

MINUTES OF THE SENATE COMMITTEE ON EDUCATION.

The meeting was called to order by Chairperson Dwayne Umbarger at 1:30 p.m. on February 19, 2002 in Room 123-S of the Capitol.

All members were present except: Senator Hensley (excused)

Committee staff present: Ben Barrett, Legislative Research
Carolyn Rampey, Legislative Research
Theresa Kiernan, Revisor of Statutes
Dale Dennis, Deputy Commissioner of Education
Judy Steinlicht, Secretary

Conferees appearing before the committee: Val DeFever, State Board of Education
Amy Brunner, KASB
Dale Huffman, Families Together
Kirk Lowry, Topeka Independent Living Resource Center
Jane Rhys, KS Council on Developmental Disabilities
Neysa Ummel, Parent

Others attending: See Attached List

Hearing on SB401–Schools; teacher employment incentive and retention bonuses

Val DeFever, State Board of Education, gave testimony in support of **SB401**. This bill authorizes local boards of education to pay signing and retention bonuses for teachers which includes all certified personnel. The signing and retention bonuses were a recommendation of the task force and this practice is being used by other states to recruit and retain quality teachers. ([Attachment 1](#))

Amy Brunner, KASB, offered testimony in support of **SB401**. This bill will assist Kansas schools in recruiting and retaining teachers. Kansas is facing a crisis in placing quality teachers in the classroom and this bill is a step in the right direction to recruit and retain quality teachers. ([Attachment 2](#))

Craig Grant, KNEA, gave the Committee written testimony on **SB401**. KNEA has no problem with the concepts of the bill, however, KNEA believes that the statues already allow hiring and retention bonuses for teachers. If the bill is intended to provide authority for boards to give hiring and retention bonuses for superintendents, building administrators, or paraprofessionals, then the bill may be needed, but language may need to be changed to administrator or support staff hiring and retention bonuses. ([Attachment 3](#))

Hearing on SB516–Special Education; due process hearings time-limitation for requests

Amy Brunner testified in support of **SB516** for KASB. KASB believes that this bill provides a reasonable time frame for parents to exercise their rights and that it will assist in making school districts more efficient. KASB feels that students' rights must be protected to ensure they are receiving a quality education and that the process must be efficient so that districts are not overburdened with cost. KASB believes **SB516** achieves this balance. ([Attachment 4](#))

Dale Huffman, Families Together, Inc., gave testimony opposing **SB516**. They believe the language within the bill takes away parental rights pertaining to parental consent for a special education action. The federal law expressly states that written consent must be provided by the parent before certain special education actions may take place and the state law further requires written consent be provided by the parent whenever there is a substantial change in placement, or a material change in service. Families Together believes that a parents silence would more likely mean a parent disagrees or needs further clarification. Taking the parent out of the situation is not a solution and could lead to a more difficult relationship between two important parties as it relates to a child's education. ([Attachment 5](#))

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON EDUCATION at on February 19, 2002 in Room 123-S of the Capitol.

Kirk Lowry, attorney for Topeka Independent Living Resource Center, gave testimony in opposition to **SB516**. He opposes the bill because he believes it conflicts with the right to file a formal complaint, conflicts with mediation, will require parents to file more requests for due process, does not require that consent be informed, conflicts with the purpose of the IDEA, reverses the current balance requiring the school district to file for due process if they do not obtain consent, conflicts with the right of case law in the federal circuit courts of appeal and conflicts with the position of the United State Department of Education. Mr. Lowry explained why he believes each of the areas mentioned above conflicts with parental rights. Mr Lowry stated that he does not believe 60 days is adequate, necessary or reasonable. He stated that the consent provided for in this bill is neither voluntary nor informed as required by law. Mr. Lowry cited cases that had statute of limitations from one year to six years and he stated that Kansas should have statutes of limitations no less than one year and up to six years. Mr. Lowry said six years is a long time, but he believed 1-2 years to be reasonable. Mr. Lowry stated that he would delay providing a free and appropriate education to a child to protect the due process rights of the parents. (Attachment 6)

Jane Rhys, Kansas Council on Developmental Disabilities, also gave testimony in opposition to **SB516**. They oppose the bill for three reasons: first, IDEA does not place any restrictions on the amount of time a parent has to either consent to action proposed by a school district or request a due process hearing. It provides methods for the school district to use in case a parent refuses to consent or fails to respond to a district's request; second, many parents may not know that a school district is not following law until many days after an incident; third, mediation which is also provided for in federal law is not mentioned in the bill. Documentation for the federal laws are provided with the attached testimony. (Attachment 7)

Neysa Ummel, a parent of two, one with special needs, gave testimony strongly opposing **SB516**. She believes her parental rights would be taken away with the provisions contained in **SB516**. She stated that if she refused to place her signature on an item such as a placement or education plan, there is a reason for her refusal to sign and give consent. In no way does she want her refusal to sign ever to be construed as a silent consent. She does not believe that a 60 day time frame is enough and does not believe any time frame is adequate for a parent who is forced into a situation like this with a special needs child. (Attachment 8)

Time ran out for further testimony. Chairman Umbarger announced that the Committee would meet at 1:00 tomorrow and hearings for **SB516** would be continued at that time. Meeting was adjourned at 2:30 p.m.