

Approved April 29, 1989
Date

MINUTES OF THE SENATE COMMITTEE ON EDUCATION

The meeting was called to order by VICE CHAIRPERSON SHEILA FRAHM at
Chairperson

10:00 a.m./~~p.m.~~ on Friday, April 28, 1989 in room 254-E of the Capitol.

All members were present except:

Senator Anderson, excused Senator Parrish, excused
Senator Karr, excused Senator Steineger, excused
Senator Dave Kerr, excused

Committee staff present:

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

Conferees appearing before the committee:

Sub. for HB 2540 - An act concerning education; authorizing interlocal cooperation agreements between Emporia state university and school districts; imposing certain conditions and limitations.

Vice Chairperson Sheila Frahm, after calling the meeting to order, explained that House Bill 2540 had been introduced in the House, the House Education Committee had a hearing on the bill, and the bill now is on General Orders of the House. She said today's meeting had been called for informational purposes to facilitate procedure when the bill should come to the Senate. Vice Chair Frahm asked Mr. Ben Barrett, Department of Research, to give the Committee a synopsis of the bill.

Mr. Barrett explained that originally HB 2540 had been introduced in the House at the request, he thought, of Dr. Jack Skillett from Emporia State University in cooperation with a number of school districts in the Flint Hills area who had for some years been cooperating to do various kinds of programming that serves all of these school districts. The purpose of the bill initially, he felt, was to decouple from the General Interlocal Cooperation Act the interlocal agreement law that applies to school districts. Mr. Barrett said he understands that the intent of this disassociation is to have a governing board composed of representatives of all the school districts and Emporia State University. Under the Interlocal Cooperation Act which we have at the present time, he continued, the governing body is composed only of school district members. He noted that Emporia State, under present law, cannot be on the governing board.

Mr. Barrett further explained that because of objection by various parties to the concept contained in HB 2540, the purpose of the substitute bill is to localize the concept and make it apply only to the Flint Hills group. Under the pending legislation, he said, the group can establish an interlocal agreement whose membership would be composed of the cooperating school districts and Emporia State University. Mr. Barrett said that except for composition of the Board, the agreement is pretty much tailored according to the Interlocal Cooperation Act. Mr. Barrett described the two kinds of interlocal agreements operating in the State.

Responding to questions, Mr. Barrett repeated his previous contention that the primary purpose of the bill is that it allows Emporia State University to be on the governing board. Mr. Barrett informed the Committee that subsequent to introduction of the bill, an Attorney General Opinion confirms the fact that Emporia State cannot be a member of the governing board under the present law. It also confirms the fact that districts can individually secure services from other than school districts under existing law (the General Interlocal Cooperation Act). In staff's opinion, therefore, the real change is the governance change.

Ms. Avis Swartzman, Revisor's Office, explained that PL 72-8230 states

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 10:00 a.m./~~p.m.~~ on Friday, April 28, 1989

that under the Interlocal Cooperation Act, as it applies to school districts, makeup of the board of directors is composed of school board members of each of the cooperating districts. She acknowledged, however, that she was unfamiliar with the Flint Hills cooperative and the arrangement under which it is set up. Mr. Ben Barrett said that interested parties yesterday had indicated that the association was being administered by the superintendents of participating districts, and he felt it was an informal organization that existed so long as everyone was in agreement.

Vice Chairperson Frahm, replying to a Committee question, said she had been informed by Superintendent Jim Stanley that all the school districts involved were in agreement with the concept of Substitute for HB 2540. Committee discussion indicated that one reason for the lateness of the bill is that the Attorney General's Opinion had not been available until late in the regular session. The Committee noted that the association had been operating since the 1960's.

Ms. Swartzman affirmed that Substitute for HB 2540 establishes the interlocal cooperative between Emporia State University and the cooperating school districts.

Following Committee discussion, members whose districts would be affected by the bill said they would like to call their local school people to clarify Committee concerns.

The Vice Chair announced that the intent of the meeting was to have a hearing when the Senate recessed and to have a quick "rail" meeting when the bill should be passed out of the House. The Vice Chair commented that she would contact Senator Karr, whose district is involved, to inform him of the Committee discussion and concerns.

Senator Allen moved, and Senator Montgomery seconded the motion to approve minutes of the meetings of March 23, March 27, and April 3. The motion carried.

Vice Chair Frahm adjourned the meeting.