

Approved May 1, 1990
Date

MINUTES OF THE SENATE COMMITTEE ON EDUCATION

The meeting was called to order by SENATOR JOSEPH C. HARDER at
Chairperson

1:30 ~~xxx~~ a.m./p.m. on Thursday, March 15, 1990 in room 123-S of the Capitol.

All members were present except:

Senator Allen, excused
Senator Anderson, excused

Committee staff present:

Mr. Ben Barrett, Legislative Research Department
Ms. Avis Swartzman, Revisor of Statutes
Mr. Dale Dennis, Assistant Commissioner of Education
Mrs. Millie Randell, Committee Secretary

Conferees appearing before the committee:

Substitute for HB 2540 - Education - interlocal cooperation between Emporia
State University and school districts (Education)

Proponents:

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

Following a call to order, Chairman Joseph C. Harder requested the Committee to turn its attention to Substitute for HB 2540. He recognized Mr. John Koepke, executive director, Kansas Association of School Boards, as a proponent of the bill.

Mr. Koepke stated that he also was speaking on behalf of United School Administrators of Kansas, the governing body of which has taken a stand similar to that of the Delegate Assembly of his organization, on a concern relating to interlocal cooperatives.

Mr. Koepke explained that Substitute for HB 2540, in its present form, was introduced last year in the House and passed the House for the purpose of addressing one particular circumstance with one interlocal in the Emporia area. Mr. Koepke said that this matter has since resolved itself and is no longer an issue. However, he continued, following discussion with leadership of both the House and Senate Education Committees, it was agreed that Substitute for HB 2540 would be an appropriate vehicle for an amendment to address the matter dealing with Kansas' interlocal cooperatives. (Attachment 1)

Mr. Koepke explained that the proposed amendment would have the effect of striking the present substantive language in Substitute for HB 2540 and inserting in lieu thereof language which would restore Substitute for HB 2540 to the form in which it was originally introduced in the House of Representatives and then further amending the bill.

Responding to a question, Mr. Koepke replied that the amendment does not mandate existing interlocal cooperatives to do anything, but it does allow an existing interlocal cooperative to restructure its governing body. Mr. Koepke also replied that the amendment would not affect the purpose of the interlocal.

When the Chair asked the Committee's pleasure, Senator Montgomery moved to amend Substitute for HB 2540 (Attachment 2), as recommended by Mr. Koepke. The motion was seconded by Senator Kerr, and the amendment was adopted.

Senator Frahm moved that Substitute for HB 2540, as amended, be recommended favorably for passage. Senator Kerr seconded the motion, and the motion carried.

Requesting to be heard, the Chair recognized Vice Chairman Frahm who

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON EDUCATION,
room 123-S, Statehouse, at 1:30 ~~xxx~~ a.m./p.m. on Thursday, March 15, 1990

explained that she has had a request on behalf of Mr. Paul Phillips, Director of the Kansas Geography Alliance, for the Committee to introduce a resolution endorsing the commitment of the National Geographic Society Education Program and the State Geographic Alliances and promoting the improvement of geographic literacy in Kansas schools. She further explained that she has been working with the revisor on drafting such a resolution, and it should be ready to submit to the Committee for its consideration within a few days.

Senator Frahm made a conceptual motion whereby the Committee introduce a resolution based upon endorsement of the subject of geography. Senator Langworthy seconded the motion, and the Chair ruled that the motion carried.

The Chair then referred Committee attention to the subject of school finance and called for Committee discussion.

Senator Montgomery moved and Senator Kerr seconded the motion to approve minutes of the meeting of February 1, and the minutes were approved.

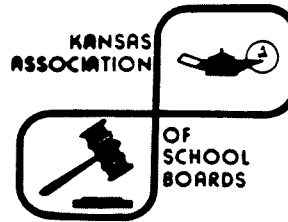
The Chair adjourned the meeting.

SENATE EDUCATION COMMITTEE

TIME: 1:30 p.m. PLACE: 123-S DATE: Thursday, March 15, 1990

GUEST LIST

<u>NAME</u>	<u>ADDRESS</u>	<u>ORGANIZATION</u>
Jamie Smith	7140 Fountaindale - Topeka	Page - Jay Schideker
Sherril Hodge	2734 SE 31 st - Topeka	Shawnee Heights - page
Michelle Modlove	3406 SE Shadowood Dr	Shawnee Heights - page
Wesley Stephens	Topeka, Ks.	Topex BV USD #229
Terrell Anderson	Topeka	USAHS
Luis Kirkce	Wichita 7025 Hillwood 67215	Campus High School
John Kuyke	Topeka	KASA
John D. Dwyer	Wichita	USD 259
Tim Yonally	Overland Park	USD #512
David Roberts	Haysville 151 German 67060	Campus High School
Craig Grant	Topeka	H-NEA
Tom Coles	Topeka	K-NEA
Chuck Stewart	Topeka	U.S.A
Cecil Dell	Sterling	KASA
Jack Parker	Buhler	KASA / USD 313
Ann Bennett	Topeka	USD 501#
Ben Roach	Paola	Paola
Heine O'Fallon	Topeka	Gov's Office
John Marshall	Hutchinson	HNS



Testimony on Substitute for H.B. 2540
before the
Senate Education Committee

March 15, 1990

by
John W. Koepke, Executive Director
Kansas Association of School Boards
on behalf of the
Kansas Association of School Boards
United School Administrators

Mr. Chairman and members of the Committee, we appreciate the opportunity to appear before you on behalf of the above named organizations on Substitute for H.B. 2540. The bill passed the House in its present form during the 1989 session of the Kansas Legislature. Subsequent events have eliminated the need for this version of the bill. We would like to ask that you return the bill to the form it was originally introduced as H.B. 2540 and consider the amendments which are in the draft before you.

The draft version of the bill would address a concern which was adopted unanimously as a policy statement by the KASB Delegate Assembly in December of 1989. School districts across Kansas are increasingly using the interlocal cooperation statute which is found in the draft version of this bill to establish regional service centers. They are finding the requirement that each board involved in the agreement must have a member on the Board of Directors to be very cumber-

Education
3/15/90
Attachment 1

some, since some of these service center interlocals involve more than 20 school districts.

Our proposed amendments would allow these interlocals to create smaller boards of directors as a part of the interlocal agreement. They would also authorize the creation of an Executive Board composed of members of the larger Board of Directors by agreement. In this fashion the interlocals could choose options which would allow them to establish a more manageable governing structure.

The amendment on page 4 of the draft is designed to clarify that the school district interlocal statutes found in Chapter 72 of the statutes are supplemental to the general interlocal statutes found in Chapter 12. This amendment was a part of H.B. 2540 as it was originally introduced before it became a substitute bill.

We would appreciate your favorable consideration of this measure which would give school districts greater flexibility in establishing governing structures for entities which have made a significant contribution to the quality of education in Kansas. We appreciate your consideration of our concerns and I would be happy to attempt to answer any questions.

Proposed Amendment to Substitute for House Bill No. 2540

On page 1, by striking all of lines 17 through 44;

On page 2, by striking all of lines 1 through 44;

On page 3, by striking all of lines 1 through 15; following line 15, by inserting two new sections as follows:

"Section 1. K.S.A. 1989 Supp. 72-8230 is hereby amended to read as follows: 72-8230. (a) In the event the boards of education of any two or more school districts enter into ~~agreements---pursuant---to---the---provisions---of---the---interlocal cooperation--act~~ a school district interlocal cooperation agreement for the purpose of jointly and cooperatively performing any of the services, duties, functions, activities, obligations or responsibilities which are authorized or required by law to be performed by school districts of this state, the following conditions shall apply:

(1) A school district interlocal cooperation agreement shall establish a board of directors which shall be responsible for administering the joint or cooperative undertaking. The agreement shall specify the organization and composition of and manner of appointment to the board of directors shall-be-composed of-at-least-one-member-from-the-board-of-education-of-each-school district-which-enters-into-the-agreement.--Each-board-of-education shall-appoint-its-representative-or--representatives--to. Only members of boards of education of school districts party to the agreement shall be eligible for membership on the board of directors. The terms of office of the members of the board of directors shall expire concurrently with their terms as board of education members. Vacancies in the membership of the board of directors shall be filled ~~in-the-same-manner-as-originally-filled~~ within 30 days from the date of the vacancy in the manner specified in the agreement.

(2) A school district interlocal cooperation agreement may provide for the establishment and composition of an executive

board. The members of the executive board, if established, shall be selected by the board of directors from its membership. The executive board shall exercise the powers, have the responsibilities, and perform the duties and functions of the board of directors to the extent authority to do so is delegated by the board of directors.

~~(3)~~ (3) A school district interlocal cooperation agreement shall be effective only after approval by the state board of education.

~~(4)~~ (4) A school district interlocal cooperation agreement shall be subject to change or termination by the legislature.

~~(5)~~ (5) The duration of a school district interlocal cooperation agreement for joint or cooperative action in 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, shall be for a term of at least three years but not exceeding five years.

~~(6)~~ (6) (A) The duration of a school district interlocal cooperation agreement for joint or cooperative action in providing special education services shall be perpetual unless the agreement is partially or completely terminated in accordance with this provision. This provision applies to every school district interlocal cooperation agreement for the provision of special education services entered into under authority of this section after the effective date of this act and to every such agreement entered into under this section prior to the effective date of this act, and extant on the effective date of this act, regardless of any provisions in such an agreement to the contrary.

(B) Partial termination of a school district interlocal cooperation agreement for the provision of special education services may be accomplished only upon petition for withdrawal from the agreement by a contracting school district to the other contracting school district or school districts and approval by

the state board of written consent to the petition by such other school district or school districts or upon order of the state board after appeal to it by a school district from denial of consent to a petition for withdrawal and hearing thereon conducted by the state board. The state board shall consider all the testimony and evidence brought forth at the hearing and issue its order approving or disapproving withdrawal by the school district from the agreement.

(C) Complete termination of a school district interlocal cooperation agreement for the provision of special education services may be accomplished only upon approval by the state board of a joint petition to it for termination of the agreement by all of the contracting school districts after adoption of a resolution to that effect by each of the contracting school districts. The state board shall consider the petition and approve or disapprove termination of the agreement.

(D) The state board shall take such action in approving or disapproving a complete or partial termination of a school district interlocal cooperation agreement for the provision of special education services as it deems to be in the best interests of the involved school districts and of the state as a whole in the provision of special education services for exceptional children. Whenever the state board has disapproved a complete or partial termination of such an agreement, no further action with respect to such agreement shall be considered or taken by the state board for a period of not less than three years.

~~(6)~~ (7) A school district interlocal cooperation agreement shall specify the method or methods to be employed for disposing of property upon partial or complete termination thereof.

~~(7)~~ (8) 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.

(b) Except as otherwise specifically provided in this subsection, any power or powers, privileges or authority

exercised or capable of exercise by any school district of this state, or by any board of education thereof, may be jointly exercised pursuant to the provisions of a school district interlocal cooperation agreement. No power or powers, privileges or authority with respect to the levy and collection of taxes, the issuance of bonds, or the purposes and provisions of the school district equalization act or title I of public law 874 shall be created or effectuated for joint exercise pursuant to the provisions of a school district interlocal cooperation agreement.

(c) Payments from the general fund of each school district which enters into any school district interlocal cooperation agreement for the purpose of financing the joint or cooperative undertaking provided for by the agreement shall be operating expenses.

(d) Upon partial termination of a school district interlocal cooperation agreement, the board of directors established under a renegotiated agreement thereof shall be the successor in every respect to the board of directors established under the former agreement.

(e) Nothing contained in this section shall be construed to abrogate, interfere with, impair, qualify or affect in any manner the exercise and enjoyment of all of the powers, privileges and authority conferred upon school districts and boards of education thereof by the provisions of the interlocal cooperation act, except that boards of education and school districts are required to comply with the provisions of this section when entering into an interlocal cooperation agreement that meets the definition of school district interlocal cooperation agreement.

(e) (f) As used in this section:

(1) "School district interlocal cooperation agreement" means an agreement which is entered into by the boards of education of two or more school districts pursuant to the provisions of the interlocal cooperation act ~~and--which--is--in--accord--with--the provisions--of--this--section.~~

(2) "State board" means the state board of education.

Sec. 2. K.S.A. 1989 Supp. 72-8230 is hereby repealed.";

By renumbering section 2 as section 3;

In the title, in line 12, by striking "education; authorizing" and inserting "school district"; in line 13, by striking "between Emporia state university and school districts"; in line 14, by striking all before the period and inserting "relating to organization and composition of boards of directors; providing for establishment of executive boards; amending K.S.A. 1989 Supp. 72-8230 and repealing the existing section."