

Approved March 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 Tuesday, March 19, 1991 in room 123-S of the Capitol.

All members were present except:

Senator Frahm, excused

Committee staff present:

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

Conferees appearing before the committee:

HB 2067 - School districts, fire safety and prevention, school buildings

Proponents:

Mr. Rod Bieker, Director of Legal Services, State Board of Education  
Mr. Mark Tallman, Coordinator of Governmental Relations, Kansas Association  
of School Boards

Presentation by Dr. Oscar F. Porter, Assistant Executive Director of the  
National Institute of Independent Colleges and Universities, Washington,  
D.C., "Student Preparation for Higher Education Studies".

After calling the meeting to order, the Chair asked the Committee to turn  
its attention to HB 2067, relating to fire safety and prevention in school  
buildings, and announced that two conferees, both proponents, wish to  
testify today. He then called upon the first conferee, Mr. Rod Bieker.

Mr. Bieker, Director of Legal Services for the State Board of Education,  
said he is testifying on the Board's behalf because of inconsistencies  
in state statutes relating to procedures to be followed in closing a school  
as a result of an order by the State Fire Marshall. (Attachment 1)

Mr. Bieker related that problems regarding these inconsistencies have arisen  
twice during the six years that he has been with the State Board: 1987,  
Baxter Springs; and 1990, Eudora, both of which resulted in litigation.  
Mr. Bieker explained that the State Board is asking that the inconsistencies  
be reconciled and that the State Board be relieved from due process relating  
to such matters.

In reply to a question, Mr. Bieker explained that if HB 2067 should be  
enacted, then the local board of education would either follow the State  
Fire Marshall's order or petition the court, which, in turn, would issue  
the judgment regarding the State Fire Marshall's order. Responding to  
another question, Mr. Bieker said that the State Fire Marshall's office  
relies upon outside expertise such as a structural engineer to determine  
the safety structure of a building that is in question.

The Chair next called upon Mr. Mark Tallman, Kansas Association of School  
Boards. Mr. Tallman said his organization does not object to passage of  
HB 2067 which would remove district patrons and the State Board of Education  
from the appeals process of an order from the State Fire Marshall.  
(Attachment 2)

Following the Chair's call for additional conferees, he announced that  
the hearing on HB 2067 was concluded. When he asked the Committee's  
pleasure regarding HB 2067, Senator Parrish moved, and Senator Montgomery  
seconded the motion to recommend HB 2067 favorably for passage. The motion  
carried.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON EDUCATION

room 123-S, Statehouse, at 1:30 ~~am~~/p.m. on Tuesday, March 19, 1991

The Chair informed members that the Committee would not have further hearings today and during the time remaining he would like the Committee to hear a presentation on a topic that should be of great interest to them. The Chair related that the Committee is fortunate to have in Kansas today an expert on matters relating to education, and he asked Dr. Bob Kelly, executive director, Kansas Association of Independent Colleges, to introduce the speaker.

Dr. Kelly introduced Dr. Oscar F. Porter, assistant executive director of the National Institute of Independent Colleges and Universities, Washington, D.C. who, he said, is probably the leading expert in the nation on the subject of retention, completion, and matriculation of people who are enrolled in undergraduate studies. Dr. Kelly explained that Dr. Porter had received a Lilly Foundation grant to study this subject and that his research is published extensively. The Chair welcomed Dr. Porter to the Committee.

Dr. Porter said he would comment on some of the research he has done as well as issues with which the Committtee is concerned, particularly student preparation. He explained that his comments are based on national data which follows students over a six-year period beginning with the time they enter college. Dr. Porter noted that this time frame focuses in on a key finding: It is taking longer for students to attain their undergraduate degrees. Quoting statistics, Dr. Porter stated that approximately 46% of students who attended a four-year postsecondary institution directly from high school completed their degrees in about five and one-half years. He said that although this percentage has remained fairly steady over the years, the time frame has expanded; and this presents policy implications which need to be addressed, including financial costs both to the student and to the institution.

Dr. Porter noted that baccalaureate completion rates for students in private colleges is higher than for students in public institutions (55% to 42%).

Dr. Porter distinguished between two terminologies - college persistence and completion. Persistence, he explained, refers to the in-and-out flow (time frame) of the system, and completion is finishing the degree requirements. The questions asked today, he said seem to be more "when" rather than "if" a student will graduate. He said this is an important consideration in Washington right now, since reauthorization of the Higher Education Act will be forthcoming next year. Dr. Porter noted that preparation is a factor which clearly influences both persistence and completion and offered statistics to illustrate his point.

Referring to SB 145, qualified admissions, in Committee, Dr. Porter emphasized the importance of better preparation for any dramatic differences to occur. He cautioned regarding dangers associated with raising standards but stressed the importance of adequate preparation during a possible transition period that would need support at both the high school and postsecondary levels.

Replying to a question regarding increased curriculum requirements for entry to postsecondary institutions, Dr. Porter stated that increased curriculum standards is important for all students whether or not they are collegebound and said this would contribute to equity in education.

Dr. Porter cautioned against teaching to the test and not to base college entrance solely on testing outcomes. He said he felt the options provided in SB 145 are important.

Replying to another question, Dr. Porter described testing as a good diagnostic tool which should not be used for labeling students. He pointed out that because of their smaller size, the independent colleges have an advantage in the use of testing as a diagnostic tool.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON EDUCATION,  
room 123-S, Statehouse, at 1:30 ~~am~~/p.m. on Tuesday, March 19, 1991

Dr. Porter informed members that some private institutions are abolishing the use of the ACT or SAT scores for admission requirements and have suffered no harm in their ability to attract quality students and have them become successful.

Replying to another question regarding outcomes based education, Dr. Porter emphasized the importance of outcomes based education and its positive relationship with equity.

In further response, Dr. Porter said that each private institution sets its own admission standards. He stated that he is supportive of the new prescribed secondary schools curriculum which the Committee is considering and responded that the curriculum would be a good high school graduation requirement.

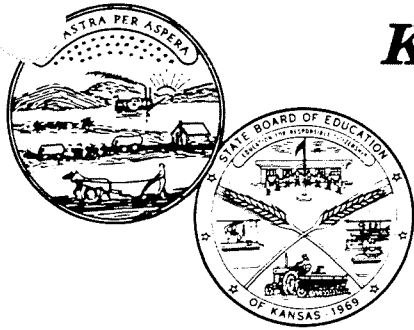
The Chair thanked Dr. Porter for his informative and timely presentation on issues which are being considered by the Committee, and he adjourned the meeting.

SENATE EDUCATION COMMITTEE

TIME: 1:30 p.m. PLACE: 123-S DATE: Tuesday, March 19, 1991

GUEST LIST

<u>NAME</u>	<u>ADDRESS</u>	<u>ORGANIZATION</u>
Caron Swartz	Shawnee Heights, Topeka	Page
Jon Doshin	Shawnee Heights, Topeka	Page
Chris Marshall	Shawnee Heights, Topeka	Page
Jeremy McVary	Shawnee Heights, Topeka	Page
Brooke L. Eplee	Washington, <sup>Scho</sup> Atchison	Page
Kim Baker	Topeka	KNEA
Mark Latta	Topeka	KASB
Gerald Madron	Topeka	USA/KS
Bill Musick	Minneapolis	Sl. Bd of Ed
Robin Nichols	Wichita	USD 259
Janice Ayl	Topeka	USD #500
CEAR PORTER	WASHINGTON, DC	National Institute of Independent
Bob Kelly	Topeka	KS Inst. Colleges & Universities
Cindy Kelly	Topeka	KASB
Marty Sauer	Kanopolis, KS	USD 327



# Kansas State Board of Education

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District 1

Connie Hubbell  
District 4

Bill Musick  
District 6

Evelyn Whitcomb  
District 8

Kathleen White  
District 2

I. B. "Sonny" Rundell  
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Wanda Morrison  
District 7

Timothy R. Emert  
District 9

Paul D. Adams  
District 3

Gwen Nelson  
District 10

March 19, 1991

TO: Senate Education Committee  
FROM: State Board of Education  
SUBJECT: 1991 House Bill 2067

My name is Rod Bieker. I am Director of Legal Services for the State Board of Education. I appreciate the opportunity to appear before this Committee on behalf of the State Board.

An inconsistency currently exists in state laws concerning the safety of school buildings. In statutes relating to the duties of the State Fire Marshal, a statute (K.S.A. 1990 Supp. 31-144) allows a local board of education to close a school building if the State Fire Marshal determines the building is unsafe. It also allows the local board of education the option of going to court to challenge the Fire Marshal's determination. The dispute is settled by the court. The law is given precedence over a school statute concerning this same subject.

However, in the school statute, it is provided that when the Fire Marshal issues an order concerning the safety of a school building and the local board determines the building should be closed, nine (9) or more registered electors can file an appeal of the Fire Marshal's order with the State Board of Education. The State Board is required to sustain or overrule the determination of the Fire Marshal. If the State Board overrules the Fire Marshal, the local board may not proceed to close the building. This, of course, is contrary to the authority granted under the State Fire Marshal's statute, K.S.A. 1990 Supp. 31-144.

The State Board believes it lacks the expertise to "second-guess" a determination of a building's safety made by the State Fire Marshal. This is a matter appropriately addressed by the Fire Marshal. Therefore, this matter should be addressed only in the state safety statutes, not in the school laws.

The State Board supports House Bill 2067 which removes the inconsistency in state laws.



Testimony on H.B. 2067  
before the  
Senate Committee on Education

by

Mark Tallman  
Coordinator of Governmental Relations  
Kansas Association of School Boards

March 19, 1991

Thank you for the opportunity to express the opinions of Kansas school boards on HB 2067, proposed by the state board of education, concerning procedures upon orders from the state fire marshal.

KASB does not object to the proposed legislation, which would remove district patrons and the state board of education from the appeals process of an order from the state fire marshal. We believe local boards of education are the most competent and appropriate bodies to respond to fire safety orders at the local level.

Board members have been elected by the voters of the district to manage all aspects of the educational programs, including facilities. We believe this should include the responsibility for decisions regarding judicial appeal, closing buildings or expending general or capital outlay funds to comply with such orders as this bill would provide.

Thank you for your consideration.

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