

Approved April 26, 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 Thursday, March 7, 1991 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:

SB 193 - Public postsecondary education institutions, exceptance to state residence duration requirements for tuition and fee purposes.

Proponents:

Senator Lana Oleen  
Mr. Ted D. Ayres, General Counsel, State Board of Regents

SB 63 - School districts, requiring maintenance and teaching of kindergarten.

Proponents:

Senator Doug Walker, sponsor  
Ms. Pat Baker, Associate Executive Director, General Counsel, Kansas Association of School Boards  
Mr. Gerry Henderson, Executive Director, United School Administrators of Kansas  
Mr. Craig Grant, Director of Political Action, Kansas-National Education Association

SB 285 - An act concerning USD 231, Johnson County, relating to the financing thereof.

Proponents:

Senator Gus Bogina  
Ms. Shirley Brown, President, Gardner-Edgerton-Antioch School Board, USD 231  
Dr. Gary R. George, Superintendent, USD 231  
Ms. Pat Baker, Associate Executive Director, Kansas Association of School Boards  
Mr. Charles L. (Chuck) Stuart, Legislative Liaison, United School Administrators of Kansas  
Mr. Craig Grant, Director of Political Action, Kansas-National Education Association  
Ms. Gerry Ray, Governmental Officer, Johnson County Board of Commissioners

SB 193 - Public postsecondary education institutions, exceptance to state residence duration requirements for tuition and fee purposes.

Following a call to order by Chairman Joseph C. Harder, the Chair announced that the Committee first would hear SB 193 and called upon Senator Lana Oleen.

Senator Oleen explained that SB 193 "pertains to the recognition of retired military and their dependents for in-state status regarding tuition fees". (Attachment 1) Senator Oleen pointed out that the G.I. Bill provisions have changed from what they were five years ago.

The Chair called upon Mr. Ted Ayres who, he said, will address both SB 21 and SB 193, explaining that both bills relate to the same topic.

Mr. Ted Ayres, General Counsel, State Board of Regents, stated that he has discussed SB 193 with Senator Oleen and that both the Board of Regents and he support the intent of the bill. The Board, he said, will take steps

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 ~~am~~/p.m. on Thursday, March 7, 1991

to implement the provisions of SB 193 if it is approved by this Committee and the entire Legislature.

Mr. Ayres then called attention to SB 21 and reminded the Committee that SB 21 is a residency bill relating to those students who have graduated from a Kansas high school but whose parents no longer reside in Kansas. Mr. Ayres explained that following the Committee hearing of SB 21 on January 30, he had sought additional information regarding abuses in enrollment, and it appears they are more extensive than he originally thought. He also recalled Committee concern relating to the rigidity of the provisions and said he has proposed revisions to address these concerns. (Attachment 2)

The Chair thanked Mr. Ayres for his follow-up testimony and his suggested amendments to SB 21 and said the Committee will take the bill under advisement.

SB 63 - School districts, requiring maintenance and teaching of kindergarten.

The Chair asked the Committee to turn its attention to SB 63, relating to kindergarten, and called upon Senator Walker, sponsor of the bill.

Senator Walker explained that SB 63 would change kindergarten from an optional to a mandated program and merely reflect what most schools are doing already. (Attachment 3)

Ms. Pat Baker, Associate Executive Director, Kansas Association of School Boards, testified that because the importance of early childhood education is being recognized, and because all school districts in Kansas do offer a kindergarten program, SB 63 would update Kansas law. (Attachment 4)

Mr. Gerry Henderson, Executive Director, United School Administrators of Kansas, stated that at a time when all research says "the earlier, the better", it is inappropriate that districts are extended the option to have a kindergarten program. (Attachment 5)

Mr. Craig Grant, a proponent, maintained that passage of SB 63 would ensure that kindergarten would not be removed from the curriculum when district budget cutting occurs. (Attachment 6)

Following a call for additional conferees, the Chairman announced that the hearing on SB 63 was concluded.

SB 285 - An act concerning USD 231, Johnson County, relating to the financing thereof.

The Chair called Committee attention to SB 285 and welcomed Senator Gus Bogina to the Committee as the first conferee.

Senator Bogina explained that he was requested to introduce SB 285 which is intended to address a problem that affects only one school district, Gardner-Edgerton-Antioch, USD 231. He stated that the district's budget is based on valuation that has decreased by 25% due to property tax appeals. He said that because the district has lost 25% of its base for funding schools, SB 285 attempts to solve that problem. He stated that although the district is not part of his constituency, he feels it is an urgent problem that needs to be addressed. He relinquished further explanation to the conferees who follow.

Ms. Shirley Brown, president of the Gardner-Edgerton-Antioch School Board, said she is here to seek help in securing their budget for the ensuing budget year. She said approximately 25% of the assessed valuation in her school district yields no real estate taxes due to an unusual situation

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON EDUCATION

room 123-S, Statehouse, at 1:30 ~~xxx~~/p.m. on Thursday, March 7, 1991

at the Johnson County Industrial Airport. She said SB 285 will help them deal with this tax crisis which has occurred through no fault of their own. She said the patrons and children of her district need legislative help to deal with this unusual problem.

The Chair called upon the superintendent of the Gardner-Edgerton-Antioch School District, Dr. Gary R. George, who provided further information for his school district's request for passage of SB 285. (Attachment 7)

Kansas Association of School Boards' Associate Executive Director Ms. Pat Baker supported passage of SB 285 because of the uniqueness of the situation and the possible severe consequences that would ensue. (Attachment 8)

"Because the amount of assessed valuation involved makes this a unique situation and would not open the door for every district whose taxes are being paid under protest to seek redress," Mr. Chuck Stuart, United School Administrators of Kansas, supported passage of SB 285. (Attachment 9)

Also testifying in support of SB 285, Mr. Craig Grant, Kansas-National Education Association's Director of Political Action, noted it is a localized bill dealing only with USD 231 and appears to be a logical solution to the problem. (Attachment 10)

Responding to questions, Mr. Dale Dennis, Assistant Commissioner of Education (staff), said he is aware of no other district in Kansas having the same or similar problem; however, he explained that the Supreme Court case affecting Meade and Cunningham dealt with the current year's budget. He also stated it is his understanding that if a protest is filed under the tax exempt property statute, payment for taxes is not due until the case is settled. He said that because he has been told by all affected parties that the case will be appealed, it could be two or more years before the case is settled. He estimated the annual dollar amount involved would be between \$750,000 and \$800,000.

Ms. Gerry Ray, intergovernmental officer, Johnson County Board of Commissioners, completed the proponents' testimony in support of SB 285. (Attachment 11)

Following a call for further conferees, the Chair announced that the hearing on SB 285 was concluded and the bill would be taken under advisement.

The Chair then directed Committee attention to SB 21, relating to residency requirements for postsecondary institutions, and reminded the Committee of proposed amendments (Attachment 12) worked out between Senator Langworthy and Mr. Ayres following the hearing on SB 21 in January. He then asked the Committee's pleasure.

Senator Langworthy moved that the Committee adopt the amendments to SB 21 as proposed by Mr. Ted Ayres. Senator Anderson seconded the motion, and the amendments were adopted.

Senator Langworthy moved that SB 21, as amended, be recommended favorably for passage. Senator Parrish seconded the motion, and the motion carried.

The Chair then directed Committee attention to SB 193, relating to postsecondary residency requirements for the military, and asked the Committee's pleasure.

Senator Langworthy moved that SB 193 be recommended favorably for passage. Senator Montgomery seconded the motion, and the motion carried.

When the Chair called for action on SB 63, relating to the school district kindergarten mandate, Senator Allen moved that SB 63 be recommended favorably for passage. Senator Walker seconded the motion, and the motion carried.

CONTINUATION SHEET

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room 231-S, Statehouse, at 1:30 ~~xxx~~ p.m. on Thursday, March 7, 1991

Senator Allen moved that SB 285, relating to the financing thereof of USD 231, Johnson County, be recommended favorably for passage. Senator Frahm seconded the motion, and the motion carried.

Senator Anderson moved, and Senator Langworthy seconded the motion to approve minutes of the meeting of March 4. The minutes were approved.

The Chairman adjourned the meeting.

SENATE EDUCATION COMMITTEE

TIME: 1:30 p.m. PLACE: 123-S DATE: Thursday, March 7, 1991

GUEST LIST

NAME

ADDRESS

ORGANIZATION

| <u>NAME</u>           | <u>ADDRESS</u>                 | <u>ORGANIZATION</u>             |
|-----------------------|--------------------------------|---------------------------------|
| Jamner Throckmorton   | 8008 HIGH DR.                  |                                 |
| Tyris Beck            | 3214 W. 81 <sup>ST</sup> Terr. |                                 |
| Kerri D. Doherty      | 7722 Chadwick                  |                                 |
| Helen Stephens        | PV                             | BV USD 228                      |
| Pat Baker             | <del>As</del> Topeka           | KASB                            |
| Gerald Ruders         | Topeka                         | USA                             |
| Shirley Brown         | Gardner                        | USD 231                         |
| Mary R. Acaye         | P.O. Box 97 Gardner Ks         | USD 231                         |
| John T. ...           | " "                            | USD 231                         |
| TED D. AYRES          | TOPEKA                         | BOARD REGENTS                   |
| Janet Swanson         | Gardner                        | Gardner News                    |
| Billie Highfill Scott | Topeka                         | USA                             |
| Jimmy P. Franklin     | Kansas City                    | USD 500                         |
| Connie Hufford        | Topeka                         | SCB of ED                       |
| Merle Spee            | " "                            | KACC                            |
| Kriste Wardell        | " "                            | ASK                             |
| Craig Grant           | Topeka                         | K-NEA                           |
| Jim Edwards           | Topeka                         | KCCT                            |
| Meryl Grosshans       | Minneapolis, Ks.               |                                 |
| Pat Grosshans         | "                              | "                               |
| Kenda Battlett        | H. Leavenworth                 | Concerned Women for Amer. of Ks |
| Pat O'Brien           | Victoria                       | Supt. of Schools                |
| Roy Keller            | Wakarusa                       | Supt of Schools                 |
| Janice Kellier        | St. Mary                       | (mission)                       |
| Denise Aft            | Topeka                         | USD 150                         |

STATE OF KANSAS

LANA OLEEN  
SENATOR, 22ND DISTRICT  
RILEY AND GEARY COUNTIES



TOPEKA

SENATE CHAMBER

COMMITTEE ASSIGNMENTS  
CHAIRMAN: GOVERNMENTAL ORGANIZATION  
VICE-CHAIRMAN: CONFIRMATIONS  
LABOR, INDUSTRY AND SMALL  
BUSINESS  
MEMBER: ASSESSMENT AND TAXATION  
ECONOMIC DEVELOPMENT  
JUDICIARY  
LEGISLATIVE EDUCATIONAL PLANNING  
COMMITTEE  
CHILDREN AND YOUTH ADVISORY COMMITTEE  
JOINT COMMITTEE ON ARTS AND  
CULTURAL RESOURCES

LEGISLATIVE HOTLINE  
1-800-432-3924

TESTIMONY ON SB 193

SENATE EDUCATION COMMITTEE

MARCH 7, 1991

Chairman Harder and Members of the Committee:

I appreciate the opportunity to appear before you today in support of SB 193.

The bill pertains to the recognition of retired military and their dependents for in-state status regarding tuition fees. The legislation would recognize the United States Armed Forces Act which provides a 30 day discharge window whereby a retired military individual has an opportunity to claim the state of residence. The retired military person must move to the state in the event last assignment is in another state or country, establish a residence and obtain vehicle registration, usually voter registration, and other responsibilities associated with residency status for any citizen.

The bill makes a stipulation which applies to retired military who have been in service status in our state for a period of two years. It is my belief that men and women who have had an opportunity to serve in our state should be welcomed at our educational institutions at a tuition rate which is recognized as in-state status.

With the arrival of the citizen comes a retirement check for the person who has served our country and the G.I. Bill provisions for continuing education, should the person proceed in career enhancement or pursuit of another career.

Other states, which include Wisconsin, Maryland, Minnesota, Iowa and Nebraska, recognize that our military serve all of our states and recognize the Armed Services' procedures of discharge. I would hope that Kansas would join the recognition through passage of this bill.

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Chairperson Harder and Members of the Committee:

My name is Ted D. Ayres and I am General Counsel to the Kansas Board of Regents. I am here this afternoon representing the Board of Regents.

I speak initially in support of Senate Bill 21. As you know, Senate Bill 21 relates to K.S.A. 76-729(b)(6), which the Legislature added in 1987 (L. 1987, Ch. 264, Section 3). The statutory language provides that the Board of Regents may permit the following individuals to pay an amount equal to resident fees:

"(6) persons who have graduated from a high school accredited by the state board of education within 12 months of enrollment and who are entitled to admission pursuant to K.S.A. 72-116 and amendments there to;"

We have been advised of situations where children of non-resident parents have attended a private high school in Kansas, i.e. Bishop Miege, Maur Hill, Thomas More Prep School, and graduated therefrom and then sought benefits under the above-referenced statute. We have also received numerous inquiries from foreign nationals who have attended high school in Kansas, some for a very brief time, obtained a diploma and then sought benefits under this provision of the law.

As a follow-up to the first hearing on January 30, I sought to make some determination as to the number of **abuse situations** which were occurring. The results of my "informal polling" are shown in Attachment 1 to my written testimony. It would appear that in my effort to be conservative in responding to the Committee's question about numbers, I underestimated the extent of the usage.

I have also considered the concerns expressed by Senator Frahm and other members of the Committee that the resolution presently proposed by Senate Bill No. 21 was perhaps too firm. I would

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therefore propose that Senate Bill No. 21 be modified as shown in Attachment 2 to my written testimony.

In reference to Senator Montgomery's questions about individuals from a neighboring state who graduate from a Kansas high school, it is my suggestion that no revisions be made. While this is certainly a legislative policy choice, I would submit that these individuals not be extended a waiver. As you consider this policy choice, I would remind the Committee that these individuals would be free to attend the public universities in their home state as resident students.

I have reviewed Senate Bill No. 193 on behalf of the Board of Regents. I have also discussed the bill with Senator Oleen and I am aware of her intent. If these modifications are passed, the Board will take steps to implement them.

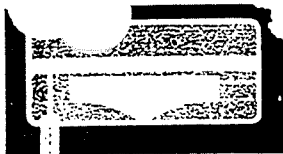
Finally, I wanted to make the Committee aware of a March 1, 1991, decision of the Kansas Supreme Court. In the case of Peck v. University Residence Committee of Kansas State University v. The Kansas Board of Regents (Case No. 65,479), the Court determined that the residency rules and regulations of the Kansas Board of Regents are appropriate, reasonable, within the authority conferred by law and constitutional. In that opinion, the Court said:

"A state has a 'legitimate interest in protecting and preserving the quality of its colleges and universities and the right of bona fide residents to attend such institutions on a preferential tuition basis.'" (p. 33)

Thank you for your attention to my comments. I would be happy to stand for questions.

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# KANSAS BOARD OF REGENTS

SUITE 609 • CAPITOL TOWER • 400 SW EIGHTH • TOPEKA, KANSAS 66603-3911 • (913) 296-3421

February 19, 1991

The Honorable Joseph Harder  
Chairman, Senate Committee on Education  
Room 143-N., Statehouse  
Topeka, Kansas 66612

In re: Senate Bill 21

Dear Senator Harder:

This will serve to follow-up on the hearing which took place on Wednesday, January 30, 1991, with reference to the above-noted bill. As a follow-up to Senator Allen's question about the number of incidents of abuse of K.S.A. 76-729(b)(6), and my perception of Committee interest in this regard, I have followed up with representatives of the Regents institutions. I believe the results of my "informal polling" to be very interesting with regard to the extent of the problem, i.e.

1. KSU - I have enclosed a February 13, 1991, letter from Donald E. Foster, University Registrar at KSU. Mr. Foster explains the high numbers for the "high school graduate" situation vis-a-vis KSU, and this illustrates another aspect of the situation.

2. KU - We are informed that some 15-20 individuals from foreign countries and some 15-20 "private school" graduates are presently taking advantage of resident rates this semester because of the (b)(6) exception.

3. WSU - We are informed that approximately 15 individuals from foreign countries are presently taking advantage of resident rates this semester because of the (b)(6) exception.

4. ESU - We are informed that approximately 2-3 students a year benefit from the (b)(6) exception at ESU.

5. PSU - We are informed that PSU presently has 2 students who are benefiting from the (b)(6) exception.

6. FHSU - We are informed that approximately 3 individuals from foreign countries and approximately 2 "private school" graduates are presently taking advantage of resident rates this semester because of the (b)(6) exception.

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7. KCT - KCT advises that they have had about 3-4 students who have previously taken advantage of the exception as a foreign student or a private school graduate.

It appears that in my effort to be conservative in responding to the Committee's question about numbers, I drastically underestimated the extent of the usage. I hope that you and the Committee will find this information to be helpful in your deliberations.

I will be contacting Avis Swartzman this week to discuss possible revisions in the present language to better accommodate the concerns expressed by some individual Committee members. If we can formulate some viable suggestions, I will bring those to your attention with a request for reconsideration by the Committee as a whole.

Please advise should you have any questions. As always, your assistance and leadership with regard to educational issues are appreciated.

Sincerely,

Ted D. Ayres  
General Counsel

cc: Senator Jim Allen  
Senator Audrey Langworthy  
Stanley Z. Koplik  
University Registrars  
Avis Swartzman

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University Registrar

118 Anderson Hall  
Manhattan, Kansas 66506-0114  
913-532-6254

February 13, 1991

Ted D. Ayres, General Counsel  
Kansas Board of Regents  
400 SW 9th, Suite 609, Capitol Tower  
Topeka, KS 66603-3911

Dear Ted:

This letter is in response to your request for information concerning the number of students who received reduced fees at Kansas State University due to graduation from a Kansas High School. The following table indicates our current enrollment.

| <u>Student Status</u>                                 | <u>Number Enrolled</u> |
|---|------------------------|
| Foreign Students graduating from a Kansas High School | 17                     |
| U.S. Citizens (Kansas High School grads)              | 132                    |
| Total   | 149                    |

I suspect our U.S. Citizen (Kansas High School grads) may be larger than some other institutions as a fairly significant proportion of that group appear to be dependents of military personnel who graduated from a High School in Kansas while the parent was stationed at Fort Riley. The student would originally have attended as a military dependent, but when the parent leaves the state if they have graduated from a Kansas High School we allow that fee privilege.

If you have any questions about this data, please let me know.

Sincerely yours,

*Donald E. Foster*  
Donald E. Foster  
University Registrar  
eal

cc: Dick Elkins

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SENATE BILL No. 21

By Legislative Educational Planning Committee

Re Proposal No. 18

12-28

10 AN ACT concerning public institutions of postsecondary education;  
11 relating to residence of students for fee purposes; amending  
12 K.S.A. 76-729 and K.S.A. 1990 Supp. 71-302, and repealing the  
13 existing sections.

14  
15 *Be it enacted by the Legislature of the State of Kansas:*

16 Section 1. K.S.A. 1990 Supp. 71-302 is hereby amended to read  
17 as follows: 71-302. (a) Subject to the other provisions of this section,  
18 tuition shall be charged to out-of-state and foreign students at rates  
19 which shall be set by the board of trustees in accordance with the  
20 provisions of subsection (a)(2) of K.S.A. 71-301, and amendments  
21 thereto.

22 (b) The following persons, or any class or classes thereof, and  
23 their spouses and dependents, may be admitted to a community  
24 college at the same rate of tuition as in-state students: (1) Persons  
25 who are in active military service of the United States; (2) persons  
26 who are domiciliary residents of the state, who were present in the  
27 state in active military service immediately prior to becoming domiciliary  
28 residents of the state, whose domiciliary residence was established in the state  
29 immediately upon discharge or retirement from active military service under  
30 honorable conditions, but whose domiciliary residence was not timely enough  
31 established to meet the residence duration requirements requirement of K.S.A. 71-406,  
32 and amendments thereto; (3) persons who are employees of a community  
33 college; (4) persons having special domestic relations circumstances; (5) persons  
34 who have lost their resident status within six months of enrollment; (6) persons  
35 who are not domiciliary residents of the state, who have graduated from a high school  
36 accredited by the state board of education within 12 months of enrollment at  
37 a community college, who at the time of graduation from such a high school  
38 were domiciliary residents of the state, and who are entitled to admission at a state  
39 university educational institution pursuant to K.S.A. 72-116, and amendments thereto;  
40 and (7) persons who are domiciliary residents of the state, whose domiciliary resi-

SIX

AT THE TIME OF GRADUATION FROM HIGH SCHOOL OR WITHIN TWELVE MONTHS BEFORE GRADUATION FROM HIGH SCHOOL

Attachment 2

1 dence was established in the state for the purpose of accepting, upon  
2 recruitment by an employer, or retaining, upon transfer required  
3 by an employer, a position of full-time employment at a place of  
4 employment in Kansas, but the domiciliary residence of whom was  
5 not timely enough established to meet the residence duration re-  
6 ~~quirements~~ requirement of K.S.A. 71-406, and amendments thereto,  
7 and who are not otherwise eligible under this subsection for ad-  
8 mission at in-state student tuition rates.

9 (c) As used in this section:

10 (1) "Domiciliary resident" means a person who has present and  
11 fixed residence in Kansas where the person intends to remain for  
12 an indefinite period and to which the person intends to return fol-  
13 lowing absence.

14 (2) "Full-time employment" means employment requiring at least  
15 1,500 hours of work per year.

16 (d) The state board of education shall adopt rules and regulations  
17 for administration of the provisions of this section. Such rules and  
18 regulations shall prescribe criteria and guidelines for determination  
19 by a board of trustees of the eligibility of persons specified in sub-  
20 section (b) for admission at in-state student tuition rates and shall  
21 specify the evidence necessary to be submitted by such persons to  
22 a board of trustees as proof of eligibility. Evidence submitted by a  
23 person as proof of eligibility claimed under subsection (b)(7) must  
24 include, but not by way of limitation, certification of the claim by  
25 the employer of the person.

26 Sec. 2. K.S.A. 76-729 is hereby amended to read as follows: 76-  
27 729. (a) Persons enrolling at the state educational institutions under  
28 the control and supervision of the state board of regents who, if such  
29 persons are adults, have not been or, if such persons are minors,  
30 whose parents have not been residents of the state of Kansas for at  
31 least 12 months prior to enrollment for any term or session ~~in~~ at a  
32 state educational institution are nonresidents for fee purposes.

33 (b) The state board of regents may authorize the following per-  
34 sons, or any class or classes thereof, and their spouses and depend-  
35 ents to pay an amount equal to resident fees:

36 (1) Persons who are employees of a state educational institution;  
37 (2) persons who are in military service;  
38 (3) persons who are domiciliary residents of the state, who were  
39 present in the state in active military service immediately prior to  
40 becoming domiciliary residents of the state, whose domiciliary resi-  
41 dence was established in the state immediately upon discharge or  
42 retirement from active military service under honorable conditions,  
43 but whose domiciliary residence was not timely enough established

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to meet the residence duration ~~requirements~~ *requirement* of sub-  
section (a);

(4) persons having special domestic ~~relation~~ *relations*  
circumstances;

(5) persons who have lost their resident status within six months  
of ~~their~~ enrollment;

(6) persons ~~who are not domiciliary residents of the state~~, who  
have graduated from a high school accredited by the state board of  
education within ~~12~~ months of enrollment, ~~who at the time of grad-~~  
~~uation from such a high school were domiciliary residents of the~~  
~~state, and who are entitled to admission at a state educational in-~~  
~~stitution~~ pursuant to K.S.A. 72-116, and amendments thereto; and

(7) persons who are domiciliary residents of the state, whose  
domiciliary residence was established in the state for the purpose of  
accepting, upon recruitment by an employer, or retaining, upon  
transfer required by an employer, a position of full-time employment  
at a place of employment in Kansas, but the domiciliary residence  
of whom was not timely enough established to meet the residence  
duration ~~requirements~~ *requirement* of subsection (a), and who are  
not otherwise eligible for authorization to pay an amount equal to  
resident fees under this subsection.

(c) As used in this section:

(1) "Parents" means and includes natural parents, adoptive par-  
ents, stepparents, guardians and custodians.

(2) "Guardian" has the meaning ascribed thereto by K.S.A. 59-  
3002, and amendments thereto.

(3) "Custodian" means a person, agency or association granted  
legal custody of a minor under the Kansas code for care of children.

(4) "Domiciliary resident" means a person who has present and  
fixed residence in Kansas where the person intends to remain for  
an indefinite period and to which the person intends to return fol-  
lowing absence.

(5) "Full-time employment" means employment requiring at least  
1,500 hours of work per year.

Sec. 3. K.S.A. 76-729 and K.S.A. 1990 Supp. 71-302 are hereby  
repealed.

Sec. 4. This act shall take effect and be in force from and after  
its publication in the statute book.

SIX

AT THE TIME OF  
GRADUATION FROM HIGH  
SCHOOL OR WITHIN TWELVE  
MONTHS BEFORE GRADUATION  
FROM HIGH SCHOOL

STATE OF KANSAS



TOPEKA

SENATE CHAMBER

COMMITTEE ASSIGNMENTS

MEMBER. CONFIRMATIONS  
EDUCATION  
ENERGY AND NATURAL RESOURCES  
FEDERAL AND STATE AFFAIRS  
PUBLIC HEALTH AND WELFARE

DOUG WALKER  
SENATOR, 12TH DISTRICT  
MIAMI, BOURBON, LINN,  
ANDERSON, ALLEN AND  
NEOSHO COUNTIES  
212 FIRST  
OSAWATOMIE, KANSAS 66064  
(913) 755-4192 (HOME)  
(913) 296-7380 (STATE CAPITOL)

TESTIMONY FAVORING PASSAGE OF SB 63

Senate Bill 63 would require that kindergarten be offered in all school districts in Kansas. At this time, Kansas law states that kindergarten is an optional program. Optional though it is, every school district currently offers kindergarten so it would require no change in current practice and has no fiscal impact. It simply codifies current practice and reinforces the fact that the legislature believes that early childhood programs are important.

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KANSAS  
ASSOCIATION



OF  
SCHOOL  
BOARDS



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

Testimony on S.B. 63  
before the  
Senate Committee on Education

by

Patricia E. Baker  
Associate Executive Director/General Counsel  
Kansas Association of School Boards

March 7, 1991

Mr. Chairman, thank you for the opportunity to appear in support of Senate Bill 63.

With the increase in awareness of the importance of early childhood education, we think it appropriate that Kansas law be updated to conform to what is the actual practice in our public schools. Currently all 304 unified school districts offer kindergarten.

We recommend favorable consideration of Senate Bill 63.

Thank you.

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**SB 63**

March 7, 1991

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

Mister Chairman and members of the committee. United School Administrators of Kansas is in support of **SB 63** which would require that all school districts offer Kindergarten. Since all districts now offer Kindergarten, it would appear to cause no burden on anyone and should serve to add statutory support to existing practice. If **SB 63** is necessary to ensure that all Kansas districts continue to offer Kindergarten in the future, then we urge you to recommend the bill favorably for passage.

SB63/gwh

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AS



Craig Grant Testimony Before The  
Senate Education Committee  
Thursday, March 7, 1991

Thank you, Mr. Chairman. I am Craig Grant and I represent Kansas-NEA. I appreciate this opportunity to visit with the committee about SB 63.

Kansas-NEA supports SB 63 which requires the maintenance and teaching of kindergarten in our schools. Since all accredited districts now offer such a program, we believe the bill would just maintain the status quo.

Kindergarten is an important part of a child's education. We have heard earlier this session about how early intervention is important. What SB 63 will do is to insure that when the budget cutting occurs at the school district level, as it appears it will, that kindergarten will not be a program removed from the curriculum.

Kansas-NEA supports SB 63 and hopes the committee recommends it favorably for passage. Thank you for listening to our concerns.

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Testimony of  
Gardner-Edgerton-Antioch  
Unified School District No. 231  
Supporting SB 285

Before the Senate Education Committee  
of the Kansas Senate

March 7, 1991

Presented by:

Gary R. George, Ed.D.  
Superintendent of Schools  
Unified School District No. 231

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I want to thank you for allowing me to speak with you today regarding SB 285.

Senate Bill 285 is a special bill for the Gardner-Edgerton-Antioch School District No. 231. This proposed legislation would help correct a major problem for our school district.

In 1989, the Johnson County Appraiser placed a number of properties at the Johnson County Industrial Airport on the tax rolls. It is my understanding that for one reason or another, tax exemption requests had not been filed with the State Board of Tax Appeals. Consequently, the Appraiser had no justifiable reason to keep the properties off the tax rolls. These properties have an assessed valuation of \$14,769,210. This was added to our assessed valuation, bringing our total to \$60,351,270. Normally this is good. However, in this case the companies are not paying any real estate taxes as per K.S.A. 79-213i.

This had the following impact:

1. Our district wealth was artificially increased, and consequently we were eligible for less state aide.
2. The inclusion of the airport valuation figures tended to depress our levy, resulting in less revenue.
3. The inclusion of the airport valuation figures in our budget calculations artificially increases our tax in process, which tends to lower the levy.
4. The net effect of all of this is a substantial underfunding of our district budget.

As you might suspect, it was extremely difficult to prepare our budget last summer knowing that no real estate taxes would be forthcoming from 25% of the assessed valuation of our school district. Essentially if \$100 of taxes were required, only \$75 of revenue was forthcoming. We eventually were able to structure a budget. We will be able to avoid no-fund warrants this year, but our cash balance as of July 1, will be dropping by approximately \$250,000.

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Testimony on S.B. 285  
before the  
Senate Committee on Education

by

Patricia E. Baker  
Associate Executive Director/General Counsel  
Kansas Association of School Boards

March 7, 1991

On behalf of Kansas school boards we ask your favorable consideration of Senate Bill 285. Unified School District 231 faces a unique situation in the determination of the assessed valuation for purposes of determining district wealth. Because of the uniqueness of the situation and because of severe consequences of the present situation we request that Senate Bill 285 be reported favorably.

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- SB 285

March 7, 1991

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

Mr. Chairman and members of the committee, United School Administrators of Kansas appreciates the opportunity to speak on behalf of the Gardner School District in support of SB 285.

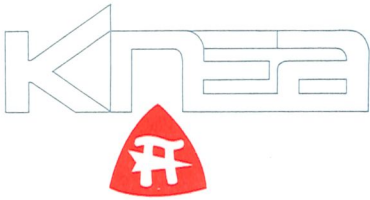
The assessed valuation of the Johnson County Industrial Airport is included in the definition of district wealth in the School District Equalization Act formula, but no ad valorem tax money is being received by the district for this assessed valuation. This causes a significant increase in the school district tax levy.

The district is asking that the amount of this assessed valuation be deleted from the definition of wealth in the SDEA formula and the district be granted SDEA funds on the basis of a lesser district assessed valuation. If payment of ad valorem property tax is eventually paid on this property, the Gardner School District will reimburse the State Board of Education for any overpayment of SDEA funds.

The amount of assessed valuation involved makes this a unique situation and would not open the door for every district with taxes being paid under protest to seek redress. The proposal would be virtually revenue neutral and is of importance to the educational program of the Gardner School District; therefore, we urge your favorable consideration.

sb285/bsm

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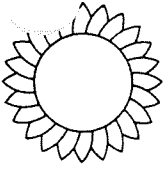
Craig Grant Testimony Before The  
Senate Education Committee  
Thursday, March 7, 1991

Thank you, Mr. Chairman. I am Craig Grant and I represent Kansas-NEA. I appreciate this chance to speak to SB 285.

SB 285 is a localized bill to deal with a problem in USD 231. While we would like tax protest cases to be settled as quickly as possible, the fact is that it often takes a great deal of time to have these hearings. What should not happen in the meantime is for the school district and, especially, the students to suffer during that time period, SB 285 appears to be a logical solution to the problem.

Because of those reasons, Kansas-NEA supports SB 285. Thank you for listening to our concerns.

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MARCH 7, 1991

SENATE EDUCATION COMMITTEE

HEARING ON SENATE BILL 285

TESTIMONY OF GERRY RAY, INTERGOVERNMENTAL OFFICER  
JOHNSON COUNTY BOARD OF COMMISSIONERS

My name is Gerry Ray, representing the Johnson County Board of Commissioners and appearing today in support of Senate Bill 285.

The bill pertains to a temporary change in the definition of district wealth in the Gardner School District (USD 231). An appeal to the Board of Tax Appeals on several properties at the Johnson County Industrial Airport, has created a serious funding problem for the school district in that area. Until a decision is handed down from the Board of Tax Appeals, the valuation of those properties will remain a part of the valuation and will apply to the district wealth of the district. Thus they are receiving less in state aid and because the properties in question were considered exempt, no tax has been paid.

The County Commission feels strongly that the school district should not have to suffer from a problem in which they had no part. Senate Bill 285 would solve the problem on a temporary basis until a permanent solution is obtained. It is the hope of the County and the Airport Commissions that relief for the school district can be achieved soon.

The Committee is asked to recommend Senate Bill 285 favorable for passage.

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Proposed Amendment to Senate Bill No. 21

On page 1, in line 38, by striking "12" and inserting "six"; in line 39, by striking all after "who"; in line 40, by striking "high school"; also in line 40, after "state", by inserting "at the time of graduation from high school or within 12 months prior to graduation from high school";

On page 3, in line 9, by striking all after "who"; in line 10, by striking all before "were"; in line 11, before the comma, by inserting "at the time of graduation from high school or within 12 months prior to graduation from high school"

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