

MINUTES OF THE SENATE COMMITTEE ON EDUCATION

The meeting was called to order by Chairperson Dave Kerr at 1:30 p.m. on February 2, 1995 in Room 123-S of the Capitol.

All members were present except: Senator Hensley

Committee staff present: Ben Barrett, Legislative Research Department
Avis Swartzman, Revisor of Statutes
Brenda Dunlap, Committee Secretary

Conferees appearing before the committee: John Mayberry, Director of Transportation, Manhattan, Kansas
Mark Tallman, KASB
Gerry Henderson, USA
Jackie Oakes, Schools for Quality Education

Others attending: See attached list

SB 109 - Using school buses for purposes other than transporting pupils

John Mayberry, Director of Transportation, Manhattan, Kansas testified in support of **SB 109**. He feels it would help school districts to offset some of their transportation costs, better utilize fixed assets and benefit local communities. (See Attachment 1)

Senator Emert asked why the State regulates this area as he feels it should be left to local control. Avis Swartzman answered by saying historically, schools are only allowed to use buses as allowed by state law. Senator Emert also asked if the schools "leasing" the buses are intending to compete with private bus companies. The response by several people was "No."

Senator Oleen stated that state law mandates that in 1998 all school buses twelve years old or older, regardless of how many miles they have, or if the engines have been rebuilt, or whatever the conditions of the buses are, must be discarded for safety reasons. Thus, she feels the buses may as well be used to benefit the community.

Gerry Henderson, United School Administrators of Kansas testified in support of the bill. He is especially supportive of the section that allows school districts to contract with four-year colleges or universities, and vocational schools for transportation services just as they now contract with most other public or private institutions which might require such services. (See Attachment 2)

Mark Tallman, Kansas Association of School Boards, testified in support of the bill. He also commented on a broader issue suggested by the bill. Why should a school district have to seek legislative authority to make what seems to be so obviously a community decision? He stated that the reason, of course, is that school boards have only "enumerated" powers; they can only take action that is specifically authorized in statute. He asked the committee to consider this issue before voting on the bill. (See Attachment 3) Senator Walker suggested the bill be limited to the first paragraph.

SB 120 - School finance, contingency reserve funds, purposes for maintenance

Senator Kerr explained that this bill is to allow more use of the contingency fund to help schools with their budgets at the end of the year. At present, any money that is not spent in the current year becomes a deduction the following year. Schools expend a lot of time and effort to spend down to the last dollar. The bill allows the schools to put a small amount of "left-over money" into the 2% contingency fund so they won't have to work so hard to spend to the last dollar.

Gerry Henderson, USA, testified in support of the bill. He feels a major problem with the current law is that the contingency fund can only be used in case of an emergency, and there are too many conflicting definitions of what an emergency is. (See Attachment 2)

Mark Tallman, KASB, testified in support of the bill. He suggested the 2% amount is too low and that the Committee should consider increasing the percentage amount. (See Attachment 4)

Jacque Oakes, Schools for Quality Education, testified in support of the bill because it strikes the words "emergencies" and "not reasonably foreseen" and adds "were not anticipated," thus, making the contingency

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON EDUCATION Room 123-S Statehouse, at 1:30 p.m. on February 2, 1995.

fund more accessible and usable to school districts. (See Attachment 5)

Senator Corbin made a motion that SB 120 be recommended favorably for passage. Senator Lawrence seconded the motion. Senator Langworthy asked if the 2% figure is realistic. Mr. Dennis stated that the figure is extremely conservative and austere as an unforeseen problem can easily cost more than the 2% amount allowed. He feels 5% is a more realistic amount. Senator Langworthy made a substitute motion to amend SB 120 on line 26 striking 2% and adding 5%, and to recommend favorably for passage. Senator Jones seconded the motion, and the motion carried.

Discussion - SB 109

Senator Walker made a motion to amend line 17 by striking the entire page after the first usage of the word buses. Senator Downey seconded the motion. Senator Oleen stated as the bill does not intend school districts to compete with private bus lines, but to return needed money to the transportation fund, she feels it is okay to give local school districts full control. Senator Downey stated that the remaining sentence on line 17, which carries over to line 18 "when such buses are not being used for regularly required school purposes" should be left in the bill even though it is common sense. She felt the remainder of the bill should be stricken beginning with the sentence "The policy may provide for:" on line 18. Senator Emert made a motion to amend and recommend the bill favorably for passage. Senator Downey seconded the motion, and the motion carried. Senator Oleen will carry the bill on the floor.

Chairman Kerr asked for introduction of a bill to expand school authority and change the fee schedule schools use to charge for certain items being used by students such as CDs and Video Tapes. A motion was made by Senator Oleen to introduce the bill, Senator Lawrence seconded the motion, and the motion carried.

Senator Corbin made a motion to approve the minutes of the February 1, 1995 meeting. Senator Jones seconded the motion, and the motion carried.

The meeting was adjourned at 2:30 p.m.

The next meeting is scheduled for February 6, 1995.

I. Introduction Senate Bill 109

II. Efficiency

- A. Offset transportation costs.
- B. Better utilize human resources
- C. Better utilize fixed assets

III. Services

- A. Transportation in areas lacking other means
- B. Affordable Transportation
- C. Duplication of Transportation
- D. Partnerships

IV. Unfunded Mandates

- A. CDL Licensing
- B. Omnibus Act
- C. Bloodborne Pathogens
- D. School Bus Replacement



SB 109 & SB 120

Testimony presented before the Senate Committee on Education
by Gerald W. Henderson, Executive Director
United School Administrators of Kansas
February 2, 1995

Mister Chairman and Members of the Committee:

United School Administrators of Kansas appreciates this opportunity to support two such straight forward measures. **SB 109** allows Kansas school districts to contract with four-year colleges or universities, and vocational schools for transportation services just as they now contract with most other public or private institutions which might require such services. We support legislation designed to eliminate such obvious discrimination.

SB 120 speaks to a formal USA position which would support language which makes clearer when districts can access the contingency reserve fund. Eliminating the word "emergency" from the law accomplishes this goal. A few districts have been placed in conflict with auditors over what constitutes an emergency. Unanticipated financial contingencies should prove to be much more workable language.

We would encourage the committee to approve both of these measures.

LEG/SB 109 & 120

*Senate Education
2-2-95
Attachment 2*



TO: Senate Committee on Education
FROM: Mark Tallman, Director of Governmental Relations
DATE: February 2, 1995

RE: **Testimony on S.B. 109**

Mr. Chairman, Members of the Committee:

Thank you for the opportunity to offer comments on S.B. 109, which would give local boards of education the ability to allow the use of school district buses by postsecondary institutions for transportation to and from functions and activities. Because the option would be at the discretion of the locally elected school board, involving the use of a school district resources for a community event, it's hard to see why the state should object. We encourage your favorable recommendation of this bill.

We have asked the sponsor and the chairman for permission to comment on a broader issue suggested by this bill. Why should a school district have to seek legislative authority to make what seems to be so obviously a community decision? The reason, of course, is that school boards have only "enumerated" powers; they can only take action that is specifically authorized in statute. This differs from the concept of "home rule" generally granted to cities and counties, which means that local units may take whatever action they believe is in the interest of that political entity, as long as it is not **prohibited** by state or federal law.

One year ago, our association voted to seek legislation that would grant school districts certain powers of local control or home rule. Such a bill was introduced in the House. It received a hearing in the House Education Committee, but no action was taken. That committee voted yesterday to reintroduce that bill this session.

As you consider S.B. 109, we would ask that the committee also consider whether the broader issue of school board authority in local matters has merit. We certainly believe it does, and would appreciate the opportunity to discuss our reasons with the committee members.

Thank you for your attention.

Senate Education
2-2-95
Attachment 3



TO: Senate Committee on Education
FROM: Mark Tallman, Director Governmental Relations
DATE: February 2, 1995

RE: **Testimony on S.B. 120**

Mr. Chairman, Members of the Committee:

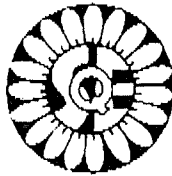
We appreciate the opportunity to appear today as proponents of S.B. 120. We have always felt that the school district "contingency reserve fund" should be considered just that: a reserve for contingencies. The use of the word "emergency" suggests some higher standard of need that is not defined or probably unenforceable. We support the proposed amendment.

As we have done in the past, our association would also suggest that the 2% limitation on this fund is too low. Few million dollar budgets can be managed within 98% of accuracy. Since a school district cannot exceed its budget, school administrators obviously must exercise caution that may result in some budget savings during the year. But beyond a 2% reserve, districts must either "use or lose" any savings. They cannot save any more for the future. It is also important to remember that districts must decide on returning teachers in April and must adopt a budget by August; but do not receive a final enrollment count and budget authority until September 20 - almost one third of the way into the fiscal year! This further illustrates the need for greater budget flexibility.

Given the fact that the state general fund ending balance requirement is a **minimum** of 7.5%, it seems reasonable to us that the **maximum** school district contingency fund should be at least 5%, if not the same as the state.

Thank you for your consideration.

Senate Education
2-2-95
Attachment 4



Schools for Quality Education

Bluemont Hall Manhattan, KS 66506 (913) 532-6886

Date: February 2, 1995

To: Senate Education Committee

Subject: SB 120 -- School Finance, contingency reserve
 funds, purposes for maintenance

From: Schools For Quality Education

Mr. Chairman and Members of the Committee:

I am Jacque Oakes representing Schools For Quality Education, an organization of 113 small school districts.

We are submitting written testimony in favor of SB 120 which strikes the word "emergencies" and "not reasonably foreseen" and adds "were not anticipated".

School districts have been extremely concerned about the use of the contingency reserve fund due to the stringent language. Therefore, these funds have quite often remained as a dormant account. This bill will clarify the language and make this fund more useable to school districts.

Thank you for your time and consideration.

"Rural is Quality"

Senate Education
2-2-95
Attachment 5