

MINUTES OF THE SENATE EDUCATION COMMITTEE

The meeting was called to order by Chairman Jean Schodorf at 1:35 p.m. on March 21, 2005, in Room 123-S of the Capitol.

Committee members absent: Barbara Allen- excused
Carolyn McGinn- excused

Committee staff present: Carolyn Rampey, Kansas Legislative Research
Theresa Kiernan, Revisor of Statutes
Shirley Higgins, Committee Secretary

Conferees appearing before the committee: Tammy Dickson, parent from Coffeyville
Ginger Lewman, Kansas Association for the Gifted,
Talented, and Creative
Kylie White, gifted student from Emporia
Rod Bieker, General Counsel, State Department of Education

Informational hearing on:

HB 2331—Special education compliance with federal law (IDEA)

Senator Schodorf called upon, Theresa Kiernan, Revisor of Statutes Office, for an overview of the provisions of **HB 2331**. At the outset, Ms. Kiernan noted that the bill was introduced at the request of the State Department of Education. She explained that the bill makes numerous amendments to the Kansas special education law to conform state law with the requirements of federal law when it reauthorized the Individuals with Disabilities Education Act (IDEA). The bill does not make any changes in relation to gifted children who remain within the definition of exceptional children. She explained that the additions and modifications to the definition section were proposed by the Department of Education, and the House Education Committee made technical changes. She went on to explain the definition section and the provisions of other sections of the bill. (Attachment 1)

Tammy Dickson, the parent of a six-year-old son who has Down syndrome, explained that she was neutral on **HB 2331**, but she did have concerns about proposals considered which would have changed the transition age from 14 to 16 and which would have allowed placement of a child without parental consent. She commented that the state could add things to the federal law to strengthen it. She distributed a binder with relevant information and a packet containing her written testimony with informational attachments. Included in the attachments was a copy of her son's IEP and progress report. (Attachment 2) She noted that she included her son's records so that the Committee could see first hand what benchmark/objectives are. She commented, "That is how a child's progress is measured. That is how the schools keep track of how the child is progressing in school and also parents can make sure that this child is learning. I know that federal law cut that completely out of IDEA, and I would like to see that back at the state level. Another concern is that they were looking at three-year IEPs instead of having an annual IEP. When you look at my son's IEP, you will be able to tell the importance of it and why it is so important to keep it at an annual IEP. Another concern that I have is in regard to discipline and being able discipline children with disabilities the same as their non-disabled peers. I just want to make sure that the state doesn't rush into anything, that we really look at this from a child's perspective, because the type of education my son gets determines how his life will be whenever he gets older."

Ginger Lewman, representing the Kansas Association for the Gifted, Talented, and Creative (KGTC), commented that it is extremely vital to continue the support of gifted children in Kansas under the protection of Special Education. She noted that the Science, Technology, Engineer, and Mathematics (STEM) Education Caucus was created in Washington, D.C., with the understanding that our economy is driven by constant innovation, and the basis of innovation lies in a dynamic, motivated, well-educated workforce equipped with STEM skills. She shared facts taken from the Policy Exploration meeting held in 2004 in Washington, D.C., which indicate that the United States is not producing enough American born scientists, technology experts, engineers, or mathematicians to meet increased demands for staff in the National Security Agency (NSA). She noted that people who are filling those jobs non-U.S. citizens who are already qualified in specialty

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occupations including math, computer science, engineering, and medicine. She went on to discuss why continued support of academic rigor for all students in all schools is essential in stopping and reversing the economic decline of Kansas. She commented that no student in Kansas can be allowed to stagnate and falter, and Kansas' gifted children need specially designed instruction to meet their unique learning needs. She introduced her former student, Kylie White, who came to relate her experiences as a gifted student. (Attachment 3)

Kylie White, a freshman at Emporia High School, spoke in support of continued gifted education in Kansas. She explained that she has been in Special Education since the second grade, and this has afforded her many opportunities to excel, explore, and work far beyond the teaching in the normal classroom. She discussed her special educational opportunities, her scholastic achievements, and her future plans. In closing she said, "Because gifted education is protected under Special Education, I have been able to tap my potential for learning. I am not a child in danger of being left behind as far as proficiency." (Attachment 4)

Rodney Bieker, General Counsel for the State Department of Education, testified in support of **HB 2331**. (Attachment 5) He explained that, except for the changes made by the House Education Committee, the amendments to the bill were limited to changes that are found in the new federal special education law. He emphasized that the bill does not change existing state requirements that exceed federal requirements, i.e., services for gifted children, additional parental consent requirements, and additional services for private school children. After listing the major areas affected by the federal amendments, he called the Committee's attention to a balloon of the bill with his suggested amendments. He noted that the amendment concerning transition services shown on page two of the balloon was very important to the Department and to families with children with disabilities. He called attention to the foot note which indicates that the amendment eliminates concern as to whether the requirements under the former language meet or exceed the requirements under the new language. He explained that this amendment combines the new requirement for transition services and adds to it what the state has been already been doing for eight years. He commented that the amendment would ensure that transition services would not be reduced and yet they would meet federal requirements.

There being no further time, the hearing on **HB 2331** was continued to March 22.

The meeting was adjourned at 2:30 p.m.

The next meeting is scheduled for March 22, 2005.