

MINUTES OF THE HOUSE EDUCATION COMMITTEE

The meeting was called to order by Chairman Clay Aurand at 9:00 a.m. on February 10, 2009, in Room 711 of the Docking State Office Building.

All members were present except:

Representative Steve Huebert - excused
Representative Bill Otto - excused

Committee staff present:

Sharon Wenger, Principal Analyst, Kansas Legislative Research Department
Theresa Kiernan, Senior Assistant Revisor, Office of the Revisor of Statutes
Dale Dennis, Deputy Commissioner, Kansas State Department of Education
Janet Henning, Committee Assistant

Conferees appearing before the committee:

Senator Jim Barnett
Representative Bob Brookens
Diane Gjerstad, Wichita Public Schools USD #259
Neil Guthrie, Special Education Director, USD #259
Dr. Terry Sader, Kansas Dyslexia Coalition
Jeanine Phillips, Executive Director, Fundamental Learning Center
Bert Moore, Superintendent, West Elk USD #272
Mark Tallman, Kansas Association of School Boards
Mark Desetti, Kansas National Education Association
Greg Markowitz, Superintendent, Chase County Schools
Bill Halvorsen, Chase County School board member
Cynthia Jacobsen, Children's Mercy Hospital and Clinics (Written testimony)
Angie Schreiber, School Board President, USD 253 (Written testimony)
Sharilyn Brull, parent (Written testimony)
Paula Morgan (Written testimony)
Michael Brown (Written testimony)
Bruce Givens, Special Education Director, Derby School USD #260 (Written testimony)

HB 2199 - Concerning school districts and students with dyslexia.

Sharon Wenger, Principal Analyst, Kansas Legislative Research Department, gave an overview of **HB 2199** and an explanation of the balloon amendment to Committee members. ([Attachment 1](#))

Diane Gjerstad, Wichita Public Schools, spoke to Committee members as a proponent of **HB 2199**. Ms. Gjerstad told Committee members one of the goals of this bill is effective research based teacher in-service. Professional Development is a key ingredient for schools to address the challenges of No Child Left Behind standards and the individual instructional needs of the students. Ms. Gjerstad reminded Committee members that the Governor's 2010 budget deletes all professional development funding for Kansas schools. She further stated that if the legislature truly wants Kansas teachers to be the best and most effective teachers for all students, then they should continue to fund Professional Development and to fund not just ten percent of the costs but fully fund the formula. ([Attachment 2](#))

Neil Guthrie, Special Education Director, USD #259, spoke to Committee members as a proponent of **HB 2199**. Mr. Guthrie told Committee members that according to current research and the science of teaching reading, we must intervene early if we are to give children an opportunity to meet their hopes and dreams. Mr. Guthrie encouraged Committee members to support this bill as it is the right thing to do for struggling readers, their families, and the future of our communities. ([Attachment 3](#))

Dr. Terry Sader, Chairman, Kansas Dyslexia Coalition, spoke to Committee members as a proponent of **HB 2199**. Dr. Sader told Committee members this bill provides appropriate policy guidance as the Kansas State Department of Education moves forward in developing its Multi-Tier System of Support (MTSS). He stated the bill requires schools:

- to assess for reading deficiencies, including dyslexia, in kindergarten through the second grade;

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- to provide research-based responses for specifically identified deficiencies, including dyslexia;
- to provide pre- and in-service training regarding reading deficiencies, including dyslexia, and regarding appropriate accommodations and interventions; and
- to report the results of these screenings, interventions, and on-going assessments.

Dr. Sader told Committee members this bill also requires that parent notification and information be provided. He stated that most of the required assessments, interventions, and training can be accommodated within existing funding and training structures and the Kansas State Department of Education's development of MTSS. ([Attachment 4](#))

Jeanine Phillips, Executive Director, Fundamental Learning Center, spoke to Committee members as a proponent of **HB 2199**. Ms. Phillips told Committee members the bill addresses appropriate assessment, early intervention for children with dyslexia, and teacher preparation at both the in-service and pre-service levels in the state of Kansas. ([Attachment 5](#))

Written testimony was received from Cynthia Jacobsen, Director Hearing and Speech, Children's Mercy Hospital and Clinics, in support of **HB 2199**. ([Attachment 6](#))

Written testimony was received from Angie Schreiber, School Board President USD 253, in support of **HB 2199**. ([Attachment 7](#)) (*Brochure - Emporia Public Schools, Annual Report to the Community - on file Emporia Public School District USD #253*)

Written testimony was received from Sharilyn Brull, parent, in support of **HB 2199**. ([Attachment 8](#))

Written testimony was received from Paula Renee Morgan, parent, in support of **HB 2199**. ([Attachment 9](#))

Written testimony was received from Michael Brown, 16 year old student, in support of **HB 2199**. ([Attachment 10](#))

A question and answer session followed the presentations.

Bert Moore, Superintendent/Director of Special Education, West Elk USD #282, spoke to Committee members in opposition of **HB 2199**. Mr. Moore told Committee members that the bill targets a "constitutional" condition for screening and diagnosis. He stated that more research needs to be done in order to provide school districts with additional research-based interventions to meet the needs of all students regardless of their presenting condition. He also stated that placing one condition for screening and diagnosis above other conditions is not keeping with the intent of federal or state regulations. ([Attachment 11](#))

Mark Tallman, Kansas Association of School Boards, spoke to Committee members in opposition of **HB 2199**. Mr. Tallman told Committee members that their organization believes this bill is unnecessary. He stated there is already a law in place requiring schools to bring all students to proficiency in reading, it is called No Child Left Behind Act. There are already procedures in place for parents to request services for students with dyslexia and other reading or learning disorders, through the Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act. Mr. Tallman further advised the State Board already requires an early reading diagnostic test in grades kindergarten through two, and individual districts have their own procedures in place to identify students with reading difficulties. Mr. Tallman urged legislators to carefully consider the consequences and precedent of requiring districts to accept, without discretion, any health care provider's diagnosis of a disability. It was suggested the financial impact would be significant which is especially relevant at a time when the state is poised to reduce its funding for special education. ([Attachment 12](#))

Written testimony was received from Bruce Givens, Special Education Director, Derby School and in opposition to **HB 2199**. ([Attachment 13](#))

Mark Desetti, Kansas National Education Association, spoke to Committee members as neutral on

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HB 2199. Mr. Desetti stated that passage of this bill is a good idea but without appropriate funding to implement its requirements, it is at best a hollow gesture. He further stated that implementation of these requirements should be contingent upon the appropriation of state funds for the purpose of meeting the requirements. (Attachment 14)

Dale Dennis, Deputy Commissioner, Kansas State Department of Education, distributed a Kansas State Department of Education report regarding **HR 6021** (from 2008 session) to all Committee members. (Attachment 15)

A question and answer session followed the presentations.

Chairman Aurand closed the hearing on **HB 2199**.

HB 2101 - School districts; supplemental general state aid for certain districts.

Sharon Wenger, Principal Analyst, Kansas Legislative Research Department, gave an overview of **HB 2101** to Committee members.

Written testimony was received from Senator Jim Barnett as a proponent of **HB 2101**. (Attachment 16)

Representative Bob Brookens spoke to Committee members as a proponent of **HB 2101**. Representative Brookens told Committee members that HB 2101 was introduced in response to the difficulties faced by the Chase County USD #284. He explained it is basically a consolidated countywide district. He further advised the Chase County schools receive no matching Local Option Budget (LOB) funding and it has already unified its county schools. Rep. Brookens stated **HB 2101** was created to assist all schools similarly situated with Chase County of which there are five: Chase County, Sheridan County, Trego County, Graham County, and Scott County. He advised the districts have done what has been asked of them in the way of unification. (Attachment 17)

Bill Halvorsen, member of Chase County USD 284 Board of Education, spoke to Committee members as a proponent of **HB 2101**. Mr. Halvorsen told Committee members their district, like most in the state, depend upon the LOB to finance operations. Originally, it provided funds for educational “extras” because the base aid funded essential needs. However, as time passed, the LOB was needed to fund basic operations, including salaries, as the base aid became inadequate. The taxpayers of the district have been generous and have allowed the district an LOB funded entirely from local taxes, without state assistance. Mr. Halvorsen stated that without the locally funded LOB, the district would no longer be able to conduct operations. (Attachment 18)

Greg Markowitz, Superintendent, Chase County Schools USD 284, spoke to Committee members as a proponent of **HB 2101**. Mr. Markowitz told Committee members this bill would not require the Legislature to allocate more funds for public education. It would simply allow USD #274 to get an equitable share of whatever the Legislature decides is possible and economically prudent in regards to state assistance for the Supplemental General Fund. Mr. Markowitz stated that if approved, **HB 2101** would allow the USD #284 Board of Education to reallocate a compensate amount of the local tax base to repair and modernize aging and by necessity ignored attendance centers that are getting more and more expensive in a time when there is less and less funding to do so. (Attachment 19)

A question and answer session followed the presentation.

Chairman Aurand closed the hearing on **HB 2101**.

The meeting was adjourned at 10:47 a.m. The next meeting is scheduled for February 11, 2009.