

MINUTES

LEGISLATIVE EDUCATIONAL PLANNING COMMITTEE

September 20-21, 2004
Rooms 514-S and 313-S—Statehouse

Members Present

Representative Kathe Decker, Chair
Senator Dwayne Umbarger, Vice Chair
Senator Christine Downey (September 20)
Senator Mark Taddiken (September 20)
Senator John Vratil
Representative Barbara Ballard
Representative Tom Holland
Representative Bill Mason
Representative Eber Phelps
Representative Larry Powell

Members Absent

Senator Bob Lyon
Senator Lana Oleen
Representative Carol Edward Beggs

Legislative Committee Staff

Carolyn Rampey, Kansas Legislative Research Department
Kathie Sparks, Kansas Legislative Research Department
Mary Galligan, Kansas Legislative Research Department
Deb Hollon, Kansas Legislative Research Department
Theresa Kiernan, Office of the Revisor of Statutes
Art Griggs, Office of the Revisor of Statutes

State Department of Education Staff

Dale Dennis, Deputy Commissioner

Conferees

Joe Lawhon, Principal Auditor, Legislative Division of Post Audit
Doug Bowman, Coordinator, Coordinating Council on Early Childhood Developmental Services
Kathy Jones, President, Kansas Association for the Gifted, Talented, and Creative
Rocky Nichols, Executive Director, Kansas Advocacy and Protective Services, Inc.
Lori Burnshire, Parent, Wichita
Diane Briscoe, Parent, Lincoln
Bobbie Rine, Parent, Liberal
Kirk Lowry, Litigation Director, Kansas Advocacy and Protective Services, Inc.
Carol and Becky Huffman, Parent and Daughter, Lawrence
Chaz Steele, Student, Lawrence
Stephanie Nipper, Parent, Ness City
Jennifer Schwartz, Assistive Technology Policy and Funding Analyst, Kansas Association of
Centers for Independent Living
Maria Martinez, Parent, Hays
Connie Zienkewicz, Executive Director, Families Together, Inc., Wichita
Valerie Snodgrass, Parent, Garden City
Virginia Morris, Parent, Manhattan
Dr. Jane Rhys, Executive Director, Kansas Council on Developmental Disabilities, Topeka
Carlee Vieux, Former Teacher, Garden City
Ron and Susan Johnson, Parents, Olathe
Jane Adams, Executive Director, Keys for Networking, Topeka
Kirsten Sneid, Parent, Johnson County
Mercedes Arizpe, Parent, Topeka
Barbara Peeples, Parent, Kansas City
Diane Lindeman, Director of Student Financial Aid, Kansas Board of Regents
Dr. Robert Masters, Vice President for Academic Affairs, Kansas Board of Regents
Dr. Kay Schallenkamp, President, Emporia State University
Mary D. Prewitt, General Counsel, Kansas Board of Regents
Dr. Camille E. Kluge, President, Wichita Area Technical College
Deb Prideaux, Fort Hays State University
Mary Ellen Conlee, Wichita Area Technical College

Monday, September 20

Special Education

The staff presented a memorandum entitled *Spending Variations by Disability and Special Education Funding Among the States (Attachment 1)*. According to information for school year 1999-2000, the national average expenditure for a special education student (excluding gifted) exceeded the average expenditure for a regular education student by \$5,969 or 91 percent. The memorandum also described the most common special education funding mechanisms, which are resource based, per pupil grants, pupil weights, census based, percentage reimbursement, and variable block grants. (Kansas uses a resource based formula and makes payments on teaching units.)

Information also was provided by the staff on the Florida voucher program implemented statewide in 2000. Under the program, parents of disabled students enrolled in public schools may select another public school for their child or send their child to a private school at state expense, subject to a limit of the lesser of the private school tuition or the amount of money the student would have generated in state aid at the public school. During the 2004 Session, a bill patterned after the Florida voucher program (SB 563) was introduced to implement a similar program in Kansas. (Copies of the staff memorandum and 2004 SB 563 are [Attachment 2](#).)

Staff also presented historical information about special education in Kansas, including total expenditures, excess costs, categorical aid, federal funding, number of teaching units, funding amounts per teacher, and student headcount enrollment ([Attachment 3](#)).

Dale Dennis, State Department of Education, addressed funding issues that are specific to Kansas and provided the following materials:

- [Special Education Excess Costs](#)—a worksheet showing how the calculation is made to determine special education excess costs ([Attachment 4](#)).
- [Special Education Categorical Aid](#)—a memorandum describing the statutory formula for special education state aid, including exhibits based on funding for school year 2004-05 ([Attachment 5](#)).
- [Special Education Transportation](#)—a table showing special education transportation costs for students and teachers for the past five years ([Attachment 6](#)).
- [Catastrophic Aid](#)—a table showing the cost of catastrophic aid, the number of students involved, and the amount paid by the state in catastrophic aid for the past five years ([Attachment 7](#)). Kansas law provides that school districts will be reimbursed for 75 percent of any expenditures in excess of \$25,000 for any one special education pupil.
- [Federal Funding for Special Education](#)—a memorandum describing the formula for calculating federal grants to the states under the Individuals with Disabilities Education Act (IDEA), which is based on a threshold amount established in Federal FY 1999, with 85 percent of funding in excess of the threshold being allocated on the basis of the total number of public and private elementary-secondary students in the school district and 15 percent on the basis of pupils in the district who qualify for free and reduced price lunches ([Attachment 8](#)). The maximum amount of funding states may receive under the formula is 40 percent of the average per pupil expenditure in public elementary and secondary schools in the United States. Under President Bush's budget proposal for Federal FY 2004, funding would approximate 19 percent of the average per pupil cost nationwide to education all children. Current funding to Kansas under educate IDEA is \$91.1 million. According to Mr. Dennis, if federal funding were to reach the 40 percent level, an additional \$100.0 million would be necessary.

Performance Audit Report

Joe Lawhon, Legislative Division of Post Audit, reviewed findings of a performance audit conducted in 2001 entitled *Special Education: Determining Whether School Districts Are Accountable for Meeting Goals Contained in Students' Individual Education Programs*. (A copy of the audit is available from the Legislative Research Department or from the Legislative Division of Post Audit.)

The audit addressed the following three questions:

- **Do students' Individualized Education Programs (IEPs) generally contain clearly defined and measurable goals and are those goals being met?** The auditors found that 95 percent of the student files they reviewed had clearly defined and measurable goals. Of the 164 children in the sample, 35 percent had achieved at least one goal specified in their latest IEP and 69 percent were making progress toward meeting their goals.
- **How are school districts held accountable for meeting the goals contained in students' IEPs?** The auditors reported that state regulations require school districts to make "good faith efforts" to help children achieve their special education goals. The State Department of Education independently monitors districts' special education programs and conducts training sessions for district special education staff. At the local level, auditors found that school districts have developed good procedures for training and overseeing IEP teams, but they can improve their efforts to ensure that special education services actually are provided. Examples of where improvement is needed were in keeping better records of whether services called for in IEPs actually were provided and in keeping better records of complaints and how they were resolved.
- **Could the percentage of children who leave special education each year be improved if their IEP goals were more specific and if school districts were held more accountable for meeting those goals?** The auditors reported that 7 percent of children enrolled in special education left the program and returned to regular education full time because they achieved their goals. They concluded that Kansas' rank of 13 compares favorably among the 50 states, the District of Columbia, and Puerto Rico in the overall percentage of children who left special education because they achieved their goals. The auditors concluded that having more specific goals is not likely to be a strong factor in the percentage of children leaving special education.

Early Intervention Services

Doug Bowman, Coordinator of the Coordinating Council on Early Childhood Developmental Services, appeared before the Committee to urge members to consider funding for services for preschool children in any public policy discussion of special education ([Attachment 9](#)). He maintained that preschool children often are overlooked when services for elementary and secondary students are discussed and reminded the Committee that young children benefit from early intervention and that funding for early intervention programs is a wise investment.

Special Education Services for the Gifted

Kathy Jones, President of the Kansas Association for the Gifted, Talented, and Creative, urged the Committee to continue the mandate for gifted students and made the following points:

- Economic development in Kansas largely is dependent on keeping the best students in the state because these people will contribute more toward the state's economy and will become the leaders of the next generation.
- Critics of gifted education call it "elitist," but that is true only if the state provided no funding for gifted education. If that were the case, only students whose families can afford to pay for special schools or lessons would have the benefit of gifted education. State funding for gifted education levels the playing field so that all gifted students receive services.
- Gifted students differ from the norm and need special programs and services in order to thrive, the same as other special education children. It is not true that gifted students will reach their potential even if no special programs are provided.

(Ms. Jones' presentation is [Attachment 10](#)).

Coalition Presentations

Rocky Nichols, Executive Director of Kansas Advocacy and Protective Services, Inc., introduced conferees who addressed various aspects of services for the disabled. Mr. Nichols presented a policy paper that had been developed by Kansas Advocacy and Protective Services, Families Together, Keys for Networking, and other advocacy organizations. (The policy paper is [Attachment 11](#)). Mr. Nichols told the Committee that the special education process is complex, confusing, and intimidating and that more services and support are needed for parents. Areas in which attention ought to be focused include: More attention to educating special education children in the least restrictive environment; greater awareness and use of assistive technology; better transition services for students who are moving from school to post-school activities; and better monitoring of achievement, outcomes, and technical compliance. According to Mr. Nichols, a request would be made at a later date to introduce legislation to implement the recommendations in the policy paper.

The material that follows lists individuals who made presentations to the Committee as part of the coalition and summarizes briefly their main points.

- **Lori Burnshire, a parent from Wichita.** Ms. Burnshire described the frustrations she has faced involving her 12-year-old son, Peytn, who is autistic. According to Ms. Burnshire, Peytn has been moved from building to building, has had inexperienced teachers, and has been put in isolated parts of school buildings with other autistic children ([Attachment 12](#)).
- **Diane Briscoe, a parent from Lincoln.** Ms. Briscoe and her husband were foster parents to a special education child, Travis, who was autistic and mentally retarded. Ms. Briscoe said Travis attended school in USD 298 and often was put in a timeout box which appeared to her to be approximately the size of a closet. Ms. Briscoe said her attempts to find out from school officials how often and for how long Travis was kept in the box were unsuccessful. Finally, the Department

of Social and Rehabilitation Services removed Travis from her home in order to place him in a school district which did not put children in timeout boxes. Ms. Briscoe said that as a foster parent, she had limited rights regarding Travis. For example, because Travis' mother retained parental rights, she (Ms. Briscoe) was not notified of IEP meetings or changes in Travis' schedule ([Attachment 13](#)).

- **Bobby Rine, a parent from Liberal.** Ms. Rine described difficulties involving her sons, Philip and Shawn. Shawn has Bi-Polar Disorder and Philip has learning and behavioral problems. Ms. Rine said the family could not afford to keep Philip in a private school and has had inconsistent services in the public school setting ([Attachment 14](#)).
- **Kirk Lowry, Litigation Director, Kansas Advocacy and Protective Services.** Mr. Lowry focused his remarks on the federal requirement that disabled children be educated in regular classrooms to the maximum extent appropriate. Mr. Lowry said federal law makes the presumption that the first placement option considered for each disabled student is the school the child would attend if the child were not disabled. He emphasized that placement decisions are to be based on the child's needs, not on such things as the configuration of the service delivery system, the availability of space, or administrative convenience and he said he would like the term "least restrictive environment" clarified and strengthened in Kansas law ([Attachment 15](#)).
- **Carol Huffman, parent, Becky Huffman, her special education daughter, and Chaz Steele, a friend.** Ms. Huffman described her frustration getting the support she needed for Becky to be placed in classes in which she could interact with regular education students. She said it was not until Becky was 11 years old and was placed in a different school district that there were improvements in the school setting. Ms. Huffman reported that Becky is doing well in high school, but regrets that it took so long for Becky to be placed in an environment in which she could make gains. Becky told the Committee the importance of special education funding and pointed out that the cost of special education services declines when students have strong peer supports in school. Chaz described his friendship with Becky and his progression from a regular education student who took no interest in special education students to his role as a student aide in the special education resource room ([Attachment 16](#)).
- **Stephanie Nipper, a parent from Ness City.** Ms. Nipper told the Committee her 15-year-old son, Josh, has been diagnosed with Bi-Polar Disorder and Oppositional Defiant Disorder. After several hospitalizations and no services or support from the school district, Josh was placed at a day treatment center in Dodge City. Ms. Nipper said Josh hates school and has been truant so often that there is the risk he will be removed from the family if he has more unexcused absences. The school he attends is an hour away from his home and he is angry and tired from the travel to and from school. Ms. Nipper told the Committee she believes schools nearer the home should be able to work with families and provide services for students like Josh so that such students can get help in their own communities ([Attachment 17](#)).

- **Jennifer Schwartz, Assistive Technology Policy and Funding Analyst, Kansas Association of Centers for Independent Living.** Ms. Schwartz informed the Committee that assistive technology includes devices such as wheelchairs, walkers, and hearing aids and equipment such as electronic communication devices, ergonomic keyboards, and computer screen reader software. She said federal and state law require schools to consider assistive technology if it would benefit a special education student. She pointed out the importance of having someone on the IEP team who is familiar with assistive technology devices and the necessity for staff to be trained in how devices can be used to help students (Attachment 18).
- **Maria Martinez, a parent from Hays.** Ms. Martinez said her son, Sal, has a developmental and physical disability and benefits from using between 12 to 20 assistive technology devices during the day. Examples of devices he uses include adapted scissors, educational software and Internet sites, and a communication device. However, Ms. Martinez said school officials generally were uninformed about the devices and it was only because of her persistence as a member of Sal's IEP team that the devices have been provided (Attachment 19).
- **Connie Zienkewicz, Executive Director, Families Together, Inc.** Ms. Zienkewicz stressed the importance of transition services and told the Committee that persons with disabilities have unemployment rates as high as 75 percent. She said the State Department of Education received a federal grant in the 1990s to work on transition services, but when the grant terminated the effort faltered and "transition services" is one of the areas in which the State Department has been identified as in need of improvement in its self-assessment process (Attachment 20).
- **Valerie Snodgrass, a parent from Garden City.** Ms. Snodgrass told the Committee that her 19-year-old son is not able to get a job. Out of school now, he sits at home and watches television. Ms. Snodgrass said that transition services should have been available to her son while he still was in school and that there needs to be better collaboration between schools and agencies.
- **Virginia Morris, a parent from Manhattan.** Ms. Morris told the Committee that her 14-year-old son, Adam, wants to be a meteorologist but he is not receiving transition services that would help him prepare for a job. She said he has been diagnosed with Bi-Polar, Obsessive Compulsive Disorder, and Anxiety Disorder and needs more help from the school if he is to succeed. She pointed out that Adam is at risk of not graduating from high school and becoming a burden on society if he is not able to find a job or is placed in the juvenile justice system (Attachment 21).
- **Dr. Jane Rhys, Executive Director of the Kansas Council on Developmental Disabilities.** Dr. Rhys addressed the need for compliance procedures to ensure that laws are being implemented correctly and parents' due process rights are being protected. Dr. Rhys formerly worked for the State Department of Education and said in the 1980s and early 1990s the State Department conducted more extensive compliance reviews than it does now. For example, the State Department made on-site visits to school districts every three to five years and compiled reports that included findings, recommendations, citations, and commendations. Follow-ups were scheduled to make sure that districts improved

their programs. She said the process was labor intensive. (In response to questions, the Committee was told that, during the time Dr. Rhys was employed, the State Department had 12 compliance monitors. According to ZoAnn Torrey, Director of Special Education for the State Department of Education, it currently has eight.) Dr. Rhys told the Committee that her understanding of the current compliance process is that school districts have more time to address problems than they previously did and the State Department appears not to invoke sanctions for districts that do not comply. According to Dr. Rhys, the problem with the current system is that it “appears to be a monitoring of forms and procedures, process and not outcomes.” (Ms. Torrey told the Committee she believes some of Dr. Rhys’ information is inaccurate.) Dr. Rhys recommended that the State Department upgrade its compliance by conducting more analysis of data it already collects to identify problem areas and be more aggressive in applying sanctions to districts that are out of compliance ([Attachment 22](#)).

- **Carlee Vieux, a former teacher from Garden City.** Ms. Vieux addressed the following concerns ([Attachment 23](#)):
 - According to her, USD 457 (Garden City) regularly transfers unspent special education funds amounting to more than \$800,000 a year to other funds to be used for items such as buildings and furniture. In her opinion, the money should have been spent for special education services. (Senator Vratil pointed out that money in the special education fund cannot be transferred to other funds. The only exception would be when a transfer to the special education fund has been made from the general or supplemental general state aid fund. In that case, money that was transferred may be transferred back to the originating fund, but the transfer has to be made during the same fiscal year.)
 - There is a risk that students who do not speak English as their first language will be mislabeled “disabled” when what they need is to be taught reading and writing skills.
 - State assessments should be aligned with IEPs so that special education students are given tests that have been adequately adapted or modified for their unique circumstances.
 - Too many special education teaching positions are filled with teachers who are not fully qualified in special education or who have limited experience.

- **Ron Johnson, a parent from Olathe.** Mr. Johnson and his wife, Susan, discussed their 16-year-old son, Ben, who is autistic. Mr. Johnson said the family has spent more than \$68,000 in legal fees trying to obtain appropriate services for their son and currently is preparing for the third due process hearing in the past four years. Mr. Johnson told the Committee the Olathe school district has not provided enough support to the family for their son to make progress, apparently opting instead to provide only the minimum services required by law. Mr. Johnson said one due process hearing, which the district won, cost the district \$150,000. He said the family had to pay \$18,000 to “undo the behavioral damage to our son and regain control over his aggressive behavior created by the district” ([Attachment 24](#)).

- **Jane Adams, Executive Director, Keys for Networking.** Ms. Adams said her organization helps families with children who have emotional and behavioral problems by providing services that include information on community resources, parental rights, training for parents, wraparound and multiagency planning, and specific emotional and behavioral approaches to managing children.
- **Kirsten Sneid, a parent from Johnson County.** Ms. Sneid stressed the importance of early childhood intervention and placement in the least restrictive environment. However, she said that inclusion “has been shoved down peoples’ throats” and that there are times when special equipment or services are needed, which cannot be provided in regular classrooms. Ms. Sneid said better collaboration is needed among agencies that provide services to special education students and their families and told the Committee there is a lack of training among special education personnel and inconsistent implementation of plans.
- **Mercedes Arizpe, a parent from Topeka.** Ms. Arizpe said her son, Marco, has Attention Deficit Hyperactivity Disorder and has not learned to read in English or Spanish nor has he been enrolled in an English as a Second Language Program. Marco is 15 years old and reads at the first grade level, cannot spell, do math, or retain information. According to Ms. Arizpe, it was not the school but a mental health case manager who told her when Marco was in the third grade that he should have an IEP. She said Marco’s school looks like a jail and she is blamed for the trouble he gets into. Ms. Arizpe said she is afraid to ask for meetings to discuss her child and, when meetings are scheduled, she does not understand what she is told ([Attachment 25](#)).
- **Barbara Peeples, a parent from Kansas City.** Ms. Peeples said her son, Terrence, has Attention Deficit Hyperactivity Disorder, Oppositional Defiant Disorder, Bi-Polar Disorder, Diabetes, possible Seizure Disorder, and an Attachment Disorder. She told the Committee that she believes school officials have looked down on her because they know she has been in rehabilitation. She said that, although Terrence has had an IEP since preschool, his early grades were in classrooms where teachers did not know how to work with him. In recent years, the family has had support from a mental health center and advocacy organizations that have enabled her to deal with the school district more effectively. As a result, Terrence’s behavior and academic skills have improved during the last two years, a change Ms. Peeples attributes to the inter-agency support she is receiving ([Attachment 26](#)).
- **Kay Soltz, a parent from Wichita.** Ms. Soltz detailed a three-year history of dealing with the Wichita school district about her 19-year-old son, Zachary. For two years, her son was placed in situations in which other aggressive students threatened and hurt other students and teachers. After she hired an attorney who worked out an agreement with the school district to give her son 30 minutes individual attention every day to work on his IEP goals, the school violated the agreement and she filed a request for a due process hearing. Once she filed the request, she said she was treated with hostility by school officials even though she had enjoyed a close relationship prior to that time, having served on the school site council and being a volunteer on various projects. Even though state and federal law require school districts to complete due process hearings within 45 days of the date of receiving a request for a hearing (October 9, in this case), Ms. Soltz said there was one delay after another and the agreed-to IEP was not

signed until three weeks before the school year ended. Three more months passed before a settlement agreement was reached and it was not until the following October—a year after the original request for due process had been filed—when the hearing officer signed off on the case. She said the district paid the family \$35,000 for legal expenses, but fees for attorneys and experts and other expenses were nearly double that amount (Attachment 27).

Tuesday, September 21

Kansas Teacher Service Scholarship Program

Diane Lindeman, Kansas Board of Regents, presented information on the Kansas Teacher Service Scholarship Program (Attachment 28). The program awards Kansas students enrolled in teacher education programs up to \$5,000 per year. The grants do not have to be repaid if the student fulfills a service obligation by teaching in a hard-to-fill discipline or underserved geographic area one year for each year a scholarship was received. If the obligation is not met, the scholarship must be repaid. Priority for the awards is given to students who are in their final two years of college study. Ms. Lindeman explained that the State Board of Regents prefers to award the scholarships to students who are well into their teacher education program rather than make awards to beginning students who may change their minds about their majors. Awards also are made on the basis of academic merit.

Ms. Lindeman told the Committee there were 81 scholarship recipients in school year 2003-04, of which 44 were renewals and 37 were new. The average scholarship award was \$4,669 and total program expenditures were \$378,200. Ms. Lindeman explained that 222 applications for the scholarship were received during the 2003-04 school year, but students who did not meet the academic standard or who were freshmen (the majority of applicants) were not considered for an award. Ms. Lindeman said the State Board is requesting \$425,000 for the program in FY 2006, an increase of \$91,000 over the FY 2005 appropriation, which will expand the program by an additional 20 scholarships.

State University Performance Agreements

Dr. Robert Masters, Kansas Board of Regents, discussed the performance agreement policy recently adopted by the State Board of Regents (Attachments 29 and 30). He explained that the policy is an outgrowth of 1999 SB 345, which reorganized postsecondary education and gave the Kansas Board of Regents expanded jurisdiction over the state's postsecondary institutions. Subsequent legislation specifically authorized the Board to review and approve institutional improvement plans based on core indicators of quality performance and to require that compliance with the Board's coordination policies would be a prerequisite to receipt of state funds.

Each public university, community college, technical college, and area vocational school has an agreement or contract with the State Board of Regents which provides that, beginning in FY 2006, increases in funding over the prior year will be dependent upon the institution successfully meeting both institutional and system-wide goals. Dr. Masters said the goals vary among the institutions and take into account institutional differences. In order to improve the system as a whole, the Board has identified the following system-wide goals:

- □ System Goal A—Increased efficiency, effectiveness, and seamlessnes;

- System Goal B—Improved learner outcomes;
- System Goal C—Improved workforce development;
- System Goal D—Increased participation and access by targeted populations;
- System Goal E—Increased external resources; and
- System Goal F—Improved community and civic engagement.

The status of the project is that the State Board approved performance agreements for the period July 1, 2004, through December 31, 2004. Institutions must file reports on compliance with these performance agreements by March of 2005. Performance agreements for the period January 1, 2005, through December 31, 2005, are being developed and are expected to be presented to the Board in November of 2004.

Following his prepared presentation, Dr. Masters explained that the system-wide goals listed above are being phased in. All institutions have to address Goal A and two of the next three goals (B through D). Goals E and F will be implemented later. He told the Committee that the community colleges are working to develop their individual institutional goals, which must be approved by the local boards of trustees before being presented to the Board of Regents. In response to a question, Dr. Masters said goals must lend themselves to some degree of objective measurement.

Adjunct Faculty Health Insurance

At the initiation of Representative Tom Sloan, Chair of the House Higher Education Committee, the Committee considered the matter of health insurance for adjunct faculty. (Representative Sloan was prevented from attending the meeting because of a prior engagement. A letter from him is [Attachment 31](#)). Representative Sloan's letter to the Committee explained that several conferees appeared before the House Higher Education Committee and said they teach courses at several universities or community colleges. Although the combined hours taught equal a full-time load, they do not teach enough hours at any single institution to qualify for health insurance. Representative Sloan encouraged the Committee to devise some way these individuals could qualify for health insurance benefits, the cost of which most appropriately could be prorated among the institutions employing the adjunct faculty member.

Mary Prewitt, General Counsel for the Kansas Board of Regents, responded to Representative Sloan's concern ([Attachment 32](#)). She identified the following issues that would have to be addressed:

- There is no common definition of "adjunct" among the institutions. For example, some institutions give the title only to unpaid faculty members and at others, the title is used for employees who do not teach but provide other services.
- The current state employee data base identifies faculty members on the basis of the percentage of full-time they teach, not by credit hours. According to Ms. Prewitt, the only way to identify faculty who teach at several institutions who would be eligible for health insurance would be to rely on self-reporting.

- According to Ms. Prewitt, state universities all use the same health insurance plan, but Washburn University, community colleges, area vocational schools, and technical colleges may select their own plans, resulting in the possibility that there could be up to 30 different plans among the postsecondary institutions. Legislation introduced during the 2004 Session would have addressed this problem by allowing adjunct faculty members to select one plan from among those offered by employing institutions, but Ms. Prewitt pointed out that an individual might choose a plan offered by an institution from which the individual received no compensation for teaching. This, she said, would make the system very complicated and costly to administer.
- Many adjunct faculty are temporary and work only for a semester. Since most plans have a waiting period (the state plan is 60 days), adjunct faculty could be eligible for health insurance benefits only sporadically and for only short periods at a time.
- Although no fiscal note was calculated for legislation introduced during the 2004 Session which would have given health insurance benefits to adjunct faculty, there would be a fiscal impact. Ms. Prewitt said the fiscal impact would be both the cost of the benefits and the administrative cost associated with the program.

In discussion following Ms. Prewitt's presentation, the Committee was told that a full teaching load is considered to be 9 to 12 hours, depending on the discipline. Ms. Prewitt said that, for the state university system, any adjunct faculty member who has a 0.5 FTE appointment or greater is eligible for health care benefits. Ms. Prewitt said she believes it is unlikely that an adjunct faculty member would carry a full teaching load at a single institution. She said she does not know how many adjunct faculty carry full teaching loads based on assignments at multiple institutions, but she guessed it was small. (She said Representative Sloan knew of three such individuals.) When asked if the Board of Regents is pursuing the matter, Ms. Prewitt said there are no current plans for the Board to do so.

Center for Innovative School Leadership

Dr. Robert Masters, Kansas Board of Regents, reviewed developments relating to the creation of the Center for Innovative School Leadership ([Attachment 33](#)). Legislation enacted during the 2004 Session (SB 304) provided for the establishment of the Center and stipulated that it be a cooperative endeavor of Emporia State University, Fort Hays State University, and Pittsburg State University. The purpose of the Center is to provide assistance to school districts in the areas of administrative and academic efficiencies. The director of the Center is to be appointed by the presidents of the three participating state universities. The 2004 Legislature appropriated \$250,000 for the Center and directed the Board of Regents to work with the three universities to develop an implementation plan. Dr. Masters noted that some legislators favored that the money be apportioned among the three institutions and others favored giving the money to a single institution which would provide leadership and coordinate with the other two universities.

The Board of Regents chose the latter alternative and in June of 2004 allocated the money to Emporia State University, with the expectation that the University would work with Fort Hays State University and Pittsburg State University to develop a plan for the Center's creation and operation.

Dr. Kay Schallenkamp, President of Emporia State University, listed the advantages to having a single university take leadership of the project, which included standardization of protocol,

consistency in procedures and implementation, common formats for reporting results and recommendations, and more consistency in operations (Attachment 34). She said areas in which the Center could provide assistance to school districts include operations, financial management, personnel management, facilities, use, and security and safety.

Dr. Schallenkamp told the Committee that Emporia State University had conducted a review of the literature relevant to the role the Center is expected to play and had developed a conceptual framework, which currently is being reviewed by staff at the other two universities. She said applications are being accepted for director of the Center.

Representative Phelps expressed dismay at what he considered a reversal in the position taken by the Legislature, which specifically expanded the original concept of the Center, which referenced only Emporia State University, to include Fort Hays State University and Pittsburg State University. He said Fort Hays has shown leadership in assisting school districts and he hopes plans for the Center take into account initiatives Fort Hays already has taken. Dr. Schallenkamp responded that participating institutions have been asked to identify all initiatives currently underway and an attempt will be made to avoid duplicating efforts that already are in place. However, she pointed out that what currently exists now is not a "system" but a series of individual initiatives and the purpose of the Center is to develop a system.

Dr. Masters was asked to elaborate on the thinking of the Board of Regents when it selected Emporia State University as the lead institution. He said he was not privy to the Board's discussion but he assumed the Board wanted a "unity of command" which could best be achieved with a lead institution. He said such a policy is compatible with the Board's collaboration goals and its creation of various centers of excellence.

Senator Umbarger expressed his concern that the three universities be equal participants and said the Legislature expected all three institutions to play a role. Deb Prideaux, representative of Fort Hays State University, was asked if Fort Hays has been involved in the process and she answered in the affirmative. Dr. Schallenkamp concluded by saying it is her view that what is being proposed to be undertaken by the Center is not currently being done by any of the participating universities.

Minutes

Upon a motion by Representative Ballard, seconded by Representative Powell, the minutes of the August meeting were approved.

The State Board of Regents' Legislative Package

Senator Vratil expressed his disappointment that the Committee is not meeting jointly with the Kansas Board of Regents or likely will not be in a position to take action on the Regents' legislative proposals due to a lack of synchronisation of meeting schedules. (The Committee's last scheduled meeting in Topeka will be in October, prior to the Regents' October meeting and prior to the November meeting at which the Board traditionally adopts its proposals.) Senator Vratil renewed his request made a year ago that the Board as a matter of policy schedule consideration of its legislative proposals earlier in the fall so that the proposals can be submitted to the Committee for consideration and possible introduction. Staff from the Board Office was asked to see if the Regents fall schedule could be altered and Chairperson Decker said she would ask the Legislative Coordinating Council to approve another meeting for the Committee after the Board has taken action for the purpose of considering its legislative requests.

Wichita Area Technical College

Dr. Robert Masters, Kansas Board of Regents, reviewed policy relating to the creation of independent governing boards for technical colleges, pursuant to 2003 SB 7 ([Attachment 35](#)). SB 7 requires technical colleges to develop a plan to replace existing governing boards with boards that are independent of unified school districts. The action was taken to facilitate the Board of Regents' policy that all postsecondary institutions under its jurisdiction attain accreditation from the Higher Learning Commission of the North Central Association.

The governing board of the Wichita Area Technical College (the USD 259 Board of Education) submitted a plan to the Kansas Board of Regents, which was approved by the Board in February 2004. The governing board created by the plan took control of management of the College July 1, 2004. Subsequently, the Sedgwick County Commission made a proposal to establish a different system of governance for the College called the "Sedgwick County Technical Education and Training Authority." The intent of the Commission was to meet the technical education needs of Sedgwick County. The nine-member authority would consist of six members representing private-sector employers in Sedgwick County, a member appointed by the Sedgwick County Board of County Commissioners, a member appointed by the Wichita City Council, and a member appointed by the Regional Economic Area Partnership.

Dr. Masters said the Kansas Board of Regents was represented at meetings involving the Sedgwick County Board of County Commissioners and primarily is concerned that the provisions of SB 7 be followed and that the Technical College be eligible for North Central Association accreditation. Dr. Masters said any change in governance of the College must be approved by the Board of Regents.

Dr. Camille Kluge, President of Wichita Area Technical College, said the current seven-member governing board of the College, which took office July 1, 2004, consists of a member of the USD 259 Board of Education, a representative of the Wichita City Council, a Sedgwick County commissioner, and representatives of Wichita State University, the Wichita Chamber of Commerce, general aviation, and small business ([Attachment 36](#)). The College has hired a consultant to guide it through the accreditation process and it is hoped the institution will become accredited by August 2006.

Dr. Kluge said the Sedgwick County Commission has been working with the College over a period of time, primarily because of its concern that there will be a shortage of trained workers in South Central Kansas in the next five years. Also working to address local needs was a consortium comprised of the presidents of four local education institutions—Wichita Area Technical College, and Butler, Hutchinson, and Cowley Community Colleges. The consortium and the Wichita Area Chamber of Commerce approached Sedgwick County officials to explore ways the Sedgwick County tax base and bonding authority could be used to support technical training. The outgrowth of the effort is the proposal for the Sedgwick County Education and Technical Training Authority, which would become the governing board for the Wichita Area Technical College and coordinate training efforts in the County that are funded with Sedgwick County resources. Through the County, there would be access to property taxes for capital and operating expenses for the College, which currently has no property tax base.

Dr. Kluge said the existing governing board for the College is reviewing the County's proposal and indications are that the board is confident that the proposed change would be beneficial to the institution. Dr. Kluge said the current board wants assurance that the change would not adversely affect accreditation eligibility or negatively impact the institution's mission, but, overall, recognizes the importance of the access to needed funding. Dr. Kluge said the schedule is for the current

governing board and the Sedgwick County Commission to revise and finalize a proposal in September 2004, present an amendment to the existing transition plan to the Kansas Board of Regents for consideration at the Board's October or November meeting, and, if the plan is approved, transfer governance to the new board on January 1, 2005.

Following her prepared remarks, Dr. Kluge elaborated on the proposal by saying that the Wichita Area Technical College, which had been heavily subsidized by the Wichita Board of Education, has sustained cuts in programs and services and is in need of additional sources of revenue. Mary Ellen Conlee, representing the Wichita Area Technical College, told the Committee that the Sedgwick County Commission, which currently pays \$2.0 million in out-district tuition for County residents who attend community colleges in other counties, has said that, when that money has been replaced by the state pursuant to full implementation of 1999 SB 345, it would dedicate that amount of resources to technical education. Dr. Kluge concluded her remarks by saying that she was pleased with the proposal by the Sedgwick County Commissioners.

Midwestern Higher Education Compact

The staff reminded the Committee that the Legislative Coordinating Council has approved November 18 as the day for the Committee to meet in Kansas City and participate in the annual conference of the Midwestern Higher Education Commission. The meeting will be at the Kansas City Marriott Country Club Plaza and will begin at 7:00 a.m. and conclude with a dinner and evening function at the Truman Library. Information was given to Committee members who plan to attend so that they could complete their registration.

The meeting was adjourned.

Prepared by Carolyn Rampey

Approved by Committee on:

October 19, 2004

(Date)