

Approved March 2, 1988
Date

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION

The meeting was called to order by Chairman Denise Apt at
Chairperson

3:30 ~~am~~ p.m. on February 11, 1988 in room 519-S of the Capitol.

All members were present except:

Representative Charles Laird
Representative David Miller
Representative Vern Williams

Committee staff present:

Avis Swartzman, Revisor of Statutes' Office
Ben Barrett, Legislative Research
Thelma Canaday, Secretary to the Committee

Conferees appearing before the committee:

Dr. Richard Funk, Kansas Association of School Boards
Mr. Dale Rawson, Superintendent of Schools, U.S.D. #427, Bellville
Mr. Randy Evert, U.S.D. #425, Highland
Mr. Dan Stockstill, Superintendent, U.S.D. #237, Smith Center
Mr. Ray Salmon, Superintendent, U.S.D. #306, Southeast of Saline
Ms. Connie Hubbell, State Board of Education
Mr. Dale Boyles, Superintendent, U.S.D. #278
Mr. Craig Grant, Kansas National Education Association
Mr. Joe Gillilan, Resident parent, U.S.D. #427
Mr. Jeff Coatney

The meeting was called to order by Chairman Apt and hearings on H.B. 2799, a bill relating to school district tuition payments to other districts, were opened.

Richard Funk testified in favor of H.B. 2799 asking for repeal of the existing statute in Section 2. Mr. Funk believes one of the main issues addressed in the bill is whether or not the State Board of Education has the right to determine whether or not a child has to have his tuition paid by a local board of education. Mr. Funk stated the organization he represents feels the State Board of Education does not have the right to overturn a decision made by a local board of education.

Mr. Dale Rawson supports the changes offered in H.B. 2799 saying he believes the current statutes are discriminatory against school districts located on the border of the State of Kansas. (Attachment 1)

Randy Evert favors H.B. 2799 because it returns the authority to the local school board to determine when it's appropriate to enter into a contract for attendance in another school district. (Attachment 2)

Dan Stockstill spoke in favor of H.B. 2799 stating this bill would allow school districts to enter into contracts with boards of education of any receiving school district for the payment of tuition for the attendance of pupils at schools in the receiving school district. Mr. Rawson pointed out these contracts would be negotiable. (Attachment 3)

Mr. Ray Salmon appeared in support of H.B. 2799 Mr. Salmon believes the local Kansas school district and the out-of-state school district should be able to reach an agreement on attendance and tuition through negotiations rather than the State Board of Education making this determination. (Attachment 4)

Connie Hubbell spoke in favor of H.B. 2799. Ms. Hubbell said Kansas has strongly supported the local boards of education in making decisions of this nature and the State Board of Education recommends this policy be continued. (Attachment 5)

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION,
room 519-S, Statehouse, at 3:30 XX a.m./p.m. on February 11, 1988

Mr. Dale Boyles spoke in favor of H.B. 2799 and cited three reasons why students chose to attend another school district than the one in which they reside: 1) a difference in curriculum, 2) athletic program, 3) parents worked in Superior, NE. Mr. Boyles agreed there is a problem and expressed his support of H.B. 2799.

Craig Grant testified in support of H.B. 2799 urging the committee to pass the bill favorably as written.

Mr. Joe Gillilan testified in opposition to H.B. 2799 stating the repeal of the statutes as provided in H.B. 2799 would cause problems to parents who are in the position of using the provisions for out-of-state attendance. (Attachment 6)

Mr. Jeff Coatney opposed H.B. 2799 stating there are genuine and legitimate needs that need to be considered in recognizing the individual needs of students. Mr. Coatney feels the appeals process needs to be left as it is.

Chairman Apt drew the committee's attention to the written testimony of Attorney Darrell E. Miller. (Attachment 7)

The chairman closed hearings on H.B. 2799.

Chairman Apt asked the committee members to act on the list of bills they received in Monday's meeting.

Representative Amos moved these bills be reported adversely.
Representative Pottorff seconded the motion. Motion carried.
(Attachment 8)

The meeting was adjourned by the chair at 4:20.

The next meeting will be February 15, 1988 in Room 519-S at 3:30 p.m.

DATE February 11, 1988

GUEST REGISTER

HOUSE

EDUCATION COMMITTEE

NAME	ORGANIZATION	ADDRESS
Karl Zink	USA # 501	Lapeke
Mary Nichols	USA # 383	Manhattan
Connie Hueser	St Bd. of Ed	Texas
Kathleen White	St. Bd. of Educ.	Prairie Village
Martha Mittle	KASB USD 383	Manhattan
Cory Lezotte	CLEVELAND USD # 204	CLEVELAND
Alvin Sager	Conroy Springs USD 354	Conroy Springs
Alan Bergmann	Guard	USD 248
Jack Shipman	Guard Syst USD 248	USD 248
Lib Schleht	KASB	Ellsworth
Walter Schuler	USD # 1458	Bascher, Ks
Bob Kames	USD # 458	Bascher, Ks
Carol Leichline	Board Member USD # 203	Piper, Ks.
Jerry Nordberg	USD # 476	Copeland
Ricky Wertjenberger	USD # 441	Sabetha, Ks.
Don G. Fauer	USD # 441	Sabetha
Bill Fauer	USD # 216	Wenfield
Ralph Bradley	USD 228	Hanston
Marvin Sel	USD 251	Amherst, Mo
Frank Meyer	USD 487	Herington
Les Weller	" "	HERINGTON
Dave Floyd	USD 487	" "
Thomas W. Verma	USD 487	HERINGTON
Phil Merbow	USD 268	Cheng

DATE _____

GUEST REGISTER

HOUSE

EDUCATION COMMITTEE

NAME	ORGANIZATION	ADDRESS
Debra J. Jagers	USD 407	Russell
Divian Baxter	USD # 407	Russell
Sam Lewis	USD 465	Winfield
Mike Bailey	USD 462	Burdett
Martha Butler	USD 465	Winfield
Bill Hedley	USD 465	Winfield
Joann Bryers	USD 400	Lindsborg
Tony Schmidt	USD 423	Moundridge
Barbara Reese	USD # 496 KASB	Burdett, Ks
Dr. Phyllis King	USD 330	Esperanto, Ks
George Foster	USD 330	Esperanto, Ks
Richard W. Cornell	USD 354	Cliffin, Ks
Sue Hencke	USD 354	Cliffin, Ks
Joe and Connie Gillilan	Citizens for Community Schools (CCS)	Hardy, Mo.
Charles Spangberg	K-NEA - USD 418	McPherson, Ks
Frank Blake	USD # 223	Wash. Co. - Linn, Ks
Jack Parker	USD # 313	Buhler
Evelyn Whitcomb	St. Bd. of Educ	Wichita
Leette Anderson	USD # 353	Hellington
Jonaei Ryan	USD 395	McCracken
Deena Herbst	NEA - Salina	Salina, Ks.
Robert J. Smith	USD 339	Winchester, Ks
Dana K. Kunkel	USD # 104	Estlin, Kansas
Mary Anne Trickle	NEA - Salina	Salina, Ks

DATE _____

GUEST REGISTER

HOUSE

EDUCATION COMMITTEE

NAME	ORGANIZATION	ADDRESS
Ray Bickell	USD 481	Hope, Ks
W. J. Adams	USD 481	White City Ks
Jim [unclear]	USD 383	Manhattan
Ray G. Salmer	USD 306	Gypsum
Bob [unclear]	USD 427	Bellewille
Londy Ewert	USD 427	Bellewille
Mr Frank Randel	U.S.D 403	Albert
Oliver J. Schrimmer	U.S.D. 403	Albert
Virginia Panksta	USD 427	Bellewille Kas
Van Stockstill	USD 237	Smock Center
M. D. Bayles	USD 278	Manhattan, Kans
R. E. Hale	202	Kansas City
Jamie Lee	USD 238	Kensington
Alan L. Drake	USD #234	Ft. Scott
Roger Nelson	USD 290	St. Thomas
Ray [unclear]	Clow-47 Ks	Meade
Sheila Fraboe	Ks St Bd of Ed	Colby
Magreene Norris	USD 231	Edgerton-Gardner
Gary R. George	" "	" "
Melvin D. Schuster	" "	" "
Bob McDavid	USD 481	Hope, Ks
Ellon Ruffel	U.S.D. 481	Hope, Ks
Sharon Cross	USD 481	Hope, Ks
Bella Highfill Smith	USA	Topeka

DATE 2/11

GUEST REGISTER

HOUSE

EDUCATION COMMITTEE

NAME	ORGANIZATION	ADDRESS
Lee Brewster	USD #233 (Close-up Kansas)	Olathe, KS
Paul Bayle	USD #233	Olathe
Michael G. Cooper	USD #233 [Close-up Kansas]	Olathe
Ashley Withers	USD #233	Olathe
Lesley Beck	USD #233 (Close-up Kansas)	Olathe
Officer Teacher	USD #233 (Kansas Closeup)	Olathe
SCOTT BLISS	USD #233 CLOSE-UP KANSAS	OLATHE
Jerry Hamm	USD #445	Colleyville
Sharon Jones	USD #445	Colleyville
John Sallitoni	USD #445	Colleyville
Kathleen Baker	USD #484	Frederia
Mark Baker	USD #484	Frederia
Bob Johnson	USD #375	Towanda
John E. Sahoga	USD #375	Towanda
Jim Barrett	USD #496	Rozel
Stanley K Blattner	USD #496	Rozel
Hank Nichols	USD #209	Moscow
Bill Preheim	USD 209	Moscow
Richard L Reimer	USD 266 Marze	Wichita KS
Sharon Cortney	Citizens for Comm Schools	Linwood, KS
Jeff Cortney		"
Dennis Hill	USD 206	Whitewater
Karen M. Shadd	USD 496 - K.A.S.B. Pres.	Alexandria, KS
Ron Pfenniger	USD 496	Neloma KS

SYNOPSIS OF TESTIMONY BEFORE THE
HOUSE EDUCATION COMMITTEE BY
DALE V. RAWSON, SUPERINTENDENT
REPUBLIC COUNTY UNIFIED SCHOOL DISTRICT NO. 427
FEBRUARY 11, 1988

RE: Support of House Bill 2799

Conferree: Dale V. Rawson, Superintendent
Republic County Unified School District No. 427
Belleville, Kansas 66935

INTRODUCTION:

My background is different from most if not all of the individuals present at the hearing as I have served as a school superintendent in both Kansas and Nebraska. Since 1986 I have served U.S.D. No. 427 in Belleville, Kansas which adjoins the Nebraska border. During the years 1982-1986, I served the school district of Benkelman, Nebraska which adjoins the Kansas border north of Bird City, Kansas. With the advantage of this background, I raise two concerns with the present statutes governing attendance at out-of-state schools.

CONCERN 1:

The current statutes are discriminatory against school districts located on the border of the State of Kansas. The current statutes provide a method whereby the State Board of Education can require a border district pay an out-of-state school district for the tuition of a child who elects to attend that out-of-state school district.

A school district not adjacent to the border of another state is exempt from this procedure. In these school districts, students may elect to attend a district other than the district

*Attachment 1
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of their residence; however, this is done at the determination of the parents and there is no process to require the district of residence to pay tuition to the out-of-district school.

In school districts adjacent to the border of another state, students who elect to attend an out-of-state district may do so by contracting on an individual basis as do their counterparts residing in other school districts not adjacent to other states. The difference in border districts is that an additional route of appeal which allows these individuals to initiate a process whereby the State Board of Education may require a Kansas school district to pay tuition to an out-of-state school district.

CONCERN 2:

Kansas and Nebraska have significantly different tax rates. Nebraska relies upon the ad valorem property tax to a much larger degree than does Kansas. Having worked in border districts in both states, I have observed that taxes for equivalent properties are much higher in Nebraska than in Kansas.

While serving as superintendent in Benekelman, Nebraska, the school district received several requests from individuals who wished to establish their domicile in Kansas for tax advantages but who wished to continue sending their students to the Benkelman School District as it was only two miles from the Kansas border. The tuition policy of that school district required that out-of-district residents pay tuition. When informed of this policy, these individuals maintained their Nebraska residence.

Should Nebraskans become aware of these statutes, I envision individuals taking advantage of them by establishing residences in Kansas for tax advantages and immediately applying for tuition to be paid from the Kansas school district back to their Nebraska school. Under the current statutes, this possibility exists and could cause large amounts of Kansas tax dollars to support Nebraska education.

REQUEST:

The changes offered by HB 2799 are recommended for support by this committee. These changes would not exclude the payment of tuition in cases determined necessary by the locally elected Board of Education but would make that decision the responsibility of the local board instead of the State Board of Education.

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I am Randy Evert from Unified School District No. 427 in Belleville. We are here today to support House Bill 2799. We believe this bill will restore the integrity of district boundaries to the local Board of Education and enable those locally elected boards to make the appropriate determination as to when contracts for instruction with other school districts are necessary.

Our concern stems from a decision by the Kansas State Board of Education which required our school district to pay tuition for a district resident to attend an out-of-state school for the 1987-88 school year.

In our case, a district resident requested our school district provide tuition and transportation to attend a Nebraska school district. Our district provides bus service to district residents and had a school bus route established which passed by the door of these residents. Our local Board of Education rejected this request and indicated willingness to transport and educate the child in our district attendance centers. On appeal, the Kansas State Board of Education approved the parent's request.

One of the reasons cited by the State Board in overruling the decision of the local board was that this school district accepted students without charging tuition. This is true. In our district and in our neighboring districts, students who choose to attend do so at their own determination. In those cases, the receiving district counts the student for state aid purposes and the sending district does not count the student. We

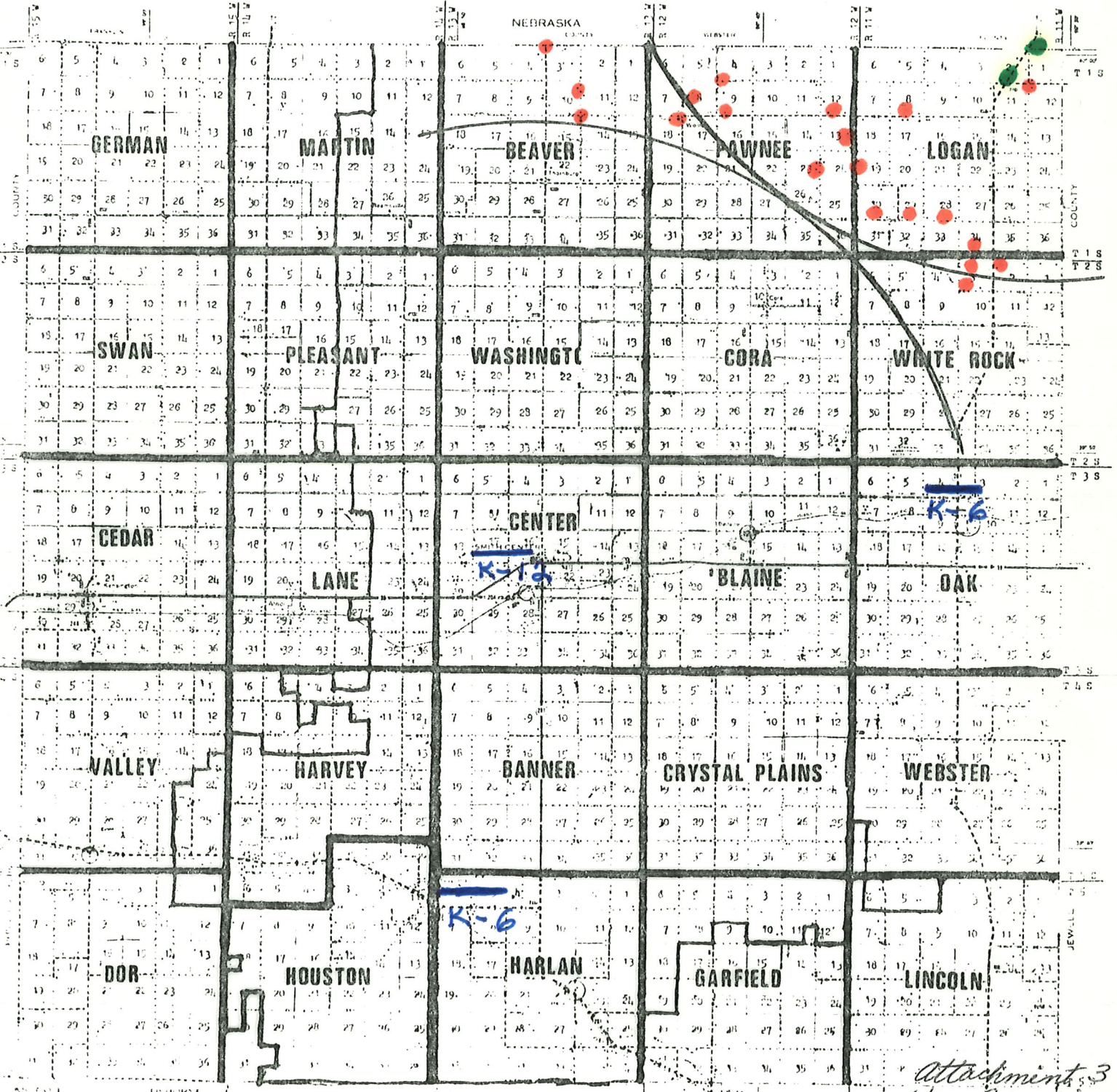
*Attachment 2
House Education 2/11/88*

not only receive students under this arrangement; we also lose students to other districts by their own choice and do not collect state aid for those pupils.

As an alternative to letting students attend schools of their choice, K.S.A. 6757 has allowed districts to contract with other school districts to provide education when deemed necessary by both the sending and receiving district. When a school district enters into such a contract, statute provides the sending district may receive state aid for the pupil. This payment is conditional upon the fact that a contract exists; when there is not a contract, there is no state aid paid to the sending district.

The current legislative proposal would not change the present statutory arrangement with respect to state aid. This district is not requesting state aid for students who attend other school districts except in cases where contracts between those districts exist. Rather, this district is requesting the ability to determine when those contracts are appropriate instead of having the State Board of Education determine the appropriateness of an alternative school district for attendance. As the locally elected representatives of our school district, we believe that we are in the best position to determine when a contract for attendance in another district is advantageous. As such, we support House Bill 2799 as it returns this decision making authority to the locally elected Board of Education.

Red Cloud



Attachment 3
 House Education
 2/11/88

MEMBERS OF THE HOUSE EDUCATION COMMITTEE

My name is Dan Stockstill. I am the Superintendent of Schools of Unified School District No. 237 Smith Center. I am representing the Board of Education of USD 237 Smith Center. On behalf of the Board of Education I ask that you support House Bill NO. 2799 with the exception of section (d) lines 0061 and 0062.

I have prepared a hand out for you to better illustrate my remarks and would ask that you refer to the first page of that handout. Unified School District Number 237 is 599 square miles. We serve the communities of Gaylord, Smith Center and Lebanon as underlined in blue on your map. As of September 15, 1987 our full time equivalent enrollment was 643 students and of that number we transport 322 students to school. We travel approximately 220,000 miles each year just taking students to and from school. In the top right hand corner of the map you will notice two arcs that have been struck half way between Red Cloud and Smith Center. Those areas marked in red indicate families that were residing in the USD 237 School District as of September 15, 1987. Those marked in green are those families that resided in Unified School District No. 237 on September 15, 1987 but were sending their children to the Red Cloud Public School. In all there are a total of twenty-two (22) families that represent thirty-five (35) students who are closer to the Red Cloud School as it pertains to the Junior-Senior High level. Some of these families are outside the arc or just over the line that arguably would be debated as to having options of going one way or the other. USD 237 has only one 7-12 attendance center.

In the fall of 1987, USD 237 received a petition from two families (those marked in green and currently attending school in Red Cloud) to attend a out-of-state school. Under the current statutes, if permission was granted the local school district would have been liable to pay tuition costs for those five students totaling \$19,210.30 to the Red Cloud School. The average cost per pupil in USD 237 for the 1987-88 school year is \$3,838.15. We would have been able to count these students on our enrollment, collect approximately \$6,313.90 in state aid from the State of Kansas and levied the appropriate tax of \$12,076.85 and still would have been \$19.55 short of the required tuition.

Where does this money come from? It comes from state aid and local tax payers. Where does it go? It goes to Nebraska! Does it represent an expenditure of funds that is in the best interest of the school district? I think not.

Sure these families pay taxes and have every bit of a right to a good public education as anyone else. They have that right in Kansas and if they choose to educate their children out of state, then let them - but not at the expense of everyone else. The potential cost that is represented by these thirty-five students is \$145,000.00 for each year they are in junior or senior high. This tax money would be spent out of Smith County which I feel is taxation without representation. Our enrollment obviously would suffer and in turn cause erosion of the teaching staff that we could afford to provide for the education of those remaining in USD 237.

At a time when our States economy is struggling and when our greatest resource, our educated youth, are being pulled out of state to better paying jobs - why would we want to contribute to this "black hole" in our state border.

House Bill No. 2799 would allow school districts to enter into contracts with boards of education of any receiving school district for the payment of tuition for the attendance of pupils at schools in the receiving school district. As I read the bill this amount is negotiable and would provide for some give and take. In our particular case, the Red Cloud School District is, and has, accepted a tuition charge of \$500.00 per student for these five children this year and in the past. In other words, why should Red Cloud School be satisfied with \$2,500.00 from the parents when they could stand to collect \$19,210.30 from USD 237?

House Bill 2799 would allow local boards to pay out-of-state tuition and also negotiate for a more reasonable rate that would not severely affect the ability of the Kansas Public School to operate.

Section (d) lines 0061 and 0062 speak to providing transportation from the sending school district to the receiving school district. I think it will be a dark day in Kansas when we load our school age children on a bus that is purchased by local tax dollars and carry our very future out of the state. Therefore, this particular part of the bill I cannot support.

In conclusion I would like to highlight the following points:

1. We need to protect our States greatest resources.
2. We should return to local school districts local control so that local tax payers will have taxation with representation.
3. We will have better control of the quality and quantity of education delivered within the state. Will the State of Nebraska endorse and follow the

direction of excellence that Kansas strives for? Will the State of Nebraska teach our young people a complete course in Kansas History as proposed in House Bill No. 2725?

4. I think if we want to get what we pay for we stand a greater chance of controlling that product in Kansas.
5. Parents living in the Smith Center District have been advised by the Red Cloud School to actively seek full tuition payment to be given the Red Cloud School.
6. USD 237 has provided education for students that reside in Nebraska with no tuition charge. We feel that Nebraska should offer the same consideration to Kansas students attending school in Nebraska.

Thank you for allowing me to appear before this committee to express my views on HB 2799.

My name is Ray G. Salmon, Superintendent of Schools, Southeast of Saline U.S.D. 306, Saline County, Kansas. I previously served as Asst. Superintendent and Superintendent of Republic County U.S.D. #427 from 1970 through 1986.

I have been involved with transfers and requests for transfers of students between Kansas and Nebraska during the 16 years I was an administrator in U.S.D. #427. We had problems under the old regulations which required the district in Kansas to pay tuition to Nebraska at a rate set by the receiving Nebraska school. The parents applied directly to the State Board for approval. The local district had no input. They just paid the bill. That plan was found to have lots of problems and was changed in 1974 to the present law.

Many districts have an unwritten policy that the local district will not charge out-of-district tuition nor will they pay out-of-district tuition. This has an equalizing affect on the cost for educating these children. This policy has worked between districts for a number of years and the movement of students between districts has occurred with a minimum of difficulty.

K.S.A. 72-7202 states that pupils who live nearer to an attendance center in a district other than that of his residence may be eligible for tuition to attend an

*Attachment 4
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out-of-state district. Almost each and every district has students who meet the condition for out-of-state tuition because they live nearer boundaries of a neighboring district.

Chapman U.S.D. 473 is one of the largest districts in square miles in our part of the state. We join on our eastern boundary and their western boundary. They have several students living much closer to our attendance center than to the Chapman attendance center. Wouldn't it be just as equitable to the student for us to accept those students and then send Chapman a bill. Why should there be a difference between Kansas districts and between Kansas and out-of-state districts. I realize student count and state aid is involved. I'm discussing only the convenience of the student.

Also, there seems to be a great deal of similarity between a transfer territory between districts and a student wishing to attend an out-of-district school. The state board, in most cases, request that the two boards be in agreement before any territory is transferred. Shouldn't the same be true in the payment of tuition.

I believe the local Kansas school district and the out-of-state school district should be able to reach an agreement on attendance and tuition through negotiations. It should not be subject to someone in Topeka telling the local board what and who they are going to pay out-of-state. This is not to find fault with the State Board of Education because it is almost impossible for the State Board to know and understand the local situation.

The Kansas local boards of education are, in fact, being controlled by an out-of-state district to determine what Kansas taxpayers will pay to an out-of-state district. Our first priority should be to educate Kansas kids with Kansas dollars.

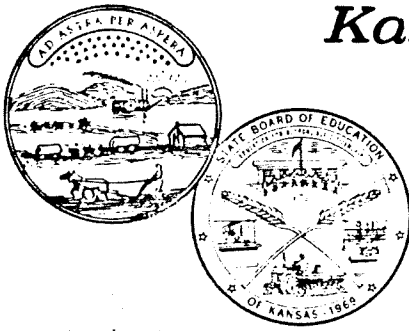
Now there are instances when it may be more advantageous to permit students to attend an out-of-state district. That should be permitted. However, the districts involved should be allowed to determine how much tuition, if any should be paid. Kansas districts elect seven individuals to serve on each board of education. It should be the responsibility of the local board to make this decision.

Thank you for allowing me to appear in support of HB 2799.

Kansas State Board of Education

Kansas State Education Building

120 East 10th Street Topeka, Kansas 66612-1103



Mildred McMillon
District 1

Connie Hubbell
District 4

Bill Musick
District 6

Evelyn Whitcomb
District 8

Kathleen White
District 2

Sheila Frahm
District 5

Richard M. Robl
District 7

Robert J. Clemons
District 9

Paul D. Adams
District 3

Marion (Mick) Stevens
District 10

February 11, 1988

TO: House Education Committee

FROM: State Board of Education

SUBJECT: 1988 House Bill 2799

My name is Connie Hubbell, Legislative Chairman of the State Board of Education. I appreciate the opportunity to appear before this Committee on behalf of the State Board.

House Bill 2799 repeals the current law which permits parents of students to appeal the local board of education's decision disallowing payment of tuition for a resident of the district to attend an out-of-state school.

During the past ten years, only one appeal of a local board's decision has come before the State Board.

The determination of whether a student should attend school out-of-state and requiring the local board of education to pay such tuition should be a matter determined by the local board.

Kansas has strongly supported the locally elected board of education in making decisions of this nature in the past and the State Board recommends this policy be continued.

In summary, the State Board of Education recommends that House Bill 2799 be reported favorably for passage.

*Attachment 5
House Education 2/11/88*

Joe Gillilan

Connie J. Gillilan

Rt. 1, Box 65
Hardy, NE 68943

The amended 72-6757 leaves it up to local boards to determine inconvenient or unreasonable distances, whereas parents or legal guardians determine if any of 5 conditions exist in 72-7202. The parents or legal guardians apply before their board, but no process exist in 72-6757 to inform local boards of the desire to attend an out-of-state school.

72-7202 provides a time period by which parents or legal guardians may apply. It is only a six week period, but 72-6757 gives board or parents no time period, so parents could be left on hold while boards decide. 72-7208 provided a time period by which the approval of attendance is received, so as to be included in the budget hearing of the district.

72-7203 provides a way by which parents or legal guardians could appeal the denial of an application to the State Board. The amended 72-6757 provides no appeal process and then if so, what would one appeal, there was no application made.

72-7204 provided a method by which to figure tuition. We feel no Kansas school district should pay more tuition than its budget authority, which is more than its cost of education. We feel if tuition is higher than the sending districts budget authority, then the parent or legal guardian should be expected to make up the difference.

If this legislative education committee amends 72-6757 and repeals 72-7201 et seq. one should consider if there is anyone using the statute at the present time.

We are parents currently using the 72-7201 et seq. statutes for our son's out-of-state attendance. The board's decision

Attachment 6
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Connie J. Gillilan

Rt. 1, Box 65
Hardy, NE 68943

for our denial are all part of the record and by repealing these statutes will cause us to start all over without local board. We ask not to repeal 72 7201 et seq. as that is the only statute to consider both local boards and parents.

LAW OFFICES
MILLER & LUDWIG

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MANKATO, KANSAS 66956
(913) 378-3128

7

ROD LUDWIG
112 EAST COURT
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(913) 738-6535

February 9, 1988

Representative Denise C. Apt, Chairman
Committee on Education
State Capitol Building
Topeka, Kansas 66612

Dear Representative Apt:

Representative Don E. Crumbaker was kind enough to send me a copy of proposed House Bill No. 2799. I have a particular interest in this proposed bill because of my representation of Joe and Connie Gillilan in a hearing held in 1987 before the Kansas State Board of Education. Mr. and Mrs. Gillilan are residents of Republic County, Kansas, and appealed a decision of the Board of Education of U.S.D. No. 427, Republic County, denying their application for their son to attend an out-of-state school for the reasons specified in K.S.A. 72-7202. In that appeal the hearing officer found the decision of the Board of Education of U.S.D. No. 427 denying the Gillilans' application to attend an out-of-state school to be unreasonable, arbitrary, and capricious. The Kansas State Board of Education subsequently adopted the findings of the hearing officer and approved Mr. and Mrs. Gillilan's request to send their son to school in Superior, Nebraska for the 1987-88 school year.

It is of particular concern to Mr. and Mrs. Gillilan and to me through my experience in this case that House Bill No. 2799, if passed, would repeal K.S.A. 72-7203 authorizing an appeal to the State Board of Education. Additionally, this bill also repeals K.S.A. 72-7202 which recites in detail objective standards for determination of when it would be best for a child to be allowed to attend school out of state at the expense of the sending school district.

I do not believe that there is anything which would support the necessity of repealing the existing statutes. House Bill No. 2799 grants too much discretion to the local Board of Education; does away with valid existing objective criteria and completely eliminates the right of a parent or a legal guardian to an impartial determination of the right of their child to attend school out of state. The procedure as now set forth is workable and reasonable and allows a hearing in an expedient fashion and without the necessity of court action.

If adopted, I believe House Bill No. 2799 would result in increased litigation as parents of affected children would have no other alternative since the appeal provisions of K.S.A. 72-7203 would be abolished.

*Attachment 7
House Education 2/11/88*

Representative Denise C. Apt, Charirman
Page 2
February 9, 1988

I understand that this bill is to be considered on Thursday, February 18, 1988, and Mr. and Mrs. Gillilan have requested that I offer my comments. I am providing additional copies of this letter for dissemination to the committee.

Thank you for your consideration.

Yours very truly,

MILLER AND LUDWIG



Darrell E. Miller

DEM:jm

Enclosures (25)

cc: Mr. and Mrs. Joe Gillilan

*Motion made at Feb. 11, 88
mtg. Has not and Carried
All bills reported adversely.*

HOUSE EDUCATION BILLS TO BE ADVERSELY REPORTED

- HB 2042 School district equalization, miscellaneous revenues, deposit in general fund authorized when allotment system applied.
- HB 2046 School district finance, budgets per pupil, certain increases, district estimates.
- HB 2047 School district finance, budgets per pupil, 1985 school year levy rate.
- HB 2114 Providing basic education state aid to all school districts.
- HB 2161 Teachers, contract termination or nonrenewal hearings, eligibility of hearing committee members.
- HB 2184 Special education services, definition of special teacher affected.
- HB 2194 School district equalization, deposit of miscellaneous revenues in general fund authorized, conditions.
- HB 2200 School district finance, local effort rate and budget limitations, districts contiguous to districts in fifth enrollment category.
- HB 2202 School bus safety programs.
- HB 2214 School districts, eligibililty of certain kindergarten children for attendance in first grade.
- HB 2215 State universities, preparatory curriculum, admission entitlement affected.
- HB 2229 Professional practice conditional grants, teacher education students.
- HB 2289 School district finance, budget per pupil increase subject to protest petition.
- HB 2381 School district finance, tax levy rate, 1985-86 school year.
- HCR 5020 Proposition to revise article 6 of the constitution of the State of Kansas, making provision for a state board of community colleges.
- HCR 5027 Regarding early childhood programs and accreditation of such.
- SB 208 Community colleges; scholarships.

*Attachment 8
House Education 2/11/88*