

MINUTES OF THE SENATE COMMITTEE ON EDUCATION

The meeting was called to order by CHAIRMAN JOSEPH C. HARDER at
Chairperson

1:30 ~~am~~/p.m. on TUESDAY, MARCH 1, 1983 in room 254-E of the Capitol.

All members were present except:

Committee staff present:

Mr. Ben Barrett, Legislative Research Department
Ms. Avis Swartzman, Legislative Revisor's Office
Mrs. Millie Randell, Secretary

Conferees appearing before the committee:

SB 331 - An act concerning special education for exceptional children; affecting the definition of special teacher (Education)

Proponents:

Mr. Mark Levy, Audit Supervisor, Legislative Post Audit Division

Opponents:

Dr. Jerry Schreiner, Executive Director, United School Administrators
Mr. Dennis Haason, Parsons State Hospital and Training Center

SB 330 - An act concerning school districts; relation to acquisition of services thereby (Education)

Proponents:

Mr. Mark Levy, Audit Supervisor, Legislative Post Audit Division

Opponents:

Mr. George Barbee, Executive Director, Kansas Consulting Engineers
Ms. Patricia E. Baker, Senior Legal Counsel, Kansas Association of School Boards
Mr. T. C. Anderson, Kansas Society of Certified Public Accountants
Mr. John Brookens, Kansas Bar Association

SB 344 - An act concerning school districts; establishing petty cash funds by boards of education (Education)

Proponents:

Mr. Mark Levy, Audit Supervisor, Legislative Post Audit Division

Following a call to order by Chairman Joseph C. Harder, Senator Warren moved, and Senator Parrish seconded a motion to approve minutes of the February 28 Committee meeting. The motion carried.

The Chairman called the Committee's attention to the three bills on the Committee agenda for today and said that because the bills had been requested by the Post Audit Committee, he had invited a member of the Post Audit Committee to address the Education Committee regarding the rationale of SB's 331, 344, and 330.

The Chairman then called upon Mr. Mark Levy, who explained that SB's 331, 344, and 330 had been requested by the Post Audit Committee to address problems discovered by that Committee.

SB 331 - Mr. Levy explained that SB 331 amends the definition of special teacher by excluding administrators and supervisors from its meaning. In current practice, he said, the Department of Education includes administrators and supervisors in the count of special education teachers for the privilege of determining the distribution of state aid. As a result of that, districts with a large proportion of administrators end up with a larger share of state aid than those districts with a smaller proportion of administrators. This bill would not affect the total state-wide aid for special education; but rather, he said, it would affect the distribution of the sharing districts by prohibiting administrators from being counted in the distribution of state aid funds.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON EDUCATION,
 room 254-E, Statehouse, at 1:30 ~~a.m.~~/p.m. on TUESDAY, MARCH 1, 1983

During Committee discussion regarding excess costs of special education, the Chairman requested Mr. Dale Dennis of the State Department of Education to clarify how these costs are computed. Mr. Dennis explained that the excess cost is derived by subtracting from the estimated total of special education services:

1. The cost of educating a normal child
2. Anticipated federal aid
3. Payments from SRS institutions

The difference, he said, is the excess cost of providing special education services. He further explained that if administrators are excluded from the teacher definition, the per teacher amount would be increased but the excess cost would not change.

In explaining SB 344, Mr. Levy stated that present law authorizes petty cash funds only for school buildings and central business offices of a school district. During the Post Audit Committee's audit of the Kansas City School District, he said, it was discovered that the district maintained petty cash funds in departmental locations separate from school buildings and the central business office. The Post Audit Committee, he continued, felt there was an occasional need for these funds being in other operating departments in order to make small emergency purchases, and the Committee is recommending the current statute be changed to remove all restrictions and to leave the maintenance of petty cash funds to the discretion of the local school boards.

SB 330, Mr. Levy explained, would require competitive bids for service contracts or leases over \$5,000, just as current law requires competitive bidding on purchases of goods and construction contracts over \$5,000. In response to questioning, Mr. Levy responded that this would include competitive bidding for professional services.

SB 331 - The Chairman next called upon Dr. Jerry Schreiner, United School Administrators, who testified in opposition to SB 331, and his testimony is found in Attachment 1. Dr. Schreiner stated that he is, also, representing Kansas Association of School Boards; USD 501, Shawnee Mission; and USD 501, Topeka in his opposition to SB 331.

Mr. Dennis Hasson of the Parsons State Hospital and Training Center stated that he is speaking as a concerned special education director from Southeast Kansas when he says that SB 331 has the potential for reducing services to handicapped children throughout the state of Kansas. Mr. Hasson maintained that SB 331 would open the door to administrators who are not trained in the field of special education and that this lack of skill and training could mean a reduction in services to handicapped children.

The Chairman announced that because of a lack of time, conferees would not be heard as originally scheduled in deference to conferees who would not be able to attend the Senate Education Committee tomorrow, and he called upon Mr. George Barbee of the Kansas Consulting Engineers to present his testimony as an opponent of SB 330. (Attachment 2) Mr. Barbee explained that he is, also, speaking on behalf of Mr. Bill Curtis of the Kansas Society of Architects who was unable to be here today.

In Ms. Patricia Baker's testimony, she explained that she was testifying as an opponent to SB 330 on behalf of United School Administrators as well as Kansas Association of School Boards and, also, on behalf of USD 512, Shawnee Mission and USD 501, Topeka. (Attachment 3)

As an opponent of SB 330, Mr. T. C. Anderson of the Kansas Society of Certified Public Accountants maintained that accepting the lowest bid is not always the most efficient and frugal method of doing business, and he explained the reasons for his belief. He pointed out that the need to know the experience and ability of a company to perform a particular job was, also, very important and said that school districts now have an alternative to use the competitive bidding process.

When Mr. John Brookens of the Kansas Bar Association was called upon to testify as an opponent to SB 330, he stated that lawyers would be disbarred if they

CONTINUATION SHEET

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engaged in competitive bidding.

The Chairman announced that hearings on the bills would continue tomorrow, and he adjourned the meeting at 2:30 p.m.

SENATE EDUCATION COMMITTEE

TIME: 1:30 p.m. PLACE: 254-E DATE: March 1, 1983

GUEST LIST

NAME	ADDRESS	ORGANIZATION
Celia Miller	Lawrence	Girl Scout
Sarah Ailor	Lawrence	Girl Scout
Aeslie Scally	Lawrence	Girl Scout
Diana "Mairaid"	Lawrence	Girl Scout
Kathleen Dahl	Lawrence	Girl Scout
Kanette Schmid	Lawrence	Girl Scout
Debbie Porter	Lawrence	Girl Scouts
Bill Hicks	Wichita	U.S.N. 259
Ken Rugg	Paola	S. Q. E.
Randy Mordick	Salina	Marymount College
Paul A. Hartman	SALINA	MARYMOUNT COLLEGE
Mark Selby	Topeka	Leg. Div. of Post Audit
Glenn Deck	Topeka	"
Robert Harvey	Olathe	Ks Alliance for Sp. Ed.
Lisa Wolhuter	Topeka	Girl Scout
Jana Wild	Topeka	Girl Scout
Amy Howell	Topeka	Girl Scout
Beth Heford	Topeka	"
Becky Zimmerman	Topeka	Girl Scout
Julie Bray	Topeka	Girl Scouts
Jenny Holbrook	Topeka	Girl Scouts
Sara Willis	Topeka	Girl Scouts
Ellen Finney	Topeka	Girl Scouts
Charles W. Johns	Topeka	KNEA

John W. Kozick
George Barber
Rachel E. Davis
Liz Krugel
Metchen Reiber

Topeka
Topeka
Lawrence
Lawrence
Lawrence

K.A.S.B.
K.S. Consulting Eng'g
Girl Scout
Girl Scout
Girl Scout

SENATE EDUCATION COMMITTEE

TIME: 1:30 p.m. PLACE: 254-E DATE: March 1, 1983

GUEST LIST

<u>NAME</u>	<u>ADDRESS</u>	<u>ORGANIZATION</u>
Diane Wheeler	4331 N.W. Sioux Lane	Girl Scouts!
Sonia Alojias	1022 N.W. 39 th	Girl Scouts!
Mary Murawski	4307 N.W. Beecher	Girl Scouts
Linda Utzer	4924 N.W. Sioux Ln.	Girl Scouts
Pat Wheeler	4331 N.W. Sioux Ln.	Girl Scouts
Debbie Ditch	2014 N. Taylor	Girl Scouts
Harlem Olson	1912 N. Polk	Girl Scouts!
Carol Utzer	4924 N.W. Sioux Lane	Girl Scouts
Dana Ditch	2014 N. Taylor	Girl Scouts
Jocis Murawski	4307 N.W. Beecher	Girl Scouts
Micene Berthwick	4080 W. 86 th St., SMKS	Shawnee Mission PTA
M. D. MCKENNEY	TOPEKA	UNITED SCHOOL ADMINISTRATORS
James Prockers	Topeka	Kans Bar Assn
Bill Matthews	Salina, Ks.	Marymount College
Ann Verell	" "	" "
Terri Stroud	Overland Park, Ks.	PTA Shawnee Mission
Jackie Curtis	" " "	" " "
Heda M ^c Coy	1611 Wayne	Little T. State Bldg
Stedams	3631 N.W. Stinson	SRS - MHERS
Dave Finnegan	3906 SE 31 st	SRS - MHERS
Ellen Bancroft	408 N. 9 th St.	girl scouts



UNITED SCHOOL ADMINISTRATORS OF KANSAS

1906 EAST 29TH

TOPEKA, KANSAS 66605

913-267-1471

JERRY O. SCHREINER
EXECUTIVE DIRECTOR

March 1, 1983

M.D. "MAC" MCKENNEY
ASSOCIATE EXECUTIVE DIRECTOR

TO: Senate Education Committee

FROM: Jerry O. Schreiner, Executive Director

SUBJECT: SB 331 - Special Education -- Definition of Special Teacher

Mr. Chairman and members of the committee, I am representing the United School Administrators, the Kansas Association of School Boards, and USD #512 - Shawnee Mission in opposition to SB 331.

SB 331 removes "any person who is certified by the State Board as an administrator or a supervisor" from the definition of special teacher. This means that those administrators and supervisors presently counted for state reimbursement would no longer be included. Although the purpose of SB 331 may be to reduce the state's responsibility for funding excess costs of special education, this move would not reduce the requirement for proper administration of special education programs. School districts would simply have to transfer additional funds from general fund budgets to special education.

The state plan for special education requires a full-time director when the district or cooperative reaches a population of 5,000 pupils and has four or more programs for exceptional children. You will note on the attached information that major responsibilities are listed for the local administrator of special education. In addition to these responsibilities, an administrator or supervisor is essential in the evaluation and necessary follow-through of individual students and in the development of individual education plans (IEP). The evaluation of teachers requires administrators/supervisors that are knowledgeable of program areas involved in special education. It would be impossible to operate special education programs in the state without supervision. To attempt to do so would be similar to state agencies attempting to function without someone in charge.

As of February 7, there were 4,064 certificated personnel in special education. Of that number, 84 (2%) are counted as administrators/supervisors. Of the 65 units (districts, cooperatives, and interlocals), eight have administrators that are not included in the reimbursement for excess costs. In other words, there are 1.29 administrators/supervisors per unit. Although this number may appear insignificant, the need for proper administration funded as part of the mandate is important. In addition, unless the funds for categorical aid are reduced, the amount per unit will simply increase.

We believe that SB 331 would only create adverse effects in administering special education programs. We respectfully request that you report the bill adversely.

3/1
Attachment 1

ADMINISTRATIVE RESPONSIBILITIES LOCAL ADMINISTRATION AND SUPERVISION OF SPECIAL EDUCATION

ADMINISTRATION OF SPECIAL EDUCATION

Centralized administration of special education services at the local level is necessary in order that the various programs for exceptional children may be coordinated and efficiently operated within a (1) single school district, (2) sponsoring district special educational cooperative, or (3) interlocal agreement. (See COOPERATIVE AGREEMENTS section.)

The administrator of special education has the responsibility for the exceptional student's education program in the local education agency and should be given authority to implement the program. The administrative authority in a special education cooperative rests with the sponsoring district, and all special education employees are subject to the same rights, privileges, policies, and/or limitations that are directed by the board of education of the sponsoring school. It is necessary that special education be integrated into the regular school system and that there be optimal use of community, State, and Federal resources.

Size of District

When a school district or a cooperative reaches a population of five thousand pupils and has programs for four or more areas of exceptional children, a full-time director of special education shall be employed. Special approval for employment of a full-time director may be given for less population than that stated or for fewer programs than indicated above if a program is in the process of being initiated and developed and much of the director's time will be spent in needs assessment and laying the foundation for program plans.

Responsibilities

The following are the major responsibilities of the local administrator of special education. There may be others included, and some or several of those listed may well be delegated to other members of the special education staff.

1. Assessing needs of special education programs.
2. Preparing a comprehensive local special education plan.
3. Assisting in the selection and hiring of the special education personnel.
4. Implementing State and Federal mandates.
5. Maintaining adequate accounting procedures and completing Federal and State reports.
6. Providing leadership in curriculum development.
7. Conducting staff conferences and other inservice functions.
8. Assisting in planning and implementation of preschool, postsecondary, and inservice training programs.
9. Maintaining good public and community relations.
10. Acting as an advocate to obtain services for exceptional children.
11. Assuring availability of special materials and equipment.
12. Providing leadership in program evaluation and follow-up.
13. Budgeting and arranging financial resources for special education.

SUPERVISION OF SPECIAL EDUCATION

The director of special education is the principal administrator of the special education program. There may also be supervisors/coordinators hired for supervising the given specialty areas. Supervisors/coordinators in charge of given specialities shall meet the training requirements in the area that they are supervising. A supervisor/coordinator is a consultant with regard to specialty area and will usually have administrative responsibility in the specialty area. Such specialty areas shall include both direct instructional and supportive services.

Each local education agency should design a plan for assuring appropriate supervision based on the strengths and weaknesses in the local situation. It is recommended that provisions be made for —

1. Adequate supervision of and consultative assistance to personnel in designated areas of exceptionality.
2. Close planning between special education and general school administrative and supervisory staff.

When a special education program has ten or more professional staff in an area of exceptionality and/or the total special education staff exceeds twenty, a supervisor should be assigned. When supervisors are assigned part-time coordination activities, they shall be given release time from their other duties.

REIMBURSEMENT

The reimbursement schedule for administrators and supervisors of special education follows the same schedule as for all approved special education teachers. If the minimum requirements of training are met, the directors and supervisors shall be eligible for reimbursement providing they are employed one-half time or more in the director or supervisor/coordinator position. Reimbursement for less than one-half time will not be approved.

KANSAS CONSULTING ENGINEERS

GEORGE BARBEE, EXECUTIVE DIRECTOR — 803 MERCHANTS NATIONAL BANK — 8TH & JACKSON, TOPEKA, KANSAS 66612 — PHONE (913) 357-1824

March 1, 1983

SENATE COMMITTEE ON EDUCATION

POSITION STATEMENT ON SB-330

Mr. Chairman, members of the committee, my name is George Barbee, Executive Director of the Kansas Consulting Engineers. Bill Curtis, Executive Director of the Kansas Society of Architects, is out of town today and has asked me to speak on behalf of the architects while making this statement.

I am appearing today as an opponent of SB-330 in its present form. The bill amends K.S.A. 72-6760 to require school districts to bid for a number of things, including services, if the expenditure is over \$5,000. The bill does not define services and I believe it would include professional services if not amended.

Many members of Kansas Consulting Engineers and the Kansas Society of Architects are frequently suppliers of professional services to school districts for the design of the school, sewer lagoons, retrofit for boilers, air conditioning, as well as other projects where the fees would exceed \$5,000. Contracts for these services are traditionally negotiated by the school districts with the engineering or architectural firm being most qualified to perform the design after consideration of competing firms' technical qualifications, professional objectivity, experience on similar projects, reputation with other clients, standing within the profession, size and diversity of the firm's organization and their ability to meet the project schedule.

The amendments proposed by SB-330 would eliminate this traditional selection process and require competitive bidding. When price becomes the factor in the selection process, the school board's selection officials must select the lowest priced proposal. If they do not, they are subject to attack for not doing so and are placed in an impossible position of defending and justifying a decision to select a firm at a higher price because of its superior qualifications, the way it should have been in the first place, but without rigid monetary limitations.



AFFILIATED WITH:
KANSAS ENGINEERING SOCIETY
NATIONAL SOCIETY OF PROFESSIONAL ENGINEERS
PROFESSIONAL ENGINEERS IN PRIVATE PRACTICE
AMERICAN CONSULTING ENGINEERS COUNCIL

Firms compelled to compete with the lowest price must "shave" their price to obtain the assignment, and this can only be done by "shaving" the quality of their services. If bidding ever becomes the established practice for obtaining professional design services, the result will be a gradual and steady lessening of the quality of professional services and an increase in construction costs because of inadequate specifications and plans.

To competitively bid a construction project, there must be a detailed set of specifications and plans narrowly defining the client's requirements. To bid on something which is unspecified is to guess. In the construction field and other industrial contracts, specifications are the necessary condition prerequisite to competitive bidding. Professional engineers and architects supply the specifications which express the solution to a design problem. If the professional is forced to bid, he or she is guessing, because at the time of the bid, specifications do not yet exist. The results from quoting fees by this pig-in-a-poke method leads to overdesign or underdesign for projects. In either case, the end result is inadequate.

In 1981 similar amendments were suggested for contracts pertaining to the construction and repair of courthouses, jails and other county buildings; initially professional services were inadvertently included in that bill. To solve this, K.S.A. 19-214 was amended with the following language: The provision of subsection A shall not apply: 1) to the expenditure of county funds for professional services; 2) to the provisions of K.S.A. 68-521; or 3) to the purchase of contracts of insurance. K.S.A. 68-521 pertains to the construction of roads.

On behalf of the Kansas Consulting Engineers and the Kansas Society of Architects, I would urge you to consider the language used in K.S.A. 19-214 that exempts professional services from selection by competitive bidding. If the bill passes with this language included, it would insure the continuation of cost-effective and innovative design for school district clients.

With this adjustment, we would not be an opponent of the bill.



Testimony before the Senate Education Committee
on Senate Bill No. 330

by

Patricia E. Baker, Senior Legal Counsel
Kansas Association of School Boards
on behalf of
Kansas Association of School Boards,
United School Administrators,
USD 512 and USD 501

Mr. Chairman, members of the committee, I appreciate the opportunity to appear before you on behalf of the 300 district members of the Kansas Association of School Boards, the United School Administrators of Kansas and Unified School Districts 501 and 512.

The matter before you today, in Senate Bill 330, if passed, would have drastic effects on local boards of education and administrators. The bill would require that all repairs or improvements and the acquisition of services by school districts which involve expenditures in excess of \$5000 would be made only after submitting the matter to a bidding procedure. On the surface, that idea would seem to have merit in terms of protecting the expenditures of public funds. On closer examination, however, the effect of the bill would be to totally destroy the ability of local boards to run school systems. Service is defined as "labor for the benefit of another" (Websters 2nd). A few examples of problems under this act might be helpful:

Breakdown of boilers, furnaces, pipes, or electricity in a school building could not be remedied until after the board of education had solicited and

received bids on repair. School would be out until the procedure was complete and the repair work done.

The Rules of the Kansas Supreme Court under the Code of Professional Responsibility prohibit attorneys from submitting bids for legal services. If a school district is sued for \$2 million dollars the school may be represented by a non-attorney or simply allow a default judgment against it.

Services of teachers, administrators, bus drivers, custodians, food service personnel and any other employees would be contracted only with the lowest responsible bidder. It would be interesting to know the effect of this proposed requirement on Professional Negotiations.

School districts are required, under certain circumstances, to utilize the banking services of banks located within the boundaries of unified school districts. This act would require that these services be bid out but it doesn't limit the geographical area where bids may (or must) be let.

Would a district be required to allow bids on whether gas or electric heat will be used in the schools? Would this be on a building by building basis or district wide? How often would bidding be required on services that continue from year to year?

A few examples of services required to be bid under Senate Bill 330:

Teaching Services

Administrative Services

Telephone Service

Plumbing Service (emergency or long-term)

Food Services

Auditing Services

Banking Services

Architectural Services

All Utility Services

Negotiation Services

Special Education Services (including Interlocals and Cooperatives)

Accounting Services

Transportation Services

Health Services (nurses, doctors to be present at athletic events,
screening for health deficiencies)

Legal Services

The list is endless in that nothing a school district does would be exempt from formal bidding procedures. To infer that going through lengthy bidding would result in increased efficiency goes beyond logic and reason. Far from having any beneficial effect, it is probable that passage of Senate Bill 330 would likely result in a total collapse of the public education system as we know it.

School patrons in Kansas have shown repeatedly that they desire the best possible education for their children at a reasonable cost and provided in an efficient manner. There is no indication that they want their children's education entrusted to the lowest bidder with the bidding procedure being the vehicle for determining educational quality.

It is almost impossible to believe that the drafters of the bill intended the consequences noted here. However, the express language of this bill make no exceptions to the bidding mandate.

We respectfully hope that you will not recommend passage of Senate Bill 330.
Thank you.