

SESSION OF 2005

**CONFERENCE COMMITTEE REPORT BRIEF
HOUSE BILL NO. 2331**

As Agreed to March 30, 2005

Brief *

HB 2331, as amended, would incorporate the changes made by the U.S. Congress to the federal Individuals with Disabilities Education Act into state statutes. The major changes would include the following:

- The bill would allow school districts to spend up to 15 percent of the federal funding they receive on early intervention services.
- The bill would require a meeting or provide the option of mediation to resolve conflicts between parents and the school district prior to a due process hearing. In addition, the bill would require that hearing officer decisions be based on whether the school provides a free appropriate education, not on technical violations of procedural requirements except under certain conditions, and would provide a two-year statute of limitations for bringing complaints. The bill would allow a school district to recover attorney's fees for frivolous complaints.
- The bill would provide for the conduct of an individual education plan (IEP) meeting and the content of the IEP. In addition, the bill would prohibit a school district from having its attorney present at the IEP meeting unless the parents are represented by an attorney at the meeting.
- The bill would expand the definition of "parent" to include foster parents, if they are appointed the education advocate of an exceptional child.
- The bill would authorize the State Board of Education to participate in any pilot project authorized by federal law.

*Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. The conference committee summary report may be accessed on the Internet at <http://www.kslegislature.org>

- The bill would clarify that it is the duty of the school district to identify disabled children who are homeless and who are limited English proficient.
- The bill would require that all records of an exceptional child who transfers from one school district to another be transferred with the child or as soon thereafter as possible.
- The bill also would specify what school districts must do when a child who receives special education services transfers from one school district to another.
- The bill would specify numerous requirements for the discipline of children with disabilities.
- The bill would require parental consent for evaluation and for the initial provision of services.
- The bill would retain current law as it pertains to the ages when transition services must be provided (age 14) but adds the requirement, in conformity with federal law, that the child's IEP include appropriate measurable postsecondary education goals based on age-appropriate transition assessments.

Conference Committee Action

In Conference Committee, the House conferees agreed to the Senate amendments to the bill, with the following deletions and additions:

- Added the provisions of HB 2247 which would require the Secretary of Social and Rehabilitation Services to transfer pupil records of children in foster care or adoption as soon as possible once a child is moved from one school to another. In addition, an annual report would be required for two years.
- Deleted the amendments that placed SB 44 and SB 11 into the bill.

Background

The State Board of Education requested the bill and a representative of the Board appeared as a proponent, as did representatives of the Shawnee Mission School District and the ANW Education Cooperative. Representatives of the Kansas Council on Developmental Disabilities and a parent asked that the bill be amended to begin transitional services at age 14 (current law) instead at age 16 which would be required in the original bill. Representatives of Kansas Association of School Boards and United School Administrators requested the requirement for parental consent for change of placement or change in service be eliminated, as Kansas law is above and beyond what is required by the federal law and that the requirement for special education services for children who are attending private schools exceed the federal requirements. Representatives of Statewide Independent Living Council of Kansas, Kansas Association of Centers for Independent Living, Topeka Independent Living Resource Center, and Families Together, Inc. testified that no stakeholders group was consulted or educated on this bill, as well as expressed concern about the transitional services.

The House Committee on Education amended the bill by replacing the new transitional language with the current language for transitional services. In addition, technical amendments were made by the Committee.

The Senate Committee amendments were requested by the State Department of Education and generally returned the bill to current law regarding the requirement that transition services for exceptional students begin at age 14 with regard to the child's course of study and by age 16 regarding transition services that could involve interagency responsibilities or any needed linkages, if determined appropriate by the IEP team. Senate Committee amendments also added the authorization for the State Board of Education to participate in federal pilot projects and made changes requested by the State Department in order to conform Kansas statutes to federal law.

A number of conferees appeared before the Senate Committee on the bill, most of them in support of the legislation. A parent of an exceptional child appeared as an opponent to urge the Legislature to wait until federal rules and regulations to implement the Individuals with Disabilities Education Act have been developed. The General Counsel for the Disability Rights Center of Kansas was neutral, but also requested that action be delayed on the bill in order to give

parents, advocacy groups, and others more time to study the new federal law.

The Senate Committee of the Whole amended the bill to include the provisions of Senate Bill 11 and Senate Bill 44. SB 11 would extend the salary bonus for National Board Certified teachers who are re-certified and provide for scholarships for individuals in the preparation programs for certification and re-certification. SB 44 would add math and science to the list of hard-to-fill teaching disciplines in which students are eligible for the Kansas Teacher Service Scholarship and would also add definitions to those statutes.

According to the fiscal note on HB 2331 as introduced, the Department of Education states that enactment of the bill would have no appreciable effect on special education state aid.

The fiscal note of the Division of the Budget on SB 11 as introduced estimates a fiscal impact in FY 2006 of \$8,000. This amount will increase over time as more currently certified teachers approach re-certification.

The Division of the Budget's fiscal note on SB 44 as introduced states that there would be no fiscal impact because the language is permissive and the program is subject to appropriations.