Approved: 3-28-2000
Date

MINUTES OF THE SENATE EDUCATION COMMITTEE.

The meeting was called to order by Chairperson Senator Barbara Lawrence at 9:00 a.m. on March 22, 2000 in Room 123S of the Capitol.

All members were present except: Senator Hensley - Absent; Senator Lee - Excused

Committee staff present: Avis Swartzman - Revisor
Ben Barrett, Legislative Research
Jackie Breymeyer, Committee Secretary

Conferees appearing before the committee: Keith Williams, United School Administrators, Beloit, KS

Others attending: See Attached List

Chairperson Lawrence called the meeting and asked for action on the minutes of March 14, 15 and 16.
Senator Langworthy moved the approval of the minutes, seconded by Senator Emert.
The motion carried

SCR 1644 - urging the President and the Congress of the United States to increase funding for special education from an average federal share of 12% nationwide to the 40% level authorised by the Individuals with Disabilities Education Act

Keith Williams, representation United School Administrators, was present to speak to the bill. He stated that less than adequate funding from the federal government does not mean a district can say no to service needs at the local level. District dollars are being rechanneled into special education, often at the expense of reducing or abandoning general education programs.

Mr. Williams stated that last fall a survey was taken of 12 coops, representing over 60 school districts. There is variance in the way services are delivered and how to support programs. Schools are looking at increasing enrollments while at the same time looking at increasing special education costs. There is growing frustration over the problem of having to provide needs in terms of the finances available. There is conflict over what parents feel the local districts should provide in terms of quality of services and what is able to be provided in terms of finances. The state of Kansas is not currently producing enough special education professionals to deal with the openings the schools have. To be competitive in hiring, schools have to add to their special education budgets. Additional federal mandates take more funding. The question is, what is going to be decreased, diminished or done away with to make up for this.

After further comments, Mr. Williams expressed the hope that the legislature's efforts would gain additional authorization for funding and he thanked the committee for its efforts.

The chairperson thanked Mr. Williams stating that this has been a deep concern of the legislature for the past 10 years. The growth of the number of children who are being put into special education and also the lack of funds to support them. She asked Mr. Williams what the largest category was in his district.

Mr. Williams replied in terms of sheer numbers, speech and language. Learning disabilities would be second. The majority of the disabled category usually work out of or exit the system around 2nd or 3rd grade.

Mr. Williams was asked if there were programs available that might reduce the number of children entering special education. Should there be a focus on early childhood development programs such as reading programs that could eliminate the need for some of these children going into a special education..

His response was "maybe." He feels that some of the reading programs that are being promoted now are probably as costly as special education. Reading is a typical problem.

Mark Tallman, Kansas Association of School Boards and Mary Kay Culp, Kansas Catholic Conference, relinquished their time, but are very supportive of the resolution.

Senator Oleen stated she had a proposed amendment brought forward by House members for committee consideration. There is a task force of Congressmen and Congresswomen who are working on this issue, including Congressman Jerry Moran. Congressman Dennis Moore is a part of that coalition. This is a bi-partisan effort. She will ask to amend the language with the exception of the last paragraph. Neither of the Congressmen will be mentioned in the model bill that will be signed on to by the states because that affords an opportunity for those states to put their people in if they are in that working group.

Senator Oleen moved to amend SCR1644 with the language in the proposed amendment with the exception of the last paragraph and as technical cleanup to place quotation marks after the word "bureaucracy". Senator Emert gave a second to the motion. The motion carried.

Chairperson Lawrence asked if there was any further discussion on the amendment.

Senator Oleen pointed out that the State Department of Education has been very aggressive in using the medicaid dollars. Not every state does that. Actually Kansas is receiving more because of extra effort. The Resolution reflects that and the Revisor has worked that out, as well.

Senator Oleen recommended the adoption of SCR1644 favorably as amended. Senator Langworthy gave a second to the motion.

Senator Emert stated the Resolution was a beautifully drafted piece of legislation. He wanted the minutes to reflect the suggestion that the Chairs of the House and Senate Education committees, the Speaker of the House, the President of the Senate and the governor write a letter, short and to the point, outlining what is contained in the Resolution.

The motion carried and SCR1644 was adopted as amended.

The Chair stated that she was appreciative of the time and effort of the subcommittee.

Senate Substitute for HB 2357 - urging the President and the Congress of the United States to increase funding for special education from an average federal share of 12% nationwide to the 40% level authorized by the Individuals with Disabilities Education Act

Avis Swartzman, Revisor, went over the present Charter School law and Chairperson Lawrence entertained questions from the committee.

The question was asked if there were any districts that had more than one charter school.

The answer given by Dr. Phyllis Kelly KSDE was no.

One of the committee disagreed with the amendment placed on the bill that no district shall have more than two charter schools. It places the larger school districts at a disadvantage. The language should be changed or remove it entirely.

The Revisor told the committee that the House Education Committee had appointed a subcommittee to study the concept of state charter schools and also Representative O'Connor's bill that provided for an appeals process to the State Board of Education. The subcommittee rejected the state charter school concept, but retained the appeals concept. When the subcommittee reported to the full committee, the full committee rejected the subcommittee report. The charter school concept was amended into a bill on the floor of the House. The bill did not come out of the House Education Committee. At the time it was amended into its current form, the appeals provision was left out.

The Chairperson asked Dr. Kelly to come forward to answer questions. Dr. Kelly was asked by one of the committee what the oversight on the issues of pupils in attendance reasonably reflecting racial and socio-economic composition of the school district as a whole, no tuition charge and so forth.

Dr. Kelly responded that it is the local board's responsibility to evaluate the progress and compliance of the charter. In terms of accountability it is up to the local board to evaluate and turn that evaluation in to the State Board of Education. The State Board reviews the material, compiles it and presents it to the governor and the legislature. She added that some parameters have been provided for the charter schools to establish their accountability report.

Dr. Kelly was asked if any of the charter schools had requested waivers out from under the QPA testing.

The answer was no. She added that all charter schools are participating in the Quality Performance Accreditation process. The students may have been assessed back at the local schools from which they came. Starting this year they will report their state assessment scores as a separate entity. They will have the opportunity to pull the scores out from the scores that are sent back to the local schools. As far as Dr. Kelly knows, all schools are meeting the diversity requirements.

A committee member commented that 5 of the schools report no minorities. They are: Oskaloosa, Baldwin, Hutchinson, McPherson and Louisberg. Zero minorities does not reflect the school populations of those districts. The only school that looks like it is doing a good job with minorities is Dodge City which has 57% of its charter school population ranked as minority; all other charter schools except two are in single digits. There seems to be no state oversight once a charter school is established. It looks as if the position of the State Board of Education is that it is not going to analyze or pull charters or say a charter school is not living up to the letter of the law once initial approval is given. If there are no consequences as to accountability, there might as well not be any accountability.

The Chairperson stated that one of the things she had thought of proposing as far as a charter school bill was to have the governor, commissioner of education and legislative leadership appoint a charter advisory board to the State Board of Education. It would review the charters and recommend them or not to the State Board. The advisory board would have the responsibility for oversight. This would only be in the case of state charter schools, not locally chartered ones. She is certain something could be written in the bill that would make sure there would be oversight, not just by the local board, but by the State Board of Education. Charters are becoming stronger in those states that have adopted good, strong charter laws. It had been brought to her attention a long time ago that the charter law in Kansas was not a strong charter law because it did not have an appeals process. Her suggestion would be that whatever is written would include an appeal. The number of schools will have to be increased. The federal money is for start up costs only. She would recommend an increase of 15 slots to place the number at 30. She would add that the State Board of Education would be directed to give preference in giving money to museums, libraries, universities, colleges, teacher groups, parents and business groups. These are the entities from where the new and fresh ideas will come. A further recommendation would be if there is an empty school in the district, a charter school be allowed to lease it for $1 a year on contract.

It was pointed out by one of the committee that in looking at the summary of charter schools and how they have come about, civic groups, site councils, etc., she would be a little hesitant to give preferential emphasis to a particular entity. Actual differences are happening with the current 15.

Senator Oleen moved to add an appeals process and move to 25 schools.
Senator Downey gave a second to the motion.

Senator Oleen spoke to the motion by stating that on the appeals process, if an application is made and denied and they want some type of remedy which is then brought forward and the application is still denied, taking it to the State Board of Education is appropriate. If the State Board denies the application, then the denial stands.

Senator Kerr made a conceptual substitute motion that there be an appeals process and that it be designed with the criteria in Mark Desetti's testimony to the effect that if the State Board found that the local board's decision was "contrary to the best interests of the pupils, school district, or community" the appeal would not be overturned and go with a more aggressive number with 35. Then using Mark Tallman's testimony where it states the support for broadening the authority of charter schools to operate outside the limitations of many state statutes.
Senator Umbarger gave a second to the motion.

The Revisor was asked for a reference to state statutes. She responded that what the Kansas Association of School Boards was probably referencing was the state professional negotiation act, state due process for teachers act, and probably state contract law and the State Board of Education rules and regulations regarding certification of teachers.

Senator Kerr was asked if it was his intent to include QPA requirements. One of the conferees had testified that the input is what is changed in terms of the chartering authority, but the outcomes would still be retained with the QPA authority. Is there some way to retain the essential core of QPA with whatever kind of innovative input that teachers and administrators deem best.

Senator Kerr responded that was the direction he was heading and that was to focus on QPA requirements and results, but would relieve them of some of the input aspects. He stressed that this was a conceptual motion that would need the added details filled in.

Another member of the committee reiterated his concern about the fact that there is absolutely no accountability or oversight in the bill the way it is written. He favors the concept of the bill, but thinks something needs to be drafted to gave the State Board of Education the backbone to discipline.

Senator Kerr's response was that he hoped to see a bill that would have a very strong oversight over results.

The Chairperson asked Senator Kerr and Senator Emert to work on language that would reflect the concerns of the committee and stated the committee would meet tomorrow.

The meeting was adjourned.