

## MINUTES

### LEGISLATIVE EDUCATIONAL PLANNING COMMITTEE

September 17-18, 2008

Room 784, Docking State Office Building (Thursday)

Room 530, Curtis State Office Building (Friday)

#### Members Present

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

#### Staff Present

Sharon Wenger, Kansas Legislative Research Department  
Martha Dorsey, Kansas Legislative Research Department  
Reagan Cussimano, Kansas Legislative Research Department  
Theresa Kiernan, Office of the Revisor of Statutes  
Kristen Kellems, Office of the Revisor of Statutes  
Dale Dennis, Kansas Department of Education  
Janet Henning, Committee Assistant

#### Others Present

Mike Reecht, K-12, Inc.  
Dodie Wellshear, USA/Kansas  
Terri P. McCool, Kansas Emergency Management  
Bill Chornyak, Kansas Emergency Management—Homeland Security  
Tod Bunting, Adjutant General  
Patrick Woods, Department of Social and Rehabilitation Services  
Jerry Tenbrink, Attorney General's Office  
Christine Tuck, Seaman USD 345

Mark Thompson, Kansas State Department of Education  
Marlee Carpenter, Bright and Carpenter  
Natalie Bright, Coalition for Opportunity  
Matt Fletcher, Interhab  
Bill Reardon, Kansas City, Kansas Public Schools  
Mark Tallman, Kansas Association of School Boards  
Amy Thompson, Legislative Division of Post Audit  
Don Wornkey, Coalition for Opportunity  
Shelby Fry, TARC, Inc.  
Ron Pasmore, KETCH  
Colin McKenney, Cartridge King of Kansas  
Julie Hein, Hein Law Firm  
Diane Gjerstad, Wichita Public Schools  
Cindy D'Ercole, Kansas Action for Children  
Scott Frank, Legislative Division of Post Audit  
Melany Barnes, Wichita Public Schools  
Kevin Belt, Kansas National Education Association  
Callie Coco, Kearney and Associates, Inc.  
Dick Carter, Johnson County Community College  
Val DeFever, Schools for Quality Education

**Thursday, September 17  
Morning Session**

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

The Chairperson asked Committee members if there were any changes or additions to the Committee minutes of August 13-14, 2008. *A motion was made by Representative Phelps to accept the minutes as recorded. The motion was seconded by Senator Schodorf. The motion carried.*

**Update on the Work of the Healthy and Prepared Schools Commission**

Dr. Robert Hull, Chairperson, Healthy and Prepared Schools Commission, spoke to Committee members with an update on the work of the Governor's Commission on Healthy and Prepared Schools. Dr. Hull stated the Commission began in 2003 after members of the Kansas School Nurse Organization (KSNO), individuals from KU School of Medicine and individuals from the Kansas Department of Health and Environment (KDHE) met to discuss the role of school nurses in response to bio-terrorism threats. Discussions from this group led to the formation of a study committee to further explore this topic. This committee consisted of school nurses, KDHE members, KU medical personnel, school administrators, and education service center personnel. Over the next two years, this group met several times to discuss strategies and identify challenges to schools about the need to increase preparedness for a multitude of potential emergency events.

During the summer of 2005, three members from this study group were invited to be a part of the Kansas Public Health Leadership Institute (KPHLI). These three members decided their capstone project for the KPHLI would be a summit of state leaders to further explore the school preparedness and safety issues that were identified from the earlier committee discussions.

As a result of the summit, 30 leaders from across the state, representing various organizations, attended. The group recommended two major initiatives be carried forward. They were:

- Submit a proposal to the Governor asking for the creation of an interagency commission to provide leadership for school preparedness planning and response; and
- Develop strategies to establish and implement crisis standards, planning, training, and resources in all Kansas school districts.

The Governor's Commission on Healthy and Prepared Schools became a reality and is collaborative in nature with several state agencies being the principal players. Included in this group are the Kansas State Department of Education (KSDE), Kansas Emergency Management Association (KEMA), Kansas Homeland Security (KHS), Kansas Highway Patrol (KHP), Kansas State Attorney General (KSAG), KDHE, and the Governor's Office. In addition, Commission membership is drawn from parents, a school nurse, a safety resource officer (SRO), a non-governmental organization (NGO), Kansas National Education Association (KNEA), and local school administration.

Upon conclusion of its first year of business, the Commission presented to the Governor a Summary Report that provided a greater understanding of the problems faced by Kansas educators and also gave recommendations that would help address the issues if implemented. These continuing issues were presented:

- Every educational setting is vulnerable to threats;
- Many educational decision makers have not fully grasped the seriousness to the 21<sup>st</sup> century threats to school health and safety;
- Kansas schools are not uniformly prepared or equipped to respond to emergency school events;
- Schools have immediate and pressing priorities that constrain their opportunity to engage in school crisis planning;
- State school preparedness planning lacks specificity and the force of law;
- Mission overlap and fragmentation of state and local agencies hinder development of school preparedness planning; and
- State and local communities have received substantial resources for local preparedness, but these benefits have not been extended to schools.

Among recommendations from the Commission given to the Governor were:

- Create and fund the Kansas Center for Safe and Prepared Schools;
- Provide the Center with a comprehensive mission enabling it to partner with Kansas' schools to protect their health and safety;
- Organize the Kansas Center for Safe and Prepared Schools to foster collaboration among state agencies;
- Establish and enforce standards for school preparedness;
- Develop and pilot a model all hazards school crisis plan;
- Increase and improve school crisis drills;
- Provide training opportunities in school crisis management for all schools;
- Provide resources to increase the number of school nurses and school resource officers in Kansas' schools; and
- Create the annual Kansas School Preparedness Day.

Dr. Hull told Committee members that 20 states already have created some type of school safety/preparedness center. Kansas is one of the thirty states that does not have a center. In a recent survey, 83 percent of Kansas superintendents responded that they would see a benefit from a more uniform system in Kansas that would coordinate school crisis management response, training, standards, and provide crisis information.

Dr. Hull stated the next step is to have legislative authority and funding to establish a Kansas Center for School Preparedness and Safety. It is believed an annual funding level of \$1 per student or roughly an initial investment of \$500,000 will allow Kansas to take the next step. The initial work of this Kansas center would focus on:

- Providing training on school preparedness and safety issues for all schools;
- Establishing and enforcing statutory standards for all Kansas schools in regard to school crisis preparedness issues;
- Developing strategic plans to sustain the work of the Commission;
- Developing model plans to implement in Kansas schools;
- Conducting school preparedness audits for all schools;
- Integrating school preparedness plans into local communities;
- Receiving and disseminating preparedness information to schools;
- Assessing threats to Kansas schools; and
- Advocating for additional school nurses and school resource officers in Kansas schools (Attachments 1, 2, and 3).

A complete Summary Report from the Commission entitled *Kansas Leadership Summit on Healthy and Prepared Schools, July 11, 2006* was distributed to Committee members (Attachment 4).

Dr. Hull also introduced members of the Commission and they included: Tod Bunting, Adjunct General; Dale Dennis, Deputy Commissioner, Kansas Department of Education; Patrick Woods, Kansas Department of Social and Rehabilitation Services, Jerry Tenbrink, Attorney General's Office; Dr. Mark Thompson, Kansas Department of Education, and Christine Tuck, Seaman School District School Nurse.

A question and answer session followed the presentation.

A press release from the Kansas State Department of Education entitled *Five Kansas Schools Recognized as 2008 NCLB-Blue Ribbon Schools* was distributed to Committee members (Attachment 5).

## **Presentation of Legislative Post Audit Report**

Amy Thompson, Senior Auditor, Legislative Post Audit, gave an overview to Committee members of a report entitled *Kansas Use Law: Reviewing Issues Related to the Quality and Price of Goods and the Compensation of Executives*. Ms. Thompson stated the state law requires state agencies and school districts to purchase goods and services from non-profit organizations benefitting the blind and disabled. However, the law allows a State agency or school district to get a waiver from this purchasing requirement if the vendor is unable to supply the product or service. Vendors must meet certain requirements before they can become qualified, including having the primary purpose of employing people who are blind or disabled.

Ms. Thompson stated the Director of the Division of Purchases approves both the products and services for the Program, and the prices that appear in the State Use Catalog each year. Products offered through the catalog must be processed or manufactured in Kansas.

Several amendments were made to the State Use Law in 2005. The Program was transferred from SRS to the Division of Purchases, vendors now are required to publish an annual report of product sales under the Program, and a nine-member State Use Law Committee was created to serve in an advisory capacity to the Director of Purchases.

The Legislative Division of Post Audit was requested to respond to three questions, which are as follows:

**What has happened to the quantity of goods and services public entities have purchased from non-profits benefiting the blind or disabled in recent years?**

- The amount of products and services purchased under this Program increased by about \$632,000 between fiscal years 2006 and 2007.
- According to the annual report, state agency purchases increased from \$4.2 million in fiscal year 2006 to about \$4.4 million in fiscal year 2007, a 4 percent increase. State agencies account for more than 80 percent of the sales.
- School districts' purchases of State Use Law products and services increased by 85 percent between fiscal years 2006 and 2007.
- Three of the 10 qualified vendors - Cartridge King, Envision, and KETCH - accounted for 91 percent of all sales reported by qualified vendors in fiscal years 2006 and 2007.
- In all, 60 waivers totaling more than \$11,000 were granted in fiscal years 2006 and 2007.

**What concerns do those required to purchase goods under the Kansas Use Law have about price and quality of the products, and what steps have the Director of Purchases and the State Use Law Committee taken to address those concerns?**

- About a third of survey respondents rated the quality of State Use products as fair or poor, and rated the prices as more expensive than other options.
- The Division of Purchases takes little action in tracking or handling complaints.
- The State Use Law Committee recently formed a subcommittee to look at pricing issues.
- Some State Use products and services were more expensive, while others were the same or less than State contract prices.

**How do the salaries of the heads of the non-profit agencies who are qualified vendors under the State's Use Law compare with the salaries of the heads of State agencies required to purchase their products?**

- Most heads of qualified State Use businesses are paid a higher salary than comparable State agency heads.

As a result of the audit, Legislative Post Audit responded with the following recommendations for executive action:

- In response to question #1:
  - To help ensure that vendors report the amount of products and services they sell under the State Use Program in a standard format, the Director of the Division of Purchases should require all vendors to use one format for reporting sales data. The format should be specific as to the time period covered, list all State agencies and school districts that made purchases and report catalog purchases and non-catalog purchases separately.
- In response to question #2:
  - To ensure that complaints the Division of Purchases staff receive are able to be tracked, the Director of the Division of Purchases should put a process into place that will allow staff to track both formal and informal complaints received regarding the State Use Program from the date received until the day resolved, so staff will know how each complaint is resolved. (On file—Legislative Post Audit)

Melany Barnes, Technical Assistant for the Operations Division, Wichita Public Schools, spoke to Committee members sharing some insights from the school district customer perspective. She stated their school district proposed a ten percent threshold for pricing and were willing to pay the extra ten percent for products they needed. The school district also wanted a timely, streamlined waiver process. After numerous meetings, often with stalemate results, it is hoped the State Use Law Committee will be able to improve vendor offerings and sales volume through involvement and dialogue.

She stated vendors have learned a great deal about how school districts do business. The school district has moved from the stored supplies to "just in time" ordering with contracts that preserve the quantity pricing but do not waste space and budget dollars with unused or outdated supplies. They also utilize an array of state and national contracts, saving time and money. Educational cooperatives, such as Greenbush, are utilized in smaller districts to increase quantity purchasing power.

Ms. Barnes stated that in a good faith effort to increase State Use marketing, Wichita School District committee members have shared information with KASB members as well as other vendor expo opportunities and have given presentations at KASB annual meetings and invited vendors to health fairs and new teacher orientation.

Ms. Barnes stated that while school districts have had increases in state funding, schools have had years of unfunded mandates to comply with and remain focused on reducing class sizes

and increasing achievement. Kansas is one of the few states that mandate school district compliance with the state use law ([Attachment 6](#)).

Matt Fletcher, Associate Director, InterHab, and Chairman of the State Use Committee, gave an overview of the Kansas State Use Committee's origin and purpose. Mr. Fletcher stated the Kansas State Use Committee was created as part of compromise legislative language, to provide a forum for State Use vendors and customers to discuss their differences and work together on improving the program. It was decided the Committee would assist the Director of Purchases in improving the system for customers and for vendors, but most importantly, for the purpose of ensuring growth in this system of work training for persons with disabilities.

Mr. Fletcher stated the Committee has given great consideration as to how to improve the program in the areas of pricing and quality. Committee members were told the Committee is currently in the process of developing a "pricing matrix" which will provide a tool with specific price data that will be used to ensure prices are within a range of competitiveness. Mr. Fletcher further stated that State Use vendors continue to improve the quality of their products. He stated products are reviewed annually and the Committee regularly receives briefings from the Director of Purchases on quality-related issues ([Attachment 7](#)).

Colin McKenney, President, Cartridge King of Kansas, told Committee members that his company employs individuals with disabilities to remanufacture, recycle, and process toner and ink cartridges used in office machines. Mr. McKenney told Committee members there are important issues with the State Use program that have led to criticism. He stated the Legislative Post Audit report attempted to explore a few of them and he highlighted others:

- Cartridge King includes a warranty with every item to ensure its products meet or exceed the expectations of their customers.
- State Use vendors do not always offer the lowest price on comparable items.
- The State Use Program is not as efficient and economical as it could be if all covered governmental entities participated in the program.
- Mandated activities typically are not received well by those who are expected to comply.
- The LPA audit suggests there is a perception that State Use vendors charge more than necessary for products so that they can pay their executives more.

Mr. McKenney stated the program creates a circle of benefit for the state and its residents. One of the benefits most important is helping people to provide for their own needs as wage earners, to give back to their state as taxpayers, to support their local communities as consumers of goods, and to demonstrate the positive difference a little helping hand can make. He stated Cartridge King is one of the select few employers in the state that creates a next step for students with disabilities who are completing their education. While some of these employees may continue to work for Cartridge King for many years and pursue positions of increasing responsibility, others will take the skills they have learned and use them to work successfully for other community employers.

Mr. McKenney told Committee members that people with disabilities often encounter barriers that prevent them from pursuing activities many take for granted, such as working at a job and paying taxes. Because of this, they are sometimes looked down upon and are determined to be less than a contributing member of our society. The Kansas State Use Program is a great example of what can happen when people are offered an opportunity to help provide for themselves and give back to their communities. Those state departments and school districts that do substantially participate in this program are truly improving people's lives with every purchase ([Attachment 8](#)).

A question and answer session followed the presentations.

Chairperson Horst provided to Committee members a copy of a letter from Salina Public Schools, USD 305, to Chris Howe, Director of Purchases, Kansas Department of Administration, regarding products purchased and used by their school district's students and staff (Attachment 9).

## **Afternoon Session**

### **Technical Education Update**

Joe Glassman, Chairman, Technical Education Authority, spoke to Committee members reporting progress toward the improvement of the postsecondary technical education system. Mr. Glassman stated the 2008 Kansas Legislature created the Kansas Postsecondary Technical Education Authority, under the auspices of the Kansas Board of Regents, with the charge of reforming the postsecondary technical education system. Mr. Glassman also stated that legislation required the governing bodies of Northeast Kansas Technical College, Kansas City Area Technical School, Kaw Area Technical School, Salina Area Technical School and Southwest Kansas Technical School to submit to the Board of Regents a plan to merge or affiliate with a postsecondary educational institution or become an accredited technical college with an independent governing board. Four institutions have merged with other colleges effective July 1, 2008, and Salina Area Technical School has submitted a plan to become a stand-alone technical college with an independent governing board to become effective July 1, 2009.

Mr. Glassman stated the Authority has set a rapid pace toward the improvement of the technical education system. The Authority has hired a Vice President for Workforce Development, established an operational committee structure to address issues related to program alignment, finance, and marketing, and scheduled alternative meetings outside the Topeka area to better connect with local regions throughout Kansas. The Authority has approved a demand-driven approach that will better align technical program curricula with the needs of Kansas businesses, improve the seamlessness of the postsecondary technical education system, and utilize industry-based assessments to verify the skills of program graduates.

During the next year, the Authority plans to continue the refinement of the tiered funding model to ensure that the investment drives colleges to develop and offer critically needed technical programs supporting high-wage, high-demand industries. The Authority also will continue its focus on system accountability measurements such as return on investment for students and Kansas taxpayers, certification rates, and job placement percentage (Attachment 10).

A question and answer session followed the presentation.

### **Presentation of Legislative Post Audit Report**

Laurel Murdie, Principal Auditor, Legislative Division of Post Audit, gave an overview to Committee members of a report entitled *K-12 Education: School Districts' Use of Additional State Funding*. Ms. Murdie stated the primary source of funding for school districts is determined based on formulas in State law. In 2005 and 2006, the Legislature changed the school finance formula to phase in additional funding over four years. The question asked was how have school districts used the additional state funding they have received since 2005. The following was determined:



- Over the past three years, districts have received a cumulative total of \$2.3 billion in new funding, including \$1.6 billion from the State;
- More than 70 percent of districts' increased spending between 2004-05 and 2006-07 was for student instruction;
- About 29 percent of districts' increased spending between 2004-05 and 2006-07 was for support services, administration, maintenance, and transportation; and
- Overall, reading and math student outcomes continue to show improvement for all grade levels.

The Legislative Post Audit concluded that since the Legislature began making changes to the school finance formula in 2005, school districts have received, cumulatively, \$2.3 billion in new funding over the last three years. Because student performance is the result of years of accumulated instruction, it is too early to tell how the new funding has affected performance. However, the review of recent expenditures showed that most of districts' increased spending was in the area thought to have the most direct impact on performance—student instruction—although there also were notable increases in spending for administration, maintenance, and transportation. (On file—Legislative Post Audit)

Heidi Zimmerman, Auditor, Legislative Division of Post Audit, addressed Committee members who had expressed concerns that the traditional high school model has not changed much over the last century, modern high schools may not be using a model that is effective for today's students. Ms. Zimmerman presented a performance audit entitled, *Alternative Models for Organizing Middle Schools and High Schools*.

In response to the question of "What are the advantages and disadvantages of various alternative models for middle schools and high schools used in Kansas school districts or in other states" the following was determined.

The Legislative Post Audit found 41 middle and high schools nationwide using alternative models that experts had identified as being successful. From this research, LPA was able to identify five major approaches to middle and high school reform:

- Alternative scheduling
  - 14 schools were identified as having adopted alternative schedules to increase the time students spend in school, or to use that time more effectively;
- Theme-based programs
  - 28 schools were identified that have implemented theme-based programs to keep students engaged in learning and to connect their education to their after high school plans;

- Small learning communities
  - 17 schools were identified as having created small learning communities to foster the relationship between teachers and students, and among students;
- Alternative instructional formats
  - 10 schools were identified that have developed alternative instructional formats in order to accommodate the different pace and ways in which students learn;
- Comprehensive school reform
  - Many models of comprehensive school reform have been developed that change all aspects of a school.

It was the conclusion of the Legislative Post Audit report that concerns regarding the performance of high school students, and the fact that the basic structure of public high schools has not changed much over the last century, have prompted the development of a number of models for high school reform. Some models address individual aspects of a school while other models are more comprehensive and try to address all aspects of a school. While supporters of each reform model can point to individual examples of schools that have been successful, only a handful of the models have been rigorously evaluated and shown to be effective in improving student performance. These are the models policymakers should look at when considering school reform. (On file—Legislative Division of Post Audit)

A question and answer session followed the presentation.

### **School Building Inspections for Tornadoes (2008 Legislative Mandate)**

Theresa Kiernan, Office of Revisor of Statutes, told Committee members that following the tornado in Greensburg and the flooding that occurred in southeast Kansas in 2007, the Legislative Coordinating Council (LCC) created the Disaster Relief and Recovery Special Committee. One of the recommendations of the Special Committee was that the State Board of Education require the board of education of each school district to review all school buildings in the district for tornado safety. In addition, the State Board should prepare a list of all buildings that may need to address additional tornado safety concerns. To implement the recommendation of the Special Committee, a provision was added to the conference committee report to SB 584. The provision authorized the Department of Education to expend moneys appropriated for the Department to require boards of education to inspect school buildings and to identify those buildings that need to make adjustments or improvements for tornado safety (Attachments 11 and 12).

Dale Dennis, Deputy Commissioner, Kansas State Department of Education, distributed to Committee members a questionnaire of two questions designed for school districts' response (Attachment 13).

A question and answer session followed the presentation.

Sharon Wenger, Kansas Legislative Research Department, distributed a memorandum from Diane Lindeman, Director of Student Financial Assistance, Kansas Board of Regents. The memorandum was a follow-up to the meeting of August 13 Financial Aid presentation (Attachment 14).

Ms. Wenger, also distributed a handout regarding examples of high school reform and innovation in Kansas (Attachment 15).

Chairperson Horst reminded Committee members that the LEPC meeting scheduled for Thursday, September 18, 2008 would be held at 8:00 a.m. in Room 530, Curtis State Office Building.

The meeting was adjourned at 3:35 p.m.

### **Friday, September 18 Morning Session**

At 8:00 a.m., Legislative Educational Planning Committee members were guests of the Kansas Board of Regents for a breakfast and informal meeting. Kansas Board of Regents (KBOR) members attending included:

President and CEO Reginald Robinson  
Regent and Chairperson Donna Shank  
Regent Gary Sherrer  
Regent Jerry Boettcher  
Regent Janie Perkins  
Regent William Thornton  
Regent Richard Hedges  
Regent Christine Downey-Schmidt

An informal meeting was called to order by Chairperson Donna Shank and topics of discussion included the following:

- Teacher shortages;
- Vocational Technical education;
- Accreditation of home schools;
- Focus on academic performance;
- Re-evaluate the grading system—pass/fail system;
- P-20 Council;
- Teacher preparation;
- Transfer policies between community colleges/universities and university/university;
- Workforce shortages; and
- Distance learning.

Following the informal discussion, the meeting was adjourned.

At 9:30 a.m., the Legislative Educational Planning Committee (LEPC) meeting was called to order by Chairperson Horst.

## Use of Epinephrine by School Nurses

Theresa Kiernan, Office of Revisor of Statutes, gave an overview to Committee members of the use of epinephrine by school nurses. Ms. Kiernan advised that in June 2008, the State Board of Nursing notified school nurses that the Kansas Nurse Practice Act (NPA), K.S.A. 65-1113 *et seq.*, does not allow school nurses to identify an anaphylactic reaction in a student without receiving a physician's order to do so. The NPA authorizes a nurse to make a nursing diagnosis and to execute a medical regimen as prescribed by someone licensed to practice medicine and surgery. Identifying and labeling anaphylaxis requires medical judgment and is a medical diagnosis.

Ms. Kiernan stated one of the issues which the Committee may want to address is the need to provide immediate help to any student suffering an anaphylactic reaction. Another issue is whether to provide protection to a school nurse who risks disciplinary action if the nurse administers epinephrine, without direction of physician, to a student who appears to be suffering an anaphylactic reaction, but who has not been previously diagnosed with anaphylaxis. It was noted the Committee may want to amend the law to allow for the "stocking" of Epi-pens which are not prescribed for any particular patient.

Ms. Kiernan advised the Committee may consider introduction of legislation creating a school medication aid act which would be administered by the State Board of Nursing.

A more limited solution would be to protect the licenses of professional nurses by amending K.S.A. 65-2872 to exempt from the practice of medicine the administration of epinephrine by a professional nurse to a student who has not been previously diagnosed with anaphylaxis.

Ms. Kiernan also advised the Committee may considering amending the Pharmacy Law, if necessary, to allow for the "stocking" of Epi-pens which have not been prescribed for any particular student ([Attachment 16](#)).

Diane Glynn, Kansas Board of Nursing, advised Committee members that upon reviewing school nurse regulations, a question was posed as to whether school nurses in Kansas can keep a stock of epinephrine pens that are not prescribed for any particular student and whether a nurse may identify an anaphylactic reaction in students that have not been previously diagnosed with the same and use the stock epinephrine to treat that student without receiving a physician's order prior. She stated the School Nurse Task Force Practice Committee and the Board of Nursing reviewed the Kansas Nurse Practice Act and found the current language of the statute does not allow this practice in Kansas ([Attachment 17](#)).

A question and answer session followed the presentation.

Christine Tuck, Health Services Director Seaman USD 345 and President of Kansas School Nurse Organization, spoke to Committee members with information about Kansas School Nurse Organization (KSNO) and of the role of the registered nurse in the school setting.

Ms. Tuck advised the KSNO is the only specialty nursing organization in Kansas serving school nurses. It is an association of registered professional nurses who are specialists in school nursing and have approximately 170 active members leading the way for over 700 practicing school nurses across the state.

Ms. Tuck stated in terms of volume of work, 62 percent of students visited the health room at least once during the school year. Committee members were advised that more children with special health care needs and chronic illnesses are entering our schools every day. The registered

professional school nurse has the expertise to safely and effectively manage the health care of students with chronic health conditions to enable them to participate in school.

Because school is a place where children spend a significant portion of each day, it is not only prudent but also an obligation of the school to have the expertise of the registered nurse, as well as the equipment necessary to minimally stabilize a sick or injured student, until emergency medical services arrives. A full-time registered professional nurse is essential to quality student health services as “healthy children are successful learners” ([Attachment 18](#)).

A question and answer session followed the presentation.

Cindy Galemore, Director of Health Services, Olathe District Schools and Professional Standards Chairperson for the Kansas School Nurse Organization, Inc., spoke to Committee members on the use of epinephrine in Kansas schools and the implications for those without an individualized physician order. Ms. Galemore told Committee members she serves in the third largest school district in Kansas and that responding to emergencies is a common occurrence in the day-to-day activities. She also related the following definitions:

- **Systemic anaphylaxis:** An acute, occasionally fatal, immunologically mediated reaction involving a number of organ systems.
- **Epinephrine:** A naturally occurring hormone secreted by the adrenal glands in response to stimulation of the sympathetic nervous system.

A summary from the *Journal of Allergy & Clinical Immunol*, 94:666, 10/94, for the *Treatment of Anaphylaxis - Official statement of the American Academy of Allergy and Immunology* is as follows:

- No other drug works as well as epinephrine;
- One should not “wait and see” if a patient gets worse before giving epinephrine;
- Mild attacks do not necessarily precede fatal attacks; the first may be worst;
- Small doses 0.2-Op.3 cc of epinephrine have far greater benefit than risk;
- Repeated doses may be necessary and emergency medical help should always be sought when the first dose is given; and
- When a person dies from anaphylaxis, it is usually because epinephrine was not used or its use was delayed.

Those without an individualized physician order include both:

- Those who might have had a past history of a serious allergic reaction, but due to a belief they have outgrown and/or know how to avoid the allergen do not continue to have an individual supply of medication; and
- Individuals who have not had a prior severe allergic reaction.

Ms. Galemore told Committee members that a recent survey conducted by the National Association of School Nurses (NASN) found that 72 percent of school nurses have students with a known history of allergies or prior use of epinephrine whose parents have not provided the school with auto-injectable epinephrine. It was noted that eight out of ten school nurses (82 percent) also

have seen increased numbers of children at risk for anaphylaxis in the past few years. (*New Survey*, NASN, Silver Spring, MD, August 27, 2008)

Ms. Galemore urged Committee members to work together to determine the most expeditious route available to once again provide this level of life-saving response to the citizens, particularly the children and youth of Kansas ([Attachment 19](#)).

Laura Stief, School Nurse, Harmony Middle School, Blue Valley USD 229, spoke to Committee members of the importance of realigning legislation to protect both students suffering from severe allergies and the school nurses who want to deliver the best nursing care to prevent sudden death. Ms. Stief stated that emergency epinephrine to an allergic person is like CPR (Cardiopulmonary Resuscitation) or use of the AED (Automated External Defibrillator) machine to someone in cardiac arrest. CPR or the AED will do nothing for the person experiencing anaphylaxis. The risk of an unnecessary epinephrine dose cannot be more severe than pounding on someone's chest or shocking them if their heart has not stopped. Laypersons are trained to do the latter. The risks of not giving the epinephrine for alarming allergic symptoms are far greater. Epinephrine effects last only 20 minutes and the side effects are increased heart rate and shakiness.

Ms. Steif told Committee members that in the instance where a professional nurse assesses life-threatening allergic symptoms, he/she should be able to administer the life-saving epinephrine to students/staff with unknown allergies or no Epi-pen available.

If an Epi-pen was administered for an unknown allergy, it would decrease liability to have a non-specific patient doctor's order on file. It is not necessary for the nurse to make a formal diagnosis of anaphylaxis, rather treat the student based on symptoms.

Ms. Steif stressed to Committee members the liability is greater if the result of an allergic reaction is a tragic death versus the administration of epinephrine without a patient specific order. She urged Committee members to amend the laws so that when a school nurse correctly intervenes and administers life-saving epinephrine, it aligns with what is appropriate and within the scope of the law ([Attachment 20](#)).

A question and answer session followed the presentation.

Written testimony was received from Dr. Jeff Wald, Kansas City Allergy and Asthma Associates ([Attachment 21](#)).

## **Retired School Teachers and Private Contractors**

Dale Dennis, Deputy Commissioner, Kansas State Department of Education, told Committee members that during the 2008 Legislative Session, the House Appropriations Committee had requested the Department of Education survey unified school districts to determine the number of retired teachers employed during the 2007—08 school year with a salary over \$20,000. Mr. Dennis advised the school districts responded that they were employing approximately 638 retired teachers. School district administrators also were asked how many of these retired teachers were employed through a private contractor. The school districts responded that of the 638 teachers employed, 33 were employed through private contractors ([Attachment 22](#)).

Mr. Dennis also spoke to Committee members of KPERS and the employment of retired teachers. He advised the Kansas teacher shortage is the most serious problem facing education in the state. According to a report by Legislative Post Audit, over 30 percent of the current teachers will be eligible to retire in the next five years while over 33 percent of the teachers are over 50. He

stated the number of teachers eligible to retire and the number of students going in to the teaching field are far out of balance (Attachment 23).

A question and answer session followed the presentation.

Chairperson Horst advised the next scheduled meeting for LEPC would be October 9, 2008, and advised a joint meeting with the 2010 Commission is scheduled for October 10, 2008.

The meeting was adjourned at 11:45 a.m.

Prepared by Janet Henning  
Edited by Sharon Wenger

Approved by Committee on:

October 9, 2008

(date)