

Approved June 26, 1992  
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, March 18, 1992 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 3077 - Proprietary schools; student protection fund.

Proponents:

Mr. Rod Bieker, Director of Legal Services, Kansas State Board  
of Education  
Mr. John Peterson, Kansas Association of Private Career Schools

Following a call to order, Chairman Joseph C. Harder reminded members that Monday's staff briefing on HB 2892, the school district finance and quality performance act, is scheduled for 1 p.m. in the Old Supreme Court Chamber. He informed members that should there be a change in location, members will be notified. He also reminded them that the hearing Tuesday will begin at 1 p.m. in the Old Supreme Court Chamber, and Wednesday's 1 p.m. hearing is scheduled for room 123-S.

He then reverted Committee attention to HB 3077, relating to a student protection fund for students attending proprietary schools. The Chair recognized Mr. Rod Bieker, Director of Legal Services, Kansas State Board of Education.

Mr. Bieker, testifying in support of HB 3077, explained that the State Board of Education had requested introduction of a bill which would provide additional protection to students of proprietary schools which fail or otherwise go out of business. A recent proprietary school closing, he noted, prompted the need for additional protection in such circumstances. (Attachment 1)

In response to questions, Mr. Bieker replied that the fee for a new school would be \$200; a renewal fee would be a certain amount per student based upon the previous year's enrollment. Fees would be collected, he said, until the Tuition Protection Fund should attain an amount of \$60,000; fees would then cease until the Protection Fund should decrease to \$50,000 or less.

The Chair, noting that written testimony had been submitted by Mr. Ken Bahr on behalf of Mr. John Peterson, representing the Kansas Association of Private Career Schools, inquired if Mr. Bahr wished to speak. (Attachment 2)

Mr. Bahr informed members that Mr. Peterson and he had worked with Mr. Bieker and the State Board of Education regarding HB 3077 and affirmed that the proprietary schools do support HB 3077.

The Chair noted that HB 3077 presents no fiscal impact to the state, since money is raised through fees collected from the proprietary schools.

Ms. Swartzman, revisor, advised the Committee of a technical amendment needed on page 1, line 24, to strike the words "or renewal". Senator Karr moved that the Committee adopt the technical amendment as described by the revisor. Senator Ward seconded the motion, and the amendment was adopted.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON EDUCATION,  
room 123-S, Statehouse, at 1:30 ~~a.m.~~ p.m. on Wednesday, March 18, 19 92

When the Chair asked the Committee's pleasure regarding HB 3077, Senator Karr moved that HB 3077, as amended, be recommended favorably for passage. Senator Kerr seconded the motion, and the motion carried.

HB 3092 - School Board Development Program

The Chair reverted Committee attention to HB 3092, which the Committee had heard yesterday, and opened the floor for discussion and/or action.

Mr. Ben Barrett, staff, responding to a question, explained that the bill contains no provision for sanctions of a school board member who does not complete the continuing education program as described in the bill.

Some Committee members expressed concern that a mandated continuing education program should be required for an elected official.

Senator Karr moved that HB 3092 be recommended favorably for passage. Senator Walker seconded the motion, and the motion carried.

SB 696 - An act concerning community colleges; related to the financing thereof.

The Chair reverted Committee attention to SB 696, relating to community college financing. The Chair reminded members that the Committee has had a hearing on the bill and that it had been referred to the Ways and Means Committee in order to extend the deadline under which the Committee might act on the bill. The Chair acknowledged that a fiscal note of \$8.5 million is attached to the bill as a first step in attaining a goal of 40% funding by the state.

Ms. Avis Swartsman, revisor, replying to a question, stated that out-district tuition is not phased out in SB 696.

Dr. Merle Hill, Executive Director, Kansas Association of Community Colleges, who was in attendance, acknowledged the fiscal problems of the state this year.

The Chair heard no motions regarding SB 696.

Committee reviewed its schedule for next week when it would commence hearing and working on HB 2892, the school district finance and quality performance act.

The Chair adjourned the meeting.

SENATE EDUCATION COMMITTEE

TIME: 1:30 p.m. PLACE: 123-S DATE: Wednesday, March 18, 1992

GUEST LIST

| NAME               | ADDRESS                       | ORGANIZATION          |
|--------------------|-------------------------------|-----------------------|
| Brenda Garratt     | 7726 Richland Kansas City, ks | Page                  |
| Merleitha Wray     | 7710 Speakers Rd              | Page                  |
| Connie Threlkeld   | Topeka                        | State Bd of Ed.       |
| Denise Cupt        | Topeka                        | U.S.D #588            |
| Jacque Dukes       | Topeka                        | SQE                   |
| Rod Biehn          | Topeka                        | KSDC                  |
| Merla Hice         | Topeka                        | KACC                  |
| Ken Bahr           | "                             | 4th Element AUSD's    |
| BEV BRADLEY        | Topeka                        | KS ASSOC of COUNTRIES |
| Kay Cline          | <del>Topeka</del>             | KNEA                  |
| Mark Tallman       | Topeka                        | KASB                  |
| Katherine Weickert | Topeka                        | USA                   |
| Claudia Brown      | Manhattan                     | Intern                |
| Kim Vickers        | Lawrence                      | SenKan                |
| Ed Walther         | Topeka                        | Washburn U            |

Testimony of John Peterson  
Kansas Association of Private Career Schools  
Senate Education Committee  
re House Bill 3077  
March 18, 1992

Mr. Chairman, members of the Committee. I am pleased to appear before you today regarding House Bill 3077 on behalf of the Kansas Association of Private Career Schools. That Association is made up of 14 post-secondary educational institutions which are nationally accredited and offer a variety of programs to high school graduates in Kansas.

As private institutions, not supported by tax dollars (and in fact paying property, income, sales and other taxes) these schools must fill a training need in the marketplace and be able to quickly adjust to its changing needs and demands.

As with all independent, non tax supported institutions, some will not succeed in that marketplace and will be forced to close their doors. For many years our schools have attempted to alleviate the hardship on students at a closed institution by providing for a teachout of the students' program. Last year an electronics school in Wichita closed. Another school, at no charge, took over all of these students and the students neither lost tuition nor had their training interrupted. Such an ideal situation cannot always occur either because of a lack of schools or of specific programs being taught in the same geographic area. The Proprietary Advisory Commission has been working with the State Department of Education to come up with a workable solution.

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HB 3077 establishes a tuition protection fund paid for by assessments on career schools. This plan would be limited to schools operating a facility in Kansas and only students of those facilities could be reimbursed from the fund. It would continue to encourage a teachout of the students' program but would provide a reimbursement mechanism if such a teachout could not be effectuated.

Although not addressed in HB 3077, the Committee should consider whether all independent institutions of post-secondary education should be covered by this plan. In recent years, and even recent weeks, we have seen closures of barber and cosmetology schools and of independent colleges.

We would urge your support for the passage of House Bill 3077 as amended by the House Committee.

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