is neurological in origin. The range of dyslexia can vary from mild, which requires only slight accommodations, to severe, which may require intense interventions. If children who are dyslexic obtain effective phonological training in kindergarten and first grade, they will have fewer problems in school than those who do not.

Terry Sader spoke briefly to Committee members and told of the following individuals who were going to speak to the Committee regarding dyslexia.

Dr. David DeJong, retired physician, told Committee members that in the last two or three decades, scientific and medical techniques have identified the source of the problem; new testing methods have been developed to identify the problem of dyslexia at an early age; and new teaching methods have been developed to correct this disability and have been proven to work, especially if begun by kindergarten or even first grade. In brief, if the dyslexia is addressed immediately in the kindergarten to first grade

time frame, it can be treated, usually within a year, and the child then can progress with his or her classmates.

The Kansas Coalition for Dyslexia Legislation (Kansas Coalition) brought the following issues to the attention of the LEPC requesting the Committee consider legislation in these areas:

- Recognition of dyslexia as an education issue with protection under Section 504 of the Rehabilitation Act of 1973 as well as the Americans with Disabilities Act of 1990;
- Require for Department of Education school district accreditation that every school provide screening for dyslexia, appropriate intervention for every student identified as possibly dyslexic, and annual in-service training in the understanding, detection of dyslexia, and annual reporting and tracking of screening and intervention for dyslexia.
- Require all new teacher certifications and recertifications include completion of a one-semester class on dyslexia and related disorders; and
- Provide funding for training, screening, and intervention for dyslexia from existing school district educational funds, both federal and state.

In response to the requests and concerns of the Kansas Coalition, Dr. Alexa Posny, Commissioner of Education, was invited to appear before the LEPC. Dr. Posny responded with the following:

- Because dyslexia is a recognized disability under the federal Individuals with Disabilities Education Act (IDEA), Section 504, and State law, identification and provision of services to students with dyslexia currently is required.

- Increased funding provided by the Legislature for at-risk students assists all struggling learners, including those who may be dyslexic.

## COMMITTEE RECOMMENDATIONS

The Committee recognized the importance of appropriate screening and intervention for students with dyslexia and other related disorders. In light of this, the Committee recommended that the Kansas Coalition meet with the Commissioner of Education to discuss the Kansas Coalition's concerns. These meetings began during the Interim Session. In addition, letters relating to the above concerns of the Kansas Coalition were sent by the Committee to the Kansas Department of Education and the Kansas Board of Regents in an effort to underscore the issues.

### Developing and Retaining Teachers

Providing an overview of these issues, Scott Frank, Legislative Division of Post Audit, gave an overview of the findings and conclusions of *K-12 Education: Reviewing Issues Related to Developing and Retaining Teachers and School Principals*.

Regarding the extent of the teacher shortages in Kansas in 2005-06, of the nearly 34,000 teaching positions, 5.4 percent were not filled by highly-qualified teachers. Teacher shortages are worst with respect to high-poverty districts, districts in southwest Kansas, and for special education teachers. Auditors also looked at characteristics of teacher turnover and found that about 3,000 teachers or 8.8 percent of the total teaching force leave the public school system each year. It also was alarming that almost one-third of all Kansas teachers leave within their first three years of teaching. One of the trends is that in the next five years, there will be more and more teachers—almost 24 percent—who will be eligible for retirement.



According to the Department of Education, in June 2007, there were 1,144 teacher vacancies in Kansas' school districts. By the start of the school year, in early August, there were 497 vacancies. Of these vacancies, 105 were in special education and 45 were in mathematics and science. These vacancies were dealt with in a variety of ways, including interactive video in rural districts and combining classes.

Also according to the Department other factors exacerbating the teacher shortage issue include the fact that Kansas ranks 38th in the nation in actual teacher salaries (31st in teacher salaries when those salaries are adjusted for regional cost differences).

A survey of teacher working conditions presented to the Commission by Dr. Blake West, President of the Kansas National Education Association, showed that teacher salary levels was a critically important issue in retaining teachers (72 percent of survey respondents said so.)

Committee members heard testimony from across the State regarding the teacher shortage issue. One area showing promise in helping alleviate a part of the shortage involved modifications in the laws concerning the rehiring of retired teachers. Several school superintendents discussed this topic with the Committee. Superintendents included:

- Dr. Sharon Zoellner, USD 232, DeSoto
- Dr. Randy Watson, USD 418, McPherson
- Jerry Cullen, USD 220, Ashland
- Dr. John Morton, USD 373, Newton

In addition, Diane Gjerstad representing the Wichita School District (USD 259) addressed the issue.

After hearing testimony from local school district officials, the Committee requested that Glenn Deck, Executive Director of the Kansas Public Employees Retirement System, report to

the Committee presenting options for modifying working-after-retirement restrictions as one tool for managing the teacher shortage. Mr. Deck presented the following proposals:

- Eliminate the \$20,000 earning limitation for retired teachers returning to work for the same employer on a limited, three-year basis, and only for the positions that are most desperately needed, such as math, science, and special education.
- Provide an employer contribution to a deferred compensation plan on behalf of teachers who continue to work beyond the point at which they would otherwise be eligible to retire with full benefits.

The 2010 Commission reviewed this issue in great detail and provided several recommendations to the LEPC in this regard.

#### COMMITTEE RECOMMENDATIONS

The Committee agreed to introduce, as a courtesy, legislation recommended by the 2010 Commission which includes the following. (The LEPC did not hold hearings regarding these recommendations made by the 2010 Commission.)

- Increase the Base State Aid Per Pupil (BSAPP) by \$100 in SFY 2009 to \$4474 per pupil which would add nearly \$26.0 million in additional funding to the 2008-09 budgets of school districts. This \$26 million would be in addition to the \$34 million increase already appropriated for SFY 2009. The 2010 Commission further recommended that this funding focus on increasing teacher salaries so that Kansas can become more competitive with surrounding states and states currently employing Kansas teachers.
- Add \$2.250 million to the Professional Development Program, bringing the total

funding to \$4.0 million in SFY 2009.

The law enacting this Program provides 50 percent reimbursement to districts for actual professional development expenditures. If the State funded this Program as current law provides the State aid would equal \$6,250,000 which is either one-half percent of a district's general fund budget or 50 percent of its actual expenditures, whichever is less.

- Add \$500,000 to the Mentor Teacher Program bringing the total funding to \$2.0 million in SFY 2009.

These additional funds would finance the second year of mentoring for 500 new teachers.

- Provide \$500,000 to leadership academies for principals and other administrators.
- Provide \$2.5 million to fund a Teacher Retention Incentive Program.

These funds would be used to encourage math, science, and special education teachers who are eligible to retire to continue teaching by matching local school district funds up to \$2,500 per teacher placed into a savings plan for the teacher, outside of the current Kansas Public Employees Retirement Plan.

### **Kindergarten Issues**

In the 2007 Legislative Session, Senator Laura Kelly requested legislation which was introduced by the Senate Committee on Education mandating kindergarten attendance in the State. The legislation's intent was to mandate attendance in school beginning with kindergarten attendance at age six. (Current law requires any child attaining the age of seven must be enrolled in and attend school.)

Several individuals representing the Amish Mennonite community spoke of concerns regarding the lack of school readiness for some

children. Representatives indicated that the Amish Mennonite community provides tools to parents to help prepare children for school and requested that there be a religious exemption to any law mandating attendance in kindergarten.

The LEPC also discussed financing all-day kindergarten. Currently, the school finance formula requires that students attending kindergarten be counted as a 0.5 full-time equivalent (FTE) enrollment weight for state funding purposes, whether or not a child attends all day. The Legislature addressed the issue of lack of funding for all-day kindergarten by allowing school districts:

- Flexibility to use at-risk funding to fund the part of all-day kindergarten that is not funded by the state; and
- Permission to charge a fee for all-day kindergarten.

### **COMMITTEE RECOMMENDATIONS**

- Mandate attendance of half-day kindergarten including an exception for religious groups opposing attendance in kindergarten.
- Recommend \$15.0 million be provided to school districts to fund the first year of a five-year phase-in counting kindergarten pupils as one full-time equivalent pupil under the school finance law.

### **Promoting Healthy Weight (Obesity Legislative Initiative)**

Theresa Kiernan, Senior Assistant Revisor, Revisor of Statutes' Office, provided an overview of the six pieces of legislation introduced in the 2007 Legislative Session dealing with obesity.

Representative Pat Colloton, sponsor of 2007 Legislation which would have addressed

2-8

physical fitness of students in accredited Kansas schools, addressed the Committee.

Representative Colloton told Committee members of various health groups who have collected data and have spoken with various legislators in an effort to facilitate legislation on obesity. A grant program at the middle school level is being proposed to be used both for the professional development of physical education teachers and for the purchase of teaching materials on obesity and fitness.

Kim Morrissey, USD 259; Dr. Joyce Ellis, Fort Hays State University; and Jane Hennes, USD 345, all of the Kansas Association of Health, Physical Education, Recreation and Dance, spoke to Committee members to encourage implementing required physical education for all middle school students. Each speaker stressed the fact that obesity is one of the nation's biggest health problems.

The speakers also stressed that Kansas has elementary and secondary requirements for physical education but no middle school requirement. Currently, there is an emphasis on physical activity in Kansas' elementary public schools in the kindergarten through fifth grades and a graduation requirement of one unit that is usually obtained in the ninth grade.

Dr. Marcia Nielsen, Executive Director, Kansas Health Policy Authority, told Committee members that since 1980, the percentage of overweight young persons has more than tripled. Obesity has become the second greatest threat to children's long-term health. By 2020, one-fourth of every health care dollar will go toward paying for obesity-related treatments.

Dr. Howard Rodenberg, Director, Division of Health and State Health Officer, Kansas Department of Health and Environment, told Committee members childhood and adult obesity represent major health problems in Kansas. He stated that over 61 percent of adults in the United

States are overweight or obese; 24 percent are in the obese category. This equates to over 1.6 million Kansans that are overweight, and nearly 650,000 of them are obese. He emphasized that pediatricians across the nation are seeing children with "adult" chronic illnesses such as cardiovascular disease and Type II diabetes.

Dr. Rodenberg told Committee members the costs of obesity in Kansas are immense and the estimated cost of medical expenditures attributable to obesity in Kansas is over \$650 million each year. Medicaid paid out \$143 million, and \$138 million was paid out by Medicare on obesity-related medical expenditures. If this trend continues, by 2020, one in every four dollars spent on health care will go to pay for obesity-related treatment.

Mark Tallman, Assistant Executive Director, Advocacy, Kansas Association of School Boards (KASB), told Committee members the KASB understands that children's health issues are important to education and there is growing research which shows higher educational attainment is positively correlated to better lifelong health. The KASB Legislative Committee is recommending the following two policy statements for consideration by its Delegate Assembly.

- Student Health - "Student wellness and nutrition policies should be determined locally in compliance with federal regulations under the national student meals programs. KASB supports state assistance in promoting student health rather than additional state regulations."
- State Responsibility for Mandated Costs - "New curriculum and program requirements should not be imposed unless the change has received an independent cost study and additional funding is provided by the state or the change is endorsed by KASB."



## COMMITTEE RECOMMENDATIONS

LEPC recommended a bill be introduced which would establish a "healthy weight education program" targeted at middle-school students. Subject to appropriations, the bill would establish a grant program which would be awarded to local school districts to establish healthy weight programs.

### Early Childhood Education

HB 2310 of the 2007 Legislative Session, directed the Legislative Educational Planning Committee in collaboration with the 2010 Commission to study and make recommendations related to early childhood education. Included among the directives were the following:

- Prepare a plan that recommends the establishment of the Office of Early Childhood Education by January 1, 2009, as well as the structure of the Office;
  - Develop a coordinated and comprehensive system for the delivery of early childhood education services;
  - Facilitate interagency and interdepartmental cooperation;
  - Encourage and facilitate joint planning and coordination between the public and private sectors to better serve children's needs;
  - Make recommendations related to design of a universal application form and single point of access which would better service families of young children;
  - Evaluate and report on the performance and cost effectiveness of early childhood education services and make recommendations to ensure private and public entities are accountable for the progress of children; and
- Conduct hearings so that a wide variety of input is received.

The bill required that several *ex officio* members be added to the LEPC and 2010 Commission for purposes of this study. Those members are:

- Commissioner of Education;
- Secretary of the Kansas Department of Health and Environment;
- Secretary of the Kansas Department of Social and Rehabilitation Services; and
- Executive Director of the Kansas Children's Cabinet.

The bill required the LEPC to present a report of its activities to the Governor and Legislature on or before December 31, 2007.

A performance audit entitled *Children's Programs: Reviewing Whether They Are Coordinated To Avoid Duplication and Maximize the Use of Resources* provided a foundation for the initial review of this topic. Additional background information on the science of early childhood brain development was collected during a special meeting held with Dr. Jack Shonkoff, Director of the Center on the Developing Child at Harvard University and 2010 Commission members. In addition, the 2010 Commission invited testimony on the early childhood program issue and heard from more than thirty individuals from every corner of the state. Presenters included representatives of pre-kindergarten, head start and early head start, *tiny-k*, Healthy Start Home Visitor, and Parents as Teachers programs, as well as family day care providers. The 2010 Commission also reviewed early childhood programs in other states with research provided by Dr. Lisa Klein, Director of Early Childhood Programs at the Kansas Health Institute. All state agencies involved in early childhood programming testified.

Following a comprehensive review of early childhood programs from a great variety of providers both at the state and local level, the Commission recommended a reorganization of early childhood programs as described below:

- Retain current Department of Education early childhood programs in the Department and shift the Infant-Toddler special education program (*tiny-k*) from the Department of Health and Environment to the Department of Education. In addition, the recommendation included shifting the Early Head Start Program from the Department of Social and Rehabilitation Services to the Department of Education and the Pre-Kindergarten Pilot Program in the Children's Cabinet to the Department of Education.
- The Commission further recommended that the Children's Cabinet move forward over the next year leading the Early Learning Coordinating Council (ELCC) in improving coordination and expanding services in early childhood programs not included in the Department of Education. The Commission expressed the desire that these programs "cover all corners of the state."

#### COMMITTEE RECOMMENDATIONS

LEPC members agreed with the recommendations of the 2010 Commission and made two recommendations:

- Introduce a concurrent resolution requesting the Governor designate the State Board of Education as the lead agency for the *tiny-k* program.
- Introduce legislation to implement administration of transferring the Pre-kindergarten Pilot Program (currently administered by the Children's Cabinet) and Early Head Start (currently administered by the Department of Social and Rehabilitation

Services) to the Department of Education.

#### Kansas Autism Task Force

The 2007 Legislature created the Kansas Autism Task Force, which is composed of twenty-four members, twenty voting and four *ex officio*, nonvoting members. The legislation (SB 138) creating the Kansas Autism Task Force clearly defined the Task Force's make-up by mandating that membership include several parents of children with autism, a variety of health care providers with several years of experience working with individuals with autism, faculty responsible for teaching providers dealing with children with autism, a member of a local school board, and a representative of the state's private insurance industry.

The statutory duties of the Kansas Autism Task Force are to study and conduct hearings on the issues related to, the needs of and services available for persons with autism, including but not limited to:

- The realignment of state agencies that provide services for children with autism;
- The availability or accessibility of services for the screening, diagnosis, and treatment of children with autism and the availability or accessibility of services for the parents or guardians of children with autism;
- The need to increase the number of qualified professionals and paraprofessionals who are able to provide evidence-based intervention and other services to children with autism and incentives which may be offered to meet the need;
- The benefits currently available for services provided to children with autism;
- The study and discussion of a department of an autism registry which would provide accurate numbers of children with autism,

improve the understanding of the spectrum of autism disorders, and allow for more complete epidemiologic surveys of the autism disorder;

- The creation and design of a financial assistance program for children with autism;
- The establishment of a hotline that the parents or guardians of children with autism may use to locate services for children with autism;
- The provision of additional funding sources to support programs that provide evidence-based intervention or treatment of autism, including funding for the development of regional centers of excellence for the diagnosis and treatment of autism; and
- The development of recommendations for the best practices for early evidence-based intervention for children with autism.

Task Force members decided to undertake their work via subcommittees. Five subcommittees were formed and, in addition to monthly Autism Task Force meetings, the subcommittees met and developed a preliminary report which is attached to this report.

The Autism Task Force developed two legislative initiatives and presented those to LEPC members in December. While LEPC membership appreciated the work done by the Autism Task Force and agreed to introduce the two legislation initiatives as a courtesy to the Task Force, LEPC members wanted it to be clearly understood that introduction of this legislation in no way indicated that LEPC members supported the legislation.

## COMMITTEE RECOMMENDATIONS

Committee members agreed to introduce the following two legislative initiatives as a courtesy to the Kansas Autism Task Force because the Task Force does not have statutory authority to introduce legislation.

- **Mandatory Insurance Coverage for Autism:** This proposed legislation mandates insurance coverage for autism in the same manner as provided for other medical and surgical benefits.
- **Autism Service Scholarship:** This proposed legislation establishes a service scholarship program for master-level professionals who provide services to children with autism in order to expand the number of service providers in the state.

## Virtual Schools

According to a Legislative Division of Post Audit performance audit entitled: *K-12 Education: Reviewing Issues Related to Virtual Schools*, Kansas currently has 28 virtual schools operated by 26 school districts. The State's first virtual school opened in the 1998-99 school year with 60 full-time equivalent (FTE) students. Now more than 2,000 FTE students attend virtual schools.

Scott Frank, Manager, School Audits, Legislative Division of Post Audit, told Committee members that a number of risks and potential problems had been identified in association with virtual schools in Kansas. Those issues included weak oversight by the Department of Education, opportunities for school districts to manipulate funding and assessment results, and an actual case of a district "giving" virtual students to

neighboring districts to help them get additional State funding.

The audit's overall conclusions were that:

- Virtual schools are growing rapidly;
- There are some inherent risks to both the quality of education and the integrity of school finance when students do not have to be physically present;
- Virtual schools have not received a lot of attention from the Department of Education or the Legislature; and
- Stringent measures are needed to address the inherent risks and minimize the opportunity for abuse.

A second Legislative Division of Post Audit performance audit entitled: *K-12 Education: Determining the Reasons for Variations in Virtual School Costs* found significant variation in costs. For four sample schools, costs ranged from \$1,941 per FTE to just more than \$4,400 per FTE.

#### COMMITTEE RECOMMENDATION

At its December meeting, Committee members considered legislation which would have affected financing and attendance policies for virtual schools, but the proposals did not pass. It was decided that the issue should be reviewed either during the regular Legislative Session through the education committees or in the 2008 Interim. LEPC members requested the Department of Education work with school district superintendents in districts containing virtual schools and develop a proposal for funding the schools more in line with actual costs, as well as discuss attendance policies.

#### School Districts and Disasters

LEPC members discussed the past year's natural disasters, a tornado in Greensburg and flooding in southeast Kansas, and agreed to introduce legislation that would establish a procedure for determining the general fund budget of a school district following a disaster.

#### COMMITTEE RECOMMENDATION

The LEPC will introduce legislation ensuring a school district facing loss of population because of a natural disaster will not immediately lose BSAPP funding.

#### Kansas State High School Activities Association

Senator Karin Brownlee spoke to Committee members on key points to be considered for possible areas of change related to the Kansas State High School Activities Association (KSHSAA).

- More contact between coaches and student athletes during off season;
- Allowance for additional conditioning or practice time in swimming;
- Number of games per sport, such as basketball and soccer;
- Proper reimbursement of schools hosting substate events (and others);
- Governance structure; and
- 500-mile rule which prevents sports teams from competing or traveling more than 500 miles from the Kansas border.

Senator Brownlee also presented written testimony from parents and coaches in support of these changes.



Mark Tallman, KASB Assistant Executive Director, told Committee members that KASB understands the need for an organization like the KSHSAA to set rules and regulations for interscholastic competition, and making these decisions is never going to satisfy everyone. Mr. Tallman also stated the KASB Delegate Assembly adopted a position a number of years ago which advocated the governance structure of KSHSAA be changed so a majority of its governing board is composed of local school board members.

The KASB Delegate Assembly also became concerned the policies of KSHSAA could be an impediment to voluntary local efforts for school district consolidation and cooperation. An example was policies that limited participation of consolidated high schools in football playoffs. After considerable discussion, the KSHSAA board changed the rule.

Gary Musselman, Executive Director, KSHSAA, spoke to Committee members and gave an overview of the organization and addressed concerns of various presenters.

At its December meeting, Senator Karin Brownlee presented a proposed scope statement for a performance audit of the KSHSAA to be conducted by the Legislative Division of Post Audit.

### COMMITTEE RECOMMENDATION

LEPC members agreed to endorse the scope statement for the performance audit of the KSHSAA which would compare the following with nearby states:

- Governance structure;
- Policies on membership fees and sharing gate receipts; and
- Policies on regulation of season lengths and

contact between coaches and students.

### POSTSECONDARY EDUCATION

#### Issues Concerning Community Colleges

Sheila Frahm, Executive Director, Kansas Association of Community College Trustees, spoke to Committee members about a tax possibility relating to the community colleges. Ms. Frahm explained the published valuations and mill levies for the 19 community colleges. Ms. Frahm stated that through the years there has been discussion as to whether the property taxes could be offset by sales taxes, and she explained the issue of a possible 0.5 percent increase in county sales taxes.

Bill Wojciechowski, President, Pratt Community College, spoke to Committee members of the funding accommodations for postsecondary special-needs students. Mr. Wojciechowski told Committee members the provisions of the Americans with Disabilities Act (ADA) and the regulations implemented by the U.S. Department of Education serve as a guide for state departments of education and school districts in determining appropriate accommodations for special-needs students. Many of the accommodations are low-cost items and services, but equally as many are not. Parents of special needs students and the students themselves come to expect the same types and quality of accommodations provided by the K-12 system and want them continued throughout the duration of the student's postsecondary education tenure.

Colleges, in most cases, are not informed of these special-needs students and the required accommodations prior to enrollment. Therefore, most often funds are not budgeted, which further exacerbates the problem. The state universities, governed by Kansas Board of Regents, face similar funding challenges to support the special-needs students on their campuses.

The Board of Regents 2008 proposed legislative initiatives included support of enabling legislation providing community college boards of trustees with the option to offset local property taxes, which are levied in 18 counties and support the annual operating costs of 19 community colleges, with a local sales tax. If enacted, local boards of trustees would have the option of pursuing such an offset.

The Board of Regents also noted that providing required accommodation to special needs students has resulted in increased and often unexpected costs. A statewide community college survey indicated that these annual costs were approximately \$1.0 million for each of the past two years. The Board of Regents is requesting the 2008 Legislature make note of this and consider it for funding.

#### **Kansas Technical College and Technical School Commission Report**

Audrey Dunkel, Kansas Legislative Research Department, reported to Committee members the conclusions and recommendations of the Technical College and Technical School Commission.

- The Commission applauds the work of the Authority since its July 1, 2007 inception date, and supports its commitment to technical education.
- The Commission recommends the Authority standardize the curriculum within each technical program with significant input from employers.
- The Commission recommends the Authority develop competency certification for all technical education completers with significant input from employers.
- The Commission recommends the Authority develop programs to assist technical education completers in maintaining current

skills in their technical field, acknowledging the rapidly changing technology in today's world.

- The Commission recommends the appropriation of funds to the five technical schools to assist them as they merge with other institutions, affiliate with other institutions, or pursue independent status as a degree granting institution.
- The Commission recommends the appropriation of funds for direct marketing programs for technical education, which concentrate on the needs and interests of the students.
- The Commission recommends the Legislature continue, if not increase, funding for the technology and equipment matching grant program.
- The Commission recommends additional funding for the Authority in FY 2009, noting the initial funding estimates for the Authority were based on expenditures for only a partial fiscal year.

#### **Kansas Board of Regents' Legislative Initiatives**

At its December meeting, Reginald L. Robinson, President and CEO of the Kansas Board of Regents, presented an overview of the Board's preliminary legislative initiatives.

Mr. Robinson began by describing the Board's efforts to better coordinate Kansas' educational initiatives in a seamless manner with K-12 education. At a November meeting, the Board of Regents held a joint meeting with the State Board of Education marking an initial step toward addressing secondary and postsecondary education alignment challenges.

## **Kansas Academy of Mathematics and Science**

Legislation enacted during the 2006 Legislative Session provided for the establishment and operation of the Kansas Academy of Mathematics and Science (KAMS) which was developed to nurture the state's best and brightest students in science and mathematics encouraging them either to stay in Kansas or return to Kansas upon completion of postsecondary study.

Funds were not provided for KAMS in 2006; however, the Board of Regents moved ahead with plans for establishment of KAMS. The 2007 Legislature allocated \$100,000 for development of KAMS and these funds will be awarded to an institution, which will be selected through a request-for-proposal process, to house KAMS.

The Board of Regents proposal requests amendments to the KAMS statute and the Compulsory School Attendance statute to allow KAMS to admit nonresident students, increase access to KAMS by students eligible for financial aid, and clarify the fees to be charged non-public school students.

## **Other Board of Regents' Legislative Initiatives**

**Kansas Partnership for Faculty of Distinction Program.** This Program enacted in 2000 helps public postsecondary education institutions attract and retain highly qualified faculty by encouraging gifts from private donors for that purpose. A private donor's gift to an institution's endowment association meeting certain statutory qualifications will be matched by the state in the amount of income earnings the donation would have generated if deposited with the state (called an "earnings equivalent award"). In fiscal year 2007, \$4.1 million in state funds leveraged \$90.0 in private giving. Funds are used to supplement a professor's salary and provide additional operating support.

Current law sets a maximum of gifts in any state fiscal year. New gifts cannot exceed a total of \$30.0 million for all institutions and \$10.0 million for an individual institution. There also is an annual cap of \$5.0 million on the amount of earnings equivalent awards from the State General Fund. In order to encourage increased giving, the Board recommends current law regarding the earnings equivalent cap be increased from a \$5.0 million cap to \$10.0 million.

**Crumbling Classrooms and Deferred Maintenance Bonding Amendments.** The Board proposed legislation that would transfer approximately \$60.0 million from the State General Fund in fiscal year 2008 to make debt service payments on the Regents' Crumbling Classroom bonds, freeing up the Educational Building Fund to be used for rehabilitation and repair projects and reduce the deferred maintenance backlog at the state universities. The Board also sought amendments to the State Educational Institution Long-Term Infrastructure Maintenance Program, including increasing the loan amortization from eight years to a yet-to-be-determined length and permitting the recovery of administrative costs association with the Program.

**Benefits Enhancement for University Support Staff and Classified Staff.** The 2005 and 2006 Legislatures passed provisions granting state universities more autonomy over classified staff. One provision allows a state university to convert classified staff to University Support Staff (USS), moving them out of the state's civil service system. Another provision allows universities to enhance annual leave amounts for classified staff up to the levels of unclassified staff. However, when read together, these two provisions preclude USS from receiving leave enhancements that are approved for classified employees. This proposal would clarify the classified staff provisions.

**Military Scholarships.** Representative Mario Goico presented information at the

October LEPC meeting regarding the Military Service Scholarship Program which was created by proviso during the 2007 Legislative Session. Rep. Goico requested the LEPC introduce legislation making this Program permanent.

The Program provides scholarship assistance for individuals who meet specified criteria to pay tuition and fee costs to enroll in Kansas public postsecondary institutions. Primarily, an applicant must have served in military service either in Iraq or Afghanistan.

### **COMMITTEE RECOMMENDATIONS**

The LEPC agreed to introduce all the postsecondary education initiatives proposed by the Kansas Board of Regents.

LEPC also agreed to introduce legislation placing the Military Service Scholarship Program in state law.



# Kansas Autism Task Force

## PRELIMINARY REPORT

### RECOMMENDATIONS REGARDING EARLY IDENTIFICATION

The following outlines recommendations with respect to early identification:

- Provide training in and the subsequent use of autism screening tools for pediatricians, family practice physicians and other primary care providers to allow all children to be screened for an Autism Spectrum Disorder (ASD) in the second year of life.
- Provide awareness training for *tiny-k* (infant-toddler) and school district personnel in the characteristics of ASDs to ensure timely referrals for young children with a suspected ASD.
- Ensure children with a suspected ASD wait no longer than two months for a diagnostic consultation by a trained professional and receive a thorough diagnostic assessment within six months.
- Increase the use of telemedicine in diagnostic assessments of children in rural areas of Kansas.
- Make available training for *tiny-k* and school district personnel, pediatricians, family practice physicians and other primary care providers in evidence-based early interventions for children with an ASD to ensure accurate information dissemination.

### RECOMMENDATIONS REGARDING BEST PRACTICES

The following outlines recommendations with respect to best practices:

- At any point that an individual is identified and accesses services, access to additional services or transitioning, or both, to other services will be conducted in a seamless fashion so that the individual does not experience multiple waiting lists but has access to uninterrupted continuity of best-practice level care.
- Produce a “*Best Practices in Autism Intervention for Kansas*” handbook that identifies best practices for individuals with an ASD and provides comprehensive guidelines for the implementation of evidence-based interventions.
- State education leadership should maximize funding available to local schools for the provision of intensive supports to students with autism based on the living document entitled “*Best Practices in Autism Intervention for Kansas*.”
- Ensure that trained professionals providing services to Kansans with an ASD implement the interventions that are recommended as “Best Practice.”

- Develop procedures that ensure training programs are developed and implemented by professionals knowledgeable in the latest evidence-based interventions and delivery techniques.
- Implement the recommendation of the Joint House/Senate Budget Committee in November, 2006, to fully fund the Developmental Disability waiting list and raise rates substantially over a three-year period.
- Ensure that professionals working with individuals with an ASD are accountable to the appropriate oversight agency for documentation of the effectiveness of the specific intervention technique or intervention change, or both, through the use of data-based decision making strategies.
- As new interventions are identified, ensure that trained professionals validate the use of these new interventions through data-based decision making.
- Identify and remove barriers to implementing evidence-based best practices across the state and across an individual's life-span.

#### **RECOMMENDATIONS REGARDING QUALITY PROVIDERS**

Recommendations in this area serve two distinct purposes:

- To increase the numbers of qualified service providers for individuals with autism; and
- To improve the knowledge base of existing providers with regard to understanding and implementing evidence-based interventions.

The following outlines recommendations with respect to quality providers:

- Approve 2007 House Bill 2327 to provide financial incentives for students pursuing an applied behavioral science degree with an emphasis in autism spectrum disorders.
- Provide incentives for current and future professionals to further their knowledge and expertise in autism (*e.g.* scholarships, pay commensurate with training) and to provide services to individuals with autism.
- Educational and experiential requirements for a specialty in autism will be identified and a subsequent certification/credentialing program will be developed. Providers interested in working with individuals with an ASD must demonstrate these additional requirements in order to be identified as a "highly trained" (*e.g.* Autism Specialists within the school districts). ("Highly trained" would mean that providers have both academic and practicum experiences specific to autism in the areas of knowing the nature and causes of autism, assessing individuals with autism and designing intervention plans, and using validated intervention techniques appropriately.)
- Ensure adequate continuing education opportunities and requirements are in place to ensure that providers maintain current knowledge in autism specific areas.

### **RECOMMENDATIONS REGARDING FUNDING ISSUES:**

- Expand Autism Waiver funding in fiscal year 2009 to serve 100 children.
- Introduce a state health insurance mandate specific to ASDs.
- Enhance the ability of local school districts to access state funds (catastrophic aid) to support the high cost of intensive educational needs of children, such as those with ASDs.
- Create a specific funding mechanism in the *tiny-k* program to support the local tiny-k providers who identify and must provide high cost, systematic, evidence-based intensive supports to infants and toddlers with ASD.

### **RECOMMENDATIONS REGARDING INFORMATION ACCESS**

The following outlines recommendations with respect to information access:

- Develop a comprehensive website in addition to raising awareness among consumers and service providers of the United Way 2-1-1 of Kansas.
- Investigate collaborating with national autism organizations (*e.g.* Autism Speaks) on their recent efforts to provide information regarding access to local service providers via the Internet.
- Explore the designation of Regional Centers of Excellence across the state to disseminate accurate and timely information.

### **RECOMMENDATION REGARDING AN AUTISM REGISTRY:**

- Explore the possibility of expanding the existing infrastructure of the Kansas cancer registry to facilitate incorporating an autism registry should be actively explored.

**Proposed Legislation:** The Kansas Autism Task Force has no authority to introduce legislation.

### **BACKGROUND**

The 2007 Legislature created the Kansas Autism Task Force, which is composed of twenty-four members, twenty voting and four *ex officio*, nonvoting members. The legislation creating the Kansas Autism Task Force clearly defined the Task Force's make up by mandating that membership include several parents of children with autism, a variety of health care

providers with several years of experience working with individuals with autism individuals, faculty responsible for teaching providers dealing with children with autism, a member of a local school board, and a representative of the state's private insurance industry.

The statutory duties of the Kansas Autism Task Force are described below.

Study and conduct hearings on the issues related to, the needs of and services available for persons with autism, but not limited to:

- The realignment of state agencies that provide services for children with autism;
- The availability or accessibility of services for the screening, diagnosis, and treatment of children with autism and the availability or accessibility of services for the parents or guardians of children with autism;
- The need to increase the number of qualified professionals and paraprofessionals who are able to provide evidence-based intervention and other services to children with autism and incentives which may be offered to meet the need;
- The benefits currently available for services provided to children with autism;
- Study and discuss an autism registry which would provide accurate numbers of children with autism, improve the understanding of the spectrum of autism disorders, and allow for more complete epidemiologic surveys of the autism disorder;
- The creation and design of a financial assistance program for children with autism;
- The establishment of a hotline that the parents or guardians of children with autism may use to locate services for children with autism;
- Additional funding sources to support programs that provide evidence-based intervention or treatment of autism, including funding for the development of regional centers of excellence for the diagnosis and treatment of autism; and
- Develop recommendations for the best practices for early evidence-based intervention for children with autism.

Autism is a biologically based neurodevelopmental disability with a strong genetic basis that is characterized by repetitive behaviors or interests, and impaired communication, social interaction and sensory processing. Autism is one of a group of disorders known as autism spectrum disorders (ASDs). ASDs include autistic disorder, pervasive developmental disorder - not otherwise specified and Asperger's syndrome. The three conditions, along with Rett's disorder and childhood disintegrative disorder, make up the broad diagnosis category of pervasive developmental disorders.

With varying degrees of severity, ASDs interfere with an affected individual's ability to learn, and to establish meaningful relationships with others. An individual with an ASD may appear to be simply socially awkward. More severely affected individuals may be incapable of speech or meaningful social interaction, and completely dependent upon assisted living supports.

The prevalence of ASDs in Kansas, and nationwide, is increasing in epidemic proportions. The Centers for Disease Control and Prevention currently report the prevalence of ASDs as 1 in 150. Ten years ago, the prevalence was approximately 1 in 10,000. In Kansas, from 1997 to 2004, the number of children with an ASD as reported under Part B of Individuals with Disabilities Education Act (IDEA) increased by 471 percent.

A recent report from the Harvard School of Public Health estimated the direct and indirect costs of ASDs to the United States to total \$35 billion per year. This may be a conservative estimate. The Autism Society of America suggests that costs may be as high as \$90 billion per year, and this figure is expected to double in the next decade.

The study of optimal treatment approaches for ASDs is ongoing, however it generally is accepted that while no one treatment is effective for every individual, virtually all individuals with an ASD improve with early and intensive evidence-based



intervention. While the cost of early intensive evidence-based intervention for individuals with an ASD will vary, most research-based programs average approximately \$50,000 per child per year. However, cost-benefit analysis has shown that the net effect of not providing three years of early intensive evidence-based intervention to a child with an ASD is a loss of \$4,300,000 per child through age 55.

A 2006 report from the Brookings Institution acknowledges that delivery of appropriate treatment for ASDs across the nation “is woefully lacking, reaching only some affected children or providing perhaps 10 to 20 percent of the recommended intensity of intervention.” Factors that confound access to appropriate treatment for individuals with ASDs in Kansas include disparity in the availability and distribution of qualified service providers across the state, and the expense of early intensive evidence-based intervention. The Kansas Autism Task Force is addressing each of these issues.

### COMMITTEE ACTIVITIES

The Kansas Autism Task Force held its first meeting on August 13, 2007, in the Statehouse.

Task Force members gained foundational information from a variety of organizations providing services to individuals with autism. These included:

- Kansas Department of Health and Environment;
- *tiny-k* Services;
- Kansas Department of Education;
- Kansas Department of Social and Rehabilitation Services;
- Topeka Association for Retarded Citizens (TARC); and
- InterHab.

Task Force members also heard from Dr. Susan Corrigan and Stephanie Bryson, both

from the University of Kansas School of Social Welfare who presented the study: *Research Summary: Service Challenges for Children with Autism Spectrum Disorders*.

Because the mandate to the Task Force was so comprehensive and because of the large number of Task Force members, it was decided to break the work into subject areas and assign it to five different subcommittees. Those subcommittees began meeting immediately bringing information and recommendations back to the larger Task Force membership at its monthly meetings.

One topic that became of primary importance was insurance coverage for individuals with ASD and for related interventions. At its October meeting, Task Force members had an interactive discussion with representatives of the following insurance companies:

- United Healthcare;
- United Behavioral Health;
- Blue Cross and Blue Shield of Kansas; and
- Preferred Health.

Members of the Governor’s Commission on Autism were kept informed of Task Force activities and Commission members joined the Task Force at its November meeting.

### CONCLUSIONS AND RECOMMENDATIONS

The following conclusions and recommendations are presented in topic areas representing major action areas of the Task Force. Each topic area includes a vision or goal for the topic area, barriers present in meeting the vision, and recommendations. Important to keep in mind throughout all topic areas is that access for an individual with an ASD to Early Identification, Best Practices, Quality Providers, Funding and Information should not be hindered by the location of the individual in the state of Kansas.

## Early Identification

**Vision.** All children in Kansas will receive screening for a developmental delay within the first year of life by the primary care physician in the medical home, and for an ASD in the second year of life as recommended by the Centers of Disease Control and the American Academy of Pediatrics.

All Kansas children with a positive ASD screen will be referred by the medical home for evidence-based early intervention. Early intervention should focus on the child's deficits and should begin even before a child has a definitive diagnosis. For those children who fail autism screening, a diagnostic consultation by a trained professional will be available within two months, and a thorough diagnostic assessment within six months.

**Current Barriers.** Major barriers to early identification are listed below:

- Lack of specific training for pediatricians, family practice physicians and other primary care providers, as well as *tiny-k* and school district personnel, to identify potential autism spectrum disorders (ASDs) in children.
- Long wait times for diagnostic consultations and thorough diagnostic assessments by properly certified professionals for children with a suspected ASD.
- Lack of accurate and localized information for parents.

## Recommendations

- Training in and the subsequent use of autism screening tools for pediatricians, family practice physicians and other primary care providers should be made available to allow all children to be screened for an ASD in the second year of life.

- Awareness training for *tiny-k* and school district personnel in the characteristics of ASDs should be made available to ensure timely referrals for young children with a suspected ASD.
- Ensure children with a suspected ASD wait no longer than two months for a diagnostic consultation by a trained professional and receive a thorough diagnostic assessment within six months.
- Increase the use of telemedicine in diagnostic assessments of children in rural areas of Kansas.
- Make available training for *tiny-k* and school district personnel, pediatricians, family practice physicians and other primary care providers in evidence-based early interventions for children with an ASD to ensure accurate information dissemination.

## Best Practices

**Vision.** Evidence-based data-driven intervention services will be readily and consistently available for all Kansans diagnosed with an ASD regardless of age, culture, socio-economic level, or geographic location. For example, children under the age of 8 will receive at least 25 hours a week of systematic evidence-based intervention for a minimum of three years. Intensity of intervention services or specific techniques, or both, will be guided by a living document entitled "*Best Practices in Autism Intervention for Kansas.*"

**Barriers.** Major barriers to implementation of best practices are listed below:

- Current lack of understanding about Best Practices (including program structure and intensity) and concerns about cost reduce the receptivity of service providers across multiple disciplines to providing the intensive support services necessary to promote skill

acquisition in individuals with an ASD. This lack of understanding and concerns about cost impact individuals throughout the life-span, including birth-to-three, three through age 22, and adult services.

- No easy or reliable route(s) for identification of evidence-based interventions and lack of consensus as to which interventions are evidence-based.
- Lack of funding for evidence-based interventions.
- The long waiting list for Developmental Disability services (3300+), and the inadequacy of the pay and reimbursement rates to recruit and retain quality direct support professionals, prevents many individuals with an ASD from continuing their maximum growth and development.
- Too few qualified personnel (e.g. behavior analysts) to implement evidence-based interventions.
- Lack of training for existing personnel (e.g. teachers, para-professionals, and allied health providers) to implement evidence-based interventions.

### **Recommendations**

- At any point that an individual is identified and accesses services, access to additional services or transitioning to other services, or both, will be conducted in a seamless fashion so that the individual does not experience multiple waiting lists but has access to uninterrupted continuity of best-practice level care.
- Produce a best practices in autism intervention for Kansas handbook that identifies best practices for individuals with an ASD and provides comprehensive guidelines for

the implementation of evidence-based interventions.

- State education leadership will maximize funding available to local schools for the provision of intensive supports to students with autism based on the living document entitled, "*Best Practices in Autism Intervention for Kansas.*"
- Ensure that trained professionals providing services to Kansans with an ASD implement the interventions that are recommended as "Best Practice."
- Develop procedures that ensure training programs are developed and implemented by professionals knowledgeable in the latest evidence-based interventions and delivery techniques.
- Implement the recommendation of the Joint House/Senate Budget Committee in November, 2006 to fully fund the Developmental Disability waiting list and raise rates substantially over a three year period.
- Ensure that professionals working with individuals with an ASD are accountable to the appropriate oversight agency for documentation of the effectiveness of the specific intervention technique or intervention change, or both, through the use of data-based decision-making strategies.
- As new interventions are identified, ensure that trained professionals validate the use of these new interventions through data-based decision making.
- Identification and subsequent removal of barriers to implementing evidence-based best practices across the state and across the individual's life-span.

## Quality Providers

**Vision.** An adequate number of qualified personnel will be available throughout the state of Kansas. They will provide timely identification and diagnosis of ASDs and quality implementations of evidence-based services for individuals with an ASD.

## Current Barriers

- Too few qualified personnel (*e.g.* behavior analysts) to implement evidence-based interventions.
- Lack of training for existing personnel (*e.g.* teachers, para-professionals, allied health providers) to implement evidence-based interventions.
- Lack of funding for attracting, training and retaining qualified personnel.
- Lack of agreement on the level of qualifications required in order for personnel working with individuals with autism to be identified as a “highly trained” (*e.g.* “Autism Specialists” within the school districts).

## Recommendations

The following recommendations serve two distinct purposes:

- To increase the numbers of qualified service providers for individuals with autism; and
- To improve the knowledge base of existing providers with regard to understanding and implementing evidence-based interventions.

The recommendations are these:

- Approve 2007 House Bill 2327 to provide financial incentives for students pursuing an

applied behavioral science degree with an emphasis in autism spectrum disorders.

- Provide incentives for current and future professionals to further their knowledge and expertise in autism (*e.g.* scholarships, pay commensurate with training) and to provide services to individuals with autism.
- Educational and experiential requirements for a specialty in autism will be identified and a subsequent certification or credentialing program will be developed. Providers interested in working with individuals with an ASD must demonstrate these additional requirements in order to be identified as a “highly trained” (*e.g.* “Autism Specialists” within the school districts). (“Highly trained” would mean that providers have both academic and practicum experiences specific to autism in the areas of knowing the nature and causes of autism, assessing individuals with autism and designing intervention plans, and using validated intervention techniques appropriately.)
- Ensure adequate continuing education opportunities and requirements are in place to guarantee that providers maintain current knowledge in autism specific areas.

## Funding Issues

**Vision.** Funding shall no longer be a barrier to early identification and definitive diagnosis of ASDs in Kansas. For every Kansan with an ASD diagnosis, adequate funding shall provide access to early intensive evidence-based intervention and ongoing support. Families, public schools, state and federal programs, and private insurance companies will play a responsible, proactive role in assuring the accomplishment of this goal.

## Barriers

- Currently, the *tiny-k* funding formula is based on total served and makes no allowance for



the high cost early intervention services that have emerged as “Best Practice.”

- The only mechanism local school districts have for accessing funding for high cost services is Catastrophic Aid and the Department of Education has recommended substantially increasing the threshold for accessing that funding.
- Current available funding for the Autism Waiver limits its services to 25 children.
- Inconsistent health insurance coverage for both the diagnosis and treatment of individuals with ASDs.
  - The existing Kansas Mental Health Parity Act inaccurately includes autism and pervasive developmental disorder among the disorders defined as “mental illness.” This is a significant source of confusion for both policyholders and insurance companies.
  - Barriers to mental health parity, identified in the 2006 Kansas Mental Health Parity Task Force Report, reflect the barriers to consistent coverage for services related to ASDs, and include:
    - Absence of Kansas Administrative Regulations governing the Mental Health Parity Act;
    - Inconsistent utilization review; and
    - Discriminatory gate keeping.
- Enhance the ability of local school districts to access state funds (Catastrophic Aid) to support the high cost of the intensive educational needs of children such as those with ASD.

- Create a specific funding mechanism in the *tiny-k* program to support the local *tiny-k* providers who identify and must provide high cost intensive support services to specific infant/toddlers.

### Recommendations

- Create a specific funding mechanism in the *tiny-k* program to support the local providers who must provide high cost intensive support services when they are identified in a child’s individual support plan (ISP).
- Increase (not reduce) the ability of local school districts to access state education funds to support the high cost, intensive services of children such as those with ASD identified in their individual education plan (IEPs).
- Expand Autism Waiver funding in fiscal year 2009 to serve 100 children.
- Introduce a state health insurance mandate specific to ASDs.
- Further discussion of the 2010 Commission’s proposal to increase the Catastrophic Aid threshold by 44 percent is strongly recommended.

### Information Access

**Vision.** All Kansans will have ready access to a centralized source of information regarding ASDs, including “Best Practice” recommendations and availability of State and local resources.

### Barriers

- Geographic and socioeconomic considerations limit statewide access to Internet technology.

2-24

- Limitations in existing infrastructure and the expense of regular updates do not support the use of an “800” number as the sole means of information dissemination.
- Public awareness of the United Way 2-1-1 of Kansas is very limited.
- Frequent scientific advances and changes in availability of services providers limit the practical value of printed media.

### Recommendations

- A comprehensive website in addition to raising awareness among consumers and service providers of the United Way 2-1-1 of Kansas.
- Investigate collaborating with national autism organizations (*e.g.* Autism Speaks) on its recent efforts to provide information regarding access to local service providers via the Internet.
- Explore the designation of Regional Centers of Excellence across the state to disseminate accurate and timely information.

### Registry

**Vision.** Kansas will maintain a mandatory autism registry that assures individual privacy. The information collected would allow more equitable allocation of resources and further our understanding of ASDs.

### Barriers

- Lingering privacy concerns may limit compliance with a registry.
- The expense of developing the infrastructure to maintain such a database may be prohibitive.

### Recommendation

- The possibility of expanding the existing infrastructure of the Kansas Cancer Registry to facilitate incorporating an autism registry should be explored actively.

### Accountability

The Task Force has concluded that mechanisms may need to be established to assure ongoing accountability for the implementation of its recommendations. The needed supports and services for individuals with autism evolve over their lifespan. The stakeholders who will play vital roles in these individuals’ lives starting with their families, include pediatricians, family practitioners, individuals at specialized diagnostic centers, *tiny-k* providers, preschool and school teachers and para-professionals, speech and occupational therapists, behavior specialists, and a myriad of direct support professionals from the local developmental disability service agencies. In the challenge of autism it does truly “take a village.”

- The funding for this “village,” which will come from public and private sources, represents a substantial investment of resources. Therefore accountability is vital to maintain public trust.

Ideas for what accountability means include:

- Enforcing compliance with the “Best Practices” document endorsed by the Task Force through random monitoring and complaint investigations.
- Providing consumers and providers a venue for sharing experiences and concerns.
- Monitoring service utilization, statewide accessibility, waiting list delays, and funding inadequacies.

- Proposing modifications in the service system based on analysis of the above information as well as evolution of “Best Practices.”

Over the course of the next year of the Task Force’s life, it will consider what mechanisms may best assure this accountability. The ability of existing state agencies or other public entities, or both, to perform will be considered as well as the possible role for a permanent body, appointed

along the lines of the Task Force, which would perform an oversight and advisory function.

Finally, consideration may need to be given to requesting the Legislature to extend the life of the Task Force one more year to accomplish its goals.

2-28

# Technical College and Technical School Commission

## POSTSECONDARY TECHNICAL EDUCATION

### CONCLUSIONS AND RECOMMENDATIONS

After reviewing the Postsecondary Technical Education Authority's activities, the Commission makes the following recommendations and conclusions:

- The Commission applauds the work of the Authority since its July 1, 2007, inception date, and supports its commitment to technical education;
- The Commission recommends the Authority standardize the curriculum within each technical program with significant input from employers;
- The Commission recommends the Authority develop competency certification for all technical education completers with significant input from employers;
- The Commission recommends the Authority develop programs to assist technical education completers in maintaining current skills in their technical field, acknowledging the rapidly changing technology in today's world;
- The Commission recommends the appropriation of funds to the five technical schools to assist them as they merge with other institutions, affiliate with other institutions, or pursue independent status as a degree-granting institution;
- The Commission recommends the appropriation of funds for direct marketing programs for technical education which concentrate on the needs and interests of the students;
- The Commission recommends the Legislature continue, if not increase, funding for the technology and equipment matching grant program; and
- The Commission recommends additional funding for the Authority in FY 2009, noting the initial funding estimates for the Authority were based on expenditures for only a partial fiscal year.

***Proposed Legislation:*** None.

### BACKGROUND

The 2006 Legislature, by proviso in the Omnibus appropriation bill (Senate Substitute for House Bill 2968), authorized the establishment of the Kansas Technical College and Vocational

School Commission. The Commission was composed of eight members, seven voting members and one ex-officio, nonvoting member. The Commission was charged to study the mission, governance, and funding of Kansas technical

colleges and vocational education schools and submitted its final report and recommendations to the 2007 Legislature in March of 2007. Among the recommendations of the Commission was the creation of a Postsecondary Technical Education Authority.

The 2007 Legislature acted on that recommendation with 2007 HB 2556, which created the Postsecondary Technical Education Authority. In addition, the Kansas Technical College and Technical School Commission was created as a statutory entity. The Commission has nine voting members and one *ex-officio* member appointed as follows:

- One member appointed by the Senate President;
- One member appointed by the Senate Minority Leader;
- One member appointed by the Speaker of the House;
- One member appointed by the House Minority Leader;
- Two members appointed by the Governor, including one resident of northeast Kansas; and
- Three members appointed by the Board of Regents: a member of the Board, the president of a technical college, and a representative of a community college that provides technical education.

The Commission was once again tasked with the study of the mission, governance, funding of Kansas technical colleges and technical schools. The Commission was required to submit reports of its activities and recommendations to the Legislative Educational Planning Committee (LEPC) with a preliminary report by November 15, 2007, and a final report by November 15,

2008. The Commission expires on December 31, 2008.

The new Postsecondary Technical Education Authority created by the bill is composed of 12 members as follows:

- Four members appointed by the State Board of Regents with two members from the Board, one member representing a community college that provides technical education, and one representative of technical colleges in the state;
- Three appointed by the Governor: one member representing Kansas business and industry and two members representing the general public;
- One member appointed by the Senate President representing business and industry;
- One appointed by the Speaker of the House representing business and industry; and
- Three *ex-officio* members: the Commissioner of Education, the Secretary of Commerce, and the Secretary of Labor.

No more than two members can represent any single specific technical career cluster and, of the members appointed from business and industry and the general public, at least one must come from each congressional district. In addition, no more than five members of the Authority may be from the same political party. The chairperson of the Authority is selected by the Governor.

The Authority has a variety of responsibilities, delegated to it by the Board of Regents. The Authority is responsible for the coordination of statewide planning for existing and new postsecondary technical education programs and contract training and for reviews of existing and proposed postsecondary technical education programs. The Authority also reviews requests

2-30



for state funding for postsecondary technical education and makes recommendations to the State Board of Regents for funding amounts and distribution. The Authority develops benchmarks and accountability indicators for the programs as well as an annual policy agenda for postsecondary technical education. It is the Authority's responsibility to advocate each year for this agenda. In addition, the Authority conducts studies of ways to maximize resources to best meet the needs of business and industry, making recommendations to the State Board of Regents.

Recommendations adopted by the Authority are considered and acted on by the State Board of Regents. Recommendations of the Authority can be rejected only by a majority vote of all members of the State Board of Regents, within 45 days of the submission of the recommendation.

The Authority and the Board of Regents select a vice-president of Workforce Development to serve as the executive director of the Authority, with the participation of the Kansas Association of Technical Schools and Colleges and the Kansas Association of Community College Trustees. The vice-president is not a member of the Authority and serves in the unclassified service, at the pleasure of the Board of Regents.

The Authority sunsets on June 30, 2014.

The legislation creating the Authority included a requirement that the governing bodies of the following institutions submit a plan to merge or affiliate with a postsecondary education institution, or become an accredited technical college with an independent governing board, by July 1, 2008:

- Northeast Kansas Technical College;
- Kansas City Area Technical School;
- Kaw Area Technical School;
- Salina Area Technical School; and
- Southwest Kansas Technical School.

## COMMITTEE ACTIVITIES

The Commission met on October 18, 2007, to review the activities of the newly created Postsecondary Technical Education Authority. The meeting began with an overview by the Revisor of Statutes of 2007 HB 2556, which created the Postsecondary Technical Education Authority.

Joseph Glassman, Chairman, Kansas Postsecondary Technical Education Authority, presented an update on the activities of the Authority. The current Authority members are listed below:

Joseph Glassman, Chairman, Glassman Corp., Hays; Clark Coco, North Central Kansas Technical College, Beloit; Eddie Estes, Western Kansas Manufacturers Association, Dodge City; Sheila Frahm, Kansas Association of Community College Trustees, Topeka; Jim Garner, Kansas Department of Labor, Topeka; Jim Grier, Martin K. Eby Construction, Wichita; David D. Kerr, Kansas Department of Commerce, Topeka; Alexa Posny, Kansas Department of Education, Topeka; Bill Quattlebaum, Cessna, Wichita; Jack Wempe, Lyons; Steve Wilkinson, Menorah Medical Center, Overland Park; and Debra Nichols, Vice-President of Science and Technology, Hills Pet Nutrition, Lawrence.

The Authority had its inaugural meeting on September 26 and 27, 2007, which was an orientation and planning meeting. The Authority met again on October 17 and 18 and October 30 and 31, 2007. The Authority has named two committees - the Selection Committee for Vice-President and the Budget Committee. The Budget Committee is scheduled to report in mid-December on its recommendations for the expenditure of the \$4.0 million appropriated by the 2007 Legislature for a technology and equipment matching program for technical schools and colleges and community colleges.

The Authority plans to meet monthly in the future, approximately two weeks prior to each Board of Regents meeting. Locations for the meeting will alternate between Topeka and postsecondary institutions across the state providing technical education programs. In addition, the Authority planned to launch its search for a Vice-President of Technical Education the week of October 22, 2007, with a targeted final selection date of December 31, 2007, and a hiring date of February 2008.

It was stressed to the Commission that the Authority has just begun its study of technical education and technical workforce needs. While the Authority recognizes one of its key responsibilities is working with the Legislature and the Governor to support funding for technical education, they do not want to go before the Legislature without developing a solid set of goals and objectives for postsecondary technical education. It was noted that those goals and objectives will not be ready for the 2008 Session. This late start for the Authority led the Authority chairman to recommend the extension of the Commission for at least six months from its December 2008 sunset date, so that it might continue its oversight of the Authority's activities.

The Authority has identified several objectives and priorities based on the work of the Kansas Technical College and Vocational School Commission in 2006 and 2007 in three main areas: baseline standardization of the curriculum, implementation of levels of excellence, and funding.

The first major objective is the baseline standardization of the curriculum. Baseline standardization of the core curriculum should involve minimum standards developed with education system input, industry/commerce recommendations from employers, and review by the technical department of the Authority, recognizing that technical education is much different from university education. In addition,

there should be standards to insure the quality of programs. Those standards should be developed with the input of business and industry, then approved and implemented by the Authority. The Authority proposes the creation of a "Kansas Guarantee," with certified education by discipline and free reeducation when a program completer does not meet employment criteria for a defined period.

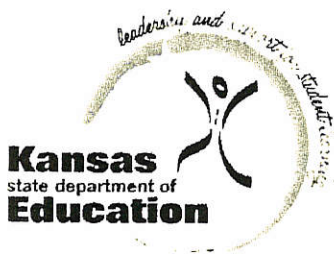
The second major objective is the implementation of levels of excellence. The challenge is to compete globally. This can be done by defining higher standards of output for completers, as well as the annual measurement of competence and efficiency of completers by industry. Toward this end, programs would be reviewed and placed in a rated system of peer programs. Measures used to rate each program would include size, scope, completers in employment by discipline, proficiency of completers, ability of completers to advance and add education, and employer-rated performance of individuals by school. In addition, quick start approaches to the development of new and innovative training for industry need to be developed based on capital and physical requirements, best program available, and geographic considerations.

The third major objective is addressing the funding of technical education. The first step is a review of the Commission's recommended funding formula. The second is a united effort between the Authority and Commission to support technical education funding. The third is the inclusion of marketing funds from the state for technical education. This would include matching funds from the state for postsecondary technical institutions, state authority to direct marketing programs for technical education, and collaborative programs with commerce and industry to market technical education.

## CONCLUSIONS AND RECOMMENDATIONS

After reviewing the Authority's activities, the Commission makes the following recommendations and conclusions:

- The Commission applauds the work of the Authority since its July 1, 2007, inception date and supports its commitment to technical education;
- The Commission recommends the Authority standardize the curriculum within each technical program with significant input from employers;
- The Commission recommends the Authority develop competency certification for all technical education completers with significant input from employers;
- The Commission recommends the Authority develop programs to assist technical education completers in maintaining current skills in their technical field, acknowledging the rapidly changing technology in today's world;
- The Commission recommends the appropriation of funds to the five technical schools to assist them as they merge with other institutions, affiliate with other institutions, or pursue independent status as a degree-granting institution;
- The Commission recommends the appropriations of funds for direct marketing programs for technical education which concentrate on the needs and interests of the students;
- The Commission recommends the Legislature continue, if not increase, funding for the technology and equipment matching grant program; and
- The Commission recommends additional funding for the Authority in FY 2009, noting the initial funding estimates for the Authority were based on expenditures for only a partial fiscal year.



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December 6, 2007

TO: Legislative Educational Planning Committee

FROM: Dale M. Dennis, Deputy  
Commissioner of Education

SUBJECT: Virtual Schools

At the request of the Legislative Educational Planning Committee, a conference call was conducted on December 6, 2007 to discuss virtual school issues concerning the counting of virtual school students, the computation of budget authority, and reviewing the compulsory school attendance law.

All superintendents and service center directors that administer virtual schools were invited to participate in the conference call of which approximately 20 participated.

After considerable discussion, a **consensus** was reached as follows.

### **BUDGET STATE AID PER PUPIL AND APPROPRIATE WEIGHTINGS**

#### FIRST CHOICE OPTION

Current law remains the same which is base state aid per pupil plus appropriate weightings.

#### SECOND CHOICE OPTION

Eliminate all weightings and compute the general fund budget by receiving the base state aid per pupil plus 25 percent. The 25% would cover indirect cost activities such as utilities, insurance, vehicle and facilities maintenance, transportation (meetings and home visits), counseling, transcript reviews, coordination of state assessments, KIDS reporting, maintenance of records, truancy issues, professional development, curriculum development, administrative/clerical support, security, auditing expenses, supplies, technology/computer support and staff for software support.

*Senate Education Committee  
1-24-08  
Attachment 3*



## **ENROLLMENT COUNT**

Amend the enrollment count to comply with the following--A student must be in attendance at least one day prior to the 20<sup>th</sup> and one day following the 20<sup>th</sup> but no later than October 4. This is the same procedure currently used for auditing virtual schools.

## **COMPULSORY SCHOOL ATTENDANCE**

Following a thorough discussion of the compulsory school attendance law as it relates to virtual school students, it was the consensus that the compulsory school attendance law does apply to virtual school students and that they report to the parents, SRS and/or county attorney as required by law on any students not in compliance with the law. Some administrators outlined specific details on how these issues are handled at the local level. All participants indicated they were in compliance and support the compulsory school attendance law for virtual school students.





## Virtual Education Requirements for Kansas Schools

Kansas has been at the forefront in providing an alternate delivery system to serve the unique learning needs of all students. The most recent development has been the use of virtual, online courses. Now that this system is being more widely used by school districts, it became apparent that guidelines were needed.

Therefore, to ensure online programs in Kansas are of the highest quality, a plan including the following criteria must be developed and approved in order for students to be eligible for state aid.

- A. KSDE Responsibilities
- B. Personnel Requirements
- C. Program Requirements
- D. Student/Parent Responsibilities

### Registration Process

A *Registration and Desktop Audit Application* must be submitted to KSDE **before** enrolling students in the virtual/online program. Only upon submission and approval of these materials will a program be eligible to claim FTE for students who are enrolled in a program/school. KSDE auditors will receive a list of programs that have been approved to offer virtual/online programs and are therefore, registered with KSDE. Registration information and materials can be accessed at: <http://www.ksde.org/LinkClick.aspx?fileticket=/WqLGctFqGM=&tabid=455>

### A. KSDE Responsibilities

A visiting team will be selected by KSDE prior to enrollment of students in the online program. The visiting team will consist of at least two members, appointed by KSDE, from current Kansas online programs and will be chaired by KSDE personnel. The two visiting team members must be from online programs that have received state funding for at least three year previous to the current school year. The visiting team will submit a recommendation for approval/disapproval of the program to KSDE. The visiting team's/KSDE role is to:

1. Evaluate the online program based on the criteria
2. Submit a recommendation to KSDE
3. Do a follow-up visit by April 15 of the initial program year to ensure established guidelines have been followed
4. Schools will be monitored annually
5. Each October an information item will be presented to the Kansas State Board of Education identifying all Virtual School Applications that have been approved for the current school year.

### B. Personnel Requirements

1. Program Director

Senate Education Committee  
1-24-08  
Attachment 4

a. Program Director must meet appropriate licensure/certification requirements for the position as established by the local board of education. Refer to the Licensed Personnel Report.<sup>1</sup>

**2. Licensed/Certified Personnel**

- a. Kansas licensed/certified teachers must be employed to provide instruction, assistance and support to students.
- b. Teachers must be licensed/certified in their content area.

**3. Student/Family Communication Liaison**

a. Student/Family Communication Liaison must be designated to ensure ongoing and continuous communication occurs between schools, teachers, students, parents, and other online program staff members. This individual will lead the development and implementation of a student/parent compact of responsibilities as well as lead the development and implementation of an internet acceptable use policy.

**4. Technical Support Staff**

Technical Support Staff or a contracted entity with the skills and ability to support all technical aspects of the program must be designated. This person will be required to ensure any student's opportunity to learn is not hindered because of technical problems. A written back up plan will be communicated to the parents/students through the schools' policy handbook.

**5. Professional Development Staff**

A person or contracted entity must be designated to develop, implement, and evaluate training provided to all staff, students, and parents in the use of the online program.

**6. Assessment Coordinator**

Assessment Coordinator is a staff member who will be responsible to coordinate all district and state assessments for online students.

a. Personnel must be licensed meet the licensure requirements as established by the Kansas State Department of Education.<sup>1</sup>

b. All students enrolled exclusively in an online program take all district and state assessments that students take for their grade/age level.

c. Report all data as part of the state's QPA requirements, the federal NCLB requirements (e.g. AYP), and NCA requirements, if appropriate.

**7. Data Entry Staff**

Data Entry staff must be designated to provide data entry services for course creation, enrollment of students in online courses, and data entry and data processing of student grades for report cards and transcripts.

**8. Counseling Staff**

The services of a Kansas licensed counselor must be made available to students in grades K-12. In circumstances where a school counselor is not available in a particular school, shared school counseling services should be utilized. **KAR 91-31-32(c)**

## C. Program Requirements

The following program requirements including enrollment, attendance, credits, curriculum, communication structures, and professional development must be established as part of a district's online program:

### 1. Enrollment and Attendance

#### a. Residency Criteria for FTE purposes (Refer to the Counting Kids Manual)

- i. Only students who reside in Kansas are eligible for FTE funding from the state of Kansas.
- ii. Students enrolled in online courses from other states will not receive Kansas FTE funding.
  1. Online course costs for out-of-state students must be paid by their out-of-state school-district or their parents.

#### b. Counting for Enrollment Purposes

- i. If your program is claiming FTE for students enrolled in a virtual/online course, it will be necessary to maintain the two-day count as approved by the State Board of Education.
- ii. **Three options for the two-day count:**
  1. September 20<sup>th</sup> and one day before
  2. September 20<sup>th</sup> and one day after, but on or before October 4.
  3. One day before and one day after September 20<sup>th</sup>, but on or before October 4, IF the student was not on-site, on-line, and/or off-line on the official count day.

#### c. Attendance

- i. Documentation using paper logs, electronic logs, statistics within online e-Learning systems or other devices must be used to document regular engagement in the online program.
- ii. Completion of unit test, projects, online journals, or discussion boards may be used to provide documentation of student attendance and engagement in the online course.
- iii. KSDE Academic Activity Log: A total of two KSDE Activity Logs is required for each student. Each log will identify the name of the course(s) and the total time spent in each course(s) which the student was engaged for each of the two longest enrollment days submitted to the auditors.
- iv. Online documentation: Documentation is required for each student that will verify that any course(s) listed on the two KSDE Academic Logs submitted to the auditors was accessed online some time between the beginning of the school year through October 4th.

### 2. Professional Development Program

A person or contracted entity must be designated to implement and evaluate training provided to all staff, students, and parents in the use of online programs. Components that must be addressed include:

- a. training regarding online pedagogy
- b. an orientation session to acclimate all parents and students to the online program
- c. training for staff on the selected e-Learning system, as well as any other hardware/software used in the online program.
- d. ensure staff attends all training/orientation sessions.

### 3. Program and Course/Curriculum

- a. Kansas licensed/certified teachers must be employed to instruct the online courses.
- b. Goals and objectives for all online courses must be correlated to local, state, and/or national standards to ensure quality in content. Students and parents must be provided access to the standards being taught within each online course.
- c. A communication plan between districts must be in place between districts for those students who are dual enrolled in an online program and the local school district.
- d. Syllabus information such as outlines, timeline charts, materials lists, communication expectations, grading policies and formats for grading, etc. must be developed for every online course.
- e. Suggested timelines or target dates must be provided for completion of assignments in each course.
- f. Provide proctored final assessments for every high school course.
- g. Assessments:
  - i. All students enrolled exclusively in an online program take all district and state assessments.

#### 4. Receiving and Recording Virtual Course Credits

- a. Credits will be awarded when students meet all goals and objectives for all online courses.
- b. Credits will be reported to the sponsoring district for entry into the student's permanent record.
- c. Teachers will provide feedback to students regarding their progress to assist students in improving before final course grades are given.
- d. Schools will provide proctored final assessments for every high school course.

#### 5. Communication Structure

- a. Ensure that students and parents have an opportunity to understand the nature of online learning so they can make informed decisions prior to enrollment in the online program.
- b. Ongoing feedback regarding student progress must be provided.
- c. Students/families must be provided a response within a 24-hour turn around during school days.
- d. A backup plan must be established for handling communication if a teacher isn't available.
- e. Conference contacts must be made with students/parents each semester.

#### 6. Student Support Services/Sense of Community

- a. Orientation training sessions must be provided for students/parents
- b. Licensed/certified teachers will be available to answer any student/parent questions for every online course
- c. Opportunities for students to participate in some face-to-face activities must be provided including (but not limited to): field trips, study sessions, additional orientation/training assistance, open houses, conferences, end-of-year celebrations, use of parent resource center, and teacher face-to-face instructions for labs.
- d. Online communication opportunities will be provided enabling students to share with others; i.e. discussion boards, chats, virtual classrooms, e-mails, group online projects
- e. The district will have a policy in place for the provision of special education services.
- f. A student intervention plan will be in place for online students if necessary
- g. Families must be informed if the online program follows the district's regular school calendar. If the online calendar differs, families must be provided the online calendar.

#### 7. School Improvement and Accreditation

- a. The online program/school will provide opportunities to learn for any students who do not meet standards by NCLB goals and standards
- b. The virtual program within the district must be integrated into the district's QPA process following the regulations.
- c. The virtual school must follow QPA regulations.
- d. Report all data as part of the state's QPA requirements, the federal NCLB requirements (e.g. AYP)

#### D. Student/Parent Responsibilities

Parents and students are required to comply with the program requirements. Refer to the school/program's handbook for a complete list of student/parent responsibilities. Items below are a sampling of the responsibilities of the parents and students.

1. Students/parents should be encouraged to initiate communication to share progress and to ask for assistance when needed.
2. Students enrolled exclusively in an online program must take appropriate proctored district and state assessments.
3. Students/parents must attend training/orientation sessions.
4. Students must take facilitated final assessments for course credit to be awarded at the high school level.
5. Students/parents must communicate any e-mail address or phone number changes as soon as changes are made so contact information is always current.