

Approved March 30, 1987  
Date

MINUTES OF THE SENATE COMMITTEE ON EDUCATION

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

1:30 ~~a.m.~~/p.m. on Thursday, March 26, 1987 in room 254-E of the Capitol.

All members were present except:

Committee staff present:

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

Conferees appearing before the committee:

Sub. HB 2102 - Higher education, power and duties of state board of regents, creation of state committees on community colleges and on state educational institutions and municipal universities. (Committee on Legislative Commission on Kansas Economic Development)

Proponents:

Representative Don Crumbaker  
Representative Denise Apt

Opponents:

Dr. W. Merle Hill, Executive Director, Kansas Association of Community Colleges

Following a call to open the meeting, Senator Anderson moved that minutes of the Committee meeting of March 25 be approved. The motion was seconded by Senator Arasmith, and the motion carried.

Sub. HB 2102 - The Chairman informed the Committee that due to the large number of conferees when Sub. HB 2102 was heard, three conferees were not able to testify that day, and they have been rescheduled to present testimony today. He then called upon Representative Don Crumbaker, the first conferee to testify in support of Sub. HB 2102. Rep. Crumbaker said that in the past he had opposed the concept of having the community colleges under the supervision of the Board of Regents. He related that more recently he has served on a task force appointed by the Board of Regents to study community college governance. He said that he has always been supportive of community colleges and would not recommend doing anything which would be disadvantageous to them. He stated, however, that he is now supportive of the idea of having two boards under the Regents, one for community colleges and a second board for the Regents schools, the Medical Center, the Veterinary Medical Center, Kansas Technical Institute, and Washburn University. He mentioned that the bill in its present form does not speak to vocational education. Representative Crumbaker said that the responsibilities of the Board of Trustees of the community colleges would remain essentially the same. In response to a question, Representative Crumbaker replied that it would be preferable to have the Regents board divided statutorily.

Representative Denise Apt, Chairman of the House Education Committee, was recognized as the second conferee to testify in support of Sub. HB 2102. Representative Apt said that she was not supportive of the bill as it came out of the Legislative Commission on Economic Development but that she does support Sub. HB 2102 as it was amended by the House Education Committee. She related that there had been much opposition to placing the vocational education courses under the Board of Regents, and the bill as it is presently written does not speak to vocational education. Representative Apt stated that her committee has spent an extensive amount of time on hearings and discussion of HB 2102, and she feels that community college governance does not need to be studied by an interim committee. She said that Sub. HB 2102 does not take away local control of the community colleges; but, she added, a Commissioner of Education is badly needed by the community colleges. Representative Apt felt that Sub. HB 2102 could be implemented at low cost

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON EDUCATION

room 254-E, Statehouse, at 1:30 ~~am~~ pm on Thursday, March 26, 1987

to the state; it would be good for community colleges, good for higher education, and good for Kansas. In response to a question, Representative Apt replied that the Commissioner of Higher Education would be a counterpart to the Commissioner of Education and would be appointed by the Board of Regents.

Dr. W. Merle Hill, Executive Director of the Kansas Association of Community Colleges, testified in opposition to Sub. HB 2102. He stated that at a Delegate Assembly last Thursday, March 19, the KACC voted officially to oppose this bill, as written, by a vote of 45 to 12. The Assembly also recommended that the entire Education Article of the Constitution be studied for possible revision before any change in the governance structure of community colleges be implemented. Dr. Hill gave three major reasons why the Kansas Association of Community Colleges opposes the bill, and these relate to: Funding, Issue of Control, and Division of course approval (vocational education and "regular" courses) between the Board of Regents and the State Board of Education. (Attachment 1)

After hearing no response when the Chair called for additional conferees to testify, the Chair announced that the hearing on Sub. HB 2102 was concluded and that the bill would be taken under advisement.

HB 2139 - The Chairman then called the Committee's attention to HB 2139, relating to the continuing contract notification dates for school administrators (excepting superintendents), and asked the Committee's pleasure. Senator Montgomery moved, and Senator Salisbury seconded the motion to recommend HB 2139 favorably for passage. The motion carried.

HB 2154 - The Chairman next asked the Committee's pleasure regarding HB 2154, which permits the governing boards of area vocational schools or area vocational-technical schools to expend funds, other than public funds, for scholarships for post-secondary students. Senator Karr moved that HB 2154 be recommended favorably for passage. This motion was seconded by Senator Langworthy, and the motion carried.

HB 2528 - When the Chair called for discussion or action on HB 2528, relating to a state plan of accountability for vocational educational programs approved by the State Board of Education, Senator Anderson moved that HB 2528 be recommended favorably for passage. The motion was seconded by Senator Langworthy, and the motion carried.

The Chair announced that the IBM presentation on methods for improving literacy in Kansas has been rescheduled for Thursday, April 2, and letters to the Committee members would be forthcoming.

The Chair announced that the next Committee meeting would be Monday, March 30, and that SB 393 has been scheduled for a hearing at that time. He also stated that he plans to commence Committee discussion of Sub. HB 2102 on Monday, and he then adjourned the meeting.

SENATE EDUCATION COMMITTEE

TIME: 1:30 p.m. PLACE: 254-E DATE: Thursday, March 26, 1987

GUEST LIST

| <u>NAME</u>           | <u>ADDRESS</u>    | <u>ORGANIZATION</u> |
|-----------------------|-------------------|---------------------|
| Connie Michael        | 2028 Wilburwood   | State Bd of Ed.     |
| <del>Billa Jett</del> | <del>Topeka</del> | <del>USA</del>      |
| Gerald Henderson      | Topeka            | USA                 |
| Marle Hree            | Topeka            | XACC                |
| Martinson             | Lawrence          | ASK                 |
| Mark E. Jalko         | Topeka            | ASK                 |
| Dr. C. J. Jalko       | Brunel            | Leg                 |
| John Conard           | Topeka            | Governor            |
| Onan C. Burnett       | Topeka            | USD 501 #           |
| Lubryn Dysart         | Wichita           | USD 259             |
| Ken Reagg             | Paola             | SLC                 |

SENATE EDUCATION COMMITTEE

TIME: 1:30 p.m. PLACE: 254-E DATE: Thursday, March 26, 1987

GUEST LIST

| <u>NAME</u>       | <u>ADDRESS</u> | <u>ORGANIZATION</u>     |
|-------------------|----------------|-------------------------|
| <i>Kay Cols</i>   | <i>Topeka</i>  | <i>K-NEA</i>            |
| <i>Linn Cep</i>   | <i>Inea</i>    | <i>Leg</i>              |
| <i>John Hanna</i> | <i>Topeka</i>  | <i>Associated Press</i> |



# KANSAS ASSOCIATION OF COMMUNITY COLLEGES

Columbian Title Bldg., 820 Quincy • Topeka 66612 • Phone 913-357-5156

W. Merle Hill  
Executive Director

To: Senate Committee on Education  
From: Merle Hill  
Date: March 23, 1987  
Subj: Substitute for House Bill No. 2102

Mr. Chairman, members of the Committee. Thank you very much for giving the Kansas Association of Community Colleges this opportunity to discuss with you its concerns about Substitute for House Bill 2102. At a Delegate Assembly last Thursday, March 19, the KACC voted officially to oppose this bill, as written, and recommend that the entire Education Article of the Constitution be studied for possible revision before any change in the governance structure of community colleges is implemented.

There are three major reasons for the KACC's opposition to this bill. One of them is not addressed in the bill, another is addressed only partially, and the third is addressed in a way suggesting **less** rather than greater coordination.

**Funding**, the issue of greatest concern to the community colleges, is not addressed in the bill. Just as Washburn University has recognized the inherent weakness of a limited, local funding base of about 15 mills while it fulfills a statewide educational mission, the community colleges believe the current funding mix of **less than 25% in state support and 70% support from ad valorem-related sources and tuition** is inappropriate for a system serving the entire state.

A community college funding task force, on which three members of the current Legislature served, spent 22 days last year studying community

Senate Education  
3/26/87  
Attachment 1

college problems. The task force's major recommendation was to increase state funding dramatically in order to meet the needs of Kansans seeking an outstanding education at an affordable price.

Recognizing that a dramatic increase in state funding for community colleges was unlikely to occur under the current system of governance, the task force also recommended a change in governance, from the State Board of Education to a separate, independent board of control. This recommendation was also made by several consultants to the Business Training and Higher Education Task Forces of the Legislative Commission on Economic Development.

The community college task force believed the major problems of the current community college system relate to inadequate funding, while governance is a secondary issue. If there is no change in funding and a separate board of control is not feasible, the KACC believes there is no **immediate** reason to change the governance structure. Even former Governor Carlin, long an advocate of having the community colleges placed under the Board of Regents, suggested last year that there was no reason to change the governance structure of the community colleges unless the funding problem were addressed first. The colleges' trustees agree that funding should be addressed first.

The second concern relates to the issue of control. The KACC recognizes that Mr. and Mrs. Community College, the titles given to Representative Crumbaker and Representative Apt by Speaker Braden last Thursday, would not support Substitute for House Bill 2102 if the issue of loss of local control concerned them. It is stated in the bill that "nothing in this act shall operate or be construed in any manner so as to change or affect the operation, management and control of any community college or to change or affect any existing power, duty or function of a board of trustees with respect to such operation, management and control."

Currently, the community colleges are included in Article 6, paragraph 2 (a) which states that the State Board of Education shall have **"general supervision** of the educational institutions and all the educational

interests of the state, except educational functions delegated by law to the state board of regents." (Emphasis added.)

However, the KACC has a question about the wording of **Article 6, paragraph 2 (b)** in the Constitution of the State of Kansas, namely:

(b) The legislature shall provide for a state board of regents and for its **control** and supervision of public institutions of higher education. Public institutions of higher education shall include universities and colleges granting baccalaureate or post-baccalaureate degrees **and such other institutions** and educational interests **as may be provided by law.** (Emphases added.)

The operative word here is **control**, and the question the KACC has is whether this constitutional provision for control takes precedence over the intent and wording in Substitute for House Bill 2102, which provides for the transfer of **supervision** of the community colleges from the State Board of Education to the Board of Regents.

The third concern of the community colleges is that approval of vocational education would remain with the State Board of Education, while "regular" courses would be approved by the Board of Regents. As a member of the Advisory Council for Vocational Education said, "You wouldn't design a system like this from scratch, so why do it?"

An example of the problems this separation of approval from the supervising board might create is the following: The community colleges are authorized to levy up to 2 mills for funding vocational education, yet all of them spend far more than is provided by the 2-mill levy to support such courses. Kansas City Kansas Community College, for example, receives about \$775,000 from its 2-mill vocational education levy but spends in excess of \$3 million for vocational education courses. To handle the vocational education costs, the college must transfer more than \$2 million from its general fund to its vocational education fund. All of the colleges make such transfers. Could they do

this if course approval rests with one body and supervision of general fund monies rests with another?

This fund transfer problem is not as complex as the one faced by Cowley County Community College and Pratt Community College, which are also designated as area vocational-technical schools. Under the provisions of Substitute for House Bill 2102, nearly 60% of Cowley's credit-hour funding base would have to be approved by one board while supervision would come from another; and Pratt, an AVTS for only a few years, would find an increasing number of its credit hours approved by a board from which its funding does not flow.

Because nobody seems to know the answers to the questions the community colleges ask, it appears that Substitute for House Bill 2102 is an **expedient** rather than a well-thought-out course of action. It appears to be a "sausage" rather than a "prime-rib" solution, and education for our citizens deserves a prime solution, not expediency.

Although the community colleges are not speaking against the position taken by the area vocational-technical schools (to remain under the supervision of the State Board of Education), the fact that Substitute for House Bill 2102 would have these two entities being supervised by two separate boards appears to emphasize **expediency** rather than **coordination** of education in the best interests of Kansans and Kansas. The consultants to the Legislative Commission on Economic Development recommended having these two types of postsecondary institutions work even closer together than they have in the past, but having them supervised by two separate boards may well result in even less coordination.

With less rather than greater coordination, what would keep the area vocational-technical school in Hutchinson, for example, from spending its state-appropriated capital-outlay funds to "get into computers," an extremely expensive proposition, especially when the "computer education needs" of Reno County and the surrounding counties can already be taken care of by the program at Hutchinson Community College. We need



coordination, not greater duplication; and having these two entities reporting to two different boards may result in what we don't want, **duplication**; rather than what we want, **coordination**.

Coordination between the Board of Regents and the community colleges **could** begin **without** a change in governance structure, and such concerns as a common course numbering system, the transfer of credits, unnecessary duplication, etc., could be addressed almost **immediately**. The community college trustees favor a greater coordination of and long-range planning for higher education and believe their concerns could best be addressed by further study of the Education Article of the Constitution of the State of Kansas before a change in the governance structure of the community colleges is initiated.

The Kansas Association of Community Colleges requests that you report Substitute for House Bill 2102, as written, unfavorably for passage and recommends that further study of the Education Article of the Constitution be completed before any change in the governance structure of community colleges is initiated.

MH:am