

MINUTES

LEGISLATIVE EDUCATIONAL PLANNING COMMITTEE

August 13-14, 2007

Room 514-S and 313-S—Statehouse

Members Present

Senator Jean Kurtis Schodorf, Chairperson
Representative Clay Aurand, Vice-Chairperson
Senator Marci Francisco
Senator Roger Pine
Senator Mark Taddiken (August 13)
Senator Ruth Teichman
Senator John Vratil (August 13)
Representative Barbara Ballard (August 13)
Representative Steve Huebert
Representative Eber Phelps
Representative Jo Ann Pottorff
Representative Valdenia Winn

Member Absent

Representative Deena Horst

Staff Present

Sharon Wenger, Kansas Legislative Research Department (August 14)
Michele Alishahi, Kansas Legislative Research Department
Theresa Kiernan, Office of the Revisor of Statutes
Dianne Rosell, Office of the Revisor of Statutes
Matt Todd, Office of the Revisor of Statutes
Dale Dennis, Kansas Department of Education
Janet Henning, Committee Assistant

Others Present

August 13:

Scott Frank, Legislative Division of Post Audit
Senator Laura Kelly
Jim McDaniel, Superintendent, USD 321
David Miller, Amish Mennonite Community
Will Schmucker, Elementary school teacher/
principal, Amish Mennonite Community
Shawn Giesel, Headmaster, Church of God
Mennonite Church
Kenneth Dick, Amish Mennonite Community
Diane Gjerstad, Wichita Public Schools
Rob Mealy, Little Government Relations
Consulting
Dodie Wellshear, United School Administra-
tors of Kansas
Mike Reeht, K-12, Inc.
Mark Desetti, Kansas National Education
Association
Philip A. Hurley, Pat Hurley & Co.
Val DeFever, Schools for Quality Education
Bob Goodwin, Kansas Association of Rural
Educators
Katie Firebaugh, Kearney & Associates
Cindy D'Ercole, Kansas Action for Children
Bill Brady, Schools for Fair Funding
Dr. Robert Maile, Superintendent, Kansas
School for the Deaf
Dr. Petra Horn-Marsh, Kansas School for the
Deaf
Carol Busch, Member of Sound START
Committee
Tammy Stallbaumer, Parent - SoundStart
Genevieve Delrosario, Parent of a Child with
hearing loss
Vicki Scales, Sign Language Interpreter
Linda Kenney, Kansas Department Health
and Environment
Carolyn Nelson, Kansas Department of
Health and Environment
Jessica Wright, Kansas Department of Health
and Environment
Susan Kang, Kansas Department of Health
and Environment
Allison Emerson, Parent
Joe DeFazio, Parent
Tom Krebs, Kansas Association of School
Boards
Bill Reardon, Kansas City, Kansas USD

Scott Frank, Legislative Post Audit
Mark Desetti, Kansas National Education
Association
Mark Tallman, Kansas Association of School
Boards
Diane Gjerstad, Wichita Public Schools
Val DeFever, Schools for Quality Education
Bill Brady, Schools for Fair Funding
Jessica Harrouff
Jeanine Phillips
Dr. Brian Stone
Dr. David De Jong, retired physician
Geraldine Miller, Texas State Board of
Education
Carol Mobley
Terry Sader
Bert Moore, Superintendent, West Elk, USD
282
Jodie Henderson, Olathe School District,
USD 233
Mike Hehman, ABC Corporation
Angela Sactu
Angie Schreiber
Stephanie Harrouff
Penny Dorpinghaus
Marlene Thompson
Doris Wolfe
Michael J. Harold
Gretchen Andeel
Rick Kiser
Kim Kiser
Holly Nelson
Calvin Nelson
Eleanor Browning
Michele Berg
Jane E. Fayes
Patty Gray

August 14:

**August 13, 2007
Room 514-S**

The meeting of the Legislative Education Planning Committee (LEPC) was called to order at 10:00 a.m. by Chairperson Schodorf.

The Chairperson asked Committee members if there were any changes or additions to the Committee minutes of July 23, 2007. *A motion was made by Senator Teichman to accept the minutes as recorded. The motion was seconded by Representative Pottorff. The motion carried.*

**Lowering Mandatory School Attendance Age from Seven to Six
and Mandatory Kindergarten Amendment**

Theresa Kiernan, Office of Revisor of Statutes, gave an overview of 2007 Senate Bill 207, Mandating Attendance of Kindergarten. SB 207 was introduced by the Senate Committee on Education at the request of Senator Laura Kelly.

Section 1 of the bill amends the provision of law relating to the age at which a child becomes eligible to attend the elementary grades in a school district.

Section 2 of the bill amends the compulsory attendance at school provision. Current law requires that any child who has attained the age of seven must be enrolled in and attend school. The bill would have lowered the age to six. In addition, as shown by the balloon version of the bill, an amendment was proposed by Senator Kelly to clarify her intent that attendance at school was to begin with the attendance of kindergarten. The bill did not change any of the exceptions to the compulsory attendance requirements currently provided by law.

Subsection (f) of section 2 contains an exception to the compulsory attendance of school when a recognized church or religious denomination objects to a regular public high school education. This exception could be expanded to include attendance in kindergarten.

Section 3 of the bill makes a conforming amendment to the section of the law relating to the proof of identity of a child when enrolling in school for the first time (Attachments 1 and 2).

Senator Kelly told Committee members she had requested the Senate Education Committee to introduce a bill that would do two things:

- Lower the age at which children are required to attend school in Kansas from seven years old to six years old; and
- Mandate kindergarten attendance.

Senator Kelly told Committee members it was a fact that many children are enrolled in kindergarten but are not attending. Because kindergarten attendance is not currently required in Kansas, there is absolutely nothing school officials can do to get the children into the classrooms. The state currently is focusing much of its resources and energy on early childhood development and education. It makes very little sense to spend money and time on school readiness skills for 3-5 year olds and leave a loophole in the law that allows those same children to take a sabbatical until they are seven (Attachment 3).

A question and answer session followed the presentations.

Jim McDaniel, Superintendent, USD 321, spoke to Committee members in support of lowering the mandatory school attendance age from seven to six and making kindergarten mandatory in Kansas.

Superintendent McDaniel stressed that it is the appropriately strong teaching on a developmental continuum that should guide our efforts in changing the framework to ensure the future success of Kansas learners. Improving and changing our framework for public school districts in Kansas by lowering our mandatory school attendance age from seven to six and making kindergarten mandatory will be a strong step toward a more healthy development of our Kansas children. The healthy education development of all young children benefits all of society by providing a solid foundation for economic productivity, responsible citizenship, and strong Kansas communities (Attachment 4).

A question and answer session followed the presentation.

David Miller, Amish Mennonite community, spoke to Committee members of the community's concerns regarding mandatory kindergarten in Kansas. Mr. Miller advised that their community does not want to deprive any child of kindergarten when that is in the child's best interest. However, they also believe that readiness for academic instruction is an important consideration. Their school provides parents with materials to facilitate adequate preparation and the school administration reserves the right to deny admission when testing reveals a lack of readiness for first grade. From their perspective, a one-size-fits-all mandatory kindergarten attendance approach does not seem like a good solution (Attachment 5).

The following suggestions were offered as possible alternatives to making kindergarten attendance universally mandatory:

- Any child in a household that has registered with the state as a private school should be exempt. (Home schools fall into this category; these are people who already are committed to educating their children and will do so without a legal mandate.)
- Any child who, in the parents' judgment needs additional time to mature emotionally or cognitively, or who faces physical challenges, should be exempt if requested by the parents.
- Any child whose parents or guardians have made a pre-enrollment attendance agreement with an existing private or public school should be exempt. (Admission expectations can be communicated at the time the agreement is made and the parents will know what readiness level is required.)

Will Schmucker, Shawn Giesel, and Kenneth Dick, all of the Amish Mennonite community, spoke briefly to Committee members of their concerns of the mandatory kindergarten regulations being considered for Kansas.

A question and answer session followed the presentation.

How School Districts Fund All-Day Kindergarten

Michele Alishahi, Legislative Research Department, gave an overview of the issue to fund all-day kindergarten during the 2007 Legislative Session.

Currently, the school finance formula requires that students attending kindergarten be counted as 0.5 full-time equivalent (FTE) enrollment weight for state funding purposes, whether or not they attend all day. In the three-year school finance bill (2006 SB 549), the Legislature addressed the issue of funding 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 members were told that during the 2007 Session, the Governor recommended the addition of \$15.0 million, all from the State General Fund, to begin a five-year phase-in of state funding for all-day kindergarten. The additional funding was the amount needed to increase the current FTE enrollment weight from 0.5 to 0.6 in FY 2008.

The Senate Ways and Means Committee introduced 2007 SB 345 which would amend the school finance formula to increase the current FTE enrollment weight for students attending all-day kindergarten by 0.1 FTE a year for five years, beginning in FY 2008. The estimated fiscal impact of the five-year phase-in of state funding was \$15.0 million per year and the five-year total cost, once the enrollment weighting reached 1.0 FTE, was \$75.0 million.

Committee members were told the 2007 Legislature did not approve the Governor's recommendation and SB 345 was referred to the Senate Education Committee ([Attachment 6](#)).

Dale Dennis, Deputy Commissioner, Kansas State Department of Education, told Committee members the all-day kindergarten program has continued to grow as a result of its success across the state not only with educators but with parents. It is anticipated that as funding and facilities become available, more districts will be offering all-day kindergarten ([Attachment 7](#)).

A question and answer session followed the presentation.

Services for Deaf Children Ages 0 to 3: Sound START of Kansas Program

Michele Alishahi, Legislative Research Department, gave background information to Committee members on the Sound START program.

One of the education-related budget issues during the 2007 Session was state funding for the Sound Specialized Teams for families to Access Resources and Training (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. The Legislative Coordinating Council (LCC) recommended that the Committee do the following:

- Study the need for the 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.

During the 2006 Interim, the Joint Committee on Children's Issues studied the Sound START program. The LCC directed the Joint Committee to:

- Study the need for the coordinated program to serve young children with hearing loss and their families;
- Determine if the coordinated program should include regional consultants with specialized training and experience with hearing loss; and
- Determine the program's impact on children and families, parent to parent support, and a statewide coordinator.

In its report to the 2007 Legislature, the Joint Committee (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 ([Attachment 8](#)).

Dr. Robert Maile, Superintendent, School for the Deaf, 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 disability and assembling people who understand the culture, the language, and the needs is nearly impossible for each jurisdiction to do on its own ([Attachment 9](#)).

Dr. Petra Horn-Marsh, Bilingual Specialist (with sign language interpreter, Vicki Scales) told Committee members that in America every year, when 1,000 babies are born, on average two to three 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 all the way 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 which are the national guidelines for hearing training in hospitals. They have guidelines which are 1-3-6, 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.

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.

Tammy Stallbaumer, parent of a child with hearing loss, told Committee members of the difficulties and experiences her family and child had encountered in learning of their son's hearing loss.

Genevieve Delrosario, parent of a child with hearing loss, told Committee members of their difficulties and experiences their family and child had encountered in learning of their son'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), how it related to the understanding about the proposed Sound START program, and 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 get intervention services before six months of age. Given the number of children reported to Sound Beginnings in Kansas that are identified with hearing loss, there are many areas where regional support and resources for hearing loss would support this program and the families served (Attachment 10).

Colleen Riley, Director, Student Support Services, Kansas Department of Education, told Committee members the advantages of Sound START would allow for oversight from the state level to ensure 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 (Attachment 11).

The Kansas Coordinating Council on Early Childhood Developmental Services gave written testimony in opposition to the Sound START proposal (Attachment 12).

Brief Update on the 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 and because positive outcomes and education reform has 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 their 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 draft by the Legislature sometime late this fall. It is the intent of the Ad Hoc Committee to have the bill of rights ready for the Legislature in the 2008 Legislative Session (Attachment 13).

Allison Emerson, parent of a child with hearing loss, told Committee members that parents want to be informed of the choices. They want clarification on the different issues, and they want to be educated in order to provide the best care for their children.

Chairperson Schodorf announced the next meeting would be held on Tuesday, August 14, 2007 in Room 313-S at 9:00 a.m.

The meeting was adjourned at 3:45 p.m.

August 14, 2007 Room 313-S

The meeting of the Legislative Educational Planning Committee (LEPC) was called to order at 9:00 a.m. by Chairperson Schodorf.

Identifying and Instructing Students with Dyslexia

Sharon Wenger, Kansas Legislative Research Department, gave an overview of the dyslexia topic to Committee members. 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 get effective phonological training in kindergarten and first grade, they will have fewer problems in schools than those who do not (Attachment 14).

Terry Sader spoke briefly to Committee members and told of the following individuals who were going to speak to the Committee regarding dyslexia (Attachment 15).

Jessica Harrouff told Committee members she was a 17-year-old high school student who was diagnosed with dyslexia. She spoke to Committee members of the difficulties and struggles she had encountered while in elementary, middle, and high school. She told Committee members she

currently is the National Saddle Club Association Queen and upon graduation from high school will be enrolling in college to study veterinary medicine and, in particular, work with horses.

A question and answer session followed the presentation.

Carol Mobley, parent of two children with dyslexia, spoke to Committee members of the frustrations and concerns encountered by her children and herself. She also told Committee members that after her first child was diagnosed with dyslexia, it also was discovered the child was the first child to be diagnosed as being gifted learning disabled. Ms. Mobley told Committee members they were able to recognize the warning signs for the second child early on and were able to avoid some of the difficulties encountered by their oldest child.

A question and answer session followed the presentation.

Terry Sader, college professor and parent of a dyslexic child, told Committee members of his family's experience when told of his child's struggle to read. Mr. Sader informed Committee members of his concern of the school district's inability to recognize the problem as well as the solution offered for his child. Mr. Sader stated his family did research on their own to find suitable assistance for their child.

Mr. Sader told Committee members the proposed legislation is literally about tens of thousands of Kansas children whose parents do not have the education, who do not have the resources to pursue the right diagnosis, and the need for proper diagnosis and intervention. Mr. Sader told Committee members it was his perspective that colleges are not teaching the new technologies available to identify and address learning disabilities.

A question and answer session followed the presentation which included a request for information from the Kansas Board of Regents regarding college level instruction of technologies available to identify and address learning disabilities.

Dr. David De Jong, 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 on with his or her classmates.

Dr. De Jong further stated the great tragedy today is that the vast majority of school systems in the state are not taking advantage of this knowledge and experience ([Attachment 16](#)).

A question and answer session followed the presentation.

Dr. Brian Stone, psychologist, told Committee members of the pattern of strengths and weaknesses of dyslexia. Dyslexia can include high-level, non-verbal thinking which often is somewhat overlooked by schools. Children with dyslexia do not always do well on written tests.

Dr. Stone told Committee members that early detection is necessary for proper treatment.

A question and answer session followed the presentation.

Jeanine Phillips, Reading Specialist, told Committee members that she and her partner have a not-for-profit organization which specializes in teaching teachers, children, and their parents how to read. Ms. Phillips advised that dyslexia is a language disorder. It is inherited and passed on in

the family on the known chromosomes 6th, 1st, and 15th. It cannot be cured, but people with dyslexia can be taught to read, write, and spell at or above grade level.

Geraldine Miller, Texas State Board of Education, spoke to Committee members regarding what the State of Texas has been doing with regard to the screening and treatment for dyslexia and related disorders. She spoke of the difficulties in trying to implement a program designed for students with dyslexia and of the obstacles and difficulties in trying to incorporate this program into the education community. She gave a chronological history of the Texas Dyslexia Law. Ms. Miller also gave an overview of *The Dyslexia Handbook, Revised 2007, Procedures Concerning Dyslexia and Related Disorders* (Attachments 17 and 18).

A question and answer session followed the presentation.

How Dyslexia is Currently Handled in Kansas from a Local Perspective

Bert Moore, Superintendent/Director of Special Education, West Elk, USD 282, told Committee members that school districts have access to a variety of federal, state, and local funding sources to meet the needs of students who are not meeting academic and behavior benchmarks. These programs/services include:

- At-Risk Program – funded by the Kansas State Department of Education;
- Title I Program – federal funds that flow to eligible districts to serve students with deficits in reading and/or math;
- Section 504 – local funds used to support students that have been identified as Section 504 eligible;
- Special Education Services – federal/state/local funds used to support students that meet a category of eligibility and who need special education and related services; and
- Early Intervening Services – there is a method of reserving up to 15 percent of a district's Title VIB (special education) funds that may be targeted to support early intervening services for students.

Kansas has adopted a Multi-Tiered System of Support (MTSS) that is utilized in order to document the provision of evidenced-based practices, selected by general education classroom teachers in order to provide students that are not meeting grade level benchmarks with additional instructional support. This practice is considered a general education responsibility, not a special education responsibility.

Kansas schools have always been required to collect “evidence” that a student was not making adequate progress (academic and/or behavior) in the general education classroom prior to making a referral for a comprehensive evaluation for special education services. Under the IDEA 2004, schools are required to use scientifically based research strategies when addressing interventions for students. Schools are now required to collect data, examine the data, and make educational decisions based on the data.

Kansas administrators have long held that the Kansas regulations need to mirror the federal regulations (Attachment 19).

A question and answer session followed the presentation.

Jodi Henderson, School Psychologist, Shawnee Mission School District, told Committee members that Kansas has chosen to use general education interventions as a way to locate and identify school-aged children with exceptionalities as part of its plan for early identification and assessment of children. The purpose of general education interventions is to provide a problem-solving process to help support students with academic or behavioral concerns. Collaboration between special education and general education staff is an important part of the general education intervention process.

Kansas screening laws require hearing and vision screening, and age-appropriate assessments for school-aged children designed to identify possible physical, intellectual, social or emotional, language, or perceptual differences (Attachment 20).

A question and answer session followed the presentation.

Online Practice Tests for Math and Science

Michael Hehman, Achievement Builders Corporation (ABC), gave a Power Point presentation to Committee members of the web-based product that will allow elementary students, teachers, and parents to see deficits and strengths in student learning within the Fundamental Learning Areas of Reading, Mathematics, Science, and Social Science (Attachment 21).

A question and answer session followed the presentation.

Chairperson Schodorf announced the next LEPC meeting would be held October 15-16, 2007. An agenda will be sent to all Committee members prior to the meeting.

The meeting was adjourned at 12:30 p.m.

Prepared by Janet Henning
Edited by Sharon Wenger and Michele Alishahi

Approved by Committee on:

October 15, 2007

(date)