

Approved: 3/21/94
Date

MINUTES OF THE SENATE COMMITTEE ON EDUCATION

The meeting was called to order by Chairperson Dave Kerr at 1:00 p.m. on March 16, 1994 in Room 123-S of the Capitol.

All members were present.

Committee staff present: Ben Barrett, Legislative Research Department
Carolyn Rampey, Legislative Research Department
Avis Swartzman, Revisor of Statutes
LaVonne Mumert, Committee Secretary

Conferees appearing before the committee:

Gerald Henderson, United School Administrators of Kansas
Sydney Hardman, Kansas Action for Children
Bob Runnels, Kansas Catholic Conference
Maureen Williams, Holy Name School
Mark Tallman, Kansas Association of School Boards
Christine Crenshaw, Kansas Board of Regents
Ted Ayres, Kansas Board of Regents

Others attending: See attached list

Chairman Kerr announced that the meeting would begin with completing the hearings on HB 2768 and HB 2514 which began on March 15.

HB 2768 - Pupil suspensions and expulsions

Gerald Henderson, United School Administrators of Kansas, testified in favor of HB 2768 (Attachment No. 1). He emphasized that, except in cases of extreme violence or destruction, before a student reaches the point of being suspended or expelled, a number of disciplinary measures and actions have been taken. Mr. Henderson said that the schools alone cannot bear the sole responsibility for dealing with problem children. He said that some school districts have the option of some type of alternative education and some do not. He pointed out that the lengthened terms for suspension and expulsion in HB 2768 are not mandated terms but are maximums.

Sydney Hardman, Kansas Action for Children, testified in opposition to HB 2768 (Attachment No. 2). She said they are opposed to the bill in its current form but understand its goals to ensure a safe school environment. She expressed concern that the bill will result in decreasing public safety in the community at large because pupils who are suspended or expelled have no structure in their lives, no positive role models and find it extremely difficult to re-integrate back into a school setting. Ms. Hardman said the bill affects students of all different ages. She said they support the phrase "when the same can reasonably be anticipated to result in disorder..." in its current place in the bill to prevent those behaviors which have nothing to do with the school setting being used as a basis for suspension or expulsion. She said that statistics have shown that daytime burglaries increase when students are out of school. Ms. Hardman stated that schools should still maintain responsibility for students who are suspended or expelled and provide education alternatives. She requested that consideration be given to adding the following sentence to the end of line 16, page 2, of the bill: "For any period of suspension or expulsion which extends more than thirty school days, the board of education for the school district must provide alternatives for the education of the pupil." She stated that Representative Benlon has no problem with the amendment. In response to questions from Committee members, Ms. Hardman agreed that a number of the objections she has raised also apply to current law.

Staff provided information regarding the suspension/expulsion of students receiving special education services as requested by Senator Oleen (on March 15) (Attachment No. 3). Staff advised that the courts and law seem

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON EDUCATION, Room 123-S Statehouse, at 1:00 p.m. on March 16, 1994.

to support the short-term suspension of special education students. Under federal law and courts, "short-term" is understood to mean ten days or less, and under Kansas law, it means five days or less. Expulsion of a term of suspension beyond ten days is viewed as a change in placement and it is necessary to go through the IEP process. Staff said that the opinion seems to be that a disabled child cannot be suspended or expelled if the behavior is related to the disabling condition. If the suspension or expulsion is due to some sort of behavior not related to the disabling condition, the IEP requirement remains in place and there must be a plan for delivering special education services to that pupil. Staff noted that if there are differences in the state policy and federal policy in this area, they are minor in nature. In situations where a child is very dangerous, the courts have said that permission may be sought from them to remove the child from the current setting; however, educational services must still be provided to the child.

HB 2514 - Textbook purchase and rental plans maintained by school districts

On behalf of Representative Mead, Chairman Kerr conveyed an apology regarding the example provided in Representative Mead's testimony on HB 2514 relating to the omission of "under God" in the Pledge of Allegiance. The story was lifted from a writing by a black Kansas author named Langston Hughes referring to an event in 1952, when the phrase "under God" was not a part of the Pledge of Allegiance. Chairman Kerr said that Representative Meade apologizes for using that example and said he has other examples he believes would have been far better to illustrate his point.

Bob Runnels, Kansas Catholic Conference, testified in support of HB 2514 (Attachment No. 4). Mr. Runnels explained that his organization requested HB 2514 as it was introduced. He said the bill is designed to allow children attending non-government schools the opportunity to obtain textbooks from the local public school district at the district's bulk rate rather than the higher cost paid by groups who purchase a much smaller number of the books. He noted that he is referring to situations where the same book is utilized by the non-government school and the public school. Mr. Runnels pointed out that when a non-government school closes, there is a financial impact on the state and local school district. In response to questions from Committee members, Mr. Runnels said that his organization has not attempted to have all of the schools in the conference form a consortium to purchase books because the operation of the schools are very decentralized and have very small administrative staffs. He was asked if he is supportive of Section 3 of the bill, and he advised that he does support that amendment.

Maureen Williams, Holy Name School, testified in favor of HB 2514 (Attachment No. 5). She expressed support for both the textbook portions of the bill and the portions relating to founding documents. She said she has not asked the local public school district in her area to allow the purchase of textbooks because, unless specifically authorized, they would not do so.

Mark Tallman, Kansas Association of School Boards, testified in support of the bill (Attachment No. 6). He said his association opposed the bill in its original form but has no objections to the current form of the bill. Mr. Tallman said he does not believe that districts currently would be able to enter into these cooperative arrangements.

HB 2755 - School districts, school breakfast program

Chairman Kerr said there had been some confusion about the three-year sunset portion of the amendment adopted on HB 2755 on March 15. In discussing the matter with Senator Emert, who made the motion, and other committee members, it has been clarified that the intent is that the changes being made to current law by HB 2755 will sunset in three years unless the Legislatures takes action before then.

HB 3030 - Kansas work-study program

Staff explained that HB 3030 would consolidate two separate programs, Kansas Career Work-Study program and Youth Education Services, into a single program, the Kansas Work-Study Program. Washburn students would be eligible to participate in the Kansas Work-Study Program and are currently eligible to participate in the Kansas Career Work-Study, but were not eligible to participate in the Youth Education Services program.

Christine Crenshaw, Kansas Board of Regents, testified in favor of the bill (Attachment No. 7). She said the total funding for the two programs is about \$500,000. Because of changes in the Federal College Work-Study program requiring that 5% of the funds be used in community service employment, merging the two state programs would allow schools to "piggyback" the state funds on the federal program.

HB 3031 - Nursing student scholarship program, definition of rural areas, satisfaction of obligation

Ted Ayres, Kansas Board of Regents, explained and testified in support of HB 3031 (Attachment No. 8).

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON EDUCATION, Room 123-S Statehouse, at 1:00 p.m. on March 16, 1994.

The bill would amend the Nursing Student Scholarship program by changing the definition of rural area from a county with a population of 20,000 to mean all counties except the five largest counties in the state and by providing an additional method to satisfy the outstanding loan obligation so that a sponsor is not penalized for being unable to provide employment within six months of the recipient's licensure. In response to questions, Mr. Ayres said the demand or interest in the program has lessened somewhat since 1989 but he does not know whether that is because the shortage has been alleviated or because of problems with the program in its current form.

HB 3032 - Kansas ethnic minority fellowship program, enhancement of stipends paid graduate students

Ted Ayres, Kansas Board of Regents, explained and testified in support of HB 3032 (Attachment No. 9). The bill would amend the Kansas Ethnic Minority Fellowship Program for graduate students by removing the \$2,000 limit per year cap on the amount institutions may enhance the stipends and by expanding the program to include all seven institutions.

Dr. Robert Sanders, University of Kansas, spoke in support of HB 3032. He believes the changes would allow the institutions to approve the most highly qualified students into the programs and permit fellowship stipends to be more equitable with the costs of the individuals programs.

HB 3030 - Kansas work-study program

Senator Oleen made a motion that the bill be recommended favorably for passage. Senator Langworthy seconded the motion, and the motion carried.

HB 3031 - Nursing student scholarship program, definition of rural areas, satisfaction of obligation

Senator Emert made a motion that the bill be recommended favorably for passage. Senator Frahm seconded the motion, and the motion carried.

HB 3032 - Kansas ethnic minority fellowship program, enhancement of stipends paid graduate students

Senator Jones made a motion that the bill be recommended favorably for passage. Senator Walker seconded the motion, and the motion carried.

SB 784 - School districts, educational services, juvenile detention facilities, Flint Hills job corps center

Senator Oleen made a motion that SB 784 be amended by providing that the reimbursement for educational services cannot exceed twice the amount of the base state aid per pupil. Senator Emert seconded the motion, and the motion carried. Senator Frahm made a motion that SB 784, as amended, be recommended favorably for passage. Senator Oleen seconded the motion, and the motion carried.

Senator Tiaht made a motion that the Committee introduce a concurrent resolution urging the State Board of Education to adopt guidelines in providing instructions to pupils regarding human sexuality and AIDS under the Quality Performance Accreditation. Senator Emert seconded the motion, and the motion carried.

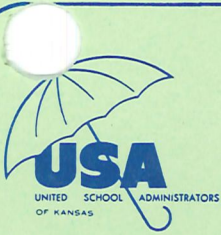
The meeting was adjourned at 2:30 p.m. The next meeting is scheduled for March 17, 1994.

SENATE EDUCATION COMMITTEE

TIME: 1:00 PLACE: 123-S DATE: 3/16/94

GUEST LIST

<u>NAME</u>	<u>ADDRESS</u>	<u>ORGANIZATION</u>
Maureen Williams	934 SW Clay Topeka	Catholic Schools
Bob Fennels	8900 Michals Rd Lawrence	Jr. Lath Center
Jennifer Ingell	KV Lawrence	Sen Jones - Intern
Christine Crenshaw	Manhattan	Bd of Regents
TED D. AYRES	Topeka	Board of Regents
Robert B. Sanders	Univ. of Kansas, Lawrence	The Univ. of Kansas
Forest Dore	KAAVTIS	Wichita
Via Braden	Topeka	KACC
Nancy Hjortad	Wichita	USD 259
Rodolfo Guirler	600 Park St, Hays	FHSU
Merle Fred	Topeka	KACC
Gerald Mulvan	Topeka	USK of KS
Ken Bahr	"	4th Enrollment USD 119
Joanne Munoz	Topeka	Peter McCall + Assoc.
SYDNEY HARDMAN	Lawrence	KS ACTION FOR CHILDREN
Mark Tallman	Topeka	KASB
Susan Chase	Topeka	KNFA
Craig Grant	Topeka	HTNEA
Debra Dares	"	SQE
Carrie Hurrell	Topeka	State Bd of Ed.



HB 2768: PUPIL SUSPENSIONS AND EXPULSIONS

Testimony presented before the Senate Education Committee
by Gerald W. Henderson, Executive Director
United School Administrators of Kansas

March 15, 1994

Mister Chairman and Members of the Committee:

United School Administrators of Kansas appreciates this opportunity to support **HB 2768**. There are two provisions of this bill which answer major concerns of our members who are principals of middle schools, junior high schools, and high schools in Kansas.

First, allow me to remind the committee of the scenario that has most likely occurred before the consideration of an extended term suspension or an expulsion. Except in those cases when the student behavior is so violent or so destructive that immediate expulsion is warranted to ensure the safety of other children, most offenders will have experienced an entire list of disciplinary procedures.

Conferences were held with the student and parents, counselors were consulted, community agencies were included, detention procedures were used, in-school suspension was assigned, short-term alternative placements were considered, out-of-school short-term suspension was tried, and the process goes on and on in an attempt to avoid expulsion.

However, there are children in our schools who commit violent acts, or who demonstrate the potential for violence, by bringing a firearm to school. Or we have students who are so disruptive in other ways that they must be separated from the school community for a period of time.

(over)

Sen. Ed.
3/16/94
Attachment 1

To ensure safety for others, two changes brought about by this bill are very much needed. The first is the change outlined on **page two, lines 6-10** of the bill, which allows a long-term suspension or expulsion to be applied to a succeeding school year. The disciplinary files of Kansas secondary schools are filled with cases of youngsters who misbehave during the final days of a school year, knowing that they will be allowed to enroll on the first day of the Fall semester. This bill changes that.

The second important change is outlined on **page 6, lines 35-39**. This new section allows a school in any school district to refuse admission to a pupil who has been suspended or expelled from another school district. Under current law, a pupil who has been expelled for carrying a gun in one district need only establish residency in a neighboring district (and this can be done with relative ease) and the pupil must be admitted to school. This bill changes that.

Most of the other provisions of this bill speak to the due process rights of students and their parents or guardians. The clarifications and explanations of such rights contained in **HB 2768** are good additions to current law. Individual rights need to be protected, but so do the security and safety rights of the students and educators in that school setting.

The provisions of **HB 2768** will assist school administrators in providing a safe environment for children. We encouraged the committee to act favorably on the bill.



Because all children need someone who cares...
**Kansas Action
for Children, Inc.**
A non-profit, tax-exempt organization.

715 SW 10th Suite 215
PO Box 463
Topeka, Kansas 66601-0463
Phone: (913) 232-0550
Fax: (913) 232-0699

Johannah Bryant
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TESTIMONY TO: SENATE EDUCATION COMMITTEE

RE: H.B. 2768

BY: SYDNEY HARDMAN

MARCH 15, 1994

I am Sydney Hardman, Advocacy Coordinator with Kansas Action for Children. KAC is a statewide non-profit advocacy organization. We provide no direct services, but advocate for changes in systems to benefit children and families.

On the House side, KAC appeared in support of H.B. 2768, but with some suggestions for changes. Today, I appear as an opponent because there have been some developments within the last month.

First, we have received some phone calls from parents who are very distressed because their children are being suspended or expelled, and they believe their children will be harmed by such actions. These are unsolicited phone calls, which we have rarely experienced in the past because we have not been active in very many projects relating to education. Because our name is "Kansas Action for Children," these parents have called to see if we could help.

Second, our Board of Directors has met, has discussed H.B. 2768, and has asked me to convey their opposition and concern. Members of our Board are citizens who are generally representative of our state — by race, geography, political party and persuasion, profession, income, and other ways. I speak today as a representative of this diverse group of citizens.

Sen. Ed.
3/16/94
Attachment 2

KAC remains supportive of the goals of H.B. 2768. We understand that all children in our schools have the right to be free from fear. Public officials must assure that our schools are environments where children can learn and educators can teach. There is, unfortunately, a small group of children whose behaviors threaten the safety and peace of mind of employees and other students.

However, H.B. 2768 is so broadly written that it is likely to be used for far more children than those who are truly dangerous. Keep in mind that these remedies can be used for children of any age and at any grade level. The parents who have contacted us are talking about ten-year-olds whose behaviors are no more serious than scuffles in the hallways. While I believe that most schools in our state want to educate all of the children in their charge, I also believe that some of our schools are not prepared to deal with behaviors of certain special needs children, and may use the suspension and expulsion remedies unwisely.

Second, those students who are engaging in criminal behaviors need more structure, not less. Studies compiled by the National School Safety Center at Pepperdine University found that there is a strong correlation between youth not being in school and daylight burglaries. It is not hard to imagine what happens to youth who are already getting into trouble when they are suddenly left with a lot of idle time, virtually no structure in their lives, and no positive adult role models. Then, after a period of extended suspension or expulsion, they have fallen farther behind in school and are unlikely to ever return to school successfully. (Keep in mind that a student expelled in April or May will lose three full semesters.)

Unfortunately, we are beginning to lock ourselves into a terrible "either-or" dilemma — either we let young criminals wreck havoc on our schools or we get them out of our schools. KAC urges you to consider a third option — that students who must be suspended or expelled for the sake of school safety are still educated and given the structure they need. Fortunately, there are models in our own state that are effective in educating troubled youth and in assuring the safety of staff and other students. One example is the Second Chance School here in Topeka, a cooperative venture of the school district, law enforcement, and the courts. A KAC Board Member who is a retired

superintendent from a rural district in Kansas has assured me that all districts can create alternatives when they commit to educating our troubled youth.

I realize that many will say that the alternatives are costly — whether special in-school alternatives, separate "alternative schools," tutoring, or other. The National School Safety Center is working with some local school districts to develop alternatives, and they have found that communities must participate with the schools in developing the alternatives. Our communities will actually lose a lot more than the costs of educating these youth if you factor in higher crime, higher law enforcement and court costs, youth who will become unemployable adults, etc. Law enforcement agencies, in particular, have understood that programs to keep youth in school will make their jobs easier and save money in the long term. And, finally, I would mention that the \$3,600 per pupil provided by the taxpayers of this state would be at least a good beginning to address the needs of these students.

We believe we can send a message to these young people that we are getting tough on crime in our schools. Instead, the message that H.B. 2768 seems to be sending is "Act up in school, and we'll exempt you from school altogether so you can spend your days on the streets with no supervision or productive activities." This is not a solution to violence in our schools — it is a formula for ever-widening violence in our communities.

TO: ALL DIRECTORS OF SPECIAL EDUCATION

FROM: BETTY M. WEITHERS, Team Leader,
Special Education Outcomes Team

DATE: FEBRUARY 14, 1994

RE: **POLICY CLARIFICATION: SUSPENSION/EXPULSION OF
STUDENTS RECEIVING SPECIAL EDUCATION SERVICES.**

**WORKING
DRAFT COPY**

Suspension, temporary removal of a disabled student from the school environment, or expulsion, permanent removal, has long been a source of confusion and concern for school officials. This policy clarification is an attempt to offer an analysis of when this type of discipline is permissible, and under what circumstances it may be applied to a student with disabilities.

QUESTION 1: May a Local Education Agency (LEA) utilize the same suspension policy for all students?

ANSWER: Yes, provided the suspension is of limited duration, ten (10) days or less in one school term.

The need to remove a disruptive student from the school environment may outweigh the entitlement to a free appropriate public education for students with disabilities. Discipline, short of that which would cause a change in educational placement can be effected without going through the IDEA procedures. Gross v. Lopez 419 U.S. 565 (1975), Kaelin V. Grubbs, 682 F.2d 595 (6th Cir. 1982). Suspension of limited duration, ten (10) days or less in one school year, is normally not a significant enough interruption in the student's educational program to be considered a change in placement. Therefore, suspension of ten school days or less may be applied to students with disabilities using the criteria outlined in K.S.A. 72-8902.

Exclusion that is permanent, for an indefinite period, or for more than ten (10) school days, in any one school year, constitutes a significant change in placement, which requires all of the due process procedures of IDEA. Section 504 Guidelines for Educators, p.62 see also, Stuart v. Nappi, 443 F. Supp. 1235 (D. Conn. 1978), Honig v. Doe, 108 S.Ct. 592 (1988).

QUESTION 2: Does in-school suspension count in the cumulative total?

ANSWER: In-school suspension may be the same as out-of-school suspensions.

In-school suspensions count in the cumulative total where the nature and quality of the suspension program is not comparable to the nature and quality of the special education program being provided. A student with a disability may be assigned to an in-school suspension for less than ten days without requiring the due process procedures of the IDEA. In-school suspension is encouraged in lieu of out-of-school suspension, if the student is allowed to remain supervised while pursuing academic and social skill curricula. A district is well advised to adopt a written policy for implementing in-school suspensions which involve a continuation of IEP goals and objectives.

QUESTION 3: May students with disabilities be suspended from a related service, such as bus transportation?

ANSWER: Yes, however if the suspension equates to a denial of special education or related services of sufficient duration so as to cause a change in placement, the due process procedures of the IDEA are required.

Schools may use normal disciplinary procedures for students with disabilities including suspension, so long as the student's educational program is not significantly interrupted. If suspension from riding the school bus prevents access to special education services, the suspension is subject to the 10 day rule. In addition, the first day the student is ejected from the bus is considered the first day of suspension.

QUESTION 4: Is an evaluation required prior to suspension/expulsion?

ANSWER: Yes, if the suspension will result in a denial of services for more than ten school days, an evaluation that is multisourced and multidisciplinary is required.

Suspension for more than ten (10) school days is considered a change in placement. Prior to a change in placement, an evaluation must be conducted. This evaluation must be multisourced and multidisciplinary. Kansas State Plan For Special Education, p. 19 (1993-1996), K.A.R. 91-12-40(d)(2) and K.A.R. 91-12-40(d)(5). Multisourced means that information must be obtained from a variety of sources, including aptitude and achievements tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior. Multidisciplinary means the multidisciplinary team is permitted to determine the scope and extent of the assessment. The evaluation must be sufficient to enable the team to make informed decisions concerning the relationship of the misconduct of the student, if any, to his/her disability, and provide sufficient information for the team to make placement recommendations.

QUESTION 5: Prior to suspension/expulsion of a student with a disability, is it necessary to determine that the misbehavior was not caused by or was not a direct manifestation of the disability?

ANSWER: Yes, removal beyond the ten day period may not occur unless a proper determination has been made that the student's misconduct was not a manifestation of his/her disability. 20 IDELR 542 (OSERS 1993), Honig v. Doe, Supra.

The leading case on discipline of the student with a disability, S-I v. Turlington, 635 F.2d 342 (5th Cir. 1981), found that the local school board had violated Public Law 94-142 because they failed to consider whether the misconduct was a manifestation of the student's disability. The court's rationale appears to be that if the misbehavior is simply a manifestation of the disability, in other words, "the child couldn't help it", it would not be educationally sound to punish the child for his/her misbehavior.

QUESTION 6: Who is the appropriate group to ask and answer the question of whether a causal relationship exists between the disability and the misbehavior, and determine alternate placement decisions?

ANSWER: The school evaluation and program personnel on the student's IEP committee.

The individuals comprising the IEP committee are presumed to have sufficient knowledge about the student to render a competent decision. It should be noted, the placement decision must be made by a group of persons. The relevant regulations state:

Any decision to change the type or intensity of a student's placement must be made by a group of persons, including persons knowledgeable about the child, the meaning of the evaluation data, and the placement options. 34 C.F.R. 300.533(a)(3), K.A.R. 91-12-41(b)(5).

Once the multidisciplinary team has determined that the misconduct was not caused by or was not a direct manifestation of the student's disability the student may be suspended or expelled from public school. If the suspension or expulsion exceeds ten (10) school days, the IEP team must reconvene to determine an alternative placement.

QUESTION 7: Is parental consent necessary prior to exclusion of a student with a disability?

ANSWER: Yes, if the suspension/expulsion equates to a change in educational placement, more than ten (10) school days in one school year, parental consent is necessary. Sec. K.A.R. 91-12-22(ss)(2)(B).

If the duration of the suspension/expulsion is less than ten (10) school days, parental consent is not necessary. However, suspension/expulsion which would cause a change in educational placement, more than ten school days, cannot be effected without going through the IDEA procedures. Gross v. Lopez 419 U.S. 565 (1975), Kaelin V. Grubbs, 682 F.2d 595 (6th Cir. 1982).

QUESTION 8: Does the ten day suspension "clock" begin anew once placement has been changed?

ANSWER: Yes, if the student's placement has been changed through appropriate procedures, the suspension clock restarts with the new placement.

The federal Office of Special Education Programs (OSEP) in a position paper issued July 29, 1991 opined that:

"The ten-day "suspension clock" would start again once the placement of a student with disabilities who previously had been suspended for misbehavior has been changed through the appropriate procedures for reviewing the student's individualized education program (IEP). However, we (OSEP) would suggest that cases of repeated inappropriate behavior in new placements should be carefully examined to determine whether appropriate educational interventions are being provided."

QUESTION 9: What options are available to the LEA should the parent refuse consent to change placement.

ANSWER: The district has the right to request a due process hearing, or to seek an injunction from a court of competent jurisdiction for an order for a change in placement which removes the student from public school.

QUESTION 10: Does the "stay put" provision of the IDEA apply to suspension/expulsion?

ANSWER: Yes. The stay-put provision of the IDEA does not have a discipline exception.

If during the pendency of expulsion proceedings, a due process hearing request is filed, the "stay put" provision of 34 C.F.R. 300.513(a) and K.A.R. 91-12-41(g) apply. Should the district conclude that the student poses a danger to himself or others, the district may seek an injunction from a court of competent jurisdiction for an order for a change in placement which removes the student from school. See for example, Board of Education of Township High School District Number 211 v. Kutz-Imig, 16 EHLR 16 (N.D. Ill. 1989).

QUESTION 11: What are the responsibilities of the LEA during the suspension/expulsion period.

ANSWER: The LEA must continue to provide the special education services in the student's IEP.

The LEA has a continuing responsibility to provide special education services to the student. The student's placement or need for special education services for which he/she was originally identified has not diminished. Therefore, a complete cessation of educational services is unacceptable. S-1 v. Turlington, 635 F.2d 342 (5th Cir. 1981). The IEP team must develop an IEP to govern the special education and related services that will be carried out during the expulsion. That IEP must have goals and objectives which will assist the student's return to school at the end of the suspension/expulsion period and which will prevent significant regression. See New, EHLR 213:258 (OSERS 1989) and Davis, 16 EHLR 734 (OSERS 1990).

CONCLUSION:

In summary, a student with disabilities is not immune from discipline and may be suspended temporarily. It is apparent, however, that because sequential or continuing suspensions cannot be used to keep a student with disabilities out of school or to discontinue the student's education, alternatives to expulsion must be explored.

Prior to a second suspension, school officials should question whether the behavior changed due to the previous suspension intervention. When repeated suspensions fail to change behavior, and the student can no longer be provided services in the current school environment, the multidisciplinary team must identify an alternate delivery model or placement, i.e. homebound, special school, or a different school, for the provision of special education services.

It should be noted that homebound placement must be used with caution. Often the multidisciplinary team recommends homebound placement while the student is on a waiting list to be accepted into a State institution. This rationale is inappropriate. Social and Rehabilitation Services is no longer placing students into State institutions, and in fact has moved to a more community based model with an emphasis on de-institutionalization. Because the State institutions are unavailable, the district must look to an alternative solution if this is the sole basis for recommending homebound placement.

TESTIMONY

Senate Education Committee - H.B. 2514

Tuesday, March 15, 1994, 1:30 p.m.

By Bob Runnels, Executive Director
KANSAS CATHOLIC CONFERENCE

Thank you Chairman Kerr and members of the Education Committee. I come before you today asking that you give proper consideration to my request that you favorably consider legislation that would allow children attending non-government schools the same opportunity to obtain books from their local public school district as children attending the public school in that district (these would be books currently being used in the district schools).

Parents of children attending non-government schools are continuing to find ever increasing costs, as the schools of their choice, attempt to keep pace with escalating salaries of teachers and the cost of books. Our children are required to pay a price as much as twice as high as public school children pay for the same books.

The great fear is that unless some recognition be given to the contributions that non-government schools make to our free competitive system that more and more school closings will occur.

I call your attention to a newspaper story that ran recently in our Dodge City Diocesan Newspaper titled "Parish School to Close in Liberal". This school has operated since

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Attachment 4

1964 with 74 students enrolled. At around \$6000 per student this community will face a cost of at least \$444,000 this year.

Perhaps the availability of books on the same basis as other students are receiving would not have kept this school from closing, but I do feel that some incentive and recognition by the state will help keep others in operation.

I do know that attendance in our schools nationally has dropped from 5.5 million students in the 1950's to something over 2 million today.

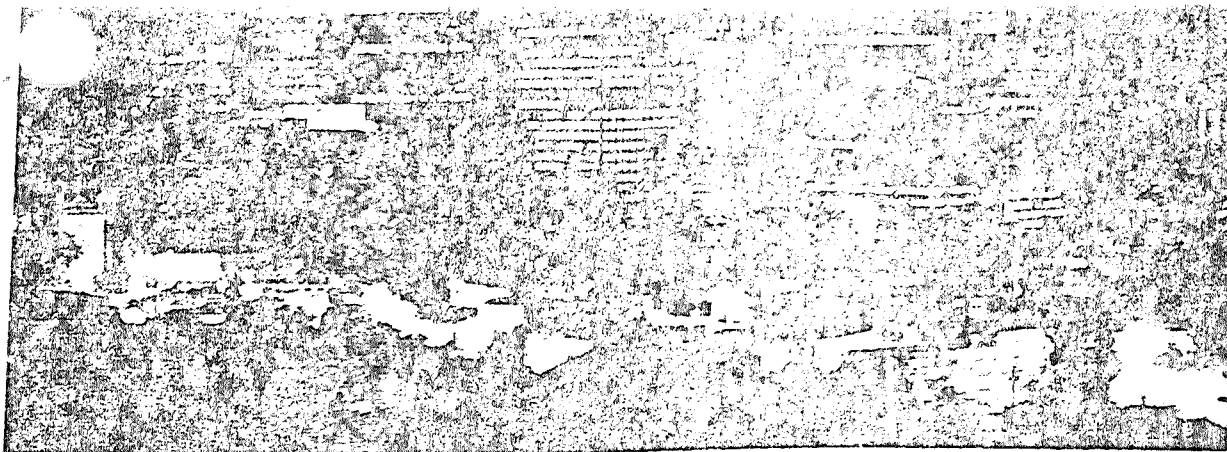
Our great concern is for the non-government schools in rural areas and small towns and the central city.

Again I want to reiterate I have found that book costs are a major expense because of the small quantities in which they are purchased by our schools.

Most public school districts charge for the use of books ... but it is considerably less than what non-government schools pay.

I am asking you to report favorably this bill from your committee which is patterned after the Transportation Act where our children are picked up along the normal bus routes and dropped off near their schools.

I would be pleased to answer any questions the committee might have.



Denver, the modern Mile High City at the base of the Rockies, will host tens of thousands of young persons August 11-15, during World Youth Day '93. Photo credit: Denver Metro Convention & Visitors Bureau.

Parish School to Close in Liberal

St. Anthony School in Liberal will close after the current school year, according to Sister Sylvana Schulte, ASC, Superintendent of Schools. The Diocesan School Board approved the recommendation from Father Henry Hildebrandt, pastor of St. Anthony Parish, at a meeting held on Jan. 26 at the Chancery. Bishop Stanley G. Schlarman approved the recommendation from the Diocesan School Board with regret.

The recommendation from the pastor came after a Jan. 18 meeting with Sister Sylvana, Daniel Stremel, diocesan financial officer, and the St. Anthony Parish pastoral, school, and finance councils, and concerned parents. A consensus was reached at the meeting that the school would close for economic reasons.

St. Anthony School has operated since 1964. There are currently 74 students enrolled in grades K-5. The school was subsidized with 67 percent of the parish contributions.

"Basically this has been coming since 1985," said Father Hildebrandt. "For the last nine

years the parish has been spending more than it is taking in. This was tolerated because there was money in savings. Last year those savings were virtually exhausted and the situation became critical. It is no longer possible for the parish to sustain the ministry of St. Anthony School given the economy and the financial condition of the parish.

"The meeting on Jan. 18 was a very sad time. Yet I believe when a door closes, another one opens up. I was so proud of those people that night who immediately looked ahead and were asking 'what are we going to do for our kids in the way of youth ministry and religious education?'"

Father Hildebrandt and Julia Thompson, principal, visited each classroom to inform the students that the school would close. "The fifth graders were very inquisitive about the reasons that the school had to close," said Father Hildebrandt. "They wanted to know about the way public schools were financed. The discussion

led to talk about tuition tax credits for parochial schools."

U.S.D. 443 Continues Interest in Wright School

The school at Wright may once again be utilized by USD 443 to handle the overflow in Dodge City schools come fall, according to Father David Kraus, chancellor of the Diocese of Dodge City and pastor of St. Andrew Parish, Wright.

USD 443 closed the elementary school in Wright last summer after using the former St. Andrew School building as a public school since 1973. The building had been used as a parochial school from 1929 to 1971 before it closed.

"There was some concern on the part of the diocese and the Wright parish over future uses of the property," stated Father Kraus. "The contract, signed in 1973, states that the property shall revert back to the previous owners in the event it ceases to be used for school classes. Since the school building is located between the church and the parish center it is only natural that we should be concerned."

Representatives of the dio-

coming fall

School's total proximate \$625,000 transferred to the St. Medical Center Foundation. These were nursing ships or scholarships been established for members of the Sisters of St. Joseph of Wichita or

CATHOLIC

members as memorial sons wanting information about these scholarships should write: Sister Mary Baer, 1130 S. Clifton, V. KS 67218.

case and the school district on Jan. 18 to discuss the of the school building school district wants to the building for overflow the schools in Dodge City will have our attorney up another legal instrument that will call for a review few years. We are happy the school district will continue to use and maintain the building for classes," said Father Kraus.

SMPC Class of

Despite reports that St. 38th and "last" commencement one more. Commencement held on May 29 at 2 p.m.

After the college closure creditation was extended finish up their course work and transfer their credits if they wanted to receive

According to Jean Der students have worked on academic requirements for transfer and universities through that she expects that bet participate in the traditional

Catholic Schools Week
January 31 - February 6

SENATE HEARING COMMITTEE

RE: HOUSE BILL #2514

Mr. Chairman and Members of This committee:

Bill #2514 promotes not only equality in education with the textbook policy but would help to guarantee that tomorrow's future leaders would have equal opportunities in today's world. Children, our future leaders, suffer when new or revised textbooks cannot be obtained. If this bill is passed, nonpublic schools would be able to purchase textbooks at the same rate as the public school districts in which they reside.

I have included a copy of my original testimony that I gave to the House Hearing Committee. It includes testimonies from parents in support of this bill.

Section 3 of Bill#2514 is also of great importance to me as an educator and a parent. Our country was founded on the premise of freedom for all, not only in religion but in all aspects of our lives. These concepts, which are the foundation of what we are today, are slowly being eliminated from our educational system.

We want children to have a knowledge of art, so we show them the art works of Picasso and VanGogh. We educate them to have an appreciation for music, they listen to Bach, Beethoven, and Mozart. However, we are not giving them the same opportunities in history when we deny them the works of Jefferson, Monroe, or Washington.

History is the foundation of the future. We learn from the past in order to preserve the present and look to the future. The founding fathers knew better than we of religious freedom and separation of church and state. They lived with it. That is why they wrote the Bill of Rights. Without the Constitution we would not be able to be here today to support or oppose this bill. When our children are not able to read the National anthem, Declaration of Independence, Constitution or the Mayflower Compact, how are they to know and understand WHY they were written.

Our students today will be sitting in your seats tomorrow. They MUST have a knowledge and appreciation of our government, how it works, why it has survived 200 years, and how they can continue to preserve the freedoms that some many in the world today seek. They will need all the resources available to them in order to make sound decisions that will maintain our freedoms. It is vital that they understand these documents listed in Bill#2514. These documents are the basis, the foundation, the life-blood of this country. Without these, there would have been no UNITED STATES OF AMERICA. Without these, there would have been no opportunity to be here today to voice our opinions. Without these, there will be no tomorrow for our children.

Sincerely,
Maureen Williams
Principal, Holy Name School

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Attachment 5

KANSAS HOUSE COMMITTEE

RE: House Bill #2514

Mr. Chairman and Members of This Committee:

This country was founded on the premise of equality for all. At various times throughout our history, the idea of equality has surfaced to great heights, abolition, women suffrage, civil rights, and today choice in education.

Through our present system of education, not all children are on an equal level. There is a definite inequality between public and non-public education. As a parent and administrator of a Catholic School I see parents sacrificing a great deal when they choose a non-public education for their children.

They not only must face the financial responsibility of supporting public education, but also that of supporting non-public education. As the cost of textbooks rises the educational opportunities of non-public school children is greatly inhibited. Many non-public schools today are having difficulty absorbing these costs. They must pass these on to their parents.

Children, our future leaders, suffer when new or revised textbooks cannot be obtained.

Bill #2514 promotes equality in education and would guarantee that the tomorrow's future leaders would have equal opportunities in today's world.

Maureen Williams

I would like to present various testimonies from parents:

I support the book voucher bill. This voucher will give the taxpayers who choose a non-public education some assistance in financing their child's education.

I accept the fiscal responsibility that goes along with the choice of non-public education. I

Sen. Ed.
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feel that because of the lack of quality education that my children received in the public system we had no choice than to return to the non-public system.

However, because of an increasing amount of money needed to fund our children's education we are needing some help.

If you feel this is too much to ask think of the alternative, the public education system being forced to educate the non-public students.

Sarah Gigous

I feel competition is very important in all aspects of our life. For most people there is no choice as long as our tax dollars are used for public schools only.

The freedom of choice is one of our great freedoms and has been denied because our taxes go only to public education. We then must pay again for education in a non-public school.

Thank you.

Joe Sutcliffe

** Chose Catholic School for my children because God and our faith are able to be part of the total classroom environment.

** Have taught for eighteen years in Topeka Catholic Schools and know that we provide as good or better education than public schools.

** Catholic Schools are not just for the wealthy. Studies would probably show the same economic levels percentage-wise as public schools.

** As a Kansas taxpayer I am already paying for public education for my children. They should be able to receive books on the same basis as all other children.

Nancy Walker

I support voucher bill #2514 for two reasons, my son and daughter. We transferred my son to a private high school his sophomore year to begin receiving an education that would better prepare him for college, which we felt he was not receiving in the school district we were living in.

My daughter was transferred in the seventh grade because she has A.D.D. (attention deficit disorder) and the school district she was in was doing more damage than good. They were unprepared to handle her situation. Private school not only has helped her academically but also her self confidence and self esteem.

I strongly urge you to pass this bill which would allow the private schools to procure textbooks on the same level as public schools.

Madelene Noller

I have made a huge financial commitment to send my children to private primary and secondary schools. This is a totally voluntary action on my part. I know that I also support public education, the same as parents who send their children to public schools. I am not asking for a gift or even special consideration by my request to participate in the Book Program for Private Schools. My request is simply for something I already pay for. It doesn't seem to be to be a big problem to implant since private schools could check out books just like District Schools do.

This is a program I already pay for, and a program I should be allowed to participate in.

Gary Walker

As a teacher and a parent I support Kansas House Bill S#2514 which would allow students attending non-government schools to obtain books on the basis as students attending public schools.

The ever increasing high costs of textbooks inhibits the educational opportunities of all children attending non-government schools.

Schools cannot absorb these high textbook costs.

We need an educational environment based on students need without financial penalty.

Bill #2514 promotes equality in educational opportunities for all children.

Mary Langer

As a parent and a taxpayer in Topeka, Kansas I support the concept of choice in education. I would like to see House Bill #2514 become law so that tax dollars allocated for education of students in a district be used to provide the same educational materials to all students regardless of whether it is a government or a non-government sponsored educational facility. The goal of our community should be the best education for our children. By providing the same textbooks and educational materials to all of our students in a district we would achieve a higher level of education and a more cohesive educational system for the community.

I currently feel as though I am supporting two educational systems, one by choice and one by taxes. To be able to combine these into one would be a terrific asset.

Edward Becker

As a non-Catholic I support the Textbook Voucher Bill #2514 which would encourage educational excellence and establish a bond between parent and school. The current finance monopoly is contrary to our democratic traditions.

Rosalie Smith



**Testimony on H.B. 2514 Before the Senate Committee on Education
By Mark Tallman, Director of Governmental Relations**

March 15, 1994

Mr. Chairman, Members of the Committee,

Thank you for the opportunity to offer comments on H.B. 2514. This bill has changed a great deal during its legislative history. As introduced, it would have required school districts to include non-public school students in their textbook programs, and provided free textbooks to qualifying non-public students. KASB strongly opposed that bill on a number of grounds.

As amended by the House Committee, the bill would allow school boards to provided for the purchase of textbooks from the school district by non-public school students. Because the decision would be up to the local school board, and because no public funds would be involved, we did not oppose the bill in that form.

The House Committee of the Whole added provisions to permit school district certified employees to read and post in a school building or classroom certain documents of American history, and directs that copies of this law be distributed to each school district and to all certificated personnel.

If the Legislature wishes to make a statement about the importance of American history and the study government documents, its seems to us a resolution would be more appropriate. We believe that schools already have the right to use any of these documents. We are not aware of any district which has attempted to prohibit the reading or posting of these document. This bill could not change judicial decisions concerning school prayer or the relationship between church and state (although these decisions are presumably among those that could be read and posted).

If the Legislature wishes to send a message about something will this bill, it make clear what this message really is. At this point, we do not know what the intent of this bill is, why it is needed, or what it would do. We hope these questions would be answered before it would be passed.

Thank you for your consideration.

The Testimony of

N. Christine Crenshaw
Director of Student Financial Aid
Kansas Board of Regents

before
THE SENATE COMMITTEE ON EDUCATION
1994 Legislative Session

in re
House Bill 3030

Kansas Work Study Merger with Youth Education Services Work Program

1:00 p.m.
March 16, 1994
Room 123-S
Kansas Statehouse

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3/16/94
Attachment 7

My name is Christine Crenshaw and I am the Director of Student Financial Aid for the Kansas Board of Regents. I appear as a representative of the Board to endorse House Bill 3030.

In the last decade, the percentage of student financial aid identified as Federal College Work Study has dropped from 4% to 2% of total grants, loans and federally sponsored work. In addition, the ratio of institutional match to federal funds has grown to 25% (50% if the student works in an approved private, for-profit setting).

Therefore, students either have fewer school sponsored work opportunities or educational institutions must divert more resources to the program.

The State of Kansas, in 1988, established both the Career Work-Study program and the Youth Educations Services program. Career Work-Study, now known as Kansas Work-Study was designed to encourage employment in settings related to the student's expected career field. Youth Education Services (YES) was designed to encourage college students to provide mentoring, tutoring and leadership to elementary and secondary students.

The programs appear to have been successful, suffering only from inadequate funding to meet the demand of students and employment situations. Approximately 400-450 students currently participate in the program.

Effective with this academic year (1993-94), Federal College Work-Study generally requires that 5% of funds be used in community service employment. We propose that there is both efficiency and effectiveness in merging the state programs with similar requirements as the federal programs. This allows institutions to streamline management and counseling efforts.

Finally, research suggests that work-study programs can assist in reducing loan reliance while providing useful services to the college/university and the community. It is likely the Board of Regents Student Financial Aid Committee will study the role of work study programs as part of the mix of scholarships, grants and loans during 1994. The areas of study will likely include number of hours to be worked weekly by students so a negative impact is not made on grades and enrollment; aggregate work-study funds necessary to provide work opportunities to all interested students; partnership arrangements among federal, state and private sources of funds; and the types of jobs that most benefit students academically.

Thank you for your attention and I stand for questions.

Resources: Trends in Student Aid: 1983-1993, The College Board, September 1993.
"College Student Employment, Academic Progress, and Postcollege Labor Market Success", by Philip Gleason, Journal of Student Financial Aid, Vol. 23, No. 2, Spring 1993.
"To Work or Not to Work: That is the Question". by Gary curtis and Carole E. Nimmer, Journal of Student Financial Aid, Vol. 21, No. 3, Fall 1991.
"Coping with the Costs: How Adults Pay Their College Expenses", by James W. Augustin and Carol Mishler, The Journal of Student Financial Aid, Vol. 16, No. 3, Fall, 1986.

The Testimony of

Ted D. Ayres
General Counsel and
Director of Governmental Relations
Kansas Board of Regents

before
SENATE COMMITTEE ON EDUCATION
1994 Legislative Session

in re
H.B. 3031

1:00 pm.
March 16, 1994
Room 123-S
Kansas Statehouse

Sen. Ed.
3/16/94
Attachment 8

My name is Ted D. Ayres and I am General Counsel and Director of Governmental Relations for the Kansas Board of Regents. I am here this afternoon representing the Board of Regents. I am here to speak in support of House Bill 3031.

The Kansas Nursing Student Scholarship Program, K.S.A. 74-3291 *et seq.*, was enacted by the 1989 Legislature (L. 1989, ch. 223). It was designed to address the perceived nursing shortage in Kansas and provide financial incentives for students to pursue this field of study.

Between 50-70% of the scholarship amount (\$3,500 for RN's; \$2,500 for LPN's) is provided by the State of Kansas and up to one-half by a medical provider, or "Sponsor," depending on the size or location of the sponsoring facility. Nursing Scholarship recipients are required to provide one year of employment with the Sponsor for each year of scholarship support received. If a Scholarship recipient fails to become employed in accordance with the requirements of the program, and the recipient does not otherwise meet any of the terms for deferment or satisfaction, all portions of the scholarship must be concurrently repaid to the Sponsor and to the state at an interest rate of 15 percent.

House Bill No. 3031 proposes two revisions to the existing program. At lines 21-24 on page 1, we suggest revision of the definition of the term "rural areas." One hundred scholarships are designated for nursing students who are located in rural areas. The proposed revision would make the nursing program definition of this term consistent with the Osteopathic Scholarship Program and the Primary Medical Care Scholarship Program. The suggested revision would also provide for (i) consistency for financial aid advisors relative to the various medically-oriented scholarship programs; and (ii) simplification which

results in clarity relative to students' understanding of their service obligation in re geography.

The second revision which is proposed is at lines 33-37 on page 2. It is proposed that an additional method to satisfy the outstanding loan obligation be provided. I would suggest that two benefits result: (i) Sponsors are not "penalized" because the Sponsor was unable to provide employment within six months of licensure (and a transfer opportunity was not available), and (ii) the availability of nurses is facilitated--which was the original purpose of the legislation.

In closing, I should advise you that the two proposed revisions have been considered and suggested/recommended by the "Nursing Scholarship Review Committee" which was statutorily created to:

... be advisory to the executive officer and the state board of regents in the administration of such program. K.S.A. 74-3299(d).

Their recommendations were, in turn, endorsed by the Kansas Board of Regents as a 1994 legislative initiative.

Thank you for your attention and consideration of my testimony. I would now stand for questions.

The Testimony of

Ted D. Ayres
General Counsel and
Director of Governmental Relations
Kansas Board of Regents

before
SENATE COMMITTEE ON EDUCATION
1994 Legislative Session

in re
H.B. 3032

1:00 p.m.
March 16, 1994
Room 123-S
Kansas Statehouse

Sen. Ed.
3/16/94
Attachment 9

My name is Ted D. Ayres and I am General Counsel and Director of Governmental Relations for the Kansas Board of Regents. I am here this afternoon representing the Board of Regents. I am here to speak in support of House Bill No. 3032.

House Bill No. 3032 seeks to amend K.S.A. 1993 Supp. 74-32,114(b), which was legislation, considered by this Committee, and passed by the 1993 Legislature (Senate Bill No. 7; L. 1993, ch. 47). This section is a part of the **Kansas Ethnic Minority Graduate Fellowship Program**, a cooperative effort between the state and its Regents Institutions to:

... award grants of financial assistance in the form of fellowships to qualified ethnic minority graduate students as a means of: (1) recruiting and retaining ethnic minority students in the graduate programs of the state educational institutions; and (2) attracting and retaining ethnic minority faculty members and educational leaders in Kansas.

The proposed revision at lines 30-31 of the bill has two purposes: (1) eliminate the current \$2,000 limit on institutional supplements (to the state-funded fellowship of \$8,000), and (2) allow all Regents institutions to provide a supplement. We believe these revisions will make the whole program more competitive and thus better able to fulfill its intended purposes.

Thank you for your attention and consideration of my testimony. I would now stand for questions.