

Approved March 25, 1991  
Date

MINUTES OF THE SENATE COMMITTEE ON EDUCATION

The meeting was called to order by VICE CHAIRMAN SHEILA FRAHM at  
Chairperson

1:30 ~~xxx~~/p.m. on Thursday, March 21, 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:

HB 2166 - Community colleges, lease agreements by boards of trustees as lessors of college-owned property

Proponents:

Dr. James H. Stringer, president, Hutchinson Community College  
Mr. Max Ary, executive director, Kansas Space and Cosmosphere Center, Hutchinson  
Mr. Wesley Nunemaker, chairman of the board of trustees, Hutchinson Community College (written only)

HB 2162 - Compulsory school attendance, duties of boards of education upon noncompliance with law

Proponents:

Dr. Phyllis Chase, general director of curriculum and instruction, Topeka public schools  
Mr. Mark Tallman, coordinator of governmental relations, Kansas Association of School Boards (written only)

Opponents:

Ms. Roberta Sue McKenna, staff attorney with SRS assigned to youth services

Vice Chairman Sheila Frahm called the meeting to order and requested the Committee to turn its attention to HB 2166, relating to community colleges, lease agreements by boards of trustees as lessors of college-owned property. She then called upon the first conferee, Dr. James H. Stringer, president of Hutchinson Community College.

Dr. Stringer called Committee attention to written testimony which had been distributed on behalf of Mr. Wesley Nunemaker, chairman of the board of trustees, Hutchinson Community College, expressing Mr. Nunemaker's support for HB 2166. (Attachment 1)

After explaining the history of the Cosmosphere Center in Hutchinson, Dr. Stringer stated that the Center now has reached a point where it needs to expand services once again, but because of its non-profit nature and the need to raise nearly \$9million from public donations, assurance is necessary from the legislature that a long-term lease agreement between Hutchinson Community College and the Kansas Cosmosphere and Space Center would be statutorily permitted and, therefore, binding. (Attachment 2)

When the Vice Chair called upon Mr. Max L. Ary, executive director of the Kansas Cosmosphere and Space Center, Mr. Ary reviewed the background of the relationship between Hutchinson Community College and the Cosmosphere Center and stressed the importance of passing HB 2166 to "further secure the capability that this expansion can properly proceed". He also pointed out the possible similar opportunities which would be afforded other community colleges throughout the state through enactment of HB 2166. (Attachment 3)

Following a call for additional conferees, the Vice Chair informed the

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON EDUCATION,

room 123-S, Statehouse, at 1:30 ~~a.m.~~ p.m. on Thursday, March 21, 1991

Committee that according to the fiscal note provided by the Division of the Budget, no state funds are necessary for implementation of HB 2166.

When the Vice Chair called for the question, Senator Kerr moved that HB 2166 be recommended favorably for passage. Senator Langworthy seconded the motion, and the motion carried.

HB 2162 - Compulsory school attendance, duties of boards of education upon noncompliance with law

Vice Chairman Frahm announced that the next bill to be heard by the Committee is HB 2162, regarding compulsory school attendance, and called upon the first conferee, Dr. Phyllis Chase, general director of curriculum and instruction, USD 501, Topeka.

Dr. Chase informed the Committee that Topeka public schools initiated HB 2162 and she is here today to encourage support for HB 2162 as proposed. The bill, she explained, would allow notification to parents of student absences and potential truancy filings via personal delivery or first class mail instead of by restricted mail (Attachment 4). Responding to a question, Dr. Chase replied that any member of a family is permitted to sign for delivery of restricted mail.

The Vice Chair called Committee attention to written testimony that had been distributed on behalf of Mr. Mark Tallman of the Kansas Association of School Boards in support of HB 2162 (Attachment 5). The Vice Chairman explained that Mr. Tallman was unable to be present due to prior commitments at another meeting.

The next conferee called upon to testify was Ms. Roberta Sue McKenna, staff attorney with SRS assigned to youth services. Ms. McKenna stated that she is here to testify against passage of HB 2162 on behalf of Ms. Carolyn Risley Hill, acting commissioner, youth and adult services, Kansas Department of Social and Rehabilitation Services. Ms. McKenna explained that although SRS is "sympathetic with what this bill tries to do, it places the responsibility for ensuring educational attendance for an expanded group of children on an already stressed child protection system". She emphasized that SRS responsibilities have continued to grow without commensurate resources". (Reference, line 18, HB 2162) Attachment 6)

In response to a Committee question regarding the revision beginning on page one, line 18, of HB 2162, the revisor explained that at the time the compulsory attendance law was amended to require compulsory attendance of children who were enrolled, even though they were less than seven years of age, this section inadvertently was not amended to reflect that change. When HB 2162 was requested, the revisor continued, this technical change was made to comply with the compulsory attendance law.

Mr. Ben Barrett, research department, noted that under present law a handicapped special education youngster is subject to the compulsory attendance law at age five. He said that one reason for the proposed bill is to make sure the handicapped children are brought under the system. He also pointed out that a "normal" child under the age of seven could be disenrolled in order to be removed from the compulsory attendance obligation.

After calling for further conferees, the Vice Chair announced that the hearing on HB 2162 was concluded and the meeting was adjourned.

SENATE EDUCATION COMMITTEE

TIME: 1:30 p.m. PLACE: 123-S DATE: Thursday, March 21, 1991

GUEST LIST

<u>NAME</u>	<u>ADDRESS</u>	<u>ORGANIZATION</u>
Angela Counselman	10420 Suffolk Rd	Page <del>XXXXXXXXXX</del>
Mary Donekack	3641 <sup>SW</sup> Randolph	Page <del>XXXXXXXXXX</del>
Robert Sue McKenna	576 N DSOB	KPSRS
Phyllis A. Chase	624 SW 24th St	USD 501
Merle Hise	Topeka	KACC
Dr. James Sturges	Hutchinson	Con. College
Wayne Gray	Hutchinson	Cosmosphere
Tom C. Funder	Topeka	USD # 41
Donald Miller	Topeka	USD # 45
Jacques Baker	Topeka	SEI
John Murphy	Leavenworth	SMC
Charles A. Hoover	Leavenworth	SMC
Frank Lohler	Concordia	Cloud Co. Comm. Coll.
Brett Oliver	Concordia	Cloud Co. Comm. Coll.
Jessica Wacker	Garnett	SMC
Michelle Friend	Leavenworth	SMC
Joe Continui	Leavenworth	SMC
Ann Burnett	Topeka	USD 501 #
Nancy Ault	Topeka	USD 500
David Davis	Emporia	
Grace Koser	Leavenworth	St. Mary College
Valentine Lemel	Leavenworth	SMC
Misako Takano	Leavenworth	St. Mary College
Kohsuke Sun	Leavenworth	St. Mary College

Presentation by Wesley Nunemaker, chairman of the board of trustees, Hutchinson Community College

Mr./Mrs. Chairman, ladies and gentlemen.

I appreciate the opportunity the committee has provided for Dr. Stringer and me to speak for Hutchinson Community College about HB No. 2166, a proposal which would enable community college boards of trustees to act as lessors of college property, setting terms appropriate to the individual case.

Hutchinson Community College is particularly concerned with this matter because of its pressing need to complete a lease agreement with its long-time lessee, the Kansas Cosmosphere and Space Center.

I have served on the Hutchinson Community College board in one capacity or another for 32 years--since long before the gleam in Patty Carey's eye first took shape as a planetarium on the Kansas State Fairgrounds. I'd like to think that having been around for that period of time gives me some credibility before this audience. I have observed the evolution of the Kansas Cosmosphere firsthand and know from the board member's perspective how the previous lease agreement has benefited the college and the Cosmosphere.

Both entities have obligations to the public which supports them. HCC, in addition to its primary educational mission and the essential services that support that mission, also recognizes that it must "continue to respond to the needs of and encourage the advancement of the community it serves by training and retraining personnel for business and industry; promoting economic, social, and cultural values; and contributing to the quality of life in the area it serves."

HCC personnel believe in that commitment so much that it appears in the college's published mission statement. Following that commitment to the community, the mission statement also identifies HCC as a trustee of public resources and stresses that the college "aims to exercise stewardship, effective management, and responsible leadership."

We believe that by authorizing the board to become lessors setting appropriate long-term leases, the legislature can enable the college to fulfill its mission of exercising stewardship, effective management, and responsible leadership.

The relationship between Hutchinson Community College and the Kansas Cosmosphere and Space Center have been one of a formal exchange of material benefits, but it has also involved a more informal exchange of other less tangible benefits.

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The Cosmosphere has experienced phenomenal success, growing to the point that it is the number one visitor attraction in Kansas. For the Cosmosphere to maintain its health and vitality, it must now raise nearly \$9 million to fund the needed expansion.

The college board has spent several months studying the situation, holding hearings, and examining the proposed new lease agreement. It is satisfied that the details have been worked out to the benefit of both organizations. All that is lacking at this point is for the legislature to enact legislation that will enable the board to set the length of the contract for a time that will give the Cosmosphere reasonable expectation of the stability it needs to go to the public for donations with the assurance that facilities purchased with that money will remain available for the Cosmosphere's use on a long-term basis.

We count on you to provide that enablement by favorably considering the change to K.S.A. 1990 Supp. 71-201, as proposed in HB 2166.

Thank you.

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Presentation by Dr. James H. Stringer, president of  
Hutchinson Community College

Mr./Mrs. Chairman, ladies and gentlemen.

I thank the committee for allowing me the opportunity to speak for Hutchinson Community College in the matter before you now of HB No. 2166 proposing the addition of an item providing community college boards of trustees the authority to act as lessors of college property.

This item is of particular interest to Hutchinson Community College because of the unusual relationship which has developed between HCC and the Kansas Cosmosphere and Space Center.

More than 30 years ago members of the Hutchinson community determined there was a need for a planetarium and set out to establish one on the Kansas State Fairgrounds.

More than 25 years ago, at a time when the planetarium had outgrown its surroundings and the college was in the midst of construction, the planetarium and college boards decided to combine their similar interests and design the college's proposed science building to incorporate the planetarium.

More than 10 years ago, as the interest in space expanded, the Kansas Science and Arts Foundation worked with the college board to construct the Cosmosphere facilities around the original building, expanding to incorporate the discovery center and to accommodate growth. The lease entered into at that time detailed the rights and responsibilities on both sides.

Hutchinson Community College and the Kansas Cosmosphere and Space Center have enjoyed a long and mutually beneficial relationship. The Cosmosphere has served as an educational resource for the college, supplementing the classroom in certain areas, supporting the college in marketing and in-service activities, and cooperating to establish a NASA library to benefit science teachers in the area.

The Cosmosphere has now reached a point of needing to expand services once again. Because of its non-profit nature, it must raise nearly \$9 million from public donations to fund the needed expansion. All details of the lease agreement have been worked out to the satisfaction of both boards. The problem is that while long-term leases are not specifically prohibited in the current legislation, neither are they specifically permitted.

You can see the difficulty the Cosmosphere faces in raising money from public donations if there is no long-term assurance that the facilities purchased with that money will

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remain available for the Cosmosphere's use. In the course of events, 10 years is not a very long period of time for agreements between government agencies, especially in light of the constant changing of publicly elected boards. A short-term agreement always opens up the possibility of capricious behavior on either side. In my opinion, the Cosmosphere should not have to conduct its business in the presence of a threat of imminent ejection.

Hutchinson Community College would appreciate your favorable consideration of the change to K.S.A. 1990 Supp. 71-201, as proposed in HB 2166.

Thank you.

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Good afternoon. It is a pleasure to have the opportunity to appear before this committee regarding the Senate's consideration of House Bill #2166. My name is Max Ary. I am the Executive Director of the Kansas Cosmosphere & Space Center in Hutchinson.

Twenty-five years ago, two local Hutchinson institutions began the development of an unusual and highly productive joint relationship. At that time, Hutchinson Community College, and the Kansas Science and Arts Foundation, the predecessor group that later developed the Kansas Cosmosphere, entered into an agreement to jointly create and operate a new public planetarium facility in Hutchinson.

If you remember during that time of the early to mid-1960's, our nation was totally caught up in the "Space Race" with the Soviets. Science and math education had become a national priority in our schools, and the general public thirsted for any information they could get about this grand and glorious new frontier called space that man was beginning to explore. It was quickly realized that one of the most effective educational tools that could be used to teach the space sciences was the planetarium. During the decade of the 1960's, more than 800 planetarium facilities were built throughout the country, primarily in the major metropolitan areas.

But planetariums were expensive to build and operate, and for this reason, much of the central area of this country was void of this important science education experience. The leaders of the College and Foundation realized this fact, and using some bold and very far-sighted reasoning, took the steps to develop a unique synergistic relationship that would have a profound impact on not only Hutchinson and Reno County, but on the entire state of Kansas, for decades to come.

Back in 1966, there was no possible way that either Hutchinson Community College, or the Kansas Science and Arts Foundation could, individually, and on their own, develop one of the first public planetariums in the Great Plains. But together, by pooling their individual resources, such an undertaking was able to be accomplished.

The Foundation raised the money for the new facility, and the College provided land on its campus to build it. In 1966, the new Hutchinson Planetarium opened on the campus. Not only did this joint relationship lead to the building of the first planetarium in Kansas, but Hutchinson Community College had the distinction of becoming the first junior college in the country to have a planetarium available to it on its campus.

During the next decade of operation, the Hutchinson Planetarium became nationally known as one of the top public planetarium facilities in the country. Tens of thousands of people attended it each year, and the College was able to use it as a unique and effective classroom facility for the teaching of astronomy and other space sciences.



In 1976, this joint partnership between the College and the Foundation underwent a second, major evolution. At that time, plans were begun to enlarge the planetarium facility on the campus into a major space science center of national prominence. Again, the concept of such an undertaking would have been impossible to even consider if it were not for this truly unusual and productive partnership that had been developed between the College and the Foundation.

The outgrowth of these plans led directly to the facility that is known today as the Kansas Cosmosphere & Space Center. Not only has this center become nationally and internationally recognized as one of the leading space museums in existence, but it has also become the state's number one visitor attraction with a yearly attendance of nearly 380,000 people.

Again, I want to stress that this joint partnership has led to a success story that both the College and the Cosmosphere have been able to effectively utilize. From the Cosmosphere side, it has become a major economic, cultural, and educational resource to the community and the entire state. And on the other side, how many colleges in this country can boast about having a facility available to them on campus like the Cosmosphere and Space Center? Everyone wins with this type of partnership; the state, the county, the community, the College, and the non-profit organization.

This relationship is now about to take another major step. The Cosmosphere is now in the process of developing the resources needed to triple its scope and size. The governing Boards of both the College and the Cosmosphere have recently signed a greatly expanded joint agreement that will allow this expansion to take place on the College campus.

The importance of passing House Bill #2166 through the Senate will further secure the capability that this expansion can properly proceed. In addition, the changes that are being requested to the wording of this statute will better define the capabilities of how community colleges in this state are able to enter into similar, mutually beneficial relationships with other outside organizations. We also feel that the changes proposed in this Bill will further encourage additional communities to explore the possibilities of utilizing the potentials of their local community college to the fullest.

On behalf of the Kansas Cosmosphere & Space Center, we encourage your favorable actions on this Bill. Thank you.

March 21, 1991

Legislative Testimony-House Bill No. 2162  
Phyllis A. Chase, Ed.D.  
General Director of Curriculum and Instruction  
Topeka Public Schools

As the designated truancy officer of USD 501 Topeka Public Schools I am here today to encourage your support of House Bill No. 2162 as proposed.

As you are aware, this bill would allow notification to parents of student absences and potential truancy filings via personal delivery or by first class mail instead of by restricted mail. We support this change for the following reasons:

- Cost- a letter sent restricted mail costs \$4.79. In a district that files over 500 truancy notices a year this is a substantial financial burden.
- Does not insure intent-  
The intent of a certified letter in the truancy process is to insure the parent is ware of a possible truancy filing. However, if the parent is not at home at the time of delivery, he/she has 15 days in which to contact the Postal Office and pick up the letter. This, in effect, gives the student an additional 15 days in which to be absent before the school official could file a notice. The school official could file the truancy notice sooner but risk not meeting the standard of "return of the restricted mail receipt." In most cases, however, the parent has been repeatedly notified by telephone, in person, or by written notice that their student is absent without excuse and is in danger of being filed truant, making the restricted mail clause an ineffectual and unnecessary step in the truancy procedure.

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KANSAS  
ASSOCIATION



OF  
SCHOOL  
BOARDS



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

Testimony on H.B. 2162  
before the  
Senate Committee on Education

by

Mark Tallman  
Coordinator of Governmental Relations  
Kansas Association of School Boards

March 21, 1991

Mr. Chairman and members of the Committee, thank you for the opportunity to appear before you today on behalf of the Kansas Association of School Boards. KASB supports the provisions of H.B. 2162, which would allow school districts to notify parents when their children are inexcusably absent from school by written notice mailed first class or delivered in person, instead of by restricted mail.

We see no compelling reason to require notice by restricted mail. This bill would provide more flexibility to schools and may reduce costs to districts. Our primary concern in this area is simply to keep children attending school. Thank you for your consideration.

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Department of Social and Rehabilitation Services

Testimony before

Senate on Education Committee

Regarding

House Bill 2162

On

March 21, 1991

Presented on behalf of:

Carolyn Risley Hill Acting Commissioner  
Youth and Adult Services  
Kansas Department of Social and Rehabilitation Services  
(913) 296-3284

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Department of Social and Rehabilitation Services  
Robert C. Harder, Acting Secretary

Testimony in opposition to H.B. 2162

AN ACT CONCERNING COMPULSORY SCHOOL ATTENDANCE; RELATING TO DUTIES OF BOARDS OF EDUCATION UPON NONCOMPLIANCE WITH THE REQUIREMENTS OF LAW; AMENDING K.S.A. 1990 SUPP. 72-1113 AND REPEALING THE EXISTING SECTION.

(Mr. Chairman), Members of the Committee, I appear today in opposition to this bill.

The Department is aware of the need of all children to regularly attend school. This is especially true for students who have been identified as having special educational needs. We are sympathetic with what this bill tries to do. If it were not for the fact that this bill will have the unintended effect of placing one group of children in competition for a scarce resource with another group of needful children, we could enthusiastically support this bill.

Unfortunately, the bill places the responsibility for ensuring educational attendance for an expanded group of children on an already stressed child protection system. The effect of the bill would be to divert time of social service staff from investigating and providing services to abused and neglected children in order to enforce school attendance.

We are aware that the Kansas Code for Care of Children includes school non-attendance under the definition of child in need of care. When that responsibility was originally placed with this department, however, the additional staff resources did not accompany the mandate. In the years since, our responsibilities have continued to grow without commensurate resources. The

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issue, for us, is not whether this bill adds a few or many new cases, but rather that the protective services system can no longer absorb new responsibilities of any magnitude.

I urge that this bill not be given favorable consideration.

Carolyn Risley Hill  
Acting Commissioner  
Youth and Adult Services  
Department of Social and  
Rehabilitation Services  
(913) 296-3284

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