

Approved 3-13-90
Date

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION

The meeting was called to order by Chairman Don E. Crumbaker at
Chairperson

3:30 ~~xxm~~/p.m. on February 28, 1990 in room 519-S of the Capitol

All members were present except:

Representative Flottman, excused.

Committee staff present:

Avis Swartzman, Revisor of Statutes Office
Ben Barrett, Legislative Research
Dale Dennis, Department of Education
Thelma Canaday, Secretary to the Committee

Conferees appearing before the committee:

Mr. John Koepke, Executive Director, Kansas Association of School Boards

The meeting was called to order by Chairman Crumbaker.

The chairman opened discussion on HB 2897 concerning pupil educational progress act. Representative Scott answered questions from the committee during the discussion period that followed.

Hearings on HB 2795 concerning school districts, budget appeals for vocational education purposes, were reopened by Chairman Crumbaker.

Mr. Koepke testified in support of HB 2795. Mr. Koepke gave the testimony that had been prepared by Ms. Pat Baker. Mr. Koepke spoke on behalf of eight education organizations when he said adding new or enhancing existing vocational education programs is a worthwhile addition to the existing exceptions to budget limitations. (Attachment 1)

The chairman closed hearings on HB 2795.

Chairman Crumbaker said he had requests to consider HB 2727, HB 2795, HB 2811, HB 2827 and HB 2883.

Representative Hurt asked to delay action on HB 2883 until tomorrow's meeting. The same request was given by Representative David Miller on HB 2727.

HB 2795, concerning school boards districts, budget appeals for vocational education purposes, was brought before the committee.

Representative Bowden moved HB 2795 be passed out favorably. Representative Pottorff seconded the motion. Motion carried.

The chairman asked for discussion on HB 2811, concerning midwestern higher education compact.

Representative Bowden moved HB 2811 be passed out favorably. Seconded by Representative Larkin. After discussion the motion carried.

Chairman Crumbaker opened discussion on HB 2827, concerning school districts, appointment of superintendent and other administrative employees.

Representative Bowden proposed an amendment for HB 2827 that would expand administrative employees to include all certificated employees. After a period of discussion over the wording of the amendment Representative Bowden made a conceptual motion to amend HB 2827 as the balloon indicates. (Attachment 2) Representative R. D. Miller seconded the motion. The motion to amend carried.

Representative Bowden moved to pass out favorably HB 2827 as amended. Seconded by Representative Amos. Motion carried.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION,
room 519-S, Statehouse, at 3:30 ~~xxm~~/p.m. on February 28, 1990.

Representative Branson asked the chairman to consider HB 2818, concerning corporal punishment prohibition in school districts, at the next meeting.

Representative Hurt asked the chairman to consider HB 2883, concerning professional negotiation, privileges accorded professional employees' organizations.

Representative Hurt moved to amend HB 2883 by inserting "Privileges listed above which are granted to any other professional employees' organization". (Attachment 3). Seconded by Representative Wiard. Motion to amend carried.

Representative Hurt move to pass out favorably HB 2883 as amended. Representative R. D. Miller seconded. Motion carried.

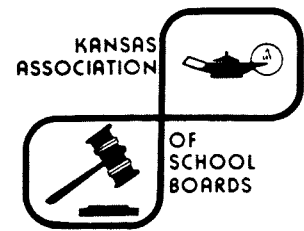
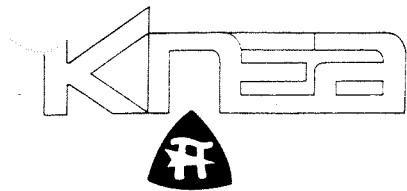
The meeting was adjourned by the chairman at 4:50 p.m.

The next meeting is scheduled for March 1, 1990 at 3:30 p.m.

DATE Feb. 28 '90

GUEST REGISTER
HOUSE
EDUCATION COMMITTEE

NAME	ORGANIZATION	ADDRESS
Craig Grant	K-NEA	Topeka
D. Marie Delai	KACHA	Topeka
Mona Douglas Rogers	KACHA	Topeka
Pedro R. Cerca	KACHA	Topeka
Jorge A. Lozano	KACHA	Topeka
Ken Ragg	S Q E	Pabla
Barbara Cole	KNEA	Topeka
Marty Bertelli	KDHR - Employment Standards + Labor	Topeka
Don Doestgen	KDHR - Staffing	Topeka
Steve Schmid	KPO	Topeka
Tim Yonally	USD #512	Overland Park
Paul E. Fleener	Kansas Farm Bureau	Manhattan
John B. Burt	USD 259	Wichita
Dan Holmes	BUDGET	TOPEKA
Sam Burnett	Topeka	USD 501 #
John Keckler	Topeka	KNEA
Ronnie Haeber	Topeka	23140
Chuck Stuart	Topeka	USA
Serald Kudruss	Topeka	USA
Chuck Tilman	KNEA	Topeka
Ed Waldman	Washburn Univ.	Topeka
Mark Hie	KAC	"
Kay Cole	K-NEA	Topeka



Joint Testimony on H.B. 2795
before the
House Education Committee

given by
Patricia Baker, Associate Executive Director
Kansas Association of School Boards

for
Kansas Association of School Boards
Kansas-National Education Association
United School Administrators
Unified School District No. 512 (Shawnee Mission)
Unified School District No. 229 (Blue Valley)
Unified School District No. 501 (Topeka)
Schools for Quality Education
Schools for Equal Education in Kansas

Mr. Chairman, members of the committee, I appreciate the opportunity to speak to you in support of H.B. 2795. Today, I speak also on behalf of the above listed school districts and organizations. K.S.A. 72-7071 currently lists eight areas for which a district may appeal budget and expenditure limitations. We believe that adding new or enhancing existing vocational education programs is a worthwhile addition to the existing exceptions to budget limitations. As public schools endeavor to provide educational opportunities for all students, recognizing the needs of students in vocational education is appropriate.

Thank you for this opportunity and I would be glad to answer any questions.

*Attachment 1
House Education
2-28-90*

Attachment 2.
House Education
2-28-90

HOUSE BILL No. 2827

By Representative Bowden

2-6

9 AN ACT concerning school districts; relating to appointment of su-
10 perintendents of schools and other administrative employees;
11 amending K.S.A. 72-8202b, and repealing the existing section.
12

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

14 Section 1. K.S.A. 72-8202b is hereby amended to read as follows:
15 72-8202b. (a) (1) *Subject to the provisions of subsection (b),* the
16 board of education of each school district shall appoint a superin-
17 tendent of schools for a term of not more than three (3) years. The
18 board of education may appoint one or more assistant superintend-
19 ents of schools, supervisors and principals for terms of not more
20 than three (3) years. The board of education may give any assistant
21 superintendent of schools the title of "assistant superintendent of
22 schools," "deputy superintendent of schools" or "associate superin-
23 tendent of schools." No person employed under the authority of this
24 section subsection shall be a member of the board of education.
25 The superintendent, any assistant superintendents, supervisors and
26 principals shall receive compensation fixed by the board of education.

27 ~~(b)~~ In the event that (2) If a vacancy occurs in the office of
28 superintendent of schools, the board of education shall promptly fill
29 such vacancy. ~~Such a~~ The vacancy may either be filled by appoint-
30 ment of an acting superintendent of schools, or may be filled
31 by appointment of a superintendent of schools as specified in sub-
32 section (a) provision (1) or by appointment of an acting superin-
33 tendent of schools.

34 (e) (3) The superintendent of schools shall have charge and con-
35 trol of the public schools of the school district, subject to the orders,
36 rules and regulations of the board of education.

37 ~~(b) (1) If the boards of education of any two or more unified~~
38 ~~school districts enter into a school district interlocal cooperation~~
39 ~~agreement pursuant to the provisions of K.S.A. 72-8230, and amend-~~
40 ~~ments thereto, the board of directors established under such agree-~~
41 ~~ment may appoint, with the concurrence and approval of the board~~
42 ~~of education of each of the contracting school districts, a superin-~~
43 ~~tendent of schools who shall serve as the superintendent of schools.~~

Delete

*A-2-2
House Ed.
2-28-90*

1 for all of the contracting school districts. The superintendent of
2 schools shall have charge and control of the public schools of all of
3 the contracting school districts, subject to the orders, rules and
4 regulations of the board of directors.

5 (2) In addition to the authority for appointment of a superin-
6 tendent of schools to serve in such capacity for all of the school
7 districts that are parties to a school district interlocal cooperation
8 agreement, the board of directors may appoint, with the concurrence
9 and approval of the board of education of each of the contracting
10 school districts, one or more assistant superintendents, supervisors
11 and principals.

12 (3) Persons employed under the authority of this subsection shall
13 receive compensation fixed by the board of directors and shall be
14 appointed for terms of not more than three years or not more than
15 the term of years specified in the school district interlocal cooperation
16 agreement for duration thereof, whichever is the lesser period of
17 time.

Delete

18 (4) No person employed under the authority of this subsection
19 shall be a member of the board of directors or the board of education
20 of any of the contracting school districts.

21 (5) If a vacancy occurs in the office of superintendent of schools,
22 the board of directors shall promptly fill such vacancy. The vacancy
23 may be filled by appointment of a superintendent of schools as
24 specified in provision (1) or by appointment of an acting superin-
25 tendent of schools.

26 (6) The provisions of this subsection authorizing the appointment
27 of a superintendent of schools and other administrative personnel
28 to serve in such capacity for all of the school districts that are
29 parties to a school district interlocal cooperation agreement shall be
30 deemed alternative to the provisions of subsection (a) which require
31 the appointment of a superintendent of schools and authorize the
32 appointment of other administrative personnel by the board of ed-
33 ucation of each such school district. Provision by such boards of
34 education for the appointment of a superintendent of schools and
35 other administrative personnel under authority of and in accordance
36 with the provisions of this subsection shall be deemed to be com-
37 pliance with the requirements of subsection (a).

38 Sec. 2. K.S.A. 72-8202b is hereby repealed.

39 Sec. 3. This act shall take effect and be in force from and after
40 its publication in the statute book.

Pr 2-3
House Ed.
2-28-90

72-8233. Interdistrict agreements for provision of educational programs authorized; conditions. (a) In accordance with the provisions of this act, the boards of education of any two or more unified school districts may make and enter into agreements providing for the attendance of pupils residing in one school district at school in any of the grades kindergarten through 12 maintained by any such other school district. The boards of education may also provide by agreement for the combination of enrollments for one or more grades, courses or units of instruction.

(b) Prior to entering into any agreement under authority of this section, the board of education shall adopt a resolution declaring that it has made a determination that such an agreement should be made and that the making and entering into of such an agreement would be in the best interests of the educational system of the school district. Any such agreement is subject to the following conditions:

- (1) The agreement may be for any term not exceeding a term of five years.
- (2) The agreement shall be subject to change or termination by the legislature.
- (3) Within the limitations provided by law, the agreement may be changed or terminated by mutual agreement of the participating boards of education.
- (4) The agreement shall make provision for transportation of pupils to and from the school attended on every school day, for payment or sharing of the costs and expenses of pupil attendance at school, and for the authority and responsibility of the participating boards of education.

(c) Provision by agreements entered into under authority of this section for the attendance of pupils at school in a school district not of their residence shall be deemed to be compliance with the grade, course and units of instruction requirements of law.

Note: [Add to KSA 72-8233 or enact new section as numbered by Revisor's office.]

(a) Boards of Education of two or more unified school districts may make and enter into agreements for the provision of sharing services of certificated staff.

(b) Prior to entering into any agreement under authority of this section, the board of education shall adopt a resolution declaring that it has made a determination that such an agreement should be made and that the making and entering into of such an agreement would be in the best interests of the educational system of the school district. Any such agreement is subject to the following conditions:

- (1) The agreement may be for any term not exceeding a term of five years.
- (2) The agreement shall be subject to change or termination by the legislature.
- (3) Within the limitations provided by law, the agreement may be changed or terminated by mutual agreement of the participating boards of education.

(c) Provisions of the agreement shall specify the term of the agreement and contracts for joint employment of certificated staff shall be in accordance with KSA 72-8202b and KSA 72-5411 et seq. For certificated staff covered by the Kansas Teacher Due Process Act, the agreement shall specify that the provisions of that Act apply to employment under this section.

(d) The board of education of any school district which enters into an agreement under authority of this section for the attendance of pupils at school in another school district may discontinue any or all of the grades, courses and units of instruction specified in the agreement for attendance of pupils enrolled in those grades, courses and units of instruction at school in such other school district. Upon discontinuing any grade, course or unit of instruction under authority of this subsection, the board of education may close any school building or buildings operated or used for attendance by pupils enrolled in such discontinued grades, courses or units of instruction. The closing of any school building under authority of this subsection shall require a majority vote of the members of the board of education and shall require no other procedure or approval. The provisions of this subsection shall be deemed alternative to the provisions of K.S.A. 72-8213, and amendments thereto, and the procedure and authorization for the closing of school buildings under this subsection shall not be limited by the provisions of such cited statutory section.

(e) Pupils attending school in a school district not of their residence in accordance with an agreement made and entered into under authority of this section shall be counted as regularly enrolled in and attending school in the school district of their residence for the purpose of computations under the school district equalization act.

(f) Pupils who satisfactorily complete grade 12 while in attendance at school in a school district not of their residence in accordance with the provisions of an agreement entered into under authority of this section shall be certified as having graduated from the school district of their residence.

History: L. 1984, ch. 261, § 1; L. 1984, ch. 262, § 1; July 1.

*A-2-4
House Ed.
2-28-90*

... Definitions: when used in this act and in acts amendatory thereof or supplemental thereto:

72-5413

"Terms and conditions of professional service" means (1) salaries and wages, including pay for duties under supplemental contracts; hours and amounts of work; vacation allowance, holiday, sick, extended, sabbatical, and other leave, and number of holidays; retirement; insurance benefits; wearing apparel; pay for overtime; jury duty; grievance procedure; including binding arbitration of grievances; disciplinary procedure; resignations; termination and nonrenewal of contracts; re-employment of professional employees; terms and form of the individual professional employee contract; probationary period; professional employee appraisal procedures; each of the foregoing is a term and condition of professional service, regardless of its impact on the employee or on the operation of the educational system; and (2) matters which relate to privileges to be accorded the recognized professional employees' organization, including but not limited to, voluntary payroll deductions, use of school or college facilities for meetings, the dissemination of information related to the professional negotiations process and related matters to members of the bargaining unit on school or college premises through direct contact with members of the bargaining unit, the use of bulletin boards on or about the facility, and the use of the school or college mail system to the extent permitted by law, reasonable leaves of absence for members of the bargaining unit for organizational purposes such as engaging in professional negotiating and partaking of instructional programs properly related to the representation of the bargaining unit; and (3) such other matters as the parties mutually agree upon as properly related to professional service. Nothing in this act, or acts amendatory thereof or supplemental thereto, shall authorize the diminution of any right, duty or obligation of either the professional employee or the board of education which have been fixed by statute or by the constitution of this state. Except as otherwise expressly provided in this subsection, the fact that any matter may be the subject of a statute or the constitution of this state does not preclude negotiation thereon so long as the negotiation proposal

Privileges listed above which are granted through the negotiations process shall not be granted to any other professional employees' organization.

Attachment 3
House Education
2-28-90