

Approved: 2/21/96
Date

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION.

The meeting was called to order by Chairman Bill Mason at 3:30 p.m. on February 12, 1996 in Room 519-S of the Capitol.

All members were present except:

Committee staff present: Ben Barrett, Legislative Research Department
Avis Swartzman, Revisor of Statutes
Dale Dennis, Department of Education
Beverly Renner, Committee Secretary

Conferees appearing before the committee: Representative Lisa Benlon
Mari Pat Brooks-Kansas Catholic Conference
Rita Hammons-State Board of Education-Food Service
Alan Schuler-USD 453, Leavenworth
Sister Anita-Xavier School
Diane Smith, Food Service Director, Shawnee Mission
Mark Tallman-Kansas Association of School Boards
Sister Helen Smith-Holy Cross School (by letter)
Fred Krueger, Principal-Trinity Lutheran School, Atchison (by letter)

Others attending: See attached list

Chairman Mason opened the hearing on HB 2913-concerning school districts, meal service contracts with nonpublic school and child-care institutions.

Representative Benlon testified in favor of **HB 2913**. This bill will allow the 18 districts which are now providing lunch to non-public institutions to be in compliance with the law (Attachment 1). All Costs will be passed to the nonpublic school or child-care institution and lunches will not be subsidized by public school funds. Child care institutions are defined under the state food service act as those approved by the state board of education.

Mari Pat Brooks, Associated director for Education for the Kansas Catholic Conference spoke as a proponent for **HB 2913** (Attachment 2). She expressed concerns that should be addressed: 1) if a child is a resident of the district, the price charged should be the same regardless of the attendance site, because the parents are already taxpayers; 2) who compiles the applicable state reports and reimbursement expense? 3) who hires and pays the employees of the program? and, 4) what standards and obligations would such an arrangement impose on the non-government school who participates in the Drug-Free School Act, etc.?

Rita Hamman, Team Leader for the Nutrition Services Team in the Kansas State Board of Education appeared in support of **HB 2913** (Attachment 3). The board's goal is to improve the health and education of children through better nutrition and this bill will help to achieve this goal. The private school will designate a person to be responsible for determining eligibility for free and reduced lunches as the school food authority.

Alan Schuler, Deputy Superintendent Unified School District #453, Leavenworth spoke in favor of **HB 2913** (Attachment 4). Leavenworth currently satellites lunches to six public elementary schools, to four parochial elementary and to one parochial high school. They have contracted this service for over ten years and it is fully self supporting.

Sister Anita, Leavenworth Catholic Schools testified as a proponent for **HB 2913** (Attachment 5). Because of this contracted meal service, Leavenworth Catholic Schools have been able to offer students lunch at an affordable price, to make available free and reduced meals to students who qualify and to have a self supporting program.

Diane Smith, Food Service Director, Shawnee Mission appeared in support of **HB 2913** (Attachment 6) as the group that was advised they could not enter into an agreement to begin providing meals to a local parochial school since there is no Kansas statute in current law that provides for such meal service.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION, Room 519-S Statehouse, at 3:30 p.m. on February 12, 1996.

Mark Tallman, Kansas Association of School Boards spoke in favor of **HB 2913** (Attachment 7) as evidence that the current system of enumerated school board powers places undue limitations on local school officials. He recommended that **HB 2283** should be passed to broaden the scope of school board authority.

Statements from Sister Helen Smith, Principal, Holy Cross Catholic School, Overland Park (Attachment 8) and Fred Krueger, Principal, Trinity Lutheran School, Atchison (Attachment 9) were issued in support of **HB 2913**.

No additional proponents or opponents were recognized. The hearing on **HB 2913** was closed.

Representative Shore moved **HB 2913** be passed out favorably. Representative Tomlinson seconded the motion.

Representative Ballou moved a substitute motion to strike child care institution from lines 23 and 37 from the bill. Representative Powers seconded the motion. Motion failed.

Returned to the original motion by Representative Shore and seconded by Representative Tomlinson to pass out **HB 2913** favorably. Motion carried.

Chairman Mason announced the appointment of a subcommittee after the February 8, 1996 committee discussion of **HB 2668**. Members of the subcommittee were Representatives Tanner (Chairman), Ballard and Ballou.

Representative Tomlinson moved **HB 2668** be taken off the table. Representative O'Connor seconded the motion. Motion carried; 10 in favor, 9 opposed; recount produced the same figures.

Representative Tanner reported on the findings of the subcommittee. A copy of **HB 2668** with balloons was distributed. Proposed modifications include page 2 line 2, change 23 to 21; page 2 line 15 insert "not more than" before "10% of the total number of freshmen"; page 2 line 22 strike from the middle of the sentence "and shall submit an annual report to" thru line 34; and change page 3 line 6 from 23 to 21.

Representative Tanner moved the subcommittee report. Representative O'Connor seconded. Motion carried; 11 in favor, 8 opposed.

Representative Tanner moved the bill be passed favorably as amended. Representative Tomlinson seconded.

Representative Pettey distributed a substitute motion allowing the regents to designate one institution with qualifying requirements of 3.0 grade average, eliminating the 10% window and sunseting June 30, 2005. Representative Wells seconded. Motion failed; 9 in favor, 11 opposed.

Representative Powers moved to substitute page 3, line 40 substitute 1996 for 2000 and line 43, strike statue book and insert Kansas registrar. Representative Larkin seconded. Motion failed; 5 in favor, 12 opposed.

Representative Franklin moved a substitute bill to change page 2 line 8 from "less than 50 points" to "less than or equal to". Representative Morrison seconded. Motion withdrawn after discussion.

Representative Reardon moved a substitute motion to amend the balloon to say "students who receive athletic scholarships must meet the same criteria without the window". Representative Morrison seconded. Motion failed; 9 in favor, 11 opposed.

Representative Wells moved to amend to delete page 2 line 14 thru line 22 to remove the window. Representative Shore seconded. Motion failed; 9 in favor, 10 opposed.

Representative Luthi moved to amend to add on Page 3 line 45 after force "after voted favorably in general election November, 1996". Representative Powers seconded. Motion failed; 9 in favor, 11 opposed.

Representative Wells moved to amend page 1 line 41 to raise the grade point average from 2.0 to 2.5. Representative Luthi seconded. Motion failed; 5 in favor, 14 opposed.

Representative Tanner closed on his original motion to pass **HB 2668**, as amended, favorably. Ten members voted in favor and 10 opposed. Chairman Mason broke the tie in favor of **HB 2668**. Motion carried.

The meeting was adjourned at 6:25 p.m.

The next meeting is scheduled for February 13, 1996.

HOUSE EDUCATION COMMITTEE GUEST LIST

DATE: February 12, 1996

NAME	REPRESENTING
Orvin C. BURNETT	USD 501 #
Dean Smith	USD #512
Liza Hamman	Ks. State Bd. of Educ
Raymond E. Santee	McPherson College
Jim Edwards	KCCT
Nenise Apt	USA
Jim Specialley	USD # 512
Craig Grant	KNEA
Dave DeRue	Council on Vocational Educ
Alan Schuler	USD 453 Leavenworth
Anita Sullivan, ACZ	Leavenworth Catholic Schools
Robin Sawsett	USD 453 Leavenworth
Lynn Plumer	USD 453 Leavenworth
W. K. Weber	SRS - IM/EPS Child Care
Margaret Brooks	Ks. Catholic Conference
J. Dakes	SQE



TOPEKA

HOUSE OF
REPRESENTATIVES

LISA L. BENLON
REPRESENTATIVE, 17TH DISTRICT
REPRESENTING PORTIONS OF
SHAWNEE AND LENEXA
7303 EARNSHAW
SHAWNEE, KANSAS 66216
TOPEKA: (913) 296-7678
SHAWNEE: (913) 268-4326

COMMITTEE ASSIGNMENTS
VICE CHAIRMAN: GOVERNMENTAL ORGANIZATION
AND ELECTIONS
MEMBER: ECONOMIC DEVELOPMENT
SELECT COMMITTEE ON
HIGHER EDUCATION

Testimony before the House Education Committee
House Bill 2913
February 12, 1996

Chairman Mason and Committee Members,

Thank you for the opportunity to testify in support of HB 2913.

House Bill 2913 will authorize public school districts to contract with private schools and child-care facilities for lunch service.

The bill is written to be permissive. It is not intended to mandate any school to provide lunch to non-public institutions.

While providing for this service, the public school will pass all costs incurred to the non-public school or child-care institution. Lunches will not be subsidized by public school funds.

When my school district attempted to do this, it was challenged as to whether it could be done legally.

I have a list of 18 public school districts which are currently doing what this bill will allow. House Bill 2913, if adopted, will allow these 18 districts to be in compliance with the law.

I'll stand for questions.

House Education
2/12/96
Attachment 1

TESTIMONY

H.B. 2913

House Education Committee, Room 519S
February 12, 1996 - 3:30 P.M.

KANSAS CATHOLIC CONFERENCE

Mari Pat Brooks, Associate Director for Education

My name is Mari Pat Brooks and I am the Associate Director for Education for the Kansas Catholic Conference which represents the four Catholic Bishops of the State of Kansas. I testify in support of the concept of House Bill 2913.

School lunches are an important part of our educational system. Studies have shown that children who are well nourished perform better in school. This bill will give the school districts the option to enter into a contract with a nonpublic school or a child care center for the provision of meals for the children of Kansas taxpayers.

Including the nonpublic school children within the public school lunch program would increase the number and would give the district the benefit of increased volume with little additional expense.

Many public school districts already contract with private or nonpublic schools to satellite food service. This legislation legalizes this effort. I know of at least one school in Johnson County who currently does not have a hot lunch program available and would welcome this opportunity according to a survey completed earlier this month. Our Superintendents tell us that this arrangement makes good common sense in the smaller communities.

House Education
2/12/96
Attachment 2

Testimony

HB 2913

February 12, 1996

There are some concerns: 1) if the child is a resident of the district, the price charged should be the same regardless of the attendance site, because the parents are already taxpayers 2) who compiles the applicable state reports and reimbursement expense? 3) who hires and pays the employees of the program? 4) what standards and obligations would such an arrangement impose on the non-government school who participates in the Drug-Free Schools Act, etc.? These concerns can certainly be worked out but should be addressed.

Thank you for the opportunity to speak to you today.

Kansas State Board of Education

120 S.E. 10th Avenue, Topeka, Kansas 66612-1182

TO: House Education Committee
FROM: Kansas State Board of Education
SUBJECT: 1996 House Bill 2913

My name is Rita Hamman, and I'm Team Leader for the Nutrition Services Team in the Kansas State Board of Education. I'm here today to testify in support of House Bill 2913. The State Board of Education supports authorizing boards of education to enter into meal service contracts with certain nonpublic schools and child care institutions because children, the nonpublic school or child care center, and the school district will all benefit.

Children will benefit because:

- USDA research shows that children who participate in the school lunch program have superior nutritional intake compared to those who do not.
 - * This program plays a significant role in protecting the nutritional status of most children participating in it.
 - * A study entitled "Food, Physical Activity and Fun -- What Kids Think" reported that approximately three-quarters of the youths questioned said they "agree a lot" that it is very important for good health to eat a balanced diet. Although they appear to realize the need to eat well, they are falling short in applying these and other nutrition concepts in daily life.
 - * The Kellogg Children's Nutrition Survey reported that only one in three 3rd-12th graders eat the right kinds of food "very often". Many of these children selected foods for their meals and snacks. Lunches carried to school included snack foods such as chips, pretzels, canned pudding, and cupcakes; high fat foods such as lunch meat and cheese; and drinks such as fruit punch.
- The lunch program offers students an opportunity to put into practice what is learned in classroom nutrition education activities.
 - * Eighty-one percent of students rated school as their number one source of nutrition information today.
 - * Meal time in child care centers is an important learning experience.
- Adequate nutrition will enable students to be more alert, concentrate on lessons, and be less irritable.
- Free and reduced price meals will be available for low-income families.

OVER

Nutrition Services
(913) 296-2276

House Education
2/12/96
Attachment 3

Private schools and child care institutions will benefit because:

- Enrolled children will be able to receive nutritious meals every day at a low price.
- Many private schools and child care centers do not have the facilities, staff, or funds to operate an on-site kitchen.
- Public schools have the equipment, personnel, and experience of planning and preparing meals that will meet nutritional requirements of the National School Lunch and Breakfast Programs and the Child and Adult Care Food Program.
 - * In many communities, especially smaller towns, the public school is the only place in town that can provide meals.

The public school district will benefit because:

- The total cost per meal will be reduced, and the food service program can be more efficient.
 - * The cost per meal will be lower because the fixed program costs will remain the same, and will be spread out over more meals.

Our goal is simple: Improve the health and education of children through better nutrition. The State Board of Education believes this bill will help us achieve this goal.

HB 2913

Testimony presented before the House Education Committee
by J. Alan Schuler, Deputy Superintendent
Unified School District #453, Leavenworth
February 12, 1996

Mister Chairman and Members of the Committee:

On behalf of the Leavenworth School District and the Parochial Schools in Leavenworth, I appreciate the opportunity to visit with the committee to support HB 2913.

We realize that we are one of a number of school districts that have been contracting meal service for quite a number of years. Approximately 12 years ago, we realized that we could no longer economically prepare meals in some of our smaller elementary schools. We then established a serving kitchen in our largest elementary building and started to satellite lunches to the smaller buildings. Once we started this, we were approached by the parochial schools who requested that we provide lunches to them. We have been contacting meals to them for over ten years. We currently satellite lunches to six of our own elementary schools and to four parochial elementary and to one parochial high school. In addition, we have a full kitchen at the high school, at both middle schools and at one other elementary school.

The arrangement with the parochial schools has been, and is, beneficial to both our district and to them. The increased volume provides for a lower cost per meal which allows a meal price that is affordable and encourages participation at both the public and nonpublic schools. Without the contracted meals, some of the parochial schools may not be able to provide school lunches for their students at a cost that would permit them to offer the program. Without the program, free and reduced meals would not be available to those students who qualify.

The school food service program in our district is fully self supporting. There is no general fund money being transferred to support the program. The food service program prepares an average of 3,000 plus lunches each day. Of these, approximately 400 lunches are delivered each day to the parochial schools. Sixty percent (60%) of the students in our district eat school lunches each day. In the parochial schools, the percentage of students participating in the school lunch program on a daily basis is also 60%. School lunch prices in Leavenworth are among the lowest in the state.

The provisions of this bill would allow public and nonpublic schools to cooperate and to provide a school lunch program that would be beneficial to all students of the state and would legalize the successful programs such as ours that are already in operation. We encourage your support of this bill.

House Education
2/12/96
Attachment 4

HB 2913

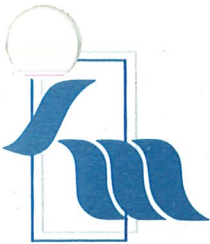
Testimony presented before the House Education Committee
by Anita Sullivan, S.C.L.
Leavenworth Catholic Schools
February 12, 1996

Mister Chairman and Members of the Committee:

The Leavenworth Catholic Schools, Xavier Elementary and Immaculata High School, have had contracted meal service with the Leavenworth Public Schools for approximately ten years. This has allowed us to offer the students lunch at an affordable price, to make available free and reduced meals to students who qualify, and to have a self supporting program. Without this agreement with Leavenworth Public Schools our lunch program would be in jeopardy.

Contracted meal service has been successful in Leavenworth for the past ten years and we need it to continue. We encourage your support of House Bill No. 2913.

House Education
2/12/96
Attachment 5



Shawnee Mission Public Schools
Food Services District Office
6701 West 83rd Street
Shawnee Mission, Kansas 66204
Telephone (913) 967-7610

Educating for Life

Division of
Business Services

February 12, 1996

Representative Mason and Members of the House Education Committee:

Thank you for allowing me the opportunity to testify for House Bill #2913 that is an act "authorizing Boards of Education to enter into meal service contracts with certain non-public schools and child care institutions."

It is my understanding that school districts in Kansas are not permitted to enter into agreements unless there is a Kansas statute that provides for such agreement.

In August, 1995, our school district was prepared to begin providing meals to a local parochial school. This agreement was halted prior to the contract approval when our school district's attorney realized there is no Kansas statute that provides for such meal service.

We feel we could provide a valuable service to the community by having the ability to serve meals to any non-public school or child care institution requesting our services.

Oftentimes institutions such as these, do not have the resources necessary to make meal service available to these children.

I would urge your approval of House Bill #2913, so that we may in the future, provide meals to institutions as outlined in the bill.

Diane Smith
Director of Food Services

House Education
2/12/96
Attachment 6



TO: House Committee on Education
FROM: Mark Tallman, Director of Governmental Relations
DATE: February 12, 1996

RE: Testimony on H.B. 2913 - School district meal contracts with certain institutions

Mr. Chairman, Members of the Committee:

We appear today as strong proponents of H.B. 2913. It would be hard to think of a bill that offers a better example of why we believe the current system of enumerated school board powers places undue limitations on local school officials.

Currently, state statutes do not specifically authorize school boards to enter into contracts to provide meals for private schools or child care institutions. As is often the case, many districts are already doing just that. Clearly this is and should be a local decision. A school board may wish to enter into these contracts because of a perceived community need, to build better relations with private institutions, or to increase the food service program's volume and operate more efficiently. H.B. 2913 would allow districts to do so with the sanction of state law. On the other hand, if the local situation does not make such contracts appropriate, H.B. 2913 does not require boards to enter into such contracts.

What is disappointing to members is the fact that we must go to the time and expense of passing such legislation on some similar topic just about every session. H.B. 2283, which was introduced last session at KASB's request and remains in this committee, would broaden the scope of school board authority so that this kind of bill will be unnecessary. That bill would do what just about every legislator says he or she supports: let individual communities determine the best way to deal with local problems and needs.

We urge you to recommend favorably H.B. 2913, because it will allow some districts to continue programs that are already working and allow other districts to start. But we also again ask you to recommend H.B. 2283 so that similar situations can be addressed by local boards members who are elected by the same voters who elect all of you.

Thank you for your consideration.

House Education
2/12/96
Attachment 7

Holy Cross

Catholic School

8101 West 95th
Overland Park, Kansas 66212
(913) 381-7408

February 12, 1996

Representative Mason and Members of the House Education Committee:

Thank you for allowing me to submit this written testimony for House Bill #2913 regarding meal service contracts. I apologize for not appearing in person but I am currently suffering from laryngitis and a touch of the flu.

I am principal of a parochial school in Johnson County. In August of 1995 I was preparing to enter into a contract with the local public school system to have school lunches provided to our building by their food service department. Before the contract was finalized, we were alerted by the lawyer for the public system that school districts in Kansas are not permitted to enter into agreements unless there is a Kansas statute that provides for such agreement.

Our school has limited kitchen space in our cafeteria. While we are able to provide a lunch for our students, we felt that a contract with the larger school district would have allowed us to enhance our lunch program and provide a greater variety of meals for our students. We were prepared to pay the school district the cost for providing these meals and abide by Kansas guidelines for the serving and recording of school lunches.

I feel that this agreement would have positive benefits for our school and for the public school district. I also feel that because we would have paid for the cost of the food and preparation we would not have been using monies set aside for the patrons of the public system. I think a partnership such as this one could be beneficial in many areas of our state.

Therefore, I urge your approval of House Bill #2913. Thank you.

Sister Helen

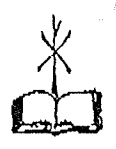
Sister Helen Smith
Principal

SHS/mks

House Education
2/12/96
Attachment 8

Building the future ~ Child + Church + Community

Trinity Lutheran School



Fred Krueger - Principal

609 N. Eighth St. • 913-367-4763 • Atchison, Kansas 66002

February 12, 1996

Chairman Bill Mason
State Capitol, Room 446 North
Topeka, KS 66612

RE: Support of House Bill No. 2913

Be it known that Trinity Lutheran School of Atchison is in full support of the above stated bill, as it will continue the quality program and cooperative operation between Atchison Public School and Trinity Lutheran School in providing USDA hot lunch meals to the pupils of Trinity.

Trinity, its staff, parents, and members stand in support. Our absence is due to full teaching commitments by staff at Trinity.

Sincerely,

Fred Krueger
Principal

c/c: Mr. Bill Mason
Mrs. Joy Kroner (Atchison-USD#409)

FK:rk

House Education
2/12/96
Attachment 9