

Approved May 1, 1990  
Date

MINUTES OF THE SENATE COMMITTEE ON EDUCATION

SENATOR JOSEPH C. HARDER

The meeting was called to order by \_\_\_\_\_ at \_\_\_\_\_  
Chairperson

1:30 ~~xxx~~ a.m./p.m. on Tuesday, March 20, 1990 in room 123-S of the Capitol.

All members were present except:

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:

HB 2685 - American sign language, provisions of instruction in accredited schools and state educational institutions (Brown et al.)

Proponents:

Representative Nancy Brown, co-sponsor of HB 2685  
Mr. Terry Hostin, President, Kansas Association of the Deaf  
Dr. Gerard J. Buckley, Director, Gallaudet University Regional Center, Overland Park  
Mr. Gerald Henderson, Executive Director, United School Administrators of Kansas  
Mr. Norman Reynolds, Director of Education Services, Kansas Association of School Boards  
Dr. Martine F. Hammond, Director of Academic Affairs, State Board of Regents (written testimony only)

HB 2827 - School districts, appointment of superintendent and other administrative employees (Bowden)

Proponents:

Mr. Charles Chuck Stuart, Legislative Liaison, United School Administrators of Kansas  
Representative Rick Bowden, sponsor of HB 2827  
Mr. Norman Reynolds, Director of Education Services, Kansas Association of School Boards  
Mr. Craig Grant, Director of Political Action, Kansas-National Education Association (written testimony only)

After calling the meeting to order, Chairman Joseph C. Harder requested the Committee to turn its attention to HB 2685, providing for the teaching of American Sign Language in accredited schools. The Chair recognized Representative Nancy Brown, co-sponsor of HB 2685.

Representative Brown related that HB 2685 has three main provisions: It identifies American Sign Language as a language; the language may be taught in accredited schools; and, with the concurrence of the educational institution involved, it may count as credit towards satisfaction of a foreign language requirement. (Attachment 1)

Mr. Terry Hostin, president, Kansas Association for the Deaf, speaking through an interpreter, asked the Committee for its full support for passage of HB 2685 and stated that it would help bridge the gap between the hearing and non-hearing people. (Attachment 2)

Dr. Gerard J. Buckley, director, Gallaudet University Regional Center, Overland Park, urged support for HB 2685, because, he said, it would enhance communication for deaf citizens of the state. (Attachment 3)

The executive director of the United School Administrators of Kansas, Mr. Gerry Henderson, stated his support for HB 2685, since his organization's initial concern had been addressed by an amendment in the House Education Committee. (Attachment 4)

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON EDUCATION

room 123-S, Statehouse, at 1:30 ~~xx~~/p.m. on Tuesday, March 20, 1990

Mr. Norman L. Reynolds, Kansas Association of School Boards, affirmed his support for HB 2685, since, he explained, the bill had been amended with permissive language. (Attachment 5)

Written testimony only in support of HB 2685 by the Kansas Board of Regents was submitted on behalf of Ms. Martine Hammond. (Attachment 6)

Following a call for additional conferees, the Chairman announced that the hearing on HB 2685 was concluded and that the bill would be taken under advisement.

After referring Committee attention to HB 2827, relating to employment of superintendents and other administrative employees, the Chair recognized Mr. Chuck Stuart, United School Administrators of Kansas, who explained why his organization supports the concept contained in HB 2827. (Attachment 7) Responding to a question, Mr. Stuart said he expected that the bill would be a cost-saving measure to school districts.

The sponsor of HB 2827, Representative Rick Bowden, explained the advantages to school districts by passage of HB 2827. He emphasized that the bill is permissive. (Attachment 8)

The Kansas Association of School Boards representative, Mr. Norman L. Reynolds, stated support for HB 2827 since amendments added by the House Education Committee have addressed the concerns of his organization. (Attachment 9)

Written testimony only (Attachment 10) had been submitted by Mr. Craig Grant, Kansas-National Education Association, who was unable to attend today's meeting. Ms. Kay Coles, K-NEA, was available to respond to questions.

Hearing no further response from conferees, the Chairman announced that the hearing on HB 2827 was concluded and that the bill would be taken under advisement.

HB 2960 - School districts; competitive bid requirements (Education)

The Chairman called attention to a motion made by Senator Montgomery and seconded by Senator Allen in Committee yesterday to recommend HB 2960, as amended, favorably for passage. He then called upon the revisor of statutes, who had requested permission to speak. The revisor informed the Committee regarding the Kansas statute relating to the prison-made goods act and said she had prepared new language to replace the language passed yesterday to amend HB 2960. The Chairman, acknowledging the need for language consistency with the present prison-made goods act of Kansas, asked the Committee if it wished to consider a new motion.

Senator Karr made a conceptual motion to amend HB 2960 by striking the language adopted yesterday to amend HB 2960 and inserting in lieu thereof new language as found in Attachment 11. Senator Parrish seconded the motion, and the amendment was adopted.

The Chairman then called for a vote on the motion made yesterday by Senator Montgomery and seconded by Senator Allen to recommend HB 2960, as amended, favorably for passage, and the motion carried.

HB 2883 - Professional negotiation, privileges accorded professional employees' organizations

The Chair referred the Committee's attention to HB 2883, which had been heard by the Committee yesterday. When he asked the Committee's pleasure, Senator Walker moved that HB 2883 be recommended favorably for passage. The motion was seconded by Senator Karr, and the motion carried.

The Chairman adjourned the meeting.

SENATE EDUCATION COMMITTEE

TIME: 1:30 p.m. PLACE: 123-S DATE: Tuesday, March 20, 1990

GUEST LIST

NAME	ADDRESS	ORGANIZATION
NORMAN REYNOLDS	TOPEKA	KASB
Kay Cates	Topeka	K-NEA
Bella Highfill Scott	Topeka	USA
Jan Herne	TOPEKA	BUDGET
Rod Griffin	Lawrence	University Daily Kansan
Kathryn Dupont	Wichita	USD 259
Ken Rogg	Paola	SOE
Chuck Stutz	Topeka	U.S.A. <del>SOE</del>
Gerald Anderson	TOPEKA	USA of KS
Almeda Edwards	Ottawa	Tr. Co. Farm Bureau
Judy Austin	Olathe	KAD
GERARD Buckley	OLATHE	Gallaudet Center
Rep. Rick Butler	Salina	State Rep.



TOPEKA

HOUSE OF  
REPRESENTATIVES

NANCY BROWN

REPRESENTATIVE, 27TH DISTRICT  
15429 OVERBROOK LANE  
STANLEY, KANSAS 66224-9744  
TOPEKA: (913) 296-7696  
STANLEY: (913) 897-3186

COMMITTEE ASSIGNMENTS

VICE-CHAIRMAN: LOCAL GOVERNMENT  
MEMBER: GOVERNMENTAL ORGANIZATION  
INSURANCE  
CHAIRMAN, COMMUNITY DEVELOPMENT  
BLOCK GRANT ADVISORY COMMITTEE  
MEMBER, STATE EMERGENCY RESPONSE  
COMMISSION

TESTIMONY - HB 2685 - AMERICAN SIGN LANGUAGE

MR. CHAIRMAN, THANK YOU FOR SCHEDULING A HEARING ON HB 2685 WHICH DEALS WITH AMERICAN SIGN LANGUAGE. I WILL NOT TAKE UP MUCH OF THE COMMITTEE'S TIME SINCE THE BILL IS RATHER SHORT AND SIMPLE AND THE CONFEREES CAN ARTICULATE THE PURPOSE OF THE BILL MUCH BETTER THAN I.

BASICALLY, HOWEVER, THE BILL PROVIDES FOR THE RECOGNITION OF AMERICAN SIGN LANGUAGE AS A LANGUAGE. AND IT SAYS THAT THE STATE BOARD OF EDUCATION MAY PROVIDE FOR THE TEACHING OF AMERICAN SIGN LANGUAGE IN SCHOOLS.

MORE IMPORTANTLY, THE BILL SAYS ANY EDUCATIONAL INSTITUTION MAY OFFER AN ELECTIVE COURSE IN AMERICAN SIGN LANGUAGE AND, WITH THE CONCURRENCE OF THE INSTITUTION, ASL MAY COUNT AS CREDIT TOWARD SATISFACTION OF A FOREIGN LANGUAGE REQUIREMENT.

IT IS IMPORTANT TO NOTE THAT THE BILL DOES NOT SAY THAT AMERICAN SIGN LANGUAGE IS A FOREIGN LANGUAGE, A DISTINCTION THAT NEEDS TO BE MADE. IT MERELY SAYS THAT ASL COULD COUNT AS CREDIT TOWARD THE SATISFACTION OF A FOREIGN LANGUAGE REQUIREMENT.

TO CLOSE, THE BILL DOES THREE THINGS: IT SAYS ASL IS A LANGUAGE, THAT THE LANGUAGE MAY BE TAUGHT IN ACCREDITED SCHOOLS, AND THAT IT MAY COUNT AS CREDIT TOWARD SATISFACTION OF A FOREIGN LANGUAGE REQUIREMENT WITH THE CONCURRENCE OF THE STATE EDUCATIONAL INSTITUTION.

ATTACHED IS FURTHER INFORMATION FOR YOUR REVIEW. I WOULD BE HAPPY TO ANSWER ANY QUESTIONS.

*Nancy*

Education  
3/20/90  
Attachment 1

A. Colleges and Universities accepting ASL in fulfillment of language requirements.

1. American University  
Washington, D.C.
2. Brown University  
Providence, Rhode Island
3. Catholic University  
Washington, D.C.
4. Georgetown University  
Washington, D.C.
5. George Washington University  
Washington, D.C.
6. Harvard University  
Boston, Massachusetts
7. Massachusetts Institute of Technology  
Boston, Massachusetts
8. University of California at Berkeley  
Berkeley, California
9. University of California at Los Angeles  
Los Angeles, California
10. University of California at San Diego  
San Diego, California
11. University of Massachusetts  
Amherst, Massachusetts
12. University of Southern California  
Los Angeles, California

B. Schools which accept Sign Language as a foreign language requirement for degree students:

University of Akron Public Service Technology Akron, OH 44325	Ohlone Community College 43600 Mission Boulevard Fremont, CA 94539
Anchorage Community College 2533 Providence Drive Anchorage, AK 99508	Pima Community College 2202 W. Anklam Tucson, AZ 85709
College of Alameda 555 Atlantic Avenue Alameda, CA 95401	Quineboug Valley Community College Danielson, CT 06239
Austin Community College P. O. Box 2285 Austin, TX 78768	Richland DCCCD 12800 Abrams Road Dallas, TX 75243
Eastern Kentucky University Wallace 247 Richmond, KY 40475	St. Louis Community College at Florissant Valley 3400 Pershall Road Ferguson, MO 63135



# The Case for Academic Acceptance of American Sign Language

By Sherman Wilcox and  
Stephen Wilbers

**A**N EXTRAORDINARY DEGREE of ignorance, indifference, and downright wrongheadedness about deaf people and their language exists in higher education. A case in point is the refusal of most colleges and universities to accord academic acceptance to American sign language.

The number of postsecondary ASL courses has increased phenomenally over the last decade. They are often among the most popular on campus. Yet few colleges allow students to use ASL to fulfill the undergraduate requirement for a second language. Our own institutions, the University of New Mexico and the University of Minnesota, are among a mere handful of exceptions.

Much of the debate about ASL's status as a language stems from widespread confusion of speech with language. Speech, like writing—or signing—is merely an external form of language. Some of the common misconceptions about ASL are that it is a degenerate form of English, that it is used to communicate only concrete information, and that signing is essentially a universal form of pantomime.

In fact, linguistic research demonstrates without question that ASL is a natural and complete language, comparable in complexity and expressiveness to spoken languages. It is not a form of English. It has its own distinct grammatical structure, which must be mastered in the same way as that of any other language. Like Japanese and Navajo, ASL makes extensive use of a classifier system. Words are often quite different from their English counterparts. A verb, for example, can incorporate subject, object, and adverbial and temporal information, while simultaneously indicating a question.

As a living language, ASL has its own devices for dealing with abstract concepts and change. It is as possible to discuss philosophy or politics using signed language

as it is to talk about football, cars, or income taxes. Signed language can communicate poetry, humor, wit, and satire as poignantly as any spoken language. Just as in other languages, new ASL words are constantly being coined in response to cultural and technological changes.

Because signed language is not pantomime, it must be described in terms of the phonological, morphological, and syntactic structures common to all languages. ASL is not universal. Just as hearing people in different countries speak different languages, so deaf people around the world sign different languages. Deaf people in Mexico use a different language from that

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“Deafness also has a culture. Deaf people have their own values, patterns of daily living, politics, folklore, and world view.”

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used in the American Southwest. Because of unusual historical circumstances, contemporary American sign language is more like French than British sign language.

An important reason for studying a foreign language is that the process involves learning about the culture of the people who speak the language—that is, about values, attitudes, and world views different from one's own. Although the fact is not widely recognized, deafness also has a culture. Deaf people have their own values, patterns of daily living, politics, folklore, and world view. And at the heart of deaf culture in this country is American sign language, the language shared by its members. Students who study this language, just like students who study German or Greek, learn about a culture that is foreign to them. They discover, for example, that what is funny to us may be boring to deaf people, and vice versa. In short,

they learn a different way of experiencing the world.

Knowledge of a signed language is an important tool in linguistic research. Among other things, researchers who understand ASL are able to compare the structure and production of a spoken language with a signed language as they study the foundations of human language.

**M**ANY COURSES in so-called sign language do not in fact teach ASL. Instead, they teach various systems for signing English or pidgin versions of English. While skill in such systems is useful, these courses do not meet the criteria for a second language.

The University of New Mexico offers both types of course. The ASL courses include instruction in the language, along with supplementary material placing ASL in its cultural context. A course in the American-studies department explores deaf culture in more depth. The ASL courses count for foreign-language credit; the signed-English courses do not. The University of Minnesota also accepts ASL credits for its foreign-language requirement, but offers no courses on the campus. Tests evaluating proficiency, such as the one recently developed at the National Technical Institute for the Deaf, are used in conferring foreign-language credit.

Higher education cannot continue to remain indifferent to the significant minority of Americans who are deaf. It is time for colleges and universities to accept ASL as a foreign language worthy of scholarly study. This will help overcome the ignorance of the language and culture of deaf people that exists in this country, and at the same time enrich the education of college students.

*Sherman Wilcox is an instructor in the Interpreter Training Program at the University of New Mexico. Stephen Wilbers is director of student academic support services at the University of Minnesota.*

## LETTERS TO THE EDITOR

### Given a Choice, How Would You Design Your Pension Plan? 1-3

#### TO THE EDITOR:

Louis R. Morrell's Point of View ("Alternatives to T.I.A.A.-C.R.E.F. for Professors' Retirement: Are They Worth the Risk?" June 3) addresses an important issue in the ongoing debate centering on T.I.A.A.-C.R.E.F.'s role and management performance.

alternatives so that institutions would not be compelled to look elsewhere for what T.I.A.A. was not providing.

Exactly because portability is so important, T.I.A.A.-C.R.E.F. participants and their institutions have a stake in how narrow or broad the T.I.A.A.-C.R.E.F. in-

choose narrower over broader versions. Our belief is that the industry of higher education as a whole would design a more flexible industry-wide vehicle. This really is the essence of the NACUBO recommendations. The introduction of alternatives to T.I.A.A.-C.R.E.F. has been numer-

we have also noticed another interesting phenomenon: Very few college administrators believe that they would have their endowment funds managed either by T.I.A.A.-C.R.E.F. or in the manner in which T.I.A.A.-C.R.E.F. manages its funds. This does not necessarily mean that a pension fund



DEPARTMENT OF SIGN COMMUNICATION

(202) 651-5200

KENDALL GREEN  
800 FLORIDA AVENUE, N.E.  
WASHINGTON, D.C. 20002

### **The Academic Acceptance of American Sign Language as a Foreign Language**

The integration of American Sign Language into undergraduate curricula raises a number of questions. At an increasing number of institutions, the struggle to make American Sign Language a recognized and accepted part of the regular college curriculum focuses on its acceptance in fulfillment of college language requirements.

American Sign Language already meets a variety of undergraduate and graduate level language requirements at several institutions; including the University of California at Berkeley, Los Angeles, and San Diego; California State University at Northridge; Massachusetts Institute of Technology; Madonna College in Livonia, Michigan; most colleges within Northeastern University; University of New Hampshire at Manchester; all state-funded universities in Texas; University of Minnesota; and the University of New Mexico. You may want to contact these institutions about their policies with respect to American Sign Language. They may have already developed criteria for evaluating whether or not a student is entitled to use American Sign Language to fulfill a language requirement.

Several institutions that have not formally recognized American Sign Language have, nevertheless, permitted graduate students on a case by case basis to write dissertations on various aspects of American Deaf people's language and culture, including Georgetown University; American University; New York University; Boston University; The University of Iowa; The University of Illinois; and others.

A few state legislatures have passed bills recognizing American Sign Language, including Texas, Michigan, and Maine. Massachusetts and California are in the process of proposing similar legislation.

All these activities recognize and validate linguistic research over the past twenty-five years which shows that American Sign Language is an autonomous language. An important reason for studying any foreign language is that it involves learning about a culture different from one's own; that is, about different values, attitudes, and worldviews. Although not widely recognized, American Deaf people have a culture. They have their own values, patterns of daily life, politics, folklore, story heritage, and worldview. At the heart of American Deaf culture is American Sign Language. Students who study it, just like those who study German or Greek, learn about a foreign culture. They discover, for example, that what is funny to Deaf people may be boring to hearing people. In short, they learn a different way of experiencing the world.

Children raised by Deaf parents live in an environment which is culturally and linguistically different from families with parents who hear normally. In many ways, Deaf families are like foreigners in their own country. Their situation can be compared to that of an American student who lived in China for eighteen years and then matriculated at Edgewood College. Provided the student was proficient in English and Chinese, no one would challenge the student's using Chinese to fulfill a language requirement. Having lived with the people who speak the language and having experienced the culture firsthand, the student has gained an understanding of Chinese which could never be provided through a classroom experience. Likewise a hearing child who grows up in Deaf culture learns a foreign language in a way that cannot be duplicated through concentrated instruction.

Much debate about American Sign Language's status stems from confusing speech with language. Speech, like writing - or signing - is merely an external form of language. Some of the common misconceptions about American Sign Language are that it is a degenerate form of English, that it is used only to communicate concrete ideas, and that signing is a universal form of pantomime.

Linguistic research has proven conclusively that American Sign Language is a natural language; that is, it is linguistically and culturally equivalent to other languages spoken in the world. Those who study linguistic structure believe that the part of the brain that deals with the organization of language works independently of the channel through which the language is either produced or perceived. Whether a language comes in through the ears and out through the mouth or in through the eyes and out through the hands, the basic structural properties of language remain the same. American Sign Language shares certain core universal structural properties with other entities we call languages -- humans speak it, it can be learned at a fairly early age with no formal training, it has grammatical categories such as nouns and verbs, and it has a distinct grammatical structure.



TESTIMONY  
on  
HB No. 2685: ASL ACT  
March 20, 1990

I am Terry D. Hostin, President of Kansas Association of the Deaf (KAD) and Region II Board Member of National Association of the Deaf. (NAD) I want to thank you for allowing me to testify on HB No. 2685: ASL Act of 1990.

Let me tell you what is KAD. The organization is composed of the deaf people, parents and friends and the purpose of this organization, non profit, is to promote moral, social, economic and educational welfare of the deaf living in State of Kansas.

This bill will ensure necessary communication between deaf child and the parents and friends. Many of those people are denied a full access of interaction which are so routinely taken for granted by the hearing population. We, as deaf citizens, wish to see better programs and treatments for the deaf child and parents and friends in order to grow as "normally" as possible and avoid the frustration and mistreatment that so many of us experienced in the past.

What is sign language? It meant for communicating with hands, fingers and facial expressions naturally. So ASL, primarily used by the deaf population, is universally recognized around the world. The other kinds of communication methods for the deaf that you heard from others, was intent for the hearing population. Therefore it is fully accessible to them.

This legislation address the situation whereby establish sign language classes for those people who need this in order to communicate and interaction freely. It will be done by the proper staff who were trained by the recognized institution such as JCCC, Gallaudet University and other places. It will also help the hearing population to become aware of the deaf's culture and their needs. And most important of all, it is to improve the deaf student's use of English language and self-esteem. The whole point of our message is to break down the communication barriers and to provide full accessibility to the American society for all citizens.

In closing, I would like to say that most of people think that ASL is just a sign language. That isn't so. It is a separate and distinct language with its own grammatical structure and syntax. It is more a conceptual language than the spoken word, and it is a beautiful language. If I can be any assistance as you move forward on this legislation, I would be happy to answer any questions you may have.

Thank you.

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Attachment 2

Testimony in Support of HB 2685

H.B. 2685 calls for the recognition of American Sign Language as a language. In doing so, this bill sends a clear message to the more than 23,000 deaf citizens of this state that their language and culture is respected and valued. Members of the Deaf community have worked closely with Representative Brown and Dr. Marty Hammond from the Regents staff to insure the permissive nature of the proposed legislation.

By passing this legislation Kansas would join six additional states (California, Maine, Michigan, Texas, Massachusetts, and Illinois) in promoting opportunities for hearing individuals to learn American Sign Language. Supporting this bill will lead to enhanced communication for deaf citizens of our state. I urge favorable consideration of HB 2685 and thank you for your support on deafness related issues.

Gerard J. Buckley, Ed.D.  
Director  
Gallaudet University Regional Center

Education  
3/20/90  
Attachment 3



HB 2685

Testimony presented before the Senate Committee on Education  
by Gerald W. Henderson, Executive Director  
United School Administrators of Kansas

March 20, 1990

Mister Chairman and members of the committee, I am Gerry Henderson representing United School Administrators of Kansas. We are supportive of HB 2685 which would add American Sign Language to the list of languages Kansas schools might choose to teach. We are also supportive of the idea that American Sign Language count toward meeting foreign language requirements at state higher education institutions.

Our initial concerns with the bill were addressed in the permissive amendment added by the House Education Committee. We now support the provisions of HB 2685.

HB2685/gwh

Education  
3/20/90  
Attachment 4





**Testimony on HB 2685  
before the  
Senate Education Committee**

by

**Norman L. Reynolds, Director of Education Services  
Kansas Association of School Boards**

March 20, 1990

Mr. Chairman and members of the Committee, we appreciate the opportunity to appear before you on behalf of the 302 member boards of education of the Kansas Association of School Boards with regards to HB 2685.

When KASB testimony was presented to the House Education Committee on the teaching of American Sign Language in all State Board accredited schools, it was on the basis that KASB would have no opposition to the bill if the wording of the bill was changed to make the teaching permissive.

The bill you have before you now contains wording which makes the teaching permissive for all schools accredited by the State Board. Therefore, KASB has no opposition to HB 2685 in its present form.

Thank you for the time and attention of the Committee. I will be happy to respond to any questions the Committee may have.

TESTIMONY ON HOUSE BILL NO 2685

The Kansas Regents institutions support House Bill No. 2685. We have worked with Representative Brown in the drafting of the bill and support its intent under the permissive construction. For some students, American Sign Language might be a meaningful alternative to a foreign language. This decision will be made by the institution in consultation with the student proposing the substitution.

Dr. Martine F. Hammond  
Director of Academic Affairs  
State Board of Regents

(for testimony of March 20 , 1990)

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Attachment 6



HB 2827

Testimony presented before the Senate Committee on Education  
by Charles L. "Chuck" Stuart, Legislative Liaison  
United School Administrators of Kansas

Tuesday, March 20, 1990

Mister Chairman and members of the committee:

Although United School Administrators of Kansas is not certain separate legislation is needed, we support the concept included in HB 2827 which provides for one administrator to have administrative responsibilities in more than one unified school district.

The passage of legislation authorizing interlocal agreements has brought about a great many examples of cooperative actions of unified school districts which have been good for education. If after further review the committee feels this specific legislation is needed United School Administrators of Kansas will be in strong support.

CLS/ed

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3/20/90  
Attachment 7



RICK BOWDEN  
 REPRESENTATIVE, NINETY-THIRD DISTRICT  
 433 WALNUT  
 GODDARD, KANSAS 67052



TOPEKA

HOUSE OF  
 REPRESENTATIVES

COMMITTEE ASSIGNMENTS  
 RANKING MINORITY MEMBER: EDUCATION  
 MEMBER: GOVERNMENTAL ORGANIZATION  
 LOCAL GOVERNMENT  
 RULES AND JOURNAL

TESTIMONY TO SENATE EDUCATION COMMITTEE

March 20, 1990

Senator Harder and Members of the Senate Education Committee:

First I want to express my thanks to you for scheduling HB 2827 for a hearing. I would like to briefly explain the bill and review my thoughts in drafting this Legislation. As originally introduced, HB 2827 would have allowed 2 or more local boards to enter into an interlocal agreement for the purpose of hiring a Superintendent to administer those schools. When this bill had hearings in the House Education Committee, conferees and committee members raised concerns as to whether an interlocal agreement would be the best way to accomplish the objective of the bill. The Kansas Association of School Boards, after reviewing the bill, offered proposed language that they felt would accomplish my objectives and do so in such a way that would permit local boards to engage in this "joint" employment procedure in an easier way. After reviewing their proposed amendments with KNEA and myself, the House Committee amended and approved the bill. It has passed the House (124-0).

As it now stands, HB 2827 is entirely permissive. If 2 or more local boards wish to hire jointly any certified personnel, they would adopt a resolution declaring that such employment should occur and that it would benefit the educational system of the district. Such agreement could not exceed 5 years and would be subject to change or termination by the Legislature. Such agreement could be changed or terminated by mutual consent of the participating boards. Terms and conditions of employment would be set

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 3/20/90  
 Attachment 8

forth in the employment agreement (subject to any existing laws).

Now as to the background of this Legislation. Such arrangements presently exist in a modified form here in Kansas. This bill would permit local boards to do more in the way of joint employment than they can presently by permitting more than 2 districts to hire the same personnel. It seems to me such enabling Legislation would permit reduction of costs in one of the major expense items for any board - personnel, especially administrative staff.


To me, there seems to be several advantages for the districts, if they wished to, to share administrative personnel. Primarily, they are:

- 1) One of the largest costs for local schools could be reduced;
- 2) Coordination of educational and purchasing programs could be achieved;
- 3) Attractiveness of positions via salary would increase;
- 4) Utilization of staff time would be enhanced.

Finally, I want to emphasize that this bill is permissive; only those school boards which see this as a viable option may want to do this. As local boards seek better ways to use their resources and to try restructuring their educational system, this may be one option to use.

Thank you for your time and I would be willing to answer any questions you may have.

RESPECTFULLY SUBMITTED,

  
Rep. Rick Bowden

**KANSAS  
ASSOCIATION**



**OF  
SCHOOL  
BOARDS**

5401 S. W. 7th Avenue Topeka, Kansas 66606  
913-273-3600

**Testimony on HB 2827  
before the  
Senate Education Committee**

by

**Norman L. Reynolds, Director of Education Services  
Kansas Association of School Boards**

March 20, 1990

Mr. Chairman and members of the Committee, we appreciate the opportunity to appear before you on behalf of the 302 member boards of education of the Kansas Association of School Boards with regards to HB 2827.

KASB recommended in its testimony to the House Education Committee that the cumbersome mechanism of having to develop a separate interlocal to implement the intent of this bill be amended to provide a more streamlined approach. The recommended changes were approved by the House Education Committee and are embodied in the current version of HB 2827 you have before you.

With these changes, KASB supports HB 2827 and recommends that it be reported out of committee favorably.

I will be happy to respond to any question the members of the committee may have.

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Attachment 9



Craig Grant Testimony Before The  
Senate Education Committee  
Tuesday, March 20, 1990

Thank you, Mr. Chairman. I am Craig Grant and I represent Kansas-NEA. I appreciate this opportunity to visit with the committee in support of HB 2827.

Presently, school districts can share teachers, facilities, transportation, equipment, or a number of other items. The one thing not able to be shared is the chief administrative officer of the district. HB 2827 will allow this sharing in districts which enter into an agreement. I hope not only will this bill be enacted, but also that districts will seriously look into the possibilities of taking advantage of the bill. It will be a bold move by two or more districts if they can recover from their "provincialism" and look toward more efficient operations of the districts involved.

Kansas-NEA supports HB 2827 and hopes the committee passes it favorably. Thank you for listening to our concerns.

Education  
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Attachment 10

Proposed Amendment to House Bill No. 2960

On page 1, in line 33, by striking "and"; following line 33, by inserting a new provision as follows:

"(5) articles, products or services that are produced, manufactured or provided by inmates under the prison-made goods act of Kansas; and

Also on page 1, in line 34, by striking "(5)" and inserting "(6) materials,"; also in line 34, after "goods", by inserting ", wares"

stitution or facility designated by the secretary shall be deemed an aggravated escape from custody as provided for in K.S.A. 21-3810.

History: L. 1973, ch. 339, § 14; July 1, 1974.

Source or prior law:  
75-20d10.

**75-5270.**

History: L. 1973, ch. 339, § 15; Repealed, L. 1988, ch. 348, § 1; July 1.

**75-5271.**

History: L. 1973, ch. 339, § 16; L. 1975, ch. 462, § 122; Repealed, L. 1988, ch. 348, § 1; July 1.

**75-5272.**

History: L. 1973, ch. 339, § 17; Repealed, L. 1988, ch. 348, § 1; July 1.

**75-5273.** Prison-made goods. K.S.A. 75-5273 to 75-5282, inclusive, may be cited as the "prison-made goods act of Kansas."

History: L. 1973, ch. 339, § 76; July 1, 1974.

Source or prior law:  
76-2902.

**75-5274.** Same; definitions. As used in the prison-made goods act of Kansas, the following words and terms shall have, respectively, the meanings ascribed to them by this section:

(a) "Local agency" means any county, city, township, school district and any other political subdivision or taxing district in this state.

(b) "State agency" means any state office or officer, department, board, commission, institution, bureau, or any agency, division or unit within any office, department, board, commission or other authority of this state.

(c) "Other state" means any other state or political subdivision thereof.

(d) "Federal government" means the federal government or any agency thereof.

(e) "Organization" means any church or any not-for-profit corporation organized for eleemosynary purposes.

History: L. 1973, ch. 339, § 77; L. 1978, ch. 366, § 7; July 1.

Source or prior law:  
76-2903.

**75-5275.** Prison-made goods; establishment of industries at correctional institutions; authorized sales; contracts for certain work projects, conditions. (a) The secretary is hereby authorized to purchase in the manner provided

by law, equipment, raw materials and supplies, and to employ the supervisory personnel necessary to establish and maintain for this state at each correctional institution, industries for the utilization of services of inmates in the manufacture or production of such articles or products or in providing such services as may be needed for the construction, operation, maintenance or use of any state agency, local agency, other state, the federal government or organization.

(b) The secretary is hereby authorized to sell all such articles, products and services to the federal government, any state agency, any local agency, or any organization within the state and, to the extent not prohibited by federal law, to other states.

(c) The secretary is hereby authorized to contract with a private individual, corporation, partnership or association for work projects involving assembly, processing, fabrication or repair of parts or components for goods or products being manufactured or produced by the contracting party. Any contract authorized by this subsection shall be in compliance with federal law and shall not result in the significant displacement of employed workers in the community. If an inmate receives at least federal minimum wage pursuant to a contract authorized by this subsection, the provisions of K.S.A. 75-5211 and 75-5268, and amendments thereto, for withdrawing amounts from the compensation paid to inmates shall apply.

History: L. 1973, ch. 339, § 78; L. 1978, ch. 366, § 8; L. 1986, ch. 336, § 1; July 1.

Source or prior law:  
76-2904.

**75-5276.** Same; purchase of goods and services by public agencies; certain state agency purchases mandated. (a) All state agencies shall purchase from the secretary all articles or products required by such state agencies that are produced by inmates and no such article or product shall be purchased by any state agency from any other source, unless excepted from the provisions of this section by law or in accordance with K.S.A. 75-5277.

(b) The federal government, other states, local agencies and organizations may purchase from the secretary such articles, products or services that are produced or provided by inmates under the prison-made goods act and state agencies may purchase from the secretary such services as are provided by inmates.



(c) All purchases shall be made through the division of purchases of the department of administration, upon requisition by the proper authority of the agency or organization requiring such articles, products or services.

**History:** L. 1973, ch. 339, § 79; L. 1978, ch. 366, § 9; July 1.

**Source or prior law:**  
76-2905.

**75-5277.** Same; exceptions to mandatory purchase requirement. Exceptions from the operation of the mandatory provisions of K.S.A. 75-5276 may be made in any case where in the opinion of the secretary of administration and the director of purchases the article or product so produced or manufactured does not meet the reasonable requirements of or for such state agency, or in any case where the requisition made cannot be reasonably complied with.

**History:** L. 1973, ch. 339, § 80; L. 1978, ch. 366, § 10; July 1.

**Source or prior law:**  
76-2906.

**75-5278.** Same; director of accounts and reports bound by voucher or warrant; intentional violation; penalty. No voucher, certificate or warrant issued on the director of accounts and reports by any state agency shall be questioned by him or her or by the state treasurer on the grounds that this act has not been complied with by such state agency, but if intentional violation of this act by any state agency continues such shall constitute a malfeasance in office and shall subject the person responsible for such violation to suspension or removal from office.

**History:** L. 1973, ch. 339, § 81; July 1, 1974.

**Source or prior law:**  
76-2907.

**75-5279.**

**History:** L. 1973, ch. 339, § 82; Repealed, L. 1978, ch. 366, § 14; July 1.

**Source or prior law:**  
76-2909.

**75-5280.** Same; prices determined by secretary of corrections; exception for private enterprises. The secretary shall fix and determine the prices at which all articles or products manufactured or produced shall be furnished and at which all services shall be provided. All such prices shall be uniform and nondiscriminating to all, and shall not exceed the usual

market price for similar articles, products and services. This section shall not apply to articles or products produced or services provided by business enterprises operating under K.S.A. 75-5288.

**History:** L. 1973, ch. 339, § 83; L. 1978, ch. 366, § 11; July 1.

**Source or prior law:**  
76-2910.

**75-5281.** Same; self-liquidating contracts. (a) The secretary is empowered to enter into contracts and agreements with any person, firm or corporation upon a self-liquidating basis for the acquisition and purchase of equipment, tools, supplies and materials for manufacturing or for providing services, to the end that the same may be paid for over a period of not exceeding ten (10) years, and the aggregate amount of such purchases or acquisitions shall not exceed five hundred thousand dollars (\$500,000) unless specifically approved by the governor. All such amounts shall be payable solely out of the revenues derived from the goods produced and the services provided by the correctional system.

(b) Nothing in this section shall be so construed or interpreted as to authorize or permit the incurring of a state debt of any kind or nature as contemplated by the constitution of this state in relation to such debt.

**History:** L. 1973, ch. 339, § 84; L. 1978, ch. 366, § 12; July 1.

**Source or prior law:**  
76-2914.

**75-5282.** Disposition of correctional industries revenue and lease proceeds; authorized uses; farming operations account. (a) All moneys collected by the secretary from the sale or disposition of goods manufactured and services provided under the prison-made goods act shall be remitted to the state treasurer at least monthly. The state treasurer shall deposit each such remittance in the state treasury and the same shall be credited to the correctional industries fund, which fund is hereby created in the state treasury.

(b) All the moneys collected and deposited pursuant to subsection (a) shall be used solely for the purchase of manufacturing supplies, equipment and machinery, for the repair, maintenance and replacement of equipment and machinery, and for administrative expenses.

(c) The balance of all proceeds from the lease of agricultural land at Kansas state pen-