

## MINUTES OF THE SENATE EDUCATION COMMITTEE

The meeting was called to order by Chairman Jean Schodorf at 1:35 p.m. on March 7, 2005, in Room 123-S of the Capitol.

Committee members absent: Barbara Allen- excused

Committee staff present: Carolyn Rampey, Kansas Legislative Research Department  
Kathie Sparks, Kansas Legislative Research Department  
Theresa Kiernan, Revisor of Statutes  
Shirley Higgins, Committee Secretary

Conferees appearing before the committee: Representative Kathe Decker  
Sandra Hazlett, Director of Children and Family Services,  
SRS  
Mark Tallman, Kansas Association of School Boards  
Andy Ewing, special education teacher  
Mercedes Arizpe  
Aimee Keohane  
Deborah Howard

**HB 2247—Transfer of pupil records; reports of the Secretary of Social and Rehabilitation Services**

Theresa Kiernan, Revisor of Statutes Office, explained that the bill specifies that, if the Secretary of Social and Rehabilitation Services (SRS) changes the placement of a pupil from one school or school district to another school or school district, the Secretary would have the responsibility to ensure that the school records of that pupil were transferred to the new school as soon as possible. In addition, the Secretary would have to submit an annual report that details the number of pupils who were transferred and the number of days that elapsed between the day the request for the transfer of school records was submitted and the day the new school received the records. Reports would have to be submitted to the Legislature by December 31, 2005 and 2006. The bill goes into effect upon publication in the Kansas Register and expires on January 1, 2007.

Representative Kathe Decker, who requested the introduction of **HB 2247**, commented that the bill was born out of the frustration school districts expressed about the problem of obtaining school records for children within the foster care system. She noted that LEPC had hearings on special education issues last summer, and one of the issues concerned the problem of obtaining school records for children in foster care. It became apparent that there was a problem with making sure the school records were following children who are in foster care. She noted that schools need to know immediately upon transfer if there was an IEP, what services were given to the child by the previous school, and the special needs of the child. She explained that the bill does not involve a privacy issue because records are transferred between school districts either by fax or by mail without anyone else seeing them. The intent of the bill was to begin a tracking system to see how many foster children are moved between school districts, how fast their records are obtained, and if it is the school district's problem or SRS's problem. She emphasized that children in foster care need continual, consistent care, and the bill would provide information needed in order to begin to address the issue. (Attachment 1)

Sandra Hazlett, Director of Children and Family Services with SRS, testified in support of **HB 2247**. She noted that, while some of the information SRS would be required to report to the Legislature for two years is already being collected, the communication SRS will have to make with each school in order to track the timing of the transfer of records would require an additional SRS staff person. She informed the Committee that the Educational Enrollment Inform Form (EEIF), which has been in use since 2001, provides schools with essential information about students in out-of-home placement at the time of their enrollment. The Foster Care Database, which was implemented at the beginning of the 2003-2004 school year, includes the same information as the paper form. The paper base continues to be used in addition to the database. SRS believes that the database is the best means to ensure timely transfer of records. (Attachment 2)

Mark Tallman, Kansas Association of School Boards, testified in support of **HB 2247**. He pointed out that, the more quickly schools can review student records and provide appropriate educational experiences, the

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more quickly they can help students. He noted that long and frequent delays cause students to suffer. (Attachment 3)

There being no others wishing to testify, the hearing on **HB 2247** was closed.

Senator Schodorf opened the continued hearing on **SB 241** concerning the Special Education Seclusion and Restraint Modernization and Parental Support Act.

Mark Tallman, Kansas Association of School Boards (KASB), testified in opposition to **SB 241**. In support of KASB's opposition, he discussed the following points: (1) **SB 241** is unnecessary, (2) **SB 241** second-guesses school personnel, (3) **SB 241** would be a paperwork and compliance nightmare, (4) **SB 241** upsets the balance of interests, and (5) **SB 241** provides more funding for organizations, not services. He emphasized that problems that arise in schools are far from ideal and, under the bill, any action by the staff which fails to comply means breaking the law and opening the individual and the school up to legal action, which means additional legal expenses and more paper work. In his opinion, providing even more funding to organizations with the specific intent of advocating for more special education services would have a much greater impact on the costs of special education than funding the formula. (Attachment 4)

Andy Ewing, a special education teacher, testified in opposition to **SB 241**. He explained that he works with emotionally disturbed, behavior disordered children in a self-contained setting, and in rare instances, he is called upon to use restraint and time out procedures. He contended that the bill would not allow teachers to meet the challenge of abusive students. He noted that schools already include parents in the development of their exceptional child's education and behavior plans, and any concerns parents have are documented. In his opinion, the provisions of the bill would hurt children rather than help them because it does not address the real problem and it limits effective strategies. (Attachment 5)

Mercedes Arizpe, the mother of three special education children, testified in support of **SB 241**. She noted that non-English speaking families need support and encouragement to use information given to them by advocacy agencies. She spoke of her experiences with her children and her work with other parents who do not speak English. She explained that her fifteen-year-old son has been in special education all his school life, but she was never able to understand the services the school system could offer or how he was progressing because no one provided the IEP plan in Spanish or asked if she needed a translator. Two years ago, she became a home visitor for a Keys for Networking program, and at that time she had an opportunity to ask questions about her son's education and get information about how to be sure he gets the help he needs at school. She noted that parents in the Hispanic community want to become involved in their children's education and want them to succeed, but the schools do not give them the necessary tools to do so. Therefore, in her opinion, it is very important that the state provide funding for parent organizations to train and support parents of children in special education. (Attachment 6)

Aimee Keohne testified in support of **SB 241** as the mother of Connor, who has been diagnosed with post traumatic stress disorder (PTSD) and pervasive developmental delay (PDD). At the outset, she distributed a picture of Connor. She explained that he can no longer attend kindergarten because he was traumatized by the seclusion techniques used by school staff. After 45 days of school, he had been placed in a seclusion room up to six times a day for up to 25 minutes for a total of 83 seclusions even though his plan clearly stated that he would not be placed in seclusion. After his experiences in the seclusion, he went from 1.6 aggressions per week to 53 aggressions in one hour. After writing to the superintendent, the director of special education and the principle about the use of the seclusion room, she was told that she must stay with her son all day if he returned to school or they would go back to using the seclusion room because of the "zero tolerance" policy. Currently, he is receiving homebound education for two hours a week. She noted that she has been unable to continue her employment because she must stay home with her son due to his separation anxiety caused by his experiences in the seclusion room. (Attachment 7)

Deborah Howard, a member of the Keys for Networking Board of Directors, testified in support of **SB 241**. She explained that she is raising four grandchildren, and at various times all of them have had a need for special education. She emphasized the need for seclusion and restraint guidelines in public schools. She contended that families should be provided the assurance that they will have opportunities to be involved with

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and monitor the school's seclusion and restraint policy. She commented that seclusion and restraint must be done as an intervention, not out of anger or as punishment. She related two experiences in which a granddaughter was injured due to the school's restraint policy and inadequately trained staff. She noted that she was able to become an effective grandmother because she received information through the advocacy community, but not all families are aware of the services offered. In her opinion, the bill would address the need for parent information, training, and support. (Attachment 8)

There being no further time, Senator Schodorf asked remaining conferees to submit their written testimony. Testimony in support of **SB 241** was submitted by Bill Workman who emphasized the importance of parent advocacy agencies (Attachment 9), Lisa M. Smith, current co-chairperson for the Shawnee county Council of Community Members and the parent of two developmentally disabled children (Attachment 10), and Kevin Siek, a disability rights advocate for the Topeka Independent Living Resource Center (Attachment 11).

The meeting was adjourned at 2:30 p.m.

The next meeting is scheduled for March 8, 2005