

MINUTES OF THE HOUSE COMMITTEE ON EDUCATIONThe meeting was called to order by Representative Don Crumbaker at
Chairperson3:30 ~~a.m.~~/p.m. on February 28, 1983 in room 423-S of the Capitol.

All members were present except: Representatives Brady, Bussman and Miller who were excused.

Committee staff present:

Avis Swartzman, Revisor of Statutes
Ben Barrett, Legislative Research
Dale Dennis, State Department of Education
JoAnn Mann, Secretary to the Committee

Conferees appearing before the committee:

Bill Dirks, Wichita USD 259
Judith Brown, Kansas-National Education Association
Duane Pomeroy, former Board Member of USD 501
Paul Jackson, citizen
Charles Johns, Kansas-National Education Association
Larry Deters, Centralia citizen
Lucy Gray, Vermillion citizen
Pat Baker, Kansas Association of School Boards
Dr. Vern Osborne, Salina USD 305 Board President
Ron Eisenbarth, Kansas Citizens Advosory Committee
on Alcohol & Other Drug Abuses
Dr. Lorne A. Phillips, Commissioner Alcohol & Drug Abuse Services
Jim Yonally, Kansas Association of Alcohol & Drug Program Directors
Gene Johnson

HB 2473 - Community colleges, school districts, self-insurers for provision of disability income benefits.

Bill Dirks, representing Wichita USD 259, Kansas Association of School Boards, United School Administrators and Topeka USD 501, appeared in support of HB 2473. A copy of his testimony is attached and made a part of these minutes. (Attachment A)

Judith Brown, Kansas-National Education Association, supported the legislation stating that in every district used, money has been saved. She recommended the bill be reported favorably as it would save money for education employees.

HB 2423 - Election and terms of boards of education of school districts.

Representative Hensley, co-sponsor of the bill, addressed the committee and said if HB 2423 were passed, newly elected board members could take office immediately after certification of the election in April. Currently, they take office at the beginning of the school district's fiscal year, July 1.

Duane Pomeroy, former member of the USD 501 Board of Education, supported the legislation. He said City and County Commissioners take office immediately after election. Mr. Pomeroy noted that while the expenses of incumbent board members at attend seminars are paid by the district, the newly elected members must pay their own.

Paul Jackson, concerned citizen from USD 501, supported HB 2423. He said, as a taxpayer, he was opposed to the building construction that had taken place in his district. He felt there would be more response from school boards if newly elected members could take office immediately.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION,
room 423-S, Statehouse, at 3:30 ~~a.m.~~/p.m. on February 28, 1983.

Charles Johns, Kansas-National Education Association, supported HB 2423 and a copy of his testimony is attached and made a part of these minutes. (Attachment B)

Larry Deters, Centralia citizen, supported the bill and a copy of his testimony is attached and made a part of these minutes. (Attachment C)

Lucy Gray, Vermilion citizen, supported the legislation and a copy of her testimony is attached and made a part of these minutes. (Attachment D)

Pat Baker, Kansas Association of School Boards, opposed the bill and a copy of her testimony is attached. (Attachment E)

HB 2514 - Educational agencies, immunity from liability for alcohol and drug abuse referrals.

Dr. Vern Osborne, Board President of USD 305 Salina, supported the bill and a copy of his testimony is attached. (Attachment F)

Ron Eisenbarth, Kansas Citizens Advisory Committee on Alcohol & Other Drug Abuses, supported HB 2514 and a copy of his testimony is attached. (Attachment G)

Dr. Lorne Phillips, Commissioner Alcohol & Drug Abuse Services, supported the bill and a copy of his testimony is attached and made a part of these minutes. (Attachment H)

Dr. Jim Yonally, speaking for Kansas Association of Alcohol & Drug Program Directors, Kansas Association of School Boards, Kansas-National Education Association, United School Administrators, USD 259 Wichita, USD 501 Topeka, USD 512 Shawnee Mission and Schools for Quality Education, supported HB 2514 and a copy of his testimony is attached and made a part of these minutes. (Attachment I)

Gene Johnson, Kansas Community Alcohol Safety Action Projects, supported the bill and a copy of his testimony is attached. (Attachment J)

The meeting was adjourned.

WICHITA PUBLIC SCHOOLS

Educational Services Building

640 North Emporia

WICHITA, KANSAS 67214

*Division of Research, Planning,
and Development Services
(316) 268-7882*

HOUSE EDUCATION COMMITTEE TESTIMONY

H.B. 2473

February 28, 1983

The Honorable Don Crumbaker
Chairman of House Education Committee
Members of House Education Committee

I am A. W. Dirks, representing the Wichita Public Schools (USD 259). In addition, I am representing the Kansas Association of School Boards (KASB), United School Administrators (USA), and Unified School District 501. Thank you for the opportunity to appear before this committee and to represent the multiple interests in support of House Bill 2473.

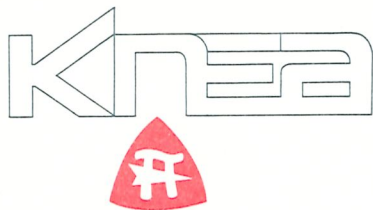
The amendments proposed will authorize school districts and community colleges to act as self-insurers in the area of disability income benefits. It is permissive legislation that does not require any fiscal costs by the State. In our district, we believe that changing from our present carrier to self-insurance would result in substantial savings to the district. At the present time, we offer our employees 12 days of leave annually; when these days are exhausted the school district provides disability commencing on the sixth contract day at 66-2/3 percent of the salary level until KPHERS disability goes into effect 180 calendar days hence. For those disabled 30 continuous days, the first five days are paid retroactively.

The problem with the present carrier is, first, the requirement to maintain a reserve that has now reached \$243,756. During the past three years the premium has averaged \$210,722 and the claims \$189,240. Secondly, the district must verify the disability, provide the back up, and issue the individual checks.

There would be a distinct advantage in not having to provide the excessive reserve and in hastening the payments to employees. We have had experience with self-insurance in other areas and find it advantageous to the employees and to the district.

Based on the foregoing information, the many groups I am representing on H.B. 2473 respectively request your support for this Bill, and request that you recommend it favorably for passage.

Thank you for your attention.



Testimony on
House Bill 2423
House Education Committee
February 28, 1983

Mr. Chairman and members of the committee, my name is Charles W. Johns, representing the Kansas-National Education Association.

House Bill 2423 eliminates the lame duck period. Eliminates the chance for action that may run contrary to wishes expressed or mandates given at the polls.

An election is a considerably more accurate measure of the voters' sentiment than any poll. While the people feel that way, put them in office.

Opponents will tell you that the training period will be eliminated. Candidates that are serious about running, serious about the job will have done their homework and they will know what needs to be done, will have attended board meetings, know the procedures, will have studied the operations of the board and will have a good feel for what is taking place.

Furthermore, superintendents are very capable people and can train their new board candidates. In fact, most superintendents will know the candidates and will have talked with them about the issues and discussed board functions.

Thank you for the opportunity to appear.

Mr. Chairman and members of the committee, I thank you for the opportunity to speak to you today. I have come to urge you to vote in favor of HB2423. I understand that in the past some have expressed the idea that school board members need the extra two or 2½ months that this bill would take away, to familiarize themselves with the workings of the board. I don't think that school board members elect taking office in April presents a problem at all. Even when it is possible that an election may bring in four new board members, there still are the three remaining board members and a capable superintendent. Also, unless the board has been acting secretly, new board members and voting patrons will have had every opportunity needed to familiarize themselves with the workings of the board before election. If the board has been acting secretly thereby keeping interested people uninformed, we would still be better off with the possibility of an uninformed board member than with the experienced board members misusing their office. If a person is elected to the school board and has not cared enough to educate himself or herself before election day about the workings of the board, then after election this person will remain lazy and uncaring regardless of the ten week period this bill would take away.

When something comes up about which a school board member is uncertain, surely the board member can turn to patrons of the school district just as all of you know you can go to the people you represent, too. In the end our only hope is that the voters will be informed about their school and we are taking a chance to suppose that they will be. But this is the same chance this country's founding fathers took over 200 years ago. You might ask, what harm could an eight or ten week delay in new board members taking office do? From my experience many people in USD 380, of which I am a member, are concerned that the lame duck school board members will continue to act in defiance of the patrons. Some examples of this concern can be found in an article in the Feb. 22 edition of The Topeka Capital Journal. A copy of this article is included with my testimony. Louis Case, principal of the Centennial schools, was fired by the board despite overwhelming support by students, parents, teachers, and community in general. The board gave only three insignificant reasons for their actions. The USD 380 school board has shown little regard for the taxpayers of this state when they voted to accept the highest combination of bids for student transportation, even after six of the seven board members agreed that all bidders gave good service to the district in the past. There are other instances of grossly unwise spending of taxes for the benefit of all Kansans. I ask that you vote in favor of HB 2423 and urge that it be made law as soon as possible.

—Staff/Kathy Borchers

Two horses in a pasture along US-59 near Oskaloosa found the mid-February thaw to their liking.

Principal fired despite protests

By RITA SHELLEY
Capital-Journal state staff writer

VERMILLION — The Centralia principal Monday said he has little choice but to accept the decision of the USD 380 school board to not renew his contract for next year in spite of public support for him.

Louis Case was fired over the protest of several members of the community, 40 of whom turned out for a mid-morning meeting at which board members made their decision. About 300 of Case's supporters bought a full-page advertisement to express their views in a local paper last week.

Monday's vote was 6-1, with Gerald Backman, Vermillion, voting against the motion by board vice president Terry Swanson, Frankfort, to terminate Case's employment.

Board members voting for the motion in addition to Swanson, James Feldkamp, Centralia; Leo Gaffrey, Frankfort; Carlene Hull, Frankfort;

Robert Mars, Centralia; and John Rempe, Corning.

Following the five-minute meeting, Case met with the citizens who attended and listed the reasons he was given for his termination.

Case said reasons given by the board were that he allowed children infected with lice to stay in school, there was a

"Most of this has been a matter of opinion more than fact."

—Gerald Backman

problem with school lunch records and there was a dispute over the purchase of \$600 worth of girls' basketball uniforms.

He maintained that children found to be infected with lice were not allowed to stay in their classrooms, but were allowed to wait in the building's health room until their parents came and got them.

Case also said he was not the only person responsible for a mistake made every day for several months where 30 lunches were counted both where they were served and where they were prepared.

Individuals who gathered after the meeting, including Backman, expressed concern about the speed with which the board arrived at its decision Monday. The board met with Case Friday in executive session to outline the reasons for the members' decision and earlier this month notified Case of its intention not to renew his contract.

"I was really surprised that we didn't go into executive session and discuss some things," Backman said. "Most of this has been a matter of opinion more than fact. I think he (Case) is a good administrator."

Several people expressed suspicion that board members and Superintendent Lynn Wait met since Friday to arrive at a decision outside public view. Wait denied those allegations.

"All I did was make sure the two

motions were available," Wait said in reference to printed motions for and against terminating Case's contract. He added that he discussed shopping in Marysville with a board member this weekend, but they did not discuss the principal.

"There was no meeting as such and whether there were three board members ever present at one time, I'm sure that didn't happen," Wait said.

Also following the meeting patrons expressed concern that local law enforcement officers had been at meetings when controversial issues are discussed.

A spokesman for the Marshall County Sheriff's Department, Everett Pennington, said his presence at the Vermillion school while Monday's meeting was in progress was coincidental. He said he was picking up a report he had asked Wait to prepare on an incident that occurred a month ago.

"When we have large crowds it's pretty typical (to have officers present)," Wait said.

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Settlement reached

KCC plans April hearings

Gentlemen (and Ladies);

My credentials: I am a lifelong member of the Vermillion community, a graduate of the University of Kansas, and a Latin teacher of ~~some~~ ^{five} ~~twenty~~ years experience. ^{from 1st grade through high school} I ask you to examine certain letters and publications pertaining to the issue at hand.

The patrons and taxpayers of USD 380 are suffering an almost intolerable burden. Thus, the prospect of gaining an earlier assumption of office by newly elected officials through the passage of HB 2423 has drawn us to appear at this hearing.

In a district where harmony and cordiality prevail, new board members are often invited to take part in board sessions before actually assuming office on July 1, coincident with the fiscal year. However, when the wishes of the patrons and taxpayers of a district are daily circumvented, the patrons and taxpayers demand a change in board membership. In such circumstances, the waiting period for new board members to assume office only adds to their sufferings. The present regulations perpetuate a time of slower communication and transportation

They ~~it~~ delays new members assuming office to the detriment of the district, *because new members have to deal with a budget prepared by an outgoing, discredited board and the preparation of a responsible budget for the coming year are badly hampered with little time for*

Bad as this is, the worst effects appear in the anger and frustration patrons and taxpayers feel when their wishes ^{have been so} ~~are~~ flagrantly dismissed. They have to continue to work under the old board which has caused their troubles in the first place. The thwarting of their desire expressed in the election of new board members leads to a distrust of the legal process and ~~their~~ government. The long delay between election and assuming office favors the continuation of existing injustices in budgets, hiring and firing procedures, ^{prevents establishment of guidelines} etc. Sadly, it causes apathy toward voting. ^{be determined toward policy and decisions} The saddest of all, the eventual victims, least able to change existing unfavorable conditions, are the children. These children and their welfare are the whole reason for the establishment

ereets and welfare should be



Testimony on H.B. 2423
Before the
House Education Committee
by
Pat Baker, Senior Legal Counsel
Kansas Association of School Boards
February 28, 1983

Mr. Chairman and members of the Committee, we appreciate the opportunity to present the views of the member boards of education of the Kansas Association of School Boards on a topic of vital interest. Our association has as members 300 of the 306 unified school district boards of education as well as the boards of several cooperatives, vocational technical schools and community colleges.

The issue before you in H.B. 2423 is not a new one. It has been presented annually for the past several years and has always been rejected. Our members have expressed their strong opposition to any change in the timing of school board elections and the taking of office of school board members. Our Delegate Assembly has overwhelmingly adopted a policy supporting this position.

To have school board members take office immediately after the April election would present several major problems. Because of the nature of the school calendar, school board elections come during the middle of collective bargaining with school employees and shortly before the non-renewal date for professional employees. To change board members at those times would be both disruptive and counter-productive.

Taking office on July 1, as present law provides, also allows new school board members to begin their duties at the beginning of a budget year and allows outgoing members to complete the budget they devised. Most school board members also believe the time between the election and July 1 is invaluable to a newly elected board member in becoming familiar with the operation and duties they will assume in July.

In summary, we do not believe any of the purported advantages of having school board members take office immediately after election outweigh the disadvantages of abandoning a schedule which has served school governance well for many years. We would urge you, on behalf of our members to report H.B. 2423 adversely.



Salina Unified School District No. 305

913-825-0281 P.O. Box 808 Salina, Ks. 67401

February 28. 1983

TO: HOUSE EDUCATION COMMITTEE

RE: HOUSE BILL 2514

Few are the times in a legislator's life that he/she can look upon a proposal without asking, almost before the message of the bill is comprehended, what is the purpose of this request that is not self-evident? What is the hidden agenda of this item? Who is going to beat the system if we pass this bill on? Well, my appearance today will signal such an event where the "outside" or verbalized statement is the only one!

I am Dr. Vernon Osborn, president of USD 305 board of education and chairman of the Large District Forum, an organization composed of the 30 largest school districts in the state of Kansas. The Kansas Association of School Boards extended to me the opportunity to appear as a conferee on H.B. 2514.

To develop my support allow me to share the background of this bill:

As the Region 5 representative to the Governor's Conference on Parenting Education last year, I was privileged to sensitive discussions illuminating the fact that school personnel are hesitant, if not downright fearful, to cooperate in the area of identification of AODA (Alcohol and Other Drug Abuse) students. School employees are not at this time immune from civil or criminal liability for any statement made or action taken in the course of assisting, identifying, interviewing or referring AODA students. Any school district now involved with or con-

considering the development of alcohol and drug abuse policies must be able to offer those in the trenches, i.e., teachers, administrators, counselors, and non-certified personnel, protection from civil torts, both intentional and unintentional.

Prompt identification and resolution of AODA pupils will help affected youth to benefit from the educational program of a school district, just as prompt identification and resolution of the abused child aids society. You have provided protection of those working in the area of child abuse by legislation that went into effect January 1, 1983. Prompt identification and resolution again were guaranteed by you when you statutized protection encompassed in the Good Samaritan legislation.

In closing I underline that passage of H.B. 2514 will serve the interests of pupils and Kansas educational programs. When we have removed the obstacle of possible litigation, and school personnel can refer pupils with apparent AODA problems to appropriate medical and other humanistic agencies without fear of litigation, we will have gained a valuable weapon in this war with chemical abuse.

Dr. Vernon Osborn
President
Salina USD #305
Salina, KS 67401
Phone: 913-927-2272

**Kansas
Citizens
Advisory**

P.O. BOX 4052 TOPEKA, KANSAS 66604

Committee on Alcohol and other Drug Abuse

February 28, 1983

TO: House Education Committee

FROM: Ron Eisenberth, ^{ME}Chairperson, Kansas Citizens Committee on
Alcohol and other Drug Abuse

SUBJECT: House Bill 2514

I appear before you today on behalf of the Kansas Citizens Committee on Alcohol and other Drug Abuse to convey our committee's support of House Bill 2514.

The Kansas Citizens Committee on Alcohol and other Drug Abuse is a twenty-five (25) member citizens committee with representation from the entire State of Kansas. This committee is designated by law to be advisory to the Commissioner of Alcohol and Drug Abuse Services on behalf of the Secretary of Social and Rehabilitation Services with regard to alcohol and other drug abuse programing in the State of Kansas.

House Bill 2514 grants liability to governing boards and employees of school districts and other education agencies in making reports, referrals and other action taken in assisting students with alcohol and/or other drug problems.

We believe school personnel need this immunity in order for them to feel able to assist the student with an alcohol and/or drug problem without fear of repercussion at a later date. This should encourage earlier identification of alcohol and other drug problems in students and in many cases could prevent various types of disciplinary action.

The Kansas Citizens Committee on Alcohol and other Drug Abuse feels House Bill 2514 would enhance prevention and early intervention of alcohol and drug abuse problems of our Kansas youth and respectfully requests your consideration and support of House Bill 2514.

To: House Committee on Education

From: Dr. Lorne A. Phillips, Commissioner
SRS/Alcohol and Drug Abuse Services

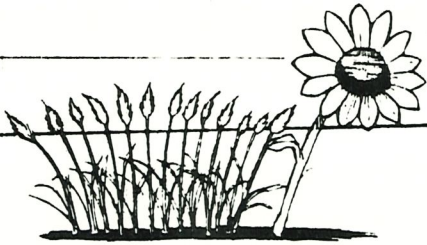
Date: February 28, 1983

RE: House Bill 2514

For years the field of alcohol and drug abuse has actively sought the cooperation of teachers, counselors and other school officials in helping to identify those students with alcohol or drug related problems. However, both our efforts and those of others have been thwarted because of fear of retribution or liability.

We at SRS/ADAS strongly believe in the premise that early identification and intervention is one of the most effective methods of eliminating alcohol and drug abuse. We are confident that the language in House Bill 2514 removes the inhibiting liabilities that have suppressed the involvement of our school officials, teachers and counselors from this process. House Bill 2514 insures a positive step towards identifying and treating those youths who are in jeopardy of ruining their lives.

I urge the passage of this bill because it provides the support we need in our battle against the abuses of alcohol and other drugs.



Kansas Association of Alcohol and Drug Program Directors

February 28, 1983

To: Don Crumbaker, Chairman, House Education Committee

From: George Heckman, Legislative Chairman, KAADPD

Re: HB 2514

The Kansas Association of Alcohol and Drug Program Directors represents forty-five (45) agencies providing alcohol and drug abuse services in our state. The membership includes programs from all levels of the continuum of care. Services provided include treatment, prevention, alcohol and drug safety action programs in a variety of settings.

Our Association supports HB 2514 as a means by which school personnel can help students with alcohol and other drug problems without fear of legal action. Our understanding is that these protections are similar to those regarding child abuse.

We believe intervention into alcohol and drug problems has the greatest likelihood of success when accomplished as early as possible. This bill will undoubtedly help many young Kansans and we strongly urge its passage.

HOUSE BILL 2514

Testimony of Gene Johnson

Mr. Chairman and members of the Committee, my name is Gene Johnson. I am the legislative liaison person for the 23 Kansas Community Alcohol Safety Action Projects and, in addition I represent the interests of the National Council on Alcoholism - Topeka Division. We support H.B. 2514 totally and feel that this proposed legislation would eliminate some fear of school personnel for making referrals to the proper agencies within the alcohol and drug field.