

MINUTES

LEGISLATIVE EDUCATIONAL PLANNING COMMITTEE

August 27-28, 2001
Room 519-S—Statehouse

Members Present

Senator Dwayne Umbarger, Chair
Representative Jo Ann Pottorff, Vice Chair
Senator Christine Downey, Ranking Minority Member
Senator Lynn Jenkins
Senator Bob Lyon
Senator Lana Oleen
Senator John Vratil
Representative Lisa Benlon
Representative Bill Reardon
Representative Ralph Tanner
Representative Jonathan Wells

Members Absent

Representative Barbara Ballard
Representative Kathe Lloyd

Legislative Staff

Ben Barrett, Kansas Legislative Research Department
Stuart Little, Kansas Legislative Research Department
Carolyn Rampey, Kansas Legislative Research Department
Robert Waller, Kansas Legislative Research Department
Paul West, Kansas Legislative Research Department
Renae Jefferies, Office of the Revisor of Statutes
Avis Swartzman, Office of the Revisor of Statutes

Conferees

Dale Dennis, Deputy Commissioner, State Department of Education
Diane Lindeman, Associate Director of Fiscal Affairs for Student Financial Aid,
State Board of Regents
Colonel Adam King, Kansas Air Guard, Essential Services Support Officer
Lieutenant Col. Brian Sholar, Kansas Army Guard, Educational Services Officer
Mark Tallman, Assistant Executive Director of Advocacy, Kansas Association
of School Boards
Mark Desetti, Instructional Advocacy and Governmental Relations,
Kansas-National Education Association
Dr. David Murphy, President, Midwestern Higher Education Commission

Monday, August 27

Pupil-Driven Special Education Funding

The staff presented a memorandum entitled *Kansas Special Education Funding: A Resource Based Model* ([Attachment 1](#)). The memorandum includes information about the current special education distribution formula, census based funding, weighted pupil funding, and the Governor's proposal to the 2001 Legislature, which was a weighted pupil model. Discussion of the catastrophic aid component of the existing formula raised questions about why the number of children who generate special education services in excess of \$25,000 a year is increasing. Reasons identified include inflation and the general increase in cost of services; medical advances that result in more children surviving serious physical conditions; deinstitutionalization; and greater societal awareness of the need to provide services.

Dale Dennis, State Department of Education, presented computer printouts showing the percentage of special education students, by area of exceptionality, for each school district ([Attachment 2](#)). In response to a question, he said he believes federal funding for special education will increase in the next few years. For FY 2002, it is estimated that combined federal funding under the Individuals With Disabilities Act and Medicaid reimbursement to school districts for special education services will equal 14 percent of total estimated expenditures for special education, including gifted education.

Postsecondary Education Funding Under the Higher Education Coordination Act

Staff presented an overview of funding under 1999 SB 345, the Higher Education Coordination Act ([Attachment 3](#)). In FY 2001, State General Fund expenditures for Regents

universities, community colleges, and Washburn University increased by \$22.6 million over the prior year, due to SB 345. For FY 2002, State General Fund expenditures increased by \$20.8 million.

Kansas National Guard Tuition Assistance Program

Colonel Adam King, Kansas Air Guard, reviewed recommended changes to the Kansas National Guard Tuition Assistance Program that had been presented to the Committee at an earlier meeting (see Attachment 22 to the August 6-7, 2001 meeting of the Legislative Educational Planning Committee). The changes are:

- Individuals should be eligible for assistance immediately upon enlistment in the Kansas National Guard and should not have to spend up to a year to complete military training.
- Tuition assistance recipients should be able to apply to an eligible institution and have tuition waived so that the institution is reimbursed by the agency that administers the program, not by the recipient. This recommendation would make the program parallel to the ROTC Scholarship Program and would eliminate the need for the recipient to make an out-of-pocket expenditure and then wait to be reimbursed.
- The service obligation should be reduced from a four-year-commitment to serve in the National Guard to one and one-half years for each year of benefit, with the commitment to be served concurrently with the benefit.
- Administration of the program should be transferred from the Adjutant General's Office to the State Board of Regents.

Diane Lindeman, State Board of Regents, presented the response of the State Board of Regents to the recommendation that the program be transferred to the State Board ([Attachment 4](#)). Ms. Lindeman explained that two full-time staff members administer 15 student aid programs that assist about 26,000 students. Additional duties that would be incurred if the National Guard Tuition Assistance Program were transferred would involve more than 200 students attending 37 institutions, out of a total of 53 eligible public and private institutions. These duties could not be added to the Board Office without the addition of a new staff position, at a first-year annual cost of \$30,000 for salary, fringe benefits, and other operating expenses. In addition, there would be one-time costs of \$5,000 for office equipment and furniture.

In discussion with Committee members, Colonel King explained that the Adjutant General's Office has limited expertise in administering student assistance programs and he believes the program would be more effective if it were administered by the state agency that is responsible for most of the state's student assistance programs. He said he believes it would be a wise investment of \$35,000 to improve the program.

Committee members asked whether assignments could be shifted in the Adjutant General's Office to free a position that could be transferred to the State Board of Regents. Colonel King responded that staff who work with the program have other duties and no position is assigned full-time to the program. Lieutenant Colonel Brian Sholar elaborated by saying that staff in the Adjutant General's Office also are involved in administering federal tuition assistance programs for members of the Kansas National Guard.

In response to a question, Colonel King said the recommendations for changing the program are independent of each other and could be considered separately. At the request of Representative Tanner, Ms. Lindeman agreed to provide information about the number of new positions added to the Board of Regent's staff since the implementation of SB 345.

Teacher Vacancies and Teacher Student Assistance Programs

Mr. Dennis reported on the number of teacher vacancies as of August 1, 2001 (Attachment 5). According to a survey of school districts, there are 512.4 positions vacant, compared to 530 this time a year ago. The vacancies are in 125 of the state's 304 school districts. Mr. Dennis said the vacancies are occurring in all types of districts—big and little, urban and rural. In terms of teaching area, about a third are in special education. Other areas of shortages include music, math, science, and foreign language.

Mr. Dennis explained that the number of reported vacancies does not count positions that currently are being filled by substitute teachers or temporary employees. Currently, 144 positions are filled by temporary employees. He said some districts are particularly hard hit, such as USD 259 (Wichita) which, as of August 24, had 45 vacancies, including 35 in special education. In discussion with Committee members, Mr. Dennis said recruitment is affected by the fact that health benefits for teachers are expensive and 14 school districts provide no health benefits at all.

Ms. Lindeman provided information about the Kansas Teachers Service Scholarship which makes assistance available to students enrolled in teacher education programs (Attachment 6). A student who becomes certificated as a teacher and works in Kansas in a "hard to fill" teaching discipline one year for each year of assistance does not have to repay the scholarship.

Ms. Lindeman called attention to a change in the Teachers Service Scholarship Program that increases the maximum scholarship to 70.0 percent of the average cost of attendance at a Regents institution. However, she explained that due to revenue limitations the current award is \$5,000 per year, a lesser amount than the law authorizes. According to Ms. Lindeman, priority for the teachers service scholarship is given to juniors and seniors, who are selected on the basis of ACT scores, high school or college grade point averages, high school class rank, college transcripts, and references. Second priority is given to freshmen and sophomores who have completed the Kansas Scholars Curriculum (formerly the Regents Recommended Curriculum). Ms. Lindeman explained that requiring that freshmen and sophomores complete the Kansas Scholars Curriculum was imposed as a

requirement in the early 1990s when the number of students applying for the scholarship exceeded the amount of funding available and a way had to be devised to narrow the applicant pool. She also told the Committee that the only other scholarship program that imposes an academic requirement is the State Scholarship Program, which requires completion of the Kansas Scholars Curriculum and takes into account grade point averages and ACT scores.

Committee members asked Ms. Lindeman to provide additional information about when the decision was made by the State Board of Regents to require applicants to meet higher requirements to qualify for a teacher service scholarship than for most other programs. She also was asked to develop a profile of program recipients. Senator Oleen expressed her concern that criteria for qualifying for service scholarships were not uniform among the various programs and also stated her intention to recommend at a later date that more money be appropriated for the Kansas Teachers Service Scholarship Program and that an additional staff position be added to help administer the Regents student assistance programs. She noted that, for school year 2000-01, only about half of the applicants for the teachers service scholarship received funding. Representative Tanner expressed his disagreement with the policy of awarding scholarships to freshmen and sophomores. Representative Pottorff asked if the State Board of Regents does follow-up studies to determine whether teachers who have fulfilled their service obligation stay in the teaching field. Ms. Lindeman said the only tracking done is to determine how many recipients fulfill their service obligation as opposed to paying back the scholarship. She said that 82 percent of the recipients have fulfilled their service obligation and 18 percent have repaid the scholarship. (Staff Note: In connection with the topic relating to teachers, Committee staff was asked to schedule a presentation on the teacher supply and demand report produced by the Jones Institute for Educational Excellence at Emporia State University.)

Letter to Federal Officials

Staff informed the Committee that the Legislative Coordinating Council (LCC) did not approve the Committee's letter to federal officials which, among other things, asked for a waiver from proposed national testing requirements on the grounds that Kansas already has an assessment program and that additional testing would take away from instructional time and impose an additional financial burden on the state. Among the LCC's objections to the Committee's letter was the fact that LCC members did not want Kansas to opt out of a nationwide testing requirement that would allow for comparisons of student attainment among the states. A subcommittee appointed by the LCC consisting of Senator Oleen (chair), Senator Kerr, and Representative Garner had approved a revised letter, with the understanding that the LCC would approve sending the letter, as revised.

The Committee received further information about the federal testing proposal and came to the understanding that the proposal did not envision a uniform test given in all states but instead would require the states to develop their own tests that would allow for some measure of interstate comparability. The staff was instructed to revise the letter in light of the Committee's new understanding of the federal proposal for review later in the meeting.

Committee Minutes

Upon a motion by Senator Downey, seconded by Senator Jenkins, the Committee approved the minutes of the August 6-7 meeting.

Tuesday, August 28

The Letter, continued

Staff presented a revised version of the letter to federal officials concerning the national testing proposal. The revised version requested that the proposal be modified to require less testing, such as testing in alternating years, at fewer grade levels, on the basis of successful state assessments, or a combination thereof. Committee members suggested additional changes that did not alter the main thrust of the letter but refined certain points.

A motion was made by Senator Vratil, seconded by Senator Downey, to approve the revised letter without additional changes. A substitute motion was made by Senator Downey, seconded by Representative Pottorff, to approve the letter with the refining revisions. *The motion was adopted.* Representative Tanner is recorded as having abstained. A final version of the letter is included as (Attachment 7).

2001 Postsecondary Education Legislation

The staff presented a memorandum entitled *2001 Postsecondary Education Legislation—Pending and Passed* (Attachment 8). Two pending bills concerning residency requirements at Regents universities (SB 362 and HB 2589) prompted the Committee to request that residency requirements for all postsecondary education sectors be added to the list of topics to be considered by the Committee during the interim.

Educational Organization Response to State Assessments and Charter Schools

Opportunity was given to educational organizations to present testimony relating to two study topics the Committee had reviewed at an earlier meeting—state and local student assessments and charter schools.

Mark Tallman, Kansas Association of School Boards, presented positions that reflect views of member school boards and board members represented by his organization (Attachment 9). He told the Committee a resolution concerning testing would be presented to the Association's Delegate Assembly in December. The resolution contains the following points:

- Accountability for individual student performance should be at the school and district level; accountability for system performance should be at the state and federal level;
- Evaluation of student, school, and system performance should be based on multiple measures;
- New testing requirements should not be imposed by the state or federal government that disrupt or increase the unfunded cost of existing local testing programs;
- Any assessment and accountability system must take into account differences in student populations served by schools; and
- Resources should be provided to assist school systems in correcting student deficiencies revealed by tests.

Regarding charter schools, Mr. Tallman made several points. First, he noted that Kansas law does not allow charter schools to waive regulations that apply to regular public schools, resulting in conditions under which charter schools in Kansas could operate as they do even if Kansas had no charter school law. He said his association supports an amendment to the law that would exempt charter schools from such statutory requirements as teacher negotiations and tenure and certification requirements, but the changes have not been made. Further, if the changes were to be considered, the Legislature would have to deal with the question of why greater flexibility should not be accorded all schools.

Second, Mr. Tallman addressed the issue of local board control of charter schools, a feature of Kansas law that often leads to the state being described as having a “weak” charter school law. Mr. Tallman said that, in his view, the constitutional provision in Kansas that states that public schools have to be developed and operated by locally-elected boards precludes the creation and operation of charter schools that are not under the jurisdiction of a local board.

Finally, Mr. Tallman said he finds no correlation between states that have “weak” and “strong” charter school laws and student math scores, indicating that charter schools do not have an effect on student educational attainment that can be discerned on the basis of national comparisons.

Mark Desetti, Kansas-National Education Association, told the Committee his organization is opposed to the imposition of federal testing on states that already have rigorous state standards, particularly when the federal government has failed to fulfill its funding obligation in the area of special education (Attachment 10). Regarding charter schools, Mr. Desetti said it is appropriate that charter schools be under the control of locally-elected boards and that the schools should function under the same statutory requirements that are imposed on all other schools. However, Mr. Desetti said his organization supports

an appeals process whereby an application for a charter school that is turned down at the local level could be appealed to the State Board of Education.

In other remarks made to the Committee, Mr. Desetti spoke against educational management organizations that can be engaged by school districts to provide educational services, arguing that such arrangements result in “cookie cutter” programs that fail to take into account local needs and priorities. Mr. Desetti concluded by saying that creative things are taking place in public schools that probably could occur without Kansas having a charter school law.

Midwestern Higher Education Commission

Dr. David Murphy, President of the Midwestern Higher Education Commission, reviewed highlights and activities of the Commission during the ten years since its creation in 1991. (A copy of the Commission’s annual report is available in the Kansas Legislative Research Department.) Membership consists of ten states (Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, and Wisconsin) and involves more than 850 participating public and private postsecondary institutions. Kansas commissioners are Senator Christine Downey, Representative JoAnn Pottorff, Senator Lana Oleen (alternate), Representative Jonathan Wells (alternate), Regent William Docking, Budget Director Duane Goossen, and Regents Executive Director Kim Wilcox. Current and ongoing programs include the following:

- A telecommunications alliance initiated in 1992 to improve educational access to communications technologies;
- A risk management program begun in 1993 that provides comprehensive property coverage for college campuses and a recently-developed regional equipment maintenance program involving the consolidation of equipment maintenance functions on individual campuses and the aggregation of those functions across multiple campuses under a common manager;
- A program begun in 1998 to design and test various approaches to volume acquisition of natural gas for colleges and universities, under which a local broker pools the natural gas consumption volume of the participating institutions, purchases the required amount of natural gas, and arranges its delivery;
- An initiative begun in 1994 relating to computing hardware and software that involves several components, including regional strategies relating to computer applications for higher education administrative functions, a computing resources clearinghouse for college and university computing staff, discipline-based educational software for use in the classroom, and the development of technologies and subject content modules for faculty to use in delivering computer mediated instruction;

- The Midwest Student Exchange Program begun in 1994 to expand interstate educational opportunities for students residing in member states whereby students can enroll in out-of-state colleges and universities at reduced tuition rates; and
- Activities preparatory to the development of a proposal for regional collaboration on workforce development.

Dr. Murphy also described studies of the Commission aimed at increasing the number of minority faculty members at postsecondary education institutions.

Senator Oleen, who has participated in the Commission as a Kansas commissioner, told the Committee that states decide which Commission activities will benefit them and do not necessarily participate in all programs. She said Kansas has particularly benefitted from its involvement in the student exchange program.

Dr. Murphy told the Committee the Commission is holding an annual meeting in Kansas City on November 16-17, and Committee members would receive invitations to attend. He also told members that he intends to retire from the organization, and a search is underway for his replacement.

The meeting was adjourned.

Prepared by Carolyn Rampey

Approved by Committee on:

September 11, 2001

(Date)