

Approved April 28, 1988
Date

MINUTES OF THE SENATE COMMITTEE ON EDUCATION

The meeting was called to order by Chairman Joseph C. Harder at
Chairperson

1:30 ~~a.m.~~/p.m. on Tuesday, March 22, 1988 in room 123-S 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:

HB 2823 - Use of tobacco products prohibited in school buildings
(Baker et al.)

Opponents:

Dr. Jim Yonally, USD 512, Shawnee Mission
Mr. Onan Burnett, Director of Governmental Affairs, USD 501

Sub. HB 2073 - By Committee on Economic Development-Vocational education
instructional equipment aid, definitions, distribution basis

Proponents:

Mr. David DePue, Executive Director, Kansas Council on Vocational
Education

Opponents:

Mr. Bill Berry, Kansas Association of Area-Vocational Technical
Schools

Comments only:

Mr. Bill Brundage, President, Kansas Technology Enterprise Corporation
Dr. W. Merle Hill, Executive Director, Kansas Association of Community
Colleges

HB 2678 - Community colleges, affect composition of boards of trustees
thereof (by request)

Proponents:

Representative Carol Sader, sponsor of the bill

Comments only:

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

After calling the meeting to order, the Chairman announced that the hearing on HB 2823 would be continued, since there had not been sufficient time to complete the hearing on Monday. He then called upon Dr. Jim Yonally, USD 512, Shawnee Mission. Dr. Yonally pointed out that his position against HB 2823 does not intend to mean that USD 512 would encourage smoking by either students or staff. He said he is opposing HB 2823 for several reasons and stated that local boards of education do not need another mandate. Dr. Yonally maintained that the language of the bill was too broad to make it enforceable. Also, he said certain restrictions contained in the bill are already covered by city ordinances in his area. He described a program of his school district that involves youths with special problems and said the bill would make it more difficult to work with these students who have severe smoking and alcohol-related problems. He noted that the bill did not address accredited private schools and felt these, too, should be included if the bill is passed. He also pointed out that the bill does not provide for a penalty. Dr. Yonally suggested that if the intent of the Legislature is simply to state a position, he would recommend that a resolution be drafted as a substitute for the bill.

Mr. Onan Burnett, USD 501, said he would "ditto" almost every statement made by Dr. Yonally, because most of the testimony would apply to his district. He said that his board feels that HB 2823 represents an invasion of personal liberty and that authority in this problem should be left to local control. Mr. Burnett further informed the Committee that USD 501 has

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room 123-S, Statehouse, at 1:30 ~~xxx~~ p.m. on Tuesday, March 22, 1988

developed its own programs regarding the smoking issue. He related how the number of suspensions increased dramatically when smoking privileges were denied students outside of school structures and how the number of suspensions decreased when the policy was dropped. Mr. Burnett maintained that morality cannot be legislated. In reply to a question, Mr. Burnett said that a local board would determine the penalties; the penalties instituted by USD 501 include a three-day, five-day, and long-term penalty. He also replied that present policy permits smoking outside the structure of any school property with an automatic first-time suspension for non-adherence. Area vocational-technical schools, he answered, would be covered by district policy.

Sub. for HB 2073 - The first conferee called upon to testify was Mr. David DePue, Executive Director, Kansas Council on Vocational Education, a proponent. Mr. DePue related that the Council is a thirteen-member board funded by provisions of the U.S. Congress. He stated that the Council commends the Legislature in its efforts to support funding for vocational education programs and described the vocational education programs as a highly cost-effective investment. Mr. DePue noted the importance of appropriate equipment used in the programs but said he had one concern with the bill. This related, he continued, to the distribution payments of vocational education instructional equipment aid to be made on a "competitive" basis. Mr. DePue supported the allocation of gaming and other such funds to the vocational education programs.

Mr. Bill Berry, Director of the Manhattan Area Vocational-Technical School, presented testimony in opposition to the Sub. for HB 2073. He stated "that because a competitive funding process for capital improvements already exists that requires the action of a committee or board, there seems to be little reason to 'reinvent' the wheel." He felt a more logical approach might be to concentrate on adequate continuous funding possibilities for area-vocational technical school capital improvement needs. (Attachment 1)

The president of the Kansas Technology Enterprise Corporation, Mr. Bill Brundage, said that although he has not had the opportunity to review the proposed legislation, Sub. HB 2073, with his Board of Directors, he would recommend to them that KTEC consider conducting the proposed program as provided by the bill if proper resources were also granted. He pointed out that additional staff would be essential to administer the program. (Attachment 2)

Dr. W. Merle Hill, Executive Director, Kansas Association of Community Colleges, informed the Committee that Pratt and Cowley Community Colleges are the only two of the nineteen community colleges that would be affected by Sub. HB 2073, since they have vocational education programs. Dr. Hill, however, recommended that the funds be directed to the State Department of Education, instead of KTEC, to administer.

Committee members who are, also, members of the Legislative Commission on Kansas Economic Development provided the Committee with some background information on Sub. for HB 2073 and said the thrust of the bill is to allow the area vocational and area vocational-technical schools to be able to compete for high tech equipment. The bill is intended to provide potential for stimulating economic growth and enhancing employment opportunities within the state.

HB 2678 - When the Chairman called upon Representative Carol Sader, sponsor of HB 2678, Representative Sader explained that HB 2678 would expand the number of members on a community college board of trustees from six to seven. She said the reason for the additional member is to facilitate the decision-making process. She pointed out that the Legislature had changed the size of the boards of local school districts to seven members some time ago. (Attachment 3) Representative Sader stated that HB 2678

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carries no fiscal impact. She explained that Sec. 8 delineates the voting plans; lines 0156-0162 relate to a change in the at-large voting plan method.

Dr. W. Merle Hill, Executive Director, Kansas Association of Community Colleges, commented that HB 2678 had been introduced after his Association's Delegate Assembly meeting, but from all indications he said he could detect little sentiment in opposition to the bill. He also related that at a recent meeting of eighteen community college presidents, he could not detect that anyone had a problem with the bill.

Following testimony by Dr. Hill, the Chair announced that the hearing on HB 2678 was concluded and that the bill would be taken under advisement.

The Chair reverted the Committee's attention to HB 2799, relating to payment of out-of-state tuition for Kansas residents. Copies of amendments (Attachment 4) to the bill, as proposed by Senator Montgomery, were distributed to the Committee for consideration. The Chair, however, said that in deference to Mr. Joe Gillilan, whose children are affected by the provisions of HB 2799, he would postpone action on the bill until after written testimony had been received from Mr. Gillilan and distributed to the Committee.

The Chair adjourned the meeting.

SENATE EDUCATION COMMITTEE

TIME: 1:30 p.m. PLACE: 123-S DATE: Tuesday, March 22, 1988

GUEST LIST

<u>NAME</u>	<u>ADDRESS</u>	<u>ORGANIZATION</u>
Bill Berry	Manhattan	Ks Assoc of Area V-T Schools
Kay Cores	Topoka	K-NEA
Richard Funk	"	KASB
David DeLuc	Topoka	KCOVE
Ed Helms	"	KSNT-TV
Bill Brennan	Topoka	KTEC
Shay Hoogstraten	"	Amer. Career Society
Jane Goually	Shawnee Mission	USD #572
Jon Dray	Topoka	Life at Its Best
Bella Highfill Scott	Topoka	USA
Deen Stephen	"	KE USD #500
Carol Sader	Pravie Village	Ks. House 22 nd D.
Kathryn D'Arak	Wichita	Wichita Public School

SENATE EDUCATION COMMITTEE

TIME: 1:30 p.m. PLACE: 123-S DATE: Tuesday, March 22, 1988

GUEST LIST

<u>NAME</u>	<u>ADDRESS</u>	<u>ORGANIZATION</u>
Merle Hice	Topeka	KACC
Charles Burnett	Topeka	Ad 501 #
Gale Davis	Topeka	Governors Office
Jane Seeres	Topeka	Governors Office
Bill Musick	Meriden	St. Ed. Fed.
Paul Adams	Osage City	1000
Ken Roga	Paula	LQB
Beth Wilbur	Topeka	AAUP
Ken ...	Topeka	ACMRT

SENATE EDUCATION COMMITTEE
March 22, 1988
Substitute for HB 2073

My name is Bill Berry, I am the Director of the Manhattan Area Vocational-Technical School. I am here representing the Kansas Association of Area Vocational-Technical Schools in opposing the substitute for HB 2073.

Kansas statute #72-4440 currently provides for capital outlay aid to Area Vocational-Technical Schools. All that is required is the appropriation of funds by the Kansas legislature.

The law provides for a competitive application process to be conducted by the Kansas State Board of Education. However, the funding of the capital outlay aid statute has been sporadic since its inception. The following is a brief history:

1977-78	\$2,000,000
1978-79	2,000,000
1979-80	2,000,000
1980-81	1,525,000
1981-82	750,000
1982-83	No Appropriation
1983-84	No Appropriation
1984-85	1,000,000 (50% match)
1985-86	1,500,000 (50% match)
1986-87	No Appropriation
1987-88	No Appropriation

Governor Hayden has recommended \$1,000,000 for FY 1989 (HB 2796), and this has been supported by the House and is now in the hands of the Senate.

It is the feeling of the Kansas Association of Area Vocational-Technical Schools that because a competitive funding process for capital improvements already exists that requires the action of a committee or board, there seems to be little reason to "reinvent the wheel". A more logical approach might be to concentrate on adequate, continuous funding possibilities for Area Vo-Tech School capital improvement needs.

The Association would not oppose the inclusion of the Kansas Community Colleges that offer approved vocational programs. However, community colleges presently have local levying authority for capital improvements, Area Vo-Tech Schools do not. In addition, much larger appropriations would be necessary in order to fund, potentially, 33 institutions.

Thank you.

Testimony to Senate Education Committee
March 22, 1988
Substitute House Bill 2073
by William G. Brundage, President, KTEC

Mr. Chairman and Members of the Committee, I appreciate the opportunity to appear before you to discuss Substitute House Bill 2073. I must point out that I am speaking for our staff and have not had the opportunity to review this proposed legislation with our Board of Directors.

As I understand the bill, KTEC would administer a fund for equipment purchases by area vocational technical schools and community colleges. I am supportive of the idea that these types of institutions must be responsive to economic development needs in the short term. It is reasonable, therefore, that economic development entities supply input to the process of equipment assignment to the institutions.

Although the primary mission of KTEC involves the stimulation and commercialization of research, it is important to the growth of advanced technology industry in the state that training equipment be modern and in tune with business and industry. For this reason I would recommend to our Board of Directors that KTEC consider conducting the proposed program if granted the proper resources to do so. I must point out the fact that there is no way that KTEC could administer this program without additional staff.

The program, if established, would require development of a general strategy, submission and award criteria, review process, tracking and management procedures, and assessment of existing institutional capabilities and facilities.

The fiscal impact of the bill in terms of impact on KTEC's operations would be one full time administrator with a salary of \$27,000, plus \$6,000 in expenses. This amount of overhead is independent of the size of the equipment fund.

CAROL H. SADER
 REPRESENTATIVE, TWENTY-SECOND DISTRICT
 JOHNSON COUNTY
 8612 LINDEN DR.
 SHAWNEE MISSION, KANSAS 66207
 (913) 341-9440



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HOUSE OF
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 DEVELOPMENT
 PENSIONS, INVESTMENTS AND BENEFITS
 PUBLIC HEALTH AND WELFARE

March 22, 1988

TESTIMONY BEFORE THE SENATE EDUCATION COMMITTEE ON H.B. 2678

My name is Carol Sader. I presently serve as State Representative for the 22nd Legislative District, but I have previously served on the Board of Trustees of Johnson County Community College from 1981-1986 and served as Chairman of that Board from 1983-1985. During that time, I also served as Chairman of the Trustee Section of the Kansas Association of Community Colleges.

I appear before you today in support of H.B. 2678 which would increase the number of members on a Community College Board of Trustees from six to seven. During my years of service as a Community College Trustee, the disadvantages of having an even-number of members on a decision-making board were very apparent. The Community College Board of Trustees is statutorily composed of six members. To deal with the unnecessary difficulties which the even number presents, some of the Boards have adopted a policy wherein a tie vote is a "no" vote. This course clearly disenfranchises one half of the members of the Board and all of the constituents whom they represent. Other Boards have chosen to deal with the problem by precluding the Chairman from voting. This, too, clearly disenfranchises one elected member of the Board and the constituents whom he or she represents.

H.B. 2678 would cure the problem. Not having done so earlier was, in all likelihood, a legislative oversight in view of the fact that the legislature changed the size of the Boards of our local School Districts to seven members some time ago.

H.B. 2678 would not in any way disturb the present "district" or "at-large" methods of election in any Community College District. It would simply add a seventh member to each Board with the seventh member to be elected at-large in each Community College District.

Psychologists of group dynamics inform us that for optimum efficiency, a decision-making board of this type should number seven or nine. In the very short time that I have been in the Legislature, I have learned at least one thing: that opportunities to make significant improvements rarely present themselves without a fiscal note attached. H.B. 2678 presents such an opportunity and I respectfully request that you report it favorably for passage.

House Bill No. 2799

Amendments

Deletions:

Lines 0086 general state aid the sending school district
0087 is entitled to receive for such pupil or pupils under the
0088 school district equalization act.

Add:

Line 0086 exceed one-half of the amount of the median budget per
pupil in such district's enrollment category under the
school district equalization act for the preceding
school year. Such provision shall not apply to Unified
School District No. 104; and