

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION

The meeting was called to order by Representative Don Crumbaker at  
Chairperson

3:30 ~~am~~/p.m. on February 21, 1985 in room 519-S of the Capitol.

All members were present ~~except~~

Committee staff present:

Ben Barrett, Legislative Research Department  
Avis Swartzman, Revisor of Statutes' Office  
Dale Dennis, State Department of Education  
Judy Crapser, Secretary to the Committee

Conferees appearing before the committee:

Dr. Robert C. Harder, Secretary of Social and Rehabilitation Services  
Representative John Solbach  
Craig Grant, Kansas-National Education Association  
John Koepke, Executive Director of Kansas Association of School Boards  
Ferman Marsh, Shawnee Heights USD 450 Superintendent  
Representative David Miller  
Harold Vestal, Superintendent of DeSoto USD 232  
Jim Peterson, Kansas-National Education Association, DeSoto USD 232  
Representative Jo Ann Potorff  
Dr. Bill Dirks, Wichita USD 259  
Ken Rogg, Schools for Quality Education  
Onan Burnett, Topeka USD 501  
Nelson Hartman, Kansas State High School Activities Association  
Bob Johnson, United School Administrators

The Chairman opened the meeting by recognizing Robert C. Harder, Secretary of Social Rehabilitation Services, who had a request for a bill by the Committee to clarify language in relation to the educational programs at the Youth Centers. (ATTACHMENT 1)

Representative Hensley moved that the bill be introduced by the Committee. Representative Bowden seconded the motion. The motion was adopted.

The Chairman opened the hearing for HB 2379 providing for child day care facilities defined as residence for pupil transportation purposes of school districts.

Representative John Solbach presented HB 2379 by stating that this legislation would make it much easier for the parents of day care children in some districts that do not recognize the day care address as a legitimate address for the purpose of transporting children by bus.

Craig Grant, K-NEA, testified with concerns regarding HB 2379. He stated their concern with a possible increase in transportation costs by added mileage, and the concern with the possibility of a student being picked up in one place and delivered at a second place. This would add to the operating costs of school districts. He stated their position that this may best be left on a voluntary basis as it is now.

John Koepke, Executive Director of KASB, testified in opposition of HB 2379. He stated their concerns with additional costs to school districts and a rotating schedule all causing extra budgeting in costs per mile and additional equipment.

Ferman Marsh, Shawnee Heights USD 450 Superintendent, testified in opposition of HB 2369. When the district has more than one attendance center, as his does, it is quite possible for this type of situation to be in the same district but differing attendance centers, causing a possible overload situation not being predictable. He added that their school board has established a policy that if it is feasible to do so, they do allow this procedure already.

This concluded the hearing for HB 2369. The chairman opened the hearing for HB 2353 which would allow a general fund transfer to capital outlay fund in extraordinary cases.

Representative David Miller presented HB 2353. He explained that this transfer could only be used by the approval of the State Board of Education and that the school district would be required to be utilizing their full capital outlay at the time.

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION,  
room 519-S, Statehouse, at 3:30 ~~am~~/p.m. on February 21, 1985

Harold Vestal, Superintendent of Schools at DeSoto USD 232, testified in support of HB 2353. (ATTACHMENT 2)

Jim Peterson, K-NEA representative at DeSoto USD 232, testified in support of HB 2353. He stated that teachers are working to retain classes at 27 to 30 students in size and in order for them to be able to do so at DeSoto, they are in need of emergency classrooms.

John Koepke, KASB, testified in support of HB 2353. He stated that they are aware of the problem in USD 232 and pointed out that it would be difficult to build a building when you don't have the need, but to try and be prepared for the need when you are growing at the speed of USD 232. He suggested that the district go to an agency such as the State Board of Tax Appeals for more expertise in finding applications that they are not aware of to find more alternatives for funding. He added that this bill does have built-in safety factors to avoid abuse.

Craig Grant, K-NEA, testified with concerns of HB 2353. He stated that they are aware of the problem at DeSoto, but suggested localizing the bill to that district only.

This concluded the hearing for HB 2353. The Chairman opened the joint hearing for HB 2120, providing September 22 as basic date for SDEA computations, and HB 2212, providing September 25 as basic date for SDEA computation.

Representative Jo Ann Potorff presented HB 2101 and stated that some school districts like to begin their school year after Labor Day and this bill would allow them additional time for reporting.

Dr. Bill Dirks, Wichita USD 259, testified in support of HB 2101. (ATTACHMENT 3)

Ken Rogg, Schools for Quality Education, testified in support of HB 2101. As they support a move to begin school after Labor Day, this would allow a few extra days they would need for reporting.

Craig Grant, K-NEA, testified regarding HB 2101 and HB 2212. He stated K-NEA also uses the computation for their reporting purposes. They support the change but prefer HB 2101.

Onan Burnett, Topeka USD 501, testified in support of HB 2101 and HB 2212. As they begin school after Labor Day, they prefer a later date for computation.

Nelson Hartman, Kansas State High School Activities Association, testified regarding HB 2101 and HB 2212. He stated that they are not opposed, but the change would create challenges for many schools. There are many that change classifications each year and the challenges would be involved in scheduling fall activities.

Bob Johnson, USA, echoed Mr. Hartman's testimony regarding HB 2101 and HB 2212.

This concluded the hearings for today's meeting. The Chairman asked for discussion and action on these bills as they are included in the same deadline as school finance and today would be the last opportunity for action by the Committee this year.

The Committee turned its attention to HB 2101, providing September 22 as the basis for SDEA computations.

Representative Smith moved to recommend HB 2101 favorable for passage. Representative Mayfield seconded the motion. The motion was adopted.

The Committee turned its attention to HB 2353, allowing transfers from the general fund to the capital outlay fund in extreme cases.

Representative Kline moved to report HB 2353 favorable for passage. Representative Miller seconded the motion.

Representative Leach made a substitute motion to amend and to localize HB 2353 to the DeSoto USD 232 only. Representative Kline seconded the motion. The motion was adopted.

Representative Kline moved to report HB 2353 favorable for passage as amended. Representative Miller seconded the motion. The motion was adopted.

The Committee turned its attention to HB 2379 providing for child day care facilities to  
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CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION,  
room 519-S, Statehouse, at 3:30 ~~am~~/p.m. on February 21, 1985

be defined as residences for purpose of transportation of school districts.

Representative Apt moved to table HB 2379. Representative Smith seconded the motion.  
The motion was adopted.

The meeting was adjourned at 5:08 p.m.

The next meeting fo the Committee will be February 25, 1985 at 3:30 p.m. in Room 519-S.

DATE Feb 21, 1985

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GUEST REGISTER  
HOUSE  
EDUCATION COMMITTEE

NAME	ORGANIZATION	ADDRESS
Jerman Marshall	USD 450	Tecumseh
Jim Renteria	—	Kansas City
Sara Buckley	USD 232	Dexata
Jim Peterson	Dexata Teachers	Dexata
Jeanine Matthews	" " "	O.P. KS
Jeanne Whiles	Dexata UDA 232 Knea	Dexata
Richard Funk	KASB	Topeka
Nelson Hartman	KSHSAA	Topeka
Bill Curtis	KASB	Topeka
Bob Johnson	United School Adm	Topeka
John Kough	KASB	Topeka
Jacque DeLo	KASB	Topeka
Bill Smith	U.S.H. 259	Wichita
Janet Cyle	Cochise City Federation of Teachers	Cochise City
Sharon Neal	Wichita Education of Teachers	Wichita
Myrlene Kelley	American Fed. of Teachers	Wichita
Craig Grant	H-NEA	Lawrence
Ken Rogg	Paola	DQE
Talena Kachel	Heritage Christian School <sup>Lawrence</sup>	2727 Ponderosa Lawrence
Demo Kelley	Heritage Christian School	Lawrence
Mike Spears	—	K.C.K.
Florida Spears	—	K.C.K.
Jody Oaks	Personal - Home Schooling bill	SA P. K
John Smalley	ACC H	Passy KS

DATE Feb 21, 1985

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GUEST REGISTER

HOUSE

EDUCATION COMMITTEE

NAME

ORGANIZATION

ADDRESS

KTOP News

115 Harrison  
Topeka 66603

Jim Yarbally

USD #572

Shawnee Mission

Helen Stephens

League Women Voters - Ks.

PV Ks

Ann Burnett

USD 501<sup>st</sup>

Topeka

Erl Washburn

Washburn

Topeka

Saunmy Scott

1007 Alabama St  
Lawrence

**SOCIAL AND REHABILITATION SERVICES**

**Concerning Education at Youth Centers**

SRS needs clarifying language in relation to the educational programs at the Youth Centers.

From time-to-time there are changes related to the definitions regarding special education. The bill SRS is proposing would stabilize the definition related to providing for the educational needs of the youth at the Centers. The bill provides for the continued use of certified personnel and local school districts will provide for educational programs for the youth at the Centers. Funding for the educational programs will continue as it has been in the past.

Robert C. Harder  
Office of the Secretary  
296-3271  
February 21, 1985

TESTIMONY ON HOUSE BILL 2353

BY

HAROLD VESTAL, SUPERINTENDENT OF SCHOOLS  
DE SOTO, U. S. D. 232

Circumstance: It is possible for a school district to experience rapid enrollment growth and not be able to provide classroom space for that growth. Examples would be districts that do not have an accumulation of dollars in their capital outlay fund. These districts would generally be low-tax base districts or perhaps those with no authority for a capital outlay levy. The problem would be increasing numbers of students during the school year with no recourse to house those students.

A partial solution: House Bill 2353 would be a recourse districts could use to meet an emergency situation through a larger transfer from general fund to capital outlay. The transfer could be used to provide some flexibility in creating classroom space. For example, the purchase and installation of mobile or temporary classroom units would be prohibited as an expenditure from general fund. Such expenditure would be allowed as a capital outlay expenditure.

Additional cost: There would be no additional cost to the state under the provisions of this bill because the additional transfer would be within budget limits.

Impact: The impact would be one of delaying or curtailing expenditures from other line items in the general fund. For example, a district might delay the purchase of a new school bus thus reducing the transfer requirement for transportation and allowing a larger transfer to capital outlay.

There would be no impact on non-affected districts. The result would be greater flexibility for schools to meet an emergency student need.

EXAMPLE OF EXPECTED  
ENROLLMENT INCREASE

P. O. BOX 449  
DE SOTO, KANSAS 66018  
PHONE 585-1141

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Shawnee - J. C. Nichols Project

Final approval on rezoning for 143.5 acres for single-family residential goes to city council on December 10, 1984. Property across 55th from Woodsonia would contain 104 single-family lots. At the last public meeting, company representatives said homes would probably sell for \$100,000.

The rezoning request for 88 acres to commercial has been tabled for six months. Shawnee requires that a specific site plan be submitted for commercial rezoning. J. C. Nichols Company is not ready to submit such a plan.

Shawnee - Woodland Park, 65th & Monticello Road

This is the land that has been in dispute because Shawnee's comprehensive plan originally called for the land to be zoned industrial. During the past summer, the developer revised plans--took out multi-family housing for all single-family dwellings. Developer is now coming back to planning commission on December 17 with revised plans for 200 single-family homes and 150 townhouses.

Shawnee - Wildwood Timbers, K-10 & Barker Road

Developer had plans approved in August, 1982, for 150 condo/townhouse units--about 25 acres. (\$65,000 - \$85,000) Shawnee planner says developer is waiting for sewer problem in area (Copenhagen to the west) to be solved. Developer is spending some of his money in sewer project so it would seem that some day the project would take off. Developer will have to go to the city council for one more approval.

De Soto - Rolling Hills Estates, Lexington & K-10

Developers are working on their bond application. They must have at least one more approval from the city planning commission and one more approval from the city council. City clerk is certain no action will be taken on this project until after the first of the year.

I have checked with the Johnson County Planners Office, and they have no knowledge of a project that had been rumored about 80 single-family homes around 75th & Gleason Road.

Olathe - Cedar Hills Development

Developer has asked for preliminary approval from the planning commission for subdivision approval. The first phase plat has approximately 200 lots in it and is situated in the northeast corner of the development.

In regard to my inquiry about an additional K-10 interchange, city planners had suggested one or both interchanges be built on K-10 to facilitate movement in and out of the development on extensions of Gardner Road and/or Moonlight Road.

The developer said, "I am not building an interchange."

KDOT said, "We probably won't build an interchange unless the City of puts it high on its list for funding."

The developer has identified a school site for U. S. D. 232 at the northeast corner of 111th Street and Moonlight Road.



EXAMPLE OF A CIRCUMSTANCE THAT WOULD NOT  
QUALIFY UNDER H.B. 2353

## ***SM approves building school at Lenexa***

**BY TOM HUTTON**

Daily News Reporter

OVERLAND PARK — It took more than six years of speeches, but Monday night the Shawnee Mission School Board agreed to build a \$2.3 million elementary school near 83rd and Lackman at Lenexa.

With only Julie Miller dissenting, the board approved plans to build a 500-student school at its regular Monday night meeting in Overland Park. That meeting was attended by city officials, as well as parents whose children will attend the new school, but there was

little need for public comment.

School board member Tom Rawlings quickly took up the issue and pushed for quick approval of superintendent Raj Chopra's recommendation to have the school ready for occupancy by June 1987.

"I'd like to see this happen quicker than the plan that has been presented here tonight," Rawlings said. "But I'd rather see us do this right."

Rawlings predicted the school would "open overcrowded" and urged the board to commit money in a \$8.8 million capital outlay

budget to get the school open as soon as possible. Some board members favored selling bonds to pay for the new school until board president Joan Bowman explained the added expense of interest on those bonds.

Much of the board's discussion centered on money and at one point there was discussion about tabling a vote on the school until finances could be studied in depth. Money from the recent sale of elementary schools in other parts of the district will not be used to build the Lenexa school.

(Continued to page 11A)

EXAMPLES  
OF  
HOUSING PROJECT APPROVALS

# De Soto approves zoning for project

THE DAILY NEWS - OLAHIE  
Saturday, November 10, 1984

By GREG SACKUVICH  
Daily News Reporter

DE SOTO — Zoning for part of a housing and business development that could double the population of De Soto was approved by the De Soto City Council Thursday night, while the fate of a controversial mobile home park in the development remains in doubt.

The council approved zoning for five of the eight sections of the development, Rolling Hills Estates, sent a zoning request for two other sections back to the city planning commission and did not need to act on the eighth section.

At the same time, city officials expressed concern that the entire project could overcrowd schools, forcing the need for a bond election to build new buildings and higher taxes to pay for the bonds.

Rolling Hills, planned to be built on 210 acres north of K-10 near Lexington road, could attract up to 2,500 residents, according to developers. The population of De Soto is 2,200.

The city has had no problems in

accepting most of the plans for the development, but has taken a hard, skeptical look at the mobile home park.

Among the problems cited by city officials are that the mobile home park could attract many families that would crowd De Soto schools without paying property taxes to improve schools and could deteriorate into an eyesore.

Two weeks ago city planners first objected to the preliminary plan for the mobile home park, saying it was too dense and needed more park space and shelter areas.

The developers, Lexington Development Corp., acknowledged those problems, but said the plan was quickly drawn to beat a deadline so they could qualify for low-interest loans available through industrial revenue bonds.

The developers also said the city has to approve final plans for the mobile home park, and promised to come up with a plan that offered more park space. They presented

## De Soto OKs zoning for project

(Continued from page 1A)  
those plans Thursday, but the council, by law, was forbidden from approving the special use permit needed for the mobile home park.

The new plan calls for 199 mobile home pads, off-street parking, community parking and storage areas, park space and a community center to be used as a storm shelter.

In a roundabout way, the city commission showed some support for the new mobile home park design.

The city commission, on its first look at a project, cannot override the recommendation of the city planning commission. So the council, instead of rejecting the developer's request, sent the matter back to the planners.

The planners will now look at the project again, then send it back to the city council, which can then approve or deny the request for the special use permit that paves the road for construction of the mobile home park.

But officials expressed concern over the project crowding De Soto schools.

"The tax base is a concern,"

said John Flegler, a city council member. "This is a tough one. We're between a rock and a hard spot.

"Realistically, in two years we could have 200 families living there, and the schools don't have room."

The superintendent of De Soto schools, Harold Vestal, agreed, and said that although Rolling Hills is expected to increase the value of the school district \$2.4 million, to \$20.9 million, that increase may be offset by a big tax increase to pay for school improvements.

Vestal said that under the

district's current valuation, it would have to raise taxes 19 mills to help pay for a \$4 million school.

Other school districts have paid for schools with little or no tax increases because increases in their valuations have offset the need to raise more tax money. In short, if a district's valuation increases from one year to the next, it can maintain the same mill levy but raise more tax money.

De Soto, though, is in the unique position of being a small district facing growth for three large projects — Rolling Hills, Cedar Creek Village, near K-7 and K-10, and a J.C. Nichols development at 55th

and K-7 — at about the same time.

The school district could get caught in a bind in the time between the schools are needed and the increased tax revenues come pouring in.

"I don't want to give the impression that the school district is reacting or over-reacting," Vestal said. "We just need close contact between the school district, the city council and the developers."

# Nichols project underway

*by Phil LaCerte*  

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**Journal Staff**

J.C. Nichols has taken the first official step in a development that could turn pasture land around 55th and K-7 into a giant residential/commercial development.

According to Fred Gibson, western Shawnee project manager, the firm has submitted application for rezoning of over 230 acres northeast of 55th St. and K-7 Highway. The land is currently zoned agricultural. Nichols owns 700 acres of land on both sides of 55th

St., Gibson said, and have tentatively planned construction of about 2,000 homes, as well as multi-family and commercial projects.

Shawnee Community Development Director Mike Huggins said Nichols has requested approval of rezoning for 88 commercial acres and 143.5 residential acres. The preliminary plat filed at City Hall calls for 104 single-family dwellings in the first phase of construction.

Whether the 104 homes will be stick-built or manufacture modular housing hasn't been determined," Gibson said. Nichols recent-

ly entered agreement with Marley Continental Homes to provide manufactured modular housing for some Nichols' projects.

Gibson said the price of the housing units will be dictated by the market," and added that possible tenants for the commercial development, to be located along the east side of K-7, have not been determined.

The rezoning request will be considered by the Shawnee Planning commission on Monday, Nov. 19, Huggins said.

# Shawnee City Council approves rezoning for home construction

By Mark J. Weinstein  
staff writer

**T**he J.C. Nichols Co.'s first development effort in Shawnee moved forward this week when the City Council approved the firm's rezoning request for construction of homes.

The council changed the zoning of 143.5 acres at the northeast corner of 55th Street and Kansas 7 from agricultural to single-family residential. The Nichols Co. initially plans to develop 34 acres there for 104 homes.

The company, a land-development firm, will not be involved in the actual construction of the homes but will sell

the lots to individuals or building contractors, said Fred Gibson, Nichols Co. land development manager.

Mr. Gibson said the firm would "have the first lots ready for building to start by about the middle of July." The homes will cost about \$100,000 he said.

"We're hoping this is the first step to a long friendship in the city of Shawnee," Mr. Gibson told the City Council Monday night.

Earlier this year the company acquired 700 acres in Shawnee along the east side of Kansas 7 on both sides of 55th Street.

The rezoning, recommended by the city Planning Commission last month, includes three stipulations:

- Approval of a preliminary plat and accompanying preliminary street plan.

- Identification of land to be set aside by the firm for parks.

- Widening of 55th Street, including necessary storm drainage and curbs, for about one-half mile from Kansas 7 to the east property line, in accordance with city construction standards.

The company also seeks a commercial rezoning for 88 acres west of the site so the firm could advise prospective residents of the planned use of that property. At a Nov. 19 Planning Commission meeting, Mr. Gibson said his company envisioned the commercial area, now zoned agricultural, to include such local services as a grocery store.

"They've told us they'll concentrate first on the 143 acres and do it in three or four phases," said Michael Huggins, Shawnee community development director.

In other action, the council discussed but reached no decision on placing before voters a proposal for a half-cent sales tax increase. That discussion will continue Tuesday.

TESTIMONY FOR THE HOUSE EDUCATION COMMITTEE

HOUSE BILL 2101

I am Bill Dirks representing U.S.D 259.

Thank you Mr. Chairman and members of the Committee for the opportunity to speak in favor of House Bill 2101. The bill was prepared on behalf of the district at my request to meet a specific problem in the Wichita Public Schools and perhaps it could help a number of other districts also. It is one of the district's legislative proposals to seek a later enrollment date. September 22 was the date requested to provide one additional week to work the official enrollment.

The specific problem is to include the maximum number of enrolled pupils by the official enrollment date. Previously the district had begun classes in August and therefore had more time for late enrollment<sup>c</sup> whether they were new pupils or part of the mobility within the district or just didn't complete enrollment and attend until after Labor Day. The shorter time period between September 15 and a post Labor Day beginning of classes would complicate the problem of completing enrollments.

On February 4, 1985, the Board of Education of U.S.D. 259 gave tentative approval to the calendar recommended by the Superintendent with final approval on the 19th of February. The 1985-86 calendar provides for classes to begin Tuesday, September 3, 1985. The school district requests building principals to report their enrollments on several dates prior to the 15th of September and past experience indicates that the enrollment continues to climb until the official report day as shown in the following data.

YEAR--1983	OFFICIAL ENROLLMENT				
DATES	9/1	9/6	9/9	9/13	9/15
DAYS OF SCHOOL	4	6	9	11	13
HEADCOUNT	43,602	43,872	44,250	44,316	44,512

YEAR--1984

DATES	8/30	9/4	9/10	9/14	(9/19)	9/17
DAYS OF SCHOOL	4	6	10	14	17	15
HEADCOUNT	43,390	43,893	44,311	44,503	44,597	44,584

The proposed enrollment date of September 22 would allow one additional week and would be very helpful to those school districts that elect to start after Labor Day and particularly helpful to U.S.D. 259.

Representative Pottorff, one of the sponsors of this bill, was a previous member for two terms on the Board of Education. She served as a legislative chairperson for several years and is well informed regarding the problems of the late enrollments and the financial penalty for any district that would not have all pupils enrolled by the official enrollment date and can supplement this testimony. I would respectfully request your support of House Bill 2101. Thank you for the opportunity to appear before the Committee.