

Approved April 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 ~~xxx~~ p.m. on Tuesday, March 31, 19⁸⁷ 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:

After Chairman Joseph C. Harder called the meeting to order, Senator Karr moved, and Senator Salisbury seconded the motion to approve minutes of the Committee meeting of March 30. The motion carried.

HB 2427 - The Chairman announced that the Committee would begin its consideration of HB 2427, pertaining to bilingual education and the employment of qualified teachers, and that discussion and/or motions are in order. Senator Parrish moved to amend HB 2427 in lines 0040, 0041, and 0042 so that this section would read (2) a paraprofessional qualified to assist certificated teachers who have been trained in the instruction of limited English proficient pupils.....(Attachment 1). Senator Parrish explained that the rationale for this amendment is that a certificated teacher does not imply that s/he is knowledgeable in LEP instruction. She said that this amendment had been recommended by Mr. Marc Marciano, Executive Director, Kansas Advisory Committee on Hispanic Affairs.

Senator Allen made a substitute motion to recommend HB 2427 favorably for passage. Senator Kerr seconded the motion, and the Chairman announced that the motion did carry.

HB 2482 - The Chair announced that HB 2482 and HB 2443 would be considered next and reminded members that both bills had been amended by the Committee yesterday. He then said the floor was open for discussion or action on HB 2482, which pertains to withdrawal from and dissolution of interlocal agreements for the provision of special education services.

Senator Salisbury made a motion to amend HB 2482 as described in Attachment 2, "Sec. 2. (b) and (c). Ms. Connie Hubbell, a member of the State Board of Education, who was in attendance, explained that this amendment would be useful, because it would allow a hearing officer to gather information for the State Board before the State Board should make a final decision regarding a termination. She said that a staff member of the State Department of Education would be allowed to perform this duty. Senator Anderson seconded the motion.

Ms. Avis Swartzman, revisor of statutes, in reply to a question, explained that present law specifies when a hearing officer may be used (K.S.A. 72-7521), and the amendment would broaden the authority of the State Board of Education to utilize hearing officers to conduct hearings on behalf of the State Board of Education.

Ms. Swartzman informed the Committee that the amendment proposed by Senator Salisbury may not appear as subsection (b) and (c) in the final version of the bill, although the language would be contained in HB 2482. She further informed the Committee that the entire language contained in Attachment 2 included mechanical changes which are needed for clarification purposes in HB 2482.

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 SENATE COMMITTEE ON EDUCATION,
room 254-E, Statehouse, at 1:30 ~~xxx~~ p.m. on Tuesday, March 31, 1987

Senator Salisbury requested that her motion to amend HB 2482 be withdrawn, and Senator Anderson requested that his second be withdrawn.

Senator Salisbury then made a new motion to amend HB 2482 with the entire language contained in Attachment 2. Senator Anderson seconded the motion, and the amendment was adopted.

Senator Allen moved to amend HB 2482, Subsection (5) (A), by inserting a period after the word "act" on line 0062 and striking all the language following, beginning on line 0063 and continuing through line 0066. Senator Allen explained that the amendment would allow the bill to apply only to future contracts and would not affect interlocal agreements currently in the process of termination or dissolution.

Senator Anderson proposed a substitute motion to recommend HB 2482, as amended, favorably for passage. Senator Kerr seconded the motion, and the motion carried.

HB 2443 - Senator Allen moved to amend HB 2443, relating to withdrawal from and dissolution of special education services cooperative agreements, by adding a period after "act" on line 0086 in Subsection (6) (b), and striking all the language following "act" on line 0086 and continuing through line 0090. Senator Karr seconded this motion.

Senator Kerr offered a substitute motion to recommend HB 2443, as amended, (yesterday) favorably for passage. This motion was seconded by Senator Anderson, and the motion carried.

HB 2426 - Senator Salisbury moved that HB 2426, relating to school law enforcement officers, be recommended favorably for passage. The motion was seconded by Senator Langworthy, and the motion carried.

After Ms. Avis Swartzman, revisor of statutes, informed the Committee that a technical amendment relating to the definition section was needed in HB 2426, Senator Salisbury requested by motion that the Committee reconsider its action to pass HB 2426. Senator Langworthy seconded the motion, and the motion carried.

Senator Karr then moved that a technical amendment to HB 2426, as explained by Ms. Swartzman, be adopted by the Committee. This was seconded by Senator Anderson, and the amendment was adopted.

Senator Karr moved that HB 2426, as amended, be recommended favorably for passage. The motion was seconded by Senator Salisbury, and the motion carried.

Sub.

HB 2102 - When the Chair announced that the floor was open for consideration of HB 2102, relating to governance of the higher education institutions, Senator Warren moved that HB 2102 be reported adversely. The motion was seconded by Senator Anderson.

The Chair recognized Senator Kerr, who said that, in lieu of the passage of HB 2102 during this session of the legislature, he would like to offer the Committee some recommendations to consider regarding the concept contained in Sub. HB 2102. He distributed copies of these recommendations to the Committee. (Attachment 3)

The Chairman then informed the Committee that he would like to see a task force study the entire Education Article of the Constitution and, perhaps, hire someone from out of the state with expertise in this area to assist in the study.

Senator Warren requested that his motion to report HB 2102 adversely be withdrawn, and Senator Anderson requested that his second be withdrawn. The Chair honored these requests.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON EDUCATION,
room 254-E, Statehouse, at 1:30 ~~xxx~~/p.m. on Tuesday, March 31, 1987

Further discussion pertained to the possibility of introducing a resolution requesting that a study of the Education Article of the Constitution be undertaken and having hearings on the resolution. However, no further action was taken on HB 2102.

The Chairman announced that the Committee would meet again tomorrow, and he adjourned the meeting.

SENATE EDUCATION COMMITTEE

Tuesday,

TIME: 1:30 p.m.

PLACE: 254-E

DATE: March 31, 1987

GUEST LIST

<u>NAME</u>	<u>ADDRESS</u>	<u>ORGANIZATION</u>
Mark C. Galt	Topoka	ASK
Paul Adams	Oregality	HS KSBE
Merle Hies	Topoka	KACC
Jeff Cappel	Wichita	WFT
Sheryl Anderson	Topoka	USA
Stanley Z. Koplin	Topoka	Regents
Bill Berry	Manhattan	KAAVTS
Karl Dury	Donna	KAAVTS
Craig Grant	Topoka	H-NEA
Mark Marciano	Topoka	Hispanic Affairs
David Monical	"	Washburn
Ed Walburn	"	"
Oran Burnett	Topoka	USD 501#
Ken Roag	Paola	LQ E
Kathryn D'Sant	Wichita	USD 259

SENATE EDUCATION COMMITTEE

Tuesday,
March 31, 1987

TIME: 1:30 p.m. PLACE: 254-E DATE: _____

GUEST LIST

<u>NAME</u>	<u>ADDRESS</u>	<u>ORGANIZATION</u>
Richard Funk	Topeka	KASB
Connie Hurrell	Topeka	St Bd of Ed
Key Colis	Topeka	Ks-NEA
Bella Scott	Topeka	USA
Paul Joss Wedel	Topeka	KACAA
BEVA FORECKON	"	Ks. Vocational Assn
John Hanna	Topeka	Assoc. Press.

HOUSE BILL No. 2427

By Committee on Education

2-19

Senate Education
3/31/87
Attachment 1

0018 AN ACT concerning bilingual education; affecting the definition
0019 of program; defining and requiring the employment of quali-
0020 fied teachers; amending K.S.A. 72-9502 and K.S.A. 1986 Supp.
0021 72-9501, 72-9507 and 72-9510, and repealing the existing
0022 sections.

0023 *Be it enacted by the Legislature of the State of Kansas:*

0024 Section 1. K.S.A. 1986 Supp. 72-9501 is hereby amended to
0025 read as follows: 72-9501. As used in this act:

0026 (a) "School district" means any public school district.

0027 (b) "Board" means the board of education of any school
0028 district.

0029 (c) "State board" means the state board of education.

0030 (d) "Department" means the state department of education.

0031 (e) "Limited English proficient pupils" means national ori-
0032 gin-minority pupils who because of their inability to speak, read,
0033 write and or understand the English language are excluded from
0034 effective participation in the educational programs offered by a
0035 school district.

0036 (f) "Qualified teacher" means a person employed by a school
0037 district for its bilingual education program who is: (1) A teacher
0038 qualified to instruct limited English proficient pupils as deter-
0039 mined by standards established by the state board and who is so
0040 certified and endorsed by the state board; or (2) a ~~paraprofes-~~
0041 ~~sional qualified to assist certificated teachers in the instruction~~
0042 ~~of limited English proficient pupils as determined by standards~~
0043 ~~established by the state board and who is so approved by the~~
0044 ~~state board.~~

0045 (g) "Program" means a program of bilingual education
0046 designed primarily to develop the English language skills of

(2) a paraprofessional qualified to assist certificated teachers
who have been trained in the instruction of Limited English Proficient
pupils

Proposed Amendment to HB 2482
(As Amended by House Committee)

On page 1, in line 32, after "interlocal", by inserting "cooperation";

On page 2, in line 48, after "interlocal", by inserting "cooperation"; in line 50, after "interlocal", by inserting "cooperation"; in line 52, after "interlocal", by inserting "cooperation"; in line 53, by striking all after "in"; in line 54, by striking "services" and inserting "performing any of the services, duties, functions, activities, obligations or responsibilities, other than the provision of special education services, which are authorized or required by law to be performed by school districts of this state,"; in line 56, after "interlocal", by inserting "cooperation"; in line 60, after "interlocal", by inserting "cooperation"; in line 67, after "interlocal", by inserting "cooperation"; in line 80, after "interlocal", by inserting "cooperation";

On page 3, in line 90, after "interlocal", by inserting "cooperation"; in line 98, after "interlocal", by inserting "cooperation"; following line 100, by inserting a new paragraph as follows:

"(7) Within the limitations provided by law, a school district interlocal cooperation agreement may be changed or modified by mutual consent of the contracting school districts.";

On page 4, following line 128, by inserting two new sections as follows:

"Sec. 2. K.S.A. 72-7519 is hereby amended to read as follows: 72-7519. (a) For the purpose of hearing any appeal, case or other matter of any kind whatsoever required by law to be determined or heard and determined by the state board of education ~~as-specified-by-any-statute-enumerated-in-this--act--or-by--any--rule--or-regulation-of-the-state-board-of-education~~, the state board of education may appoint one or more hearing officers. Any such hearing officer shall be an officer or employee of the state department of education. Any such appointment shall apply to a particular hearing or to a set or

class of hearings as specified by the state board of education in making such appointment.

(b) To the extent that the provisions of this section conflict with the provisions of any other law, the provisions of such other law shall control.

(c) The provisions of this section shall not operate or be construed in any manner so as to authorize the substitution of hearing by a hearing officer in lieu of hearing by the professional practices commission provided for by K.S.A. 72-8506, and amendments thereto.

"Sec. 3. K.S.A. 72-7520 is hereby amended to read as follows: 72-7520. Whenever a hearing officer appointed under authority of ~~this act~~ K.S.A. 72-7519, and amendments thereto, hears any appeal, case or other matter, ~~he shall~~ the hearing officer, after hearing the same, shall prepare a written report thereon to the state board of education. After receiving any such report, the state board of education shall determine the case, appeal or other matter with or without additional hearing. Any matter determined by the state board of education in accordance with this ~~act~~ section shall be valid to the same extent as if the matter were fully heard by the state board of education without a hearing officer.";

Also on page 4, by renumbering sections 2 and 3 as sections 4 and 5, respectively; in line 129, after "K.S.A.", by inserting "72-7519, 72-7520, 72-7521 and"; also in line 129, by striking "is" and inserting "are";

In the title, in line 19, by striking "special"; also in line 19, by striking all after "education"; in line 20, by striking "children"; also in line 20, after "to", by inserting "school district"; also in line 20, after "interlocal", by inserting "cooperation"; in line 21, by striking "thereof" and inserting "of services; authorizing the appointment of hearing officers by the state board of education under certain conditions"; also in line 21, after "K.S.A.", by inserting "72-7519, 72-7520 and"; in line 22, by striking "section" and inserting "sections; also repealing K.S.A. 72-7521"

STATE OF KANSAS

FRED A. KERR
SENATOR, THIRTY-THIRD DISTRICT
BARBER, COMANCHE, HARPER, KINGMAN, KIOWA,
PRATT, STAFFORD, S. RENO,
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ROUTE 2
PRATT, KANSAS 67124-9802



TOPEKA

COMMITTEE ASSIGNMENTS
CHAIRMAN ASSESSMENT AND TAXATION
MEMBER AGRICULTURE
EDUCATION
ENERGY AND NATURAL RESOURCES
LEGISLATIVE AND CONGRESSIONAL
APPORTIONMENT
CHAIRMAN MAJORITY PARTY CAUCUS

March 30, 1987

SENATE CHAMBER

M E M O R A N D U M

TO: Chairman Joe Harder and
other members of the
Senate Education Committee

FROM: Senator Fred A. Kerr

RE: Higher Education Governance and H. B. 2102

In lieu of the passage during this session of H. B. 2102, I offer the following suggestions:

1. The legislature and governor should agree to commission a post-secondary education study using a nationally recognized individual or firm from outside the state of Kansas. Since it appears that the in-state constituencies are so protective with regards to the future governance policy, it seems that expert advice from the outside is essential. I am told that a similar study is being conducted in Oklahoma. That state could be contacted to obtain cost estimates and to define pros and cons of this idea. The assignment to the consultants would be to conduct a comprehensive statewide study of the governance and finance of all postsecondary education in Kansas and to have it completed no later than December, 1987.
2. Appoint a Kansas Postsecondary Education Governance and Finance Advisory/Steering Committee to provide a linkage with the group or individual commissioned to do the study representative of the following: (a) both houses of the legislature, (b) the Governor's Office, (c) community colleges, (d) area vocational-technical schools, and (e) regents' institutions.
3. The study questions posed to the consultants would be of utmost importance and should be carefully drafted after receiving advice from known national experts in the field of higher education governance and finance.
4. Advocate the implementation of the recommended legislation which is to be designed to assure that the future of postsecondary education is sound and capable of providing the taxpayers with efficient and effective education.
5. The vocational school situation must be included. It may be that the vocational schools should be blended into the 19 community colleges resulting in a system of comprehensive community colleges. It appears we cannot afford to continue to fund 40-plus separate entities, each competing for the same limited tax dollars.

I offer the above for your consideration.

FAK/lc

Senate Education
March 31, 1987
Attachment 3