

Approved January 29, 1991
Date

MINUTES OF THE SENATE COMMITTEE ON EDUCATION

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

1:30 ~~xxx~~ p.m. on Wednesday, January 23, 19⁹¹ in room 123-S of the Capitol.

All members were present except:

- Senator Gene Anderson (excused)
- Senator Audrey Langworthy (excused)
- Senator Doug Walker (excused)

Committee staff present:

- Mr. Ben Barrett, Legislative Research Department
- Ms. Carolyn Rampey, Legislative Research Department
- Ms. Avis Swartzman, Revisor of Statutes
- Mrs. Millie Randell, Committee Secretary

Conferees appearing before the committee:

- Mr. Craig Grant, Kansas-National Education Association
- Mr. Mark Tallman, Kansas Association of School Boards
- Dr. Merle Hill, Kansas Association of Community Colleges

After calling the meeting to order, Chairman Joseph C. Harder announced that the purpose of today's meeting is to consider requests for Committee bills. He then called upon Mr. Craig Grant, Director of Political Action for the Kansas-National Education Association.

Mr. Grant advised the Committee that his organization had two items for the Committee to consider. The first, he related, is a request for a resolution dealing with the security of personnel evaluation documents. (Attachment 1) Mr. Grant stated that although K-NEA feels present law is clear on the issue, the resolution is needed as a reminder to districts to keep this information confidential.

Mr. Grant said that his second request relates to the due process act and affects payments made to hearing committee members. (Attachment 2)

When the Chair asked the Committee's pleasure regarding Mr. Grant's requests for Committee bills, Senator Parrish moved that the Committee introduce a bill relating to the due process law, as described by Mr. Grant. Senator Karr seconded the motion, and the motion carried.

Senator Parrish then moved that the Committee introduce a resolution relating to the security of personnel evaluation documents, as described by Mr. Grant. Senator Karr seconded the motion, and the motion carried.

The Chair then called upon Mr. Mark Tallman, Coordinator of Governmental Relations, Kansas Association of School Boards. Mr. Tallman stated that his organization is asking the Committee to consider the introduction of two bills. He described the first request as a clean-up of K.S.A. 76-6760 to clarify that boards of education are not required to bid for services. The second, he continued, would clarify current law prohibiting school district employees from serving on the school board which employs them. (Attachment 3)

When the Chair asked the Committee's pleasure, Senator Steineger moved, and Senator Montgomery seconded the motion that the Committee introduce a bill relating to bidding on professional services, as described by Mr. Tallman. The motion carried.

The Chair asked the Committee's pleasure on Mr. Tallman's second request relating to school board membership by school district employees. Senator Steineger moved, and Senator Frahm seconded the motion that the Committee introduce a bill relating to school board membership, as described by Mr. Tallman. The motion carried.

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 123-S, Statehouse, at 1:30 ~~xxx~~ p.m. on Wednesday, January 23, 1991

Dr. Merle Hill, executive director of the Kansas Association of Community Colleges, was recognized by the Chairman. Dr. Hill described requests for two bills his organization would like the Committee to introduce. The first request, he said, relates to payment of out-district state aid and out-district tuition on academic courses beyond the 64/72-hour restriction. He explained that the largest segment of community college enrollment consists of people in this category who are returning to school for retraining in another field of study. Dr. Hill stated that his second request relates to standardizing the amount of reimbursement for vocational education training at double the base for all nineteen community colleges.

When the Chair asked the Committee's pleasure, Senator Allen moved, and Senator Montgomery seconded the motion that the Committee introduce a bill relating to payment of out-district state aid and out-district tuition on academic courses beyond the 64/72-hour restriction. The motion carried.

Senator Allen moved, and Senator Montgomery seconded the motion that the Committee introduce a bill relating to reimbursement of vocational training at the community colleges, as described by Dr. Hill. The motion carried.

The Chair then advised the Committee that some school districts had expressed an interest in being able to operate on a twelve-month basis without extending the length of the school year and requested that the Committee introduce a bill relating to this concept. Senator Steineger moved, and Senator Parrish seconded the motion that the committee introduce a bill relating to the twelve - month concept as described by the Chairman. The motion carried.

When the Chair asked for additional requests for bills, Ms. Avis Swartsman, revisor, speaking on behalf of the State Board of Education, advised the Committee of two requests in which the Board had expressed interest. The first request, she stated, related to the phasing out of out-district tuition paid to community colleges and increasing to 40% the level of state funding to community college budgets.

The second request, she continued, would remove the State School for the Visually Handicapped and the State School for the Deaf from the definition of state institution under the Special Education Act.

When the Chair asked the Committee's pleasure, Senator Frahm moved, and Senator Steineger seconded the motion that the Committee introduce a bill relating to increased state funding to community colleges. The motion carried.

Senator Frahm moved, and Senator Kerr seconded the motion that the Committee introduce a bill relating to the State School for the Visually Handicapped and the State School for the Deaf, as described by the revisor. The motion carried.

The Chairman announced that Mr. Ben Barrett, Research Department, and Mr. Dale Dennis, State Department of Education, would brief the Committee on the interim committee's proposal on school finance as well as the Governor's proposal at the next meeting on January 29. The Chairman advised that the bill relating to gifted students would be heard the following week.

The Chair then explained that former Governor Mike Hayden had appointed a Task Force on Governance of Education. Governor Hayden had requested that the Senate Education Committee introduce legislation that would implement the Task Force recommendations.

Senator Kerr moved, and Senator Frahm seconded the motion that the Committee introduce a resolution to revise the state constitution as recommended

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON EDUCATION

room 123-S, Statehouse, at 1:30 ~~xxx~~ p.m. on Wednesday, January 23, 1991

by the Special Task Force on Education. The motion carried.

The Chair announced that further discussion on possible bill requests will be continued at a later time, and he adjourned the meeting.

SENATE EDUCATION COMMITTEE

TIME: 1:30 p.m. PLACE: 123-S DATE: Wednesday, January 23, 1991

GUEST LIST

<u>NAME</u>	<u>ADDRESS</u>	<u>ORGANIZATION</u>
Robin Nichols	217 N. Water Wichita 67202	USD 259
Mark Tallman	Topoka Topoka	KASIB
Merle Hill	"	KACC
Craig Grant	Topoka	H-WEA
Ken Baker	Topoka	4th Enrollment USD's
Jacquie Dakes	Topoka	SOE
John (Campbell)	Topoka	Sancti
Bob Elliott	Wichita	WFT

EVALUATION SECURITY

WHEREAS, The Legislature believes personnel evaluations can be excellent tools for improvement of performance; and

WHEREAS, The Kansas Legislature passed a Certificated Personnel Evaluation Act, KSA 72-9001 through 72-9006, and

WHEREAS, As part of the Certificated Personnel Evaluation Act the Legislature, In KSA 72-9005, provided limited availability of the evaluation documents and responses thereto because it recognized the need to keep such documents confidential; and

WHEREAS, With the advancements in technology now available to districts, evaluation documents can be stored and transmitted by computer and/or other electronic media, and

WHEREAS, Such technology may make it easier for non authorized people to obtain copies of such evaluation documents, an undesired result: Now, therefore,

Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That the Legislature urges each unified school district to develop adequate security measures to protect employee's personnel/anecdotal files from unauthorized parties; and

Be it further resolved: That the state department of education make every unified school district aware of the legislative request; and

Be it further resolved: That each school district report to the state department of education what steps it is taking to insure confidentiality of personnel records, especially those stored in electronic media, such report to be compiled and presented to the 1992 Legislature; and

Be it further resolved: That the Secretary of State is hereby directed to deliver enrolled copies of this resolution to the state department of education as well as the Kansas Association of School Boards, the United School Administrators of Kansas, and the Kansas- National Education Association to insure their assistance in the distribution of this legislative request.

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DUE PROCESS ACT

FEEES FOR HEARING COMMITTEE MEMBERS

K.S.A. 72-5440. WITNESSES, FEES AND MILEAGE; HEARING COMMITTEE MEMBERS, EXPENSES; TESTIMONY; RECORDING AND TRANSCRIBING, WHEN; COSTS. (a) For attending before the hearing committee at a hearing hereunder, witnesses who are subpoenaed shall receive five dollars (\$5) per day and mileage at the rate prescribed under K.S.A. 1976 Supp. 75-3203a for miles actually traveled in going to and returning from attendance at such hearing. The fees and mileage for the attendance of witnesses shall be borne by the party calling the witness, except that fees and mileage of witnesses subpoenaed by the hearing committee shall be ~~borne equally~~ paid by the ~~parties~~ board. Witnesses voluntarily attending appearing before the hearing committee shall not receive fees or mileage for attendance at such hearing.

(b) Each member of the hearing committee shall be paid ~~subsistence-allowance~~ \$150 per day plus mileage and other expenses as provided in K.S.A. 1976 Supp. 75-3223, and amendments thereto. The costs for the services of members shall be ~~borne equally~~ paid by the ~~parties~~ board.

(c) Testimony at a hearing hereunder may, and upon the request of either party shall, be taken by a certified shorthand reporter ~~or electronically recorded~~, and shall be transcribed upon request of either party or upon direction by a court. The teacher shall receive a copy of the transcription upon request and the cost shall be paid by the board. The costs for ~~any such~~ recording and/or transcription shall be ~~borne~~ paid by the board.

(d) All other costs of a hearing hereunder which are not specifically allocated in this section shall be ~~borne equally~~ paid by the ~~parties~~ board.

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OF
SCHOOL
BOARDS

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

Requests for Legislation

Before the Senate Committee on Education

Presented by

MARK TALLMAN

Coordinator of Governmental Relations

Kansas Association of School Boards

January 23, 1991

Mr. Chairman, Committee members, thank you for the opportunity to request the introduction of legislation on behalf of Kansas school boards.

I have attached balloons indicating amendments to two statutes we would request be introduced as bills.

The first would clean-up K.S.A. 76-6760, requiring school boards to bid for purchases. We believe amendments passed last session to deal with purchases necessitated by insured losses may inadvertently require bidding on professional services in other cases. The proposed clean-up bill would clarify that boards are not required to bid for services in any case. We do not believe the legislature intended to require bidding on services.

The second would prohibit school district employees from serving on the school board which employs them, which we believe to be an inherent conflict of interest. State law is currently ambiguous on this point, and should be clarified.

Thank you for your consideration of these requests.

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CHAPTER 256
House Bill No. 2960

AN ACT concerning school districts; relating to certain expenditures; amending K.S.A. 1989 Supp. 72-6760 and repealing the existing section.

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

Section 1. K.S.A. 1989 Supp. 72-6760 is hereby amended to read as follows: 72-6760. (a) No expenditure involving an amount greater than \$10,000 for construction, reconstruction or remodeling or for the purchase of materials, goods or wares shall be made by the board of education of any school district except:

~~(1) upon sealed proposals, and to the lowest responsible bidder;~~

~~or~~
~~(2) upon inspection of the file or record of bids and bidders required by K.S.A. 75-3740, and amendments thereto, to be maintained by the director of purchases, to a bidder whose name is a part of such file or record.~~

(b) The provisions of subsection (a) do not apply to expenditures by a board of education for the purchase of:

~~(1) Products required to be purchased under the provisions of K.S.A. 75-3317 to 75-3322, inclusive, and amendments thereto;~~

~~(2) educational materials directly related to curriculum and secured by copyright;~~

~~(3) motor fuels required to provide or furnish transportation; and~~

~~(4) perishable foods and foodstuffs required for operation of a school lunch program;~~

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

~~(6) services, materials, goods or wares required for reconstructing, remodeling, repairing or equipping buildings when such purchase has been necessitated by the occurrence of a loss against which the board of education has purchased property or casualty insurance; and~~

~~(7) materials, goods, wares or services which are purchased:~~

(A) From vendors who have entered into contracts with the state director of purchases pursuant to state purchasing statutes for purchases by state agencies; and

(B) under the same pricing provisions established in the state contracts, subject to agreement of the vendor to honor the state contract prices.

(c) Whenever the board of education of any school district lets bids for the purchase of materials, goods or wares and bids are submitted by bidders domiciled within the school district and by bidders domiciled outside the school district and the low bid is submitted by a bidder domiciled outside the school district, the school district domiciliary which submitted the lowest bid may be deemed the preferred bidder and awarded the bid if:

(1) The quality, suitability and usability of the materials, goods or wares are equal; and

(2) the amount of the bid of the school district domiciliary is not more than 1% greater than the amount of the low bid; and

(3) the school district domiciliary agrees to meet the low bid by filing a written agreement to that effect within 72 hours after receiving notification of being deemed the preferred bidder.

(d) The provisions of subsection (c) do not apply to expenditures for construction, reconstruction or remodeling.

Sec. 2. K.S.A. 1989 Supp. 72-6760 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the Kansas register.

Approved April 2, 1990.

Published in the Kansas Register April 5, 1990.

(1) Services
Renumber as (2)

Renumber as (3)

Renumber as (4)

Renumber as (5)

or
Renumber as (6)

Renumber as (7)

or
Renumber as (8)

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72-7901. Status of boards of education of unified school districts. ~~The governing body of a unified school district is and shall be a board of education composed of seven (7) members, except as is specifically otherwise provided in K.S.A. 72-5333b.~~ The members may be elected by any combination of method of election and voting plan authorized by law, and shall serve for a term of four (4) years.

Except as is specifically other provided in K.S.A. 72-533b, the

none of whom shall be an employee of the board of education.

History: L. 1968, ch. 59, § 9; L. 1974, ch. 164, § 2; July 1.