

## MINUTES

### LEGISLATIVE EDUCATIONAL PLANNING COMMITTEE

October 15-16, 2007  
Room 123-S—Statehouse

#### Members Present

Senator Jean Kurtis Schodorf, Chairperson  
Representative Clay Aurand, Vice-Chairperson (October 15 only)  
Senator Marci Francisco  
Senator Roger Pine  
Senator Mark Taddiken (October 15 only)  
Senator Ruth Teichman  
Senator John Vratil  
Representative Barbara Ballard  
Representative Deena Horst  
Representative Steve Huebert  
Representative Eber Phelps  
Representative JoAnn Pottorff  
Representative Valdenia Winn

#### Staff Present

Sharon Wenger, Kansas Legislative Research Department  
Michele Alishahi, Kansas Legislative Research Department  
Audrey Dunkel, Kansas Legislative Research Department  
Theresa Kiernan, Office of the Revisor of Statutes  
Dianne Rosell, Office of the Revisor of Statutes  
Dale Dennis, Kansas State Department of Education  
Janet Henning, Committee Assistant

#### Others Present

##### October 15, 2007

Dr. Rob Edelston, President, Kansas Association of Technical Schools and Colleges  
Richard Hoffman, Director, Kaw Area Technical Schools (KATS)  
Representative Pat Colloton  
Kim Morrissey, USD 259, Kansas Association of Health, Physical Education,  
Recreation and Dance  
Dr. Joyce Ellis, Fort Hays State University, Kansas Association of Health, Physical Education,  
Recreation and Dance  
Jane Hennes, USD 345, Kansas Association of Health, Physical Education,

Recreation and Dance

Dr. Marcia Nielsen, Executive Director, Kansas Health Policy Authority  
Dr. Howard Rodenberg, State Health Officer, Kansas Department of Health and Environment  
Mark Tallman, Kansas Association of School Boards  
Ron Seeber, Kansas Beverage Association  
Glenn Deck, Executive Director, Kansas Public Employees Retirement System  
Representative Mario Goico  
Scott Frank, Legislative Post Audit  
Mark Desetti, Kansas National Education Association  
Rod Mealy, Little Government Relations Consulting  
Dodie Wellshear, United School Administrators/Kansas  
Sue Gamble, Kansas Board of Education  
Mike Reece, K-12  
Dick Carter  
Diane Gjerstad, Wichita Public Schools  
Kevin Belt, Kansas National Education Association  
Linda DeCoursey, American Heart Association  
Bill Brady, Schools for Fair Funding  
Bob Corkins  
Jennifer Church, Kansas Department of Health and Environment  
Paula Marmet, Kansas Department of Health and Environment  
Katie Firebaugh, Kearney & Associates  
Carol Busch, Kansas School for the Deaf  
Val DeFever, Schools for Quality Education  
Terry Forsyth, Kansas National Education Association  
Doug Mays, USD 501  
Jane Hayes, Kansas Coalition for Dyslexia Legislation

**October 16, 2007**

Sheila Frahm, Executive Director, Kansas Association of Community College Trustees  
Sharee Utash, Vice-President, Academic and Student Affairs, Cowley Community College  
Dr. Bill Wojciechowski, President, Pratt Community College  
Doug Smith, Pinegar, Smith and Associates  
Rod Mealy, Little Government Relations Consulting  
Katie Firebaugh, Kearney & Associates  
Jacquelyn Koehler, Kansas, Inc.

**October 15, 2007  
Morning Session**

The meeting of the Legislative Educational Planning Committee (LEPC) was called to order at 10:00 a.m. by Chairperson Schodorf.

**Highlights Regarding Technical Schools and Colleges**

Dr. Rob Edelston, President, Kansas Association of Technical Schools and Colleges, told Committee members that technical education in Kansas has entered a new era of growth and respect. He stated that 80 percent of the jobs in Kansas require more than a high school diploma

and yet less than a four-year degree. Over 90 percent of the technical graduates in Kansas stay in Kansas to live and work and start out in life with sustainable incomes of \$30,000, and sometimes over \$50,000 a year as apprentices.

Dr. Edelston stated the Kansas Association of Technical Schools and Colleges has several initiatives for the upcoming legislative session which include:

- Support the special needs student concerns;
- Seek inclusion of the technical schools in HB 2237's tax credit initiative - if additional funds can be levied to keep from harming those already included in the legislation; and
- Encourage legislators to support the efforts of the Technical Education Authority in substantial funding increases which will bring Kansas tangible returns on that investment.

Dr. Edelston also told Committee members the passage of HB 2556, creating the Technical Education Authority, will bring about the most significant socioeconomic change in our lifetime here in Kansas (Attachment 1).

A question and answer session followed the presentation.

Richard Hoffman, Director, Kaw Area Technical School (KATS), gave Committee members an overview of the Kaw Area Technical School.

- KATS provides secondary students from 17 school districts with technical training that is cost prohibitive for each district to offer on its own.
- KATS provides training in 24 programs of postsecondary instruction to students seeking entry-level employment.
- KATS assists business and industry clients with specific training for employees.

Mr. Hoffman spoke to Committee members on how HB 2237 would affect technical schools, specifically KATS.

Committee members were told that HB 2237 was designed to provide assistance to postsecondary institutions in meeting their deferred maintenance needs and for technical institutions in meeting their need for new technology. HB 2237 also will help postsecondary institutions to meet the demands for a skilled workforce and help Kansas remain competitive in a global economy.

Mr. Hoffman stated at the time HB 2237 was created, it was thought there would not be any technical schools left when the bill took effect. It was anticipated that no new independent technical colleges would be created. Therefore, by listing only the five current technical colleges, KATS and the other technical schools are excluded from receiving any of these funds.

Mr. Hoffman also stated that passing HB 2237 was a good idea; however, it needs to be modified to allow all technical institutions to participate and meet the needs of as many Kansas constituents as possible (Attachment 2).

A question and answer session followed the presentation.

### **Obesity Legislation Review (Topic Assigned by the Legislative Coordinating Council)**

Committee members were given a letter from Steve Coen, Chairman, Governor's Council on Fitness, regarding the unanimous support for HB 2090. One of the actions that the Council is very committed to is assisting educators in developing quality school health and physical education programs (Attachment 3).

Committee members were given a handout from Dianne Rosell, Office of the Revisor of Statutes, regarding the obesity or physical education programs in other states (Attachment 4).

Theresa Kiernan, Office of the Revisor of Statutes, gave a summary of legislation introduced during the 2007 Legislative Session as a result of the growing concern with childhood obesity which included the following:

- SB 170 - addresses the sale of beverages in elementary and middle or junior high schools.
- SB 171 - proposed to increase the availability of fresh fruits and vegetables to students in grades K-12.
- SB 281 - would establish a policy to promote a healthier school environment and a higher level of student physical fitness. Students in grades K-6 must participate in at least 200 minutes of activity each ten school days; students in grades 7-12 must participate in at least 400 minutes of activity each ten school days. Each year, students in grades four, seven, nine, and 12 must complete a physical fitness test which would include measurement of the student's height, weight, and a calculation of the student's body mass index (BMI).
- HB 2275 - would require vending machines which dispense food, gum, or drink to be inoperable during school hours. The bill would not apply to vending machines which solely dispense water.
- HB 2090 - addresses physical fitness of students in accredited Kansas schools by developing curriculum, conducting physical fitness tests that include BMI screening for grades four, seven, nine, and 12, and collecting information to assess the current teaching load of certified physical education teachers.
- HB 2423 - would create the Kansas Task Force on Obesity Prevention and Management with the Kansas Department of Health and Environment (KDHE) to prevent and combat the problems of obesity in Kansas, especially among children (Attachments 5, 6, and 7).

Representative Pat Colloton spoke to Committee members and summarized some concerns about the proposed obesity legislation from last year. Representative Colloton stressed to Committee members the data as well as studies from the medical and scientific communities which establish a direct link between serious overweight and obesity with lifelong health problems such as diabetes, heart disease, and cancer.

Representative Colloton told Committee members of various health groups who have collected data and have spoken with various legislators in an effort to facilitate legislation on obesity. A grant program at the middle school level is being proposed to be used both for the professional development of physical education teachers and for the purchase of teaching materials on obesity and fitness.

Representative Colloton also stated that a bill requiring mandatory physical education minutes may be introduced this year (Attachments 8 and 9).

A question and answer session followed the presentation.

Kim Morrissey, USD 259; Dr. Joyce Ellis, Fort Hays State University; and Jane Hennes, USD 345, all of the Kansas Association of Health, Physical Education, Recreation and Dance, spoke to Committee members to encourage implementing required physical education for all middle school students. Each speaker stressed the fact that obesity is one of the nation's biggest health problems.

The speakers also stressed that Kansas has elementary and secondary requirements for physical education but no middle school requirement. Currently, there is an emphasis on physical activity in Kansas' elementary public schools in the kindergarten through fifth grades and a graduation requirement of one unit that is usually obtained in the ninth grade. It is imperative to address the lifelong pursuit of physical activity and health for the remainder of our student populations in an effort to fight obesity (Attachments 10 and 11).

Dr. Marcia Nielsen, Executive Director, Kansas Health Policy Authority (KHPA), told Committee members that since 1980, the percentage of overweight young persons has more than tripled. Obesity has become the second greatest threat to children's long-term health. By 2020, one-fourth of every health care dollar will go towards paying for obesity-related treatments.

Dr. Nielsen stressed to Committee members that health reforms to improve healthy behaviors in Kansas schools must:

- Implement competitive food restriction in schools;
- Strengthen physical education and activity requirements and expand the Coordinated School Health programs; and
- Conduct surveillance of body weight among Kansas children (Attachment 12).

A question and answer session followed the presentation.

Dr. Howard Rodenberg, Director, Division of Health and State Health Officer, Kansas Department of Health and Environment, told Committee members childhood and adult obesity represent major health problems in Kansas. He stated that over 61 percent of adults in the United States are overweight or obese; 24 percent are in the obese category. This equates to over 1.6 million Kansans that are overweight and nearly 650,000 of them are obese. He emphasized that pediatricians across the nation are seeing children with "adult" chronic illnesses such as cardiovascular disease and Type II diabetes.

Dr. Rodenberg told Committee members the costs of obesity in Kansas are immense and the estimated cost of medical expenditures attributable to obesity in Kansas is over \$650 million each year. Medicaid paid out \$143 million, and \$138 million was paid out by Medicare on obesity-related medical expenditures. If this trend continues, by 2020, one in every four dollars spent on health care will go to pay for obesity-related treatment.

Dr. Rodenberg stated the Kansas Legislature passed SB 154 in 2005 in support of the federal requirement for local wellness policies, requiring that districts take into consideration the guidelines developed by the Kansas State Board of Education when developing its wellness policies. Schools that excel in wellness efforts may qualify for recognition as a "Healthy School" as part of the Governor's Healthy Kansas program and, to date, over 100 schools in 16 districts have been recognized for their commitment.

The Kansas Coordinated School Health Program (KCSH), a CDC-funded collaboration between KDHE and the Kansas Department of Education, allows schools to use an evidence-based model to address the health and wellness needs of their students and staff, with a particular focus on tobacco use, physical inactivity, nutrition, and obesity. The program currently impacts 224 schools in 52 districts, serving nearly 81,000 students in 39 counties.

Recommendations also have been forwarded to the KHPA for its consideration as part of an overall health reform plan in Kansas and currently are being reviewed by KHPA staff (Attachment 13).

A question and answer session followed the presentation.

Mark Tallman, Assistant Executive Director, Advocacy, Kansas Association of School Boards (KASB), told Committee members the KASB understands that children's health issues are important to education and there is growing research which shows higher educational attainment is positively correlated to better lifelong health. The KASB Legislative Committee is recommending the following two policy statements for consideration by its Delegate Assembly.

- Student Health - "student wellness and nutrition policies should be determined locally in compliance with federal regulations under the national student meals programs. KASB supports state assistance in promoting student health rather than additional state regulations."
- State Responsibility for Mandated Costs - "new curriculum and program requirements should not be imposed unless the change has received an independent cost study and additional funding is provided by the state or the change is endorsed by KASB." (Attachment 14)

Ron Seeber, Hein Law Firm on behalf of the Kansas Beverage Association, spoke to Committee members and told of the voluntary program the Kansas Beverage Association implemented in the State of Kansas, and the American Beverage Association has implemented nationwide. The program introduced new school beverage guidelines which provide students with a broad range of lower-calorie, nutritious, smaller-portion beverage choices. Mr. Seeber further stated that limiting calories in schools is a sensible approach that acknowledges the industry's long-standing belief that school wellness efforts must focus on teaching kids to consume a balanced diet and exercise regularly (Attachments 15 and 16).

## Afternoon Session

### KPERS and Retired Teachers

Glenn Deck, Executive Director, Kansas Public Employees Retirement System (KPERS), reported to Committee members regarding the LEPC's earlier request for options for modifying working-after-retirement restrictions as one tool for managing the teacher shortage. Mr. Deck reported the following proposal as one possible framework for a targeted exception to earnings limitations for retirees who are re-employed by the school district from which they retired.

### Cost Estimates

<b>Type of Exception:</b>	Eliminate the \$20,000 earnings limitation for retired teachers returning to work for the same employer when the criteria outlined below are met.
<b>Length of Exception:</b>	Sunsets after a three-year period.
<b>Eligible Retirees:</b>	Any teacher who retired from the hiring school district with normal (unreduced) retirement benefits.
<b>Waiting Period:</b>	Must have a break of 320 days after retirement date before returning to any work with any KPERS employer.
<b>Eligible Positions:</b>	<p>Subject to the limitations below, the position to be filled is in one of the following categories:</p> <ol style="list-style-type: none"><li>(1) Math;</li><li>(2) Science;</li><li>(3) Special education; and</li><li>(4) Other individual positions approved by the State Board of Education.</li></ol> <p>The maximum number of positions in each school district to which the exception may be applied is the greater of the following:</p> <ol style="list-style-type: none"><li>(1) 5 percent of total district teaching positions; or</li><li>(2) Five positions.</li></ol>
<b>Employer Requirements:</b>	<p>The school district must document the following recruitment efforts:</p> <ol style="list-style-type: none"><li>(1) A good faith effort was made to hire a non-retiree; and</li><li>(2) The opening was posted for at least one month.</li></ol>
<b>Contributions:</b>	<p><i>No employee contributions</i> paid by the re-employed retiree. Employer pays employer and employee contributions. Two options with respect to contribution rates follow:</p>

Option 1: An amount equaling the annual *statutory* employer contribution rate, plus the statutory employee contribution rate; and

Option 2: An amount equaling the annual *actuarial* employer rate, plus the statutory employee contribution.

**Contractual Treatment:** School contract provisions would not be applicable to these retirees.

Mr. Deck stated that modifying the earnings limitation can impact the cost of retirement benefits significantly, depending on the number of retirees affected. The cost impact results primarily from two factors:

- Changes in retirement patterns and behavior stemming from incentives for members to retire earlier than assumed in actuarial projections; and
- Reductions in employee and employer contributions that occur when positions historically filled by active, contributing members are instead filled by non-contributing retirees.

**Retention Incentives.** Mr. Deck stated one retention incentive related to retirement benefits is the provision of an employer contribution to a deferred compensation plan on behalf of teachers who continue to work beyond the point at which they would otherwise be eligible to retire with full benefits. Whether structured as a one-year or multi-year plan, such a contribution could be made subject to a vesting schedule consistent with the period over which the employer is seeking to retain the employee before retirement. Furthermore, it could provide a significant incentive to employees who are eligible to retire, while remaining cost effective for employers (Attachment 17).

A question and answer session followed the presentation.

### **Tuition for Military Personnel**

Representative Mario Goico spoke to Committee members regarding HB 2209/HB 2343 which provide scholarships for military service in Iraq and Afghanistan. Representative Goico stated this bill, which passed as a proviso, would give scholarships for returning military service veterans from the war in Iraq and Afghanistan. The benefit would include free tuition and fees for up to ten semesters of instruction at all institutions supported by state funding offering postsecondary education (Attachment 18).

A question and answer session followed the presentation.

### **Other Issues**

Sharon Wenger, Kansas Legislative Research Department, spoke to Committee members of interim issues for discussion and action.

### **Early Childhood Program Recommendations**



### **from the 2010 Commission (HB 2310)**

The 2010 Commission recommended retaining current Department of Education (KSDE) early childhood programs in the Department and shifting the Infant-Toddler special education program (Tiny-K) from the Department of Health and Environment (KDHE) to KSDE. In addition, the recommendation included shifting the Early Head Start Program from the Department of Social and Rehabilitation Services (SRS) to KSDE.

The 2010 Commission recommended that the Children's Cabinet move forward over the next year leading the Early Learning Coordinating Council (ELCC) in improving coordination and expanding services in early childhood programs not included in KSDE. The Commission expressed the desire that these programs "cover all corners of the state."

### **Other 2010 Commission Recommendations (to date)**

The 2010 Commission recommended that the State Board of Education add a requirement that each school district annually provide training on the Kansas Accounting Handbook for district staff newly hired with responsibility for carrying out duties associated with school district accounts and that they be trained on the Kansas Accounting Handbook.

The 2010 Commission recommended that each year, the State Board of Education review data requests made during the year for accounting information and determine whether alternations or additions should be made to the Kansas Accounting Handbook or the Department's data system to accommodate future data requests.

### **Dyslexia (topic assigned by the LCC)**

The Kansas Coalition for Dyslexia Legislation compiled a list of recommendations for identifying and instructing students with dyslexia:

- Recognize;
- Screen;
- Train;
- Intervene;
- Track;
- Teach; and
- Fund.

### **Teacher Recruitment and Retention (topic assigned by the LCC)**

Committee members were told that at the start of this school year, there were 1,144 teacher vacancies. Teacher shortages are worse for high-poverty districts, districts in southwest Kansas, and for special education teachers. Suggestions regarding teacher recruitment and retention included:

- Fully fund professional development for teachers;
- Continue to fund mentor program;

- Increase teachers' salaries and provide bonuses for hard-to-fill positions;
- Deal with the Kansas Public Employees Retirement System's 'penalty' that is a disincentive for rehiring retired teachers; and
- Develop incentives for students to enter teaching as a career, e.g., Grow Your Own programs, increase student loan forgiveness incentive programs.

### **Mandatory Kindergarten (Mandatory Attendance)**

2007 SB 207 lowers the age of eligibility to attend school from six to five. The bill also lowers the mandatory school attendance age from seven to six. A balloon amendment by Senator Kelly clarifies that the intent of the bill is for attendance to begin with kindergarten.

A representative of the Mennonite Community testified in opposition to mandating kindergarten, but indicated a willingness to support legislation if a religious exemption was allowed. Staff from the Office of the Revisor of Statutes indicated there is a provision in current law that exempts recognized churches or religious denominations that object to a regular public high school education from compulsory attendance. The exemption could be expanded to include attendance of kindergarten.

### **Sound START Program (topic assigned by LCC)**

The LCC recommended the following:

- Study the need for the coordinated program to serve infant and toddlers with hearing loss.
- Review to see if any duplication of services exist if the Sound START program is implemented.
- Review which state agency should be the lead agency if the program is implemented.

(Attachments 19, 20, 21, 22, and 23)

A question and answer session followed the presentation.

Chairperson Schodorf asked if there were any additions or corrections to the minutes of August 13-14, 2007. *Representative Phelps moved to accept the minutes as recorded. The motion was seconded by Representative Horst. The motion carried.*

The meeting was adjourned at 3:10 p.m. Chairperson Schodorf announced the next meeting would take place on October 16, 2007 at 10:00 a.m. in Room 123-S.

**October 16, 2007  
Morning Session**

The meeting of the Legislative Educational Planning Committee was called to order at 9:00 a.m. by Chairperson Schodorf.

**Community College Legislative Initiatives**

Sheila Frahm, Executive Director, Kansas Association of Community College Trustees, spoke to Committee members about a tax possibility relating to the community colleges. Ms. Frahm explained the published valuations and mill levies for the 19 community colleges. Ms. Frahm stated that through the years there has been discussion as to whether or not the property taxes could be offset by sales taxes and explained the issue of a possible 0.5 percent raise in county sales taxes ([Attachment 24](#)).

A question and answer session followed the presentation.

Bill Wojciechowski, President, Pratt Community College, spoke to Committee members of the funding accommodations for postsecondary special-needs students. Mr. Wojciechowski told Committee members the provisions of the Americans with Disabilities Act (ADA) and the regulations implemented by the U.S. Department of Education serve as a guide for state departments of education and school districts in determining appropriate accommodations for special-needs students. Many of the accommodations are low-cost items and services, but equally as many are not. Parents of special needs students and the students themselves come to expect the same types and quality accommodations provided by the K-12 system and want them continued throughout the duration of the student's postsecondary education tenure.

Colleges, in most cases, are not informed of these special-needs students and the required accommodations prior to enrollment. Therefore, most often funds are not budgeted, which further exacerbates the problem. The state universities, governed by Kansas Board of Regents, face similar funding challenges to support the special-needs students on their campuses ([Attachment 25](#)).

A question and answer session followed the presentation.

Sharee Utash, Vice-President of Academic Affairs, Cowley Community College, spoke to Committee members of the teacher shortage and faculty hiring challenges. Ms. Utash stated it is becoming more difficult to be competitive in hiring full-time faculty due to salary competition with business, industry, and public education ([Attachment 26](#)).

A question and answer session followed the presentation.

**Discussion of Topics Heard During the Interim**

Dr. Alexa Posny, Commissioner of Education, Kansas State Department of Education, spoke to Committee members in response to a request for information regarding dyslexia identification in Kansas schools. Dr. Posny told Committee members that Kansas schools are required to meet the individual needs of all students, regardless of identification or label. Currently, under the federal Individuals with Disabilities Education Act (IDEA), Section 504, and state statutes, dyslexia is an already recognized disability. As a result of its inclusion in these laws, the identification of and services for students with dyslexia are already required. Additionally, the Kansas Legislature has

increased the funding for the provision of services for at-risk students who are struggling learners, who also may be dyslexic. Dr. Posny told Committee members that intervention for any struggling student, regardless of a disability or disadvantage, is needed and has been provided through IDEA, Section 504, and state programs such as infant toddler, special education, at-risk, and other programs ([Attachment 27](#)).

A question and answer session followed the presentation.

## **Discussion of LEPC 2008 Legislative Recommendations**

### **Mandatory Kindergarten (Mandatory Attendance)**

*Senator Teichman moved to recommend legislation for compulsory school attendance and add the religious component. The motion was seconded by Representative Pottorff. After a discussion of the motion, Senator Vratil moved to amend the motion, adding a provision indicating that in order to be eligible to attend kindergarten in school year 2008-2009, a child must be five years of age on or before August 31 of the school year; and in order to be eligible to attend kindergarten in a school year commencing after school year 2008-2009, a child must be five years of age on or before July 31 of the school year. The amended motion was seconded by Representative Horst. The motion carried. ([Attachment 28](#))*

### **Scholarships for Military**

Theresa Kiernan, Office of the Revisor of Statutes, gave an overview of HB 2209/HB 2343 regarding scholarships for military service in Iraq and Afghanistan.

Committee members shared concerns regarding the language of the proposal and requested the Revisor's Office come back to the November meeting with a revised version of this proposal ([Attachment 29](#)).

Kip Peterson, Director of Government Relations and Communications, Kansas Board of Regents, submitted written testimony regarding the military service scholarship program as requested by Committee members ([Attachment 30](#)).

### **HB 2015 - No Child Left Behind**

It was determined this bill was still in the House Education Budget Committee and Committee members unanimously agreed to not take any action at the present time ([Attachment 31](#)).

### **Early Childhood Development**

*Senator Teichman moved to draft a bill designed to carry out the early childhood program reorganization as recommended by the Kansas Department of Education and the 2010 Commission. The motion was seconded by Senator Francisco. After discussion of the issue, Senator Teichman withdrew the motion and suggested a draft be prepared for review at the November meeting.*

### **Sound START Program**

Committee members agreed this was an appropriations issue rather than an education issue. After consideration, Committee members determined more clarification was needed regarding this proposal and requested information be provided at the next meeting in November.

### **Teacher Recruitment**

Committee members agreed this was an issue which should be discussed at the next meeting in November.

### **Dyslexia**

Senator Schodorf requested of Dr. Posny that the Department of Education meet with members of the Kansas Coalition on Dyslexia Legislation, and discuss the issues at hand. Dr. Posny agreed.

The meeting was adjourned at 12:05 p.m. The next meeting is scheduled for Monday, November 5, 2007.

Prepared by Janet Henning  
Edited by Sharon Wenger

Approved by Committee on:

November 5, 2007  
(Date)