

MINUTES

LEGISLATIVE EDUCATIONAL PLANNING COMMITTEE

October 9, 2008

Room 783-Docking State Office Building

Members Present

Representative Deena Horst, Chairperson
Senator Jean Schodorf, Vice-Chairperson
Senator Marci Francisco
Senator Roger Pine
Senator Ruth Teichman
Senator John Vratil
Representative Barbara Ballard
Representative Owen Donohoe
Representative Steve Huebert
Representative Eber Phelps
Representative JoAnn Pottorff
Representative Valdenia Winn

Members Absent

Senator Mark Taddiken

Staff Present

Martha Dorsey, Kansas Legislative Research Department
Kristen Kellems, Office of the Revisor of Statutes
Ken Wilke, Office of the Revisor of Statutes
Nobuko Folmsbee, Office of the Revisor of Statutes
Shirley Jepson, Committee Assistant

Conferees

Reginald L. Robinson, President and CEO, Kansas Board of Regents
Dr. Bill Craig, Chairperson, Kansas Autism Task Force

Others Present

See attached list.

Morning Session

Chairperson Horst called the meeting to order at 10:10 a.m.

Approval of Minutes

Representative Phelps moved to approve the minutes of the September 17-18, 2008, meeting as written. The motion was seconded by Senator Teichman. Motion carried.

Preliminary Review of Higher Education Legislative Initiatives

Reginald L. Robinson, President and CEO, Kansas Board of Regents (KBOR), presented an overview of the preliminary legislative initiatives proposed by the Board of Regents for the 2009 Legislative Session (Attachment 1). Detailed information on the initiatives was made available to the Committee (Attachment 2). Mr. Robinson noted that the Board will meet on October 15 to discuss these proposals with a final decision to be made by the Board on November 19.

Brief highlights of the proposals include:

- Community College Property Ownership—This would permit community colleges to own property outside their local college taxing district, but within their assigned service area.
- Kan-Ed Funding—Would amend current statutes to fully-fund Kan-Ed from the Kansas Universal Service Fund (KUSF) at \$10 million per year.
- Kansas Board of Regents Mandatory Retirement Plan Amendment—This statute allows for Retirement Plan participants to continue participation in that plan when they are on leave of absence from their educational institution and working for the executive branch of state government. New 403(b) regulations that apply to education retirement plans do not allow participation by employees who do not work for or provide services to an educational institution. Legislation is needed to clarify participation. If the amendment is approved, there would be no additional cost to the State.
- University of Kansas Medical Center (KUMC) Tort Claims—Enact in statute, as opposed to budgetary proviso, the inclusion of medical students enrolled at the University of Kansas Medical Center for purposes of the Tort Claims Act.
- State University Privately-Funded Construction—This would amend current statutes to modernize and improve the current method of constructing and renovating buildings on university campuses by eliminating the bureaucracy and restrictions involved in the process of hiring architects, engineers, and contractors.
- State University Reimbursement of Moving Expenses—Update KSA 76-727, by eliminating the 12,000 pound weight maximum for moving expenses, allowing the Board of Regents and state universities the discretion to pay full moving costs when recruiting chief executive officers and distinguished faculty.

- State University Student Financial Assistance—Amend current statutes to allow state universities, as authorized by the Board of Regents, more flexibility to provide scholarships, fellowships, and tuition and fee waivers to undergraduate students, as well as to graduate students for their educational programs.
- Technical Education Authority Amendments—Technical amendments to current statutes to clarify language.

Mr. Robinson reported that deferred maintenance projects at the Regents' universities are moving forward. KBOR is keeping the Joint Committee on State Building Construction informed of the progress and any problems that have arisen. The tax credit program, authorized by legislation enacted during the 2008 Legislative Session, became available on July 1, 2008. KBOR is working with prospective donors to generate support for the universities.

In response to questions from the Committee, Mr. Robinson indicated that the deferred maintenance issue is not included in the proposed initiatives for the 2009 Legislative Session. With regard to the item related to Kan-Ed, Item 2, Mr. Robinson noted that there has been some discussion as to how Kan-Ed could assist with the teacher shortage across the state; however, no proposal has come forth and none of the proposed funding has been directed to such a program. Mr. Robinson felt that Kan-ed is fully utilized within the current framework.

Review of Activities and Recommendations of the Kansas Autism Task Force

Dr. Bill Craig, Chairperson, Kansas Autism Task Force, provided an overview of the Report of the Kansas Autism Task Force to the 2009 Kansas Legislature ([Attachment 3](#)). The Task Force was directed statutorily to study and conduct hearings on the issues related to the needs of and services available for persons with autism. Dr. Craig noted that the prevalence of autism spectrum disorders (ASD) in Kansas is increasing in epidemic proportions. There is no proven cure for autism and the effects of this disability are typically lifelong. Early intensive intervention in reducing the effects of this disorder is supported by a growing body of scientific research. The cost of the intervention averages \$150,000 per child. Without the intervention, the cost of supporting an individual with autism who does not receive such intervention through age 55 is estimated to average \$4.4 million.

Current barriers for individuals with autism include long wait times for diagnostic assessments, intervention programs not adequately funded, shortage of qualified personnel to implement early intervention, qualified personnel are not accessible in rural areas, and current funding for the newly created Autism Waiver is limited to fewer than 50 children. It is estimated that there are more than 1,200 Kansas children in the target age range eligible for the waiver and affected with ASD.

The Task Force recommends that agencies which serve as support systems for families and children with autism should incorporate the guidance of the "Best Practices in Autism Treatment for Kansas" handbook ([Attachment 4](#)). Other recommendations include:

- Create a specific mechanism in *tiny-k* funding formula to support local providers.
- Expand funding of the Autism Medicaid Waiver to fully serve the current waiting list and transfer future funding to the consensus estimating process.
- Pass legislation which guarantees Kansans with autism access to insurance coverage.

- Pass legislation which creates and funds a scholarship program to support the education of professionals.
- Consider the need for legislation or regulatory change which eases the access of local schools to Catastrophic Aid funding.
- Implement the recommendation of the Joint Legislative Budget Committee to the 2007 Legislature to fully fund the Mental Retardation/Developmental Disabilities Home and Community Based Waiver waiting list and create adequate rates for the Developmental Disability system.
- Extend the term of the Autism Task Force through calendar year 2009 to allow for completion of the task.

Responding to questions from the Committee, Dr. Craig noted that there is no statewide data on autism available in Kansas at the present time. Dr. Craig indicated that Catastrophic Aid funding through the local school district is not available until the child comes into the school system, possibly into the early childhood program at age 3. Earlier diagnosis is important in treatment. Dr. Craig stated that Catastrophic Aid is funded through Special Education funding. Training in autism is available through the University of Kansas. Many of the trained individuals are leaving the state because jobs are not available at this time.

Proposed Legislation Concerning Autism Spectrum Disorders

Ken Wilke, Office of the Revisor of Statutes, provided an overview of two pieces of proposed legislation concerning the autism spectrum disorder: (1) concerning insurance coverage ([Attachment 5](#)); and (2) establishing the autism service scholarship program ([Attachment 6](#)).

The meeting was recessed at 11:50 a.m. and will reconvene at 1:30 p.m. for a combined meeting of the LEPC and the 2010 Commission.

Prepared by Shirley Jepson
Edited by Sharon Wenger

Approved by Committee on:

November 20, 2008
(date)