

MINUTES OF THE SENATE COMMITTEE ON EDUCATION.

The meeting was called to order by Chairperson Dwayne Umbarger at 1:30 p.m. on February 20, 2002 in Room 123-S of the Capitol.

All members were present except:

Committee staff present: Ben Barrett, Legislative Research
Theresa Kiernan, Revisor of Statutes
Judy Steinlicht, Secretary

Conferees appearing before the committee: Dr. Jane Adams, Executive Director, Keys for Networking, Inc.
Lori Ellis, Parent
Deborah Howard, Grandparent

Others attending: See Attached List

SB516--Special education; due process hearings time-limitation for requests

Dr. Jane Adams, Keys for Networking, gave testimony in opposition to **SB516**. They believe that the 60 day requirement of **SB516** targets parents of children with emotional behavioral disabilities. Children with emotional needs change frequently. Little research is available to guide parents or school personnel in special education decisions. Often there are disagreements between parents and school staff. Parents are always at a disadvantage because they frequently have a hard time finding resources or reliable information. It usually takes much longer than 60 days to get the education of a child with emotional behavioral disabilities back on tract. ([Attachment 1](#))

Lori Ellis, a parent, offered testimony in opposition of **SB516** on behalf of her child who receives special services. She believes that this bill will not protect a child's right to a free appropriate public education. She believes that it will restrict parent's right to advocate for their child. It puts a time limit on parents to find the knowledge and resources they need. She has had to learn special education laws. If she makes a wrong decision because she is not properly informed, or because she believes the school district staff knows best, she loses her opportunity to advocate for her child's best interest. If she takes the wrong turn or asks the wrong agency for help, she could be compromising her child's education. If she does not act fast enough or waits too long to speak up, the district would no longer bear any responsibility. ([Attachment 2](#)) Attached to Lori's testimony is a copy of the 16 page Parent Rights in Special Education.

Debra Howard testified against **SB516** on behalf of her granddaughter who has no mother or father to advocate for her. Debra has to research every issue and every recommended treatment. This bill assumes that parents have vast knowledge. It takes weeks and months to figure out the process. She has to find organizations to help her evaluate her options and this takes time. She cannot afford a lawyer. The process is overwhelming to her personally and emotionally. She needs time to study strategy and time to assess the effectiveness of the strategies. ([Attachment 3](#))

Jim Germer and Lynn Retz, from the Kansas Advocacy & Protective Services Inc. submitted written testimony in opposition to **SB516**. They believe this bill would force parents into a due process hearing before affording them the opportunities to resolve the issues through other means, such as advocacy, mediation, formal complaint or other alternative mechanisms with the school. It would destroy any chance for cooperative efforts between the parents and the school to resolve the differences amicably or in a non-adversarial environment. ([Attachment 4](#))

After much discussion, hearings were closed on this bill and no action was taken.

SB531--U.S.D. No. 431, adjustment in school term and determination of enrollment due

Theresa Kiernan, Legislative Research, explained **SB531**. Hoisington School District No. 431 suffered loss of enrollment due to a devastating tornado in April, 2001. This bill will allow Hoisington School District to use the 2000-01 enrollment for one more year, 2002-2003. The provisions of this bill will expire 7-1-2003.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON EDUCATION at on February 20, 2002 in Room 123-S of the Capitol.

Senator Vratil offered a motion to amend **SB531** by deleting Section 1, and changing the date on Line 37 to September 20, 2000 and Section 2 would now be Section 1. Seconded by Senator Lee. Motion carried.

Senator Lee made a motion to pass **SB531** favorably as amended. Seconded by Senator Teichman. Motion carried.

SB551--School finance; consolidation and reorganization of districts

Theresa Kiernan, Legislative Research explained **SB551**. The bill will make two amendments to current law. Currently when two districts consolidate the state board computes their state aid for two years by adding the two together and the new district gets that amount of state aid. The first change would extend that provision from two years to five years and secondly, this would also apply to districts that disorganize and attach to another district.

Jacque Oakes submitted written testimony in support of **SB551**. This bill would allow five-year funding of the state financial aid for districts who have disorganized and unified. This will make a hard task less difficult for school districts involved. (Attachment 5)

This bill was introduced to give some incentives to school districts to consolidate on their own and to accommodate their needs if they do consolidate. After discussion, Senator Teichman made a motion on **SB551** to reduce the time from five years to four years. The language would change on Line 43 and Line 27 to read "for the next succeeding three school years. Seconded by Senator Oleen. After more discussion, Senator Teichman offered to withdraw her motion. Chairman Umbarger asked Legislative Research to draw up new language for the Committee's consideration reducing the years from five to four and language for the amount of state aid the consolidated school would receive, which would be the total of the state aid both schools received based on the prior year. The consolidated school would get the total of both schools prior to the consolidation for the current fiscal year and they would not receive anything less than for the succeeding three years.

Senator Teichman made a motion to approve minutes for February 11, 12 and 13, 2002. Seconded by Senator Schodorf. Motion carried.