

Approved: 3/19/96
Date

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION.

The meeting was called to order by Chairman Bill Mason at 3:30 p.m. on March 4, 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 Steve Lloyd
Representative Gerry Geringer
Carla Dill-USD 473, Chapman
Bev Eversmeyer-USD 383, Manhattan
Mark Roeser-USD 475, Junction City
Randy Martin-Manhattan Chamber of Commerce
Mark Tallman-Kansas association of School Boards & USD 501
Craig Grant-Kansas National Education Association
Gerry Henderson-United School Administrators of Kansas by
written testimony
Frank Leone, Principal William Allen White Elementary,
Emporia
Diane Gjerstad-Wichita Public Schools

Others attending: See attached list

Chairman Mason opened the hearing on SB 526 - concerning school district finance, enrollment and adjusted enrollment, special definition for certain districts.

Representative Gerry Geringer appeared in support of **SB 526** (Attachment 1). This bill will temper funding losses caused by any drastic enrollment changes for fourteen school districts impacted by the downsizing of the U.S. military at Fort Riley.

Representative Steve Lloyd spoke as a proponent for **SB 526** (Attachment 2). Passage of this legislation will provide some stability during this time of transition as military personnel leave the base and others move to available housing on base.

Carla Dill, Board of Education member-USD #473 speaking in favor of **SB 526** explained the potential to lost the majority of their military related enrollments (Attachment 3). This bill affords the affected districts a continuance of the status quo until downsizing is complete and budget adjustments can be made with a stabilized enrollment.

Bev Eversmeyer, Vice-President of USD #383, Manhattan-Ogden Board of Education, testified as a proponent of **SB 526** (Attachment 4). This bill will allow the district to maintain current levels of funding in the event of unplanned troop downsizing.

Mark Roeser, President of Geary County Board of Education appeared as a supported of **SB 526** (Attachment 5). 60% of the district enrollment is connected with Fort Riley and the federal downsizing of troop strength continues to cause problems in the state budget planning process. This bill will allow the district to maintain a level budget to continue to meet educational needs. Mr. Roeser introduced letters from area districts (Clay County, Rock Creek and Wamego) and the Junction City Chamber of Commerce in support of **SB 526** (Attachment 6,7,8 and 9).

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION, Room 519-S Statehouse, at 3:30 p.m. on March 4, 1996.

Mark Tallman, Director of Governmental Relations-Kansas Association of School Boards, spoke in support of **SB 526** as an example of the "hold harmless" protection that all school districts should receive in greater degree (Attachment 10). Districts can do a better job planning for the long term if they have a better idea what the minimum budget is likely to be.

Randy Martin with the Manhattan Chamber of Commerce addressed a few remarks in support of **SB 526**. The redefining of brigades creates a churn that these school districts have to deal with and this legislation will help.

Written testimony from Craig Grant, Kansas National Education Association and Gerald W. Henderson, Executive Director-United School Administrators of Kansas was submitted (Attachment 11 and 12).

Chairman Mason closed the hearing on SB 526.

Chairman Mason opened the hearing on SB 482-concerning schools, weapon possession, pupil expulsion policies, hearings modification of requirement.

Mark Tallman, Kansas Association of School Boards & USD 501, spoke as a proponent for **SB 482** as a response to federal law requiring a one year expulsion for any student bringing a gun to school (Attachment 13). Federal law allows modification on a case-by-case basis by the chief administrative officer of each school and this bill modifies Kansas law to add this permissive language.

Frank Leone, Principal-William Allen White Elementary School, Emporia, appears as a proponent of **SB 482** and related the experience of a 7-year old who brought a revolver to school to show her friends (Attachment 14). One-size-fits-all punishment of a year's expulsion is not appropriate in all cases. Consideration on a case-by-case basis is important.

Craig Grant, Kansas National Education Association addressed the committee as a proponent of **SB 482**, which is necessary to be in compliance with federal law (Attachment 15).

Written testimony from Gerald Henderson, United School Administrators of Kansas was submitted in favor of **SB 482** (Attachment 16).

Diane Gjerstad, Wichita Public Schools appeared as a proponent for **SB 482** (Attachment 17). This bill would permit USD 259 to return to the practice of the superintendent designating hearing officers. Hearings should be conducted in an expeditious manner, not at the availability of the chief administrative officer. A key to the success of this program is communication, including making parents aware of the zero tolerance policy and ramifications, if violated.

Chairman Mason closed the hearing on SB 482.

The meeting adjourned at 5:18 p.m.

The next meeting is scheduled for March 5, 1996.

HOUSE EDUCATION COMMITTEE GUEST LIST

DATE: March 4, 1996

NAME	REPRESENTING
Jane Youally	USD # 572
Denise Cipt	USD
Susan Alts	USD 259
Jeff Johnson	intern, Kearney and Assoc.
Meggie Griss	Kearney + Assoc.
Bill Berry	USD 383
Kent Glasscock	Ks House
Craig Grant	KWFA
Don Brown	MBW-TV
Kristen Day	Cap journal
Erin Ferdinand	Reading
Jana Johnson	Americus
Nicole Gould	Admire
Chris Wilson	Emporia
Ashley McJaffin	Wichita
Amy Weaver (Page)	Wichita
Kari Suter	Wichita
Ashley Brown	Wichita
Ann D. Burnett	USD 301 #

STATE OF KANSAS

GERALD G. GERINGER
REPRESENTATIVE, SIXTY-FIFTH DISTRICT
720 ROCKLEDGE
JUNCTION CITY, KANSAS 66441-3974
(913) 238-1032

COMMITTEE ASSIGNMENTS
BUSINESS, COMMERCE & LABOR
HEALTH AND HUMAN SERVICES



TOPEKA

HOUSE OF
REPRESENTATIVES

February 1996

I am Representative Gerry Geringer and I am here to offer support for Senate Bill 526. As you know, this bill extends for one year a school finance formula devised last year to help fourteen school districts impacted by the downsizing of the U. S. military.

I represent Junction City and USD 475 which could possibly be crippled if funds are lost by sudden and unforeseen school enrollment fluctuations. Senate Bill 526 will temper funding losses caused by any drastic enrollment changes. It helped last year and it will help again in FY 97. I ask that you pass Senate Bill 526 favorably. Thank you.

House Education
3/4/96
Attachment 1



TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
 DE CHAIRMAN AGRICULTURE
 MEMBER ENERGY & NATURAL RESOURCES
 FEDERAL & STATE AFFAIRS
 JOINT COMMITTEE
 CHILDREN AND FAMILIES

STEVE LLOYD
 REPRESENTATIVE, SIXTY-FOURTH DISTRICT
 CLAY, DICKINSON, GEARY,
 RILEY COUNTIES
 2421 7TH ST
 CLAY CENTER, KANSAS 67432
 (913) 632-5989

STATE CAPITOL, ROOM 181-W
 TOPEKA 66614-1504
 (913) 296-7649

Chairman Mason and members of the House Education Committee.

I appear before you today in support of SB 526, which extends for the 96-97 school year the provisions contained in SB 166 and Senate Substitute for HB 2152, which passed in the 95 legislative session.

The downsizing of the Fort Riley Military Reservation has created many challenges for the Junction City-Geary County Community. The surrounding counties also feel the impact of downsizing, usually on a somewhat delayed basis.

The changes affect the job market, housing market, construction industry, service industries, financial institutions, medical facilities, and the list goes on and on. It also has a drastic and destabilizing influence on the educational institutions in the affected 14 school districts.

As a Representative of portions of Geary County (USD 475), Dickinson County (USD's 473 and 435), and Clay County (USD 379), I have the unique experience of seeing the initial as well as the delayed impact of the downsizing on the education community.

As military personnel leave the base, more on base housing becomes available. As the population shifts to on base housing, the outlying school districts will experience an enrollment decline. The surrounding communities and school districts may experience this "delayed reaction" during the 96-97 school year, but as many of you know from your own experience, it is very difficult to enter into contractual agreements when you are only guessing what the enrollment might be. The passage of this legislation will help provide some stability during this time of transition.

Please extend the provisions of SB 166 for the 96-97 school year by supporting SB 526.

House Education
 3/4/96
 Attachment 2

TESTIMONY ON SENATE BILL NO. 526
MADE TO THE HOUSE EDUCATION COMMITTEE ON
3/04/96

This testimony is submitted to the House Education Committee by Carla Dill, Board of Education member, USD #473, Chapman. Also present from USD #473 is Robert King, Superintendent.

Unified School District #473 is very concerned about the effect the Fort Riley drawdown will have on its budget next year. On 9/20/96 USD #473 has a head count of 1,397 pupils, of this number 268 or 19.18% are associated with Fort Riley.

As housing opens up on post, military families living off the military reservation are being strongly encouraged to take vacated base housing. Therefore, districts like Chapman USD #473, have potential to lose the majority of their military related enrollments by the time the proposed drawdown concludes this summer. As school district budgets are normally finalized in June and July and the official state count date is September 20, we find ourselves in a very difficult position. Last year, due to a tight budget, we gave our employees an average 1.79% salary increase. Also, an effort to implement a LOB was protested. This coming academic year, we must deal not only with tight finances but also with the uncertainties related to the Fort Riley drawdown. How can we address staffing needs, negotiate with teachers, implement a district technology plan, and maintain facilities when we have the potential to lose several hundred thousand dollars in budget authority?

Passage of SB 526 is critically important to USD #473. Due to the uncertainties associated with declining enrollment and recognizing the need to provide our youth with a quality education, it is essential that we be assured of our September 20 adjusted enrollment during the 1996-97 academic year. Please keep in mind that we are only asking for a continuance of the status quo as the families who leave Fort Riley will be relocating in other states. Once the downsizing of Fort Riley has concluded and our military related student population has stabilized, we will make whatever budget adjustments are necessary.

I sincerely wish to thank you for your time and consideration on this matter.

*House Education
3/4/96
Attachment 3*

Testimony in Support of Senate Bill No.526
March 4, 1996

Dear Members of the House Education Committee:

My name is Bev Eversmeyer and I am vice president of the USD 383, Manhattan-Ogden Board of Education. It is my pleasure to serve as spokesperson for USD 383 at today's hearing on S.B.526. In the audience with me today also representing our school district are Jackie Walter, Director of Business Services, and Dr. Dan Yunk, Superintendent of Schools. Any of these individuals would be happy to answer questions of the committee.

As you are all well aware, Ft. Riley has survived another round of the base realignment and closure process. Unfortunately, for the 14 school districts surrounding the Fort, the ramifications of the downsizing of Ft. Riley that has occurred continues to cause much enrollment uncertainty.

It is because of this uncertainty facing Manhattan-Ogden USD 383 and the other 13 districts surrounding Ft. Riley that we come before you today and urge your support of S.B.526. We believe this bill is of the utmost importance to districts large and small that border the Ft. Riley military reservation.

While we know that on our September 20, 1995, count we lost 95 students directly associated with Ft. Riley, the potential continued loss remains largely unknown. We do know we lost another 101 students from September 20, 1995, until now, many of whom are Ft. Riley related. We can assume this volatile enrollment picture will continue for the upcoming school year.

Without the renewal of this bill as worded in S.B.526, the full impact of last year's loss plus next year's, will be felt by those 14 districts in one fiscal year. The impact of the passage of this bill may vary among the 14 districts but clearly, given the current funding picture and potential enrollment fluctuations, renewal of this safety net is desperately needed.

Currently, around 20 percent of our students come from military or civilian employee families. Until this transformation at Fort Riley is stabilized, state support such as S.B. 526 is essential if impacted districts are going to maintain the quality programs our communities have a right to and have come to expect.

House Education
3/4/96
Attachment 4

SB 526 TESTIMONY - 2
Manhattan USD 383
March 4, 1996

As you know, current laws governing school finance leave us very little ability to deal with the potential disruption and impact facing our district. Teachers need to be notified of their continued employment by May 1, budgets based on estimated enrollment must be certified in August, and the audited enrollment count date occurs September 20. This is not the same schedule that drives the decisions of the United States Army. The uncertainty of the Army's impact and the structure of school finance in our state makes it difficult, almost risky, to plan for the smooth and consistent fiscal management which in turn impacts the teaching and learning programs of our district. Around 87% of our budget is linked directly to salaries which leaves us very little flexibility to make unplanned adjustments. This bill would provide us with the opportunity to deal appropriately with downsizing in the following fiscal year as additional information becomes available.

Senate Bill 526 does not call for new money coming into our district, but it does enable us to maintain current levels of funding in the event of unplanned troop downsizing. We are asking that these districts be held harmless until this volatile situation moderates. Students who leave these districts will be leaving the State of Kansas. Therefore, passing this bill does not equate to shifting dollars from one district to another.

We want to further emphasize that for years federal aid to deal with the impact of Ft. Riley has not been an additional source of revenue for our district, but rather a deduct from state aid for education. Indirectly, the State of Kansas has always benefitted from these districts serving as the home districts for military dependents. Now, the districts are asking for assistance in potentially perilous times.

Healthy economic growth and a rich quality of life for Kansans depend on an excellent and stable education system. To allow a district such as ours to be financially challenged as a result of something totally out of our control is not wise. Passage of this bill provides each of the 14 school districts serving Ft. Riley with the ability to insulate quality educational programs from this enrollment "roller coaster" until the full economic impact is known. Senate Bill 526 is a bill which not only makes sense for the children of our school district, but for the economic health and stability of Kansas.

Geary County Unified Schools

District No. 475 Junction City, Kansas 66441 Phone (913) 238-6184



March 4, 1996

TESTIMONY IN SUPPORT OF S. B. 526

Mary E. Devin
Superintendent of Schools

Dear Chairman Mason and Members of the House Education Committee:

My name is Mark Roeser and I am President of the Board of Education for the Geary County Unified School District which serves the Junction City, Fort Riley, Milford and Grandview communities. Also with me today are Board Member Alex Scott, Ft. Riley Liaison Lt. Col. Leif Johnson and Superintendent of Schools Mary Devin. We are here on behalf of S.B. 526 and following my brief comments we are all available to you for questions you might have.

Ft. Riley is located within the boundaries of the Geary County Unified School District. Almost 60% of our 6400 students have a parent on active duty at Ft. Riley. Six of our sixteen schools are located on the Fort and we are by far the most heavily impacted military community in the area.

Representatives of the 14 districts serving Ft. Riley have shared information and we have brought statements from others who were not able to be here today. We all appreciate your assistance during the past year and we are here today to ask that you continue your support while we are caught between a decision made at the federal level and our state budget planning process.

Action to downsize troop strength at Ft. Riley began just after the end of school last year. On September 20, 1995 our enrollment had dropped almost 500 students from the previous count day. Enrollment continued to decline through the first semester and by the first week in January 1996 we were down approximately 300 more students. We have likely reached the low point at this time, but we are told to expect our enrollment to continue to be very unstable throughout the next 18-24 months. While the loss of 800 students creates a significant decrease in budget authority, it is an average of about 2 per classroom, making staff reductions very difficult to implement.

The downsizing at Ft. Riley is coming to an end, but as we reported to you last year, military family decisions about where to live will continue to create a domino effect throughout the coming year. There is no way for our Board of Education to predict the September 20, 1996 enrollment count in our district. Even if we could do so, we know that the count on September 20 is likely to be a very unstable number and we will continue to experience shifts within our total enrollment.

House Education
3/4/96
Attachment 5



AN EQUAL OPPORTUNITY EMPLOYER

The negotiations process has already begun in USD 475 and as we approach the mandatory May 1 deadline for notification of contract renewals, it is impossible to tell how many teachers we will need next year. Given the additional fiscal uncertainties at the federal level, maintaining the quality that our local community and our military parents expect and our students deserve becomes very difficult.

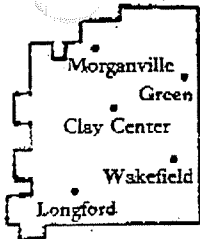
Kansans are aware of the importance of the Ft. Riley military installation to our State economy. Many Kansans worked very hard to preserve a strong Ft. Riley during the recent BRAC process. To maintain a strong position for the future, it is imperative that we continue to provide a quality educational program for military dependents and for our local community.

You are aware that the federal government provides impact aid funds to school districts which serve the families of our armed forces. The Geary County Unified School District receives approximately \$4 million in impact aid annually. In Kansas those dollars are deducted from our state aid and the State budget receives the benefit. There are only three states that deduct impact aid from state aid and Kansas is the only state where the deduction is 100% of the impact aid received.

You should note that we are not asking for new money. We ask that you help us level our budget by making a limited exception in the planning process for next year.

We urge you to assist the 14 districts serving Ft. Riley by supporting S.B. 526 which would allow us to continue to meet the educational needs of our students.

Thank you for giving us the opportunity to appear before you on this matter.



CLAY COUNTY UNIFIED SCHOOLS • DISTRICT 379

Charles L. Stuart Administrative Center
807 Dexter Street - P.O. Box 97 - Clay Center, Kansas 67432
(913) 632-3176

Charles L. Mansfield, Superintendent

*Edwin G. Koehler, Asst. Supt.
Personnel & Special Education*

March 1, 1996

**Chairman Bill Mason
House Education Committee**

Dear Representative Mason,

I would like to relate our recent experience to you to illustrate the need for the continuation of S. B. 526.

The F.T.E. enrollment of USD 379 was 1702.6 on September 20, 1994. On September 20, 1995 our enrollment had grown by 27.2 students to an F.T.E. of 1729.8. A recent count taken on February 20, 1996 showed a decrease of 28.8 students to an F.T.E. of 1701, which is lower than the Sept. 20, 1994 count.

Shifts of enrollment such as these makes planning impossible. In this district 28 students spread across all grade levels does not make a significant decrease in any grade level which would for a reduction in staff.

It would be extremely difficult for this district to lose the total revenue associated with the shift outlined above in a one year period of time without severely impacting the educational programs available to our students.

Please give your support to the continuation of S. B. 526.

Sincerely,

A handwritten signature in cursive script that reads "Charlie".

Charlie Mansfield, Superintendent

*House Education
3/4/96
Attachment 6*

Administrative Assistant/Clerk
MINA GRUTZMACHER
Treasurer/Receptionist
JANICE DOLL
Secretary to Superintendent
RUBY ZABEL

Rock Creek
Unified School District 323
201 South 3rd Street
P.O. Box 70
Westmoreland, KS 66549-0070
(913) 457-3732 FAX (913) 457-3701
Dr. Richard Doll, Superintendent

Board of Education
WILLIAM EDWARDS
PAT HEWINS
DARRELL HOLADAY
LARRY LAUER
JAMES MOORE
GLORIA SCHWARTZ
SUSAN YENZER

TO: Bill Mason, Chairman of the House Education Committee
FR: Rick Doll, Superintendent of Schools, Rock Creek U.S.D. 323
MDY: February 29, 1996
RE: SB 526

As superintendent of schools for Rock Creek U.S.D. 323 I would like to express my support for SB 526. As a district located close to Ft. Riley we are very concerned about the effect that downsizing will have on our student population.

As you know, student head count determines budget authority for school districts. Sudden decreases in student enrollment can be devastating for school districts because of stable costs associated with building operations and staff. It is conceivable that our school budget would be decreased by hundreds of thousands of dollars but we would still have to operate all three of our attendance centers. The non-renewal of teachers based on declining enrollments is also a difficult issue and one that cannot always be taken care of in one year.

School districts impacted by the downsizing of Ft. Riley need time to adjust to the reduced student population. For this reason I support SB 526.

RDD/z

House Education
3/4/96
Attachment 7

UNIFIED SCHOOL DISTRICT 320
510 East Highway 24
Wamego, Kansas 66547
Telephone: (913) 456-7643
Fax: (913) 456-8125

Dr. Norris Wika, Superintendent

March 1, 1996

Bill Mason
Chairman
House Education Committee

Wamego USD 320 supports the provisions of SB526. The Wamego community is very sensitive to the effects of population movement into or out of Ft. Riley and any "ripple effect" on area business and population.

Each year approximately 80 of USD 320's students are from families tied directly to Ft. Riley as uniform military or civil service employment. This 1995-96 school year our enrollment declined, the first such occurrence in many years.

Wamego USD 320 does not have a local option budget. Our budget is so tight now that we will not be able to meet staffing needs or to create needed new developments in curriculum or support services.

We need protection against the negative impact of enrollment decline caused by the downsizing of Ft. Riley. I urge the legislatures consideration of this need.

Dr. Norris Wika
Superintendent
Wamego USD 320

Wamego High School

Wamego Middle School

Wamego West Elementary School

Wamego Central Elementary School

House Education
3/4/96
Attachment 8



March 4, 1996

House of Representatives Education Committee
Kansas House of Representatives
Topeka, KS 66612

Dear House Education Committee Members,

On behalf of the Junction City Chamber of Commerce, I want to offer our strong support of Senate Bill 526 which is before you today. Reauthorization of this "hold harmless" legislation will be of tremendous assistance to USD #475 and surrounding school districts impacted by the current downsizing of Fort Riley.

The 1996 Legislative Program adopted by the Junction City Chamber Board in December supports legislation of this type because we recognize the importance of Fort Riley to the Kansas economy. We will continue to promote Fort Riley as a key element in the national defense of our country. Passage of this bill will permit our district to provide a quality educational program for military dependents, as well as all other students. This will be an asset to Chamber leaders as we advocate to preserve a strong Fort Riley.

We recognize that the fluctuating enrollment experienced by USD #475 as a result of the downsizing makes it very difficult to develop a budget that supports the type of education that allows students to lead successful lives. Such a situation is most likely to occur next fall when enrollment could be significantly higher at year's end than on September 20, 1996, due to expected changes at Fort Riley.

Senate Bill 526 will provide USD #475 with the flexibility necessary to plan efficiently and meet the instructional needs of the students in Junction City, Fort Riley, Milford, and Grandview Plaza. We urge you to support SB 526. Thank you for your consideration.

Sincerely,

Shelley Hoyle Kite

Shelley Hoyle Kite
Chairman of the Board
Junction City Chamber of Commerce

House Education
3/4/96
Attachment 9

POST OFFICE BOX 26
814 N. WASHINGTON ST.
JUNCTION CITY, KS 66441
• 913 / 762 - 2632 •



TO: House Committee on Education
FROM: Mark Tallman, Director of Governmental Relations
DATE: March 4, 1996

RE: Testimony on S.B. 526 (Hold harmless provisions for districts in the Ft. Riley area)

Mr. Chairman, Members of the Committee:

Thank you for the opportunity to appear before you today as proponents of S.B. 526, which would provide a greater degree of protection against declining enrollment losses for certain districts in the Ft. Riley area. We believe that all school districts should receive a greater degree of "hold harmless" protection than that which is provided by current law.

The basic justification for a declining enrollment hold harmless provision is that making budget reductions after the school year has already started is extremely difficult for school districts. By far the largest item in a district's budget is personnel, and most personnel costs are contractually obligated by the district before the September 20 count date. KASB has long supported the declining enrollment feature of the previous school finance system, the School District Equalization Act, which allowed districts to use the enrollment of either the current year or the previous year, whichever was greater. Districts can do a better job planning for the long term if they have a better idea what the minimum budget is likely to be.

S.B. 526 is much closer to that feature than current law, but only for selected districts. We support the provisions of S.B. 526, but urge that a broader hold harmless feature be extended to all districts facing declining enrollment.

Thank you for your consideration. I would be happy to answer any questions.

House Education
3/4/96
Attachment 10



KANSAS NATIONAL EDUCATION ASSOCIATION / 715 W. 10TH STREET / TOPEKA, KANSAS 66612-1686

Craig Grant Testimony Before
House Education Committee
Monday, March 4, 1996

Thank you, Mr. Chairman. I am Craig Grant and I represent Kansas NEA. We thank you for the opportunity to speak in support of SB 526.

This is a similar provision to the one which the legislature included in HB 2152 last year. Although last year's provision was written for only one year, the effect of downsizing Fort Riley continues to affect the school districts mentioned in the bill.

These type of special circumstances occur from time to time and we make accommodations for those circumstances. We believe that we should again help protect these school districts from a problem over which they have no control. Perhaps a policy affecting all schools that suffer enrollment loss should be adopted which allows such districts to better plan for those situations. Hopefully, we will study this issue along with others this summer.

Kansas NEA supports SB 526. Thank you for listening to our concerns.

House Education
3/4/96
Attachment 11



SB 526

Testimony presented before the House Committee on Education
by Gerald W. Henderson, Executive Director
United School Administrators of Kansas
March 4, 1996

Mister Chairman and Members of the Committee:

United School Administrators of Kansas is happy to support **SB 526** which will provide assistance to the school districts impacted by the down-sizing of Fort Riley. However, we would suggest to the committee that all Kansas districts need the protection provided by this bill. Many districts, from all parts of the state, but especially in sparsely populated areas are experiencing losses in enrollment that are proving extremely difficult to plan for.

A district for example with 300 students might plan for a loss of 10 students. Since the distribution of ten children over K-12 is not likely sufficient to allow for a reduction in teaching or other staff, the superintendent would likely plan cuts in other areas to handle the loss in revenue. On September 20 the district may well find it has lost 30 students from the previous year's enrollment. Current law allows the district to count one half of an unanticipated loss up to a maximum of four percent. In the case cited, the superintendent could count six of the 30 students lost ($300 \times 4\% \times 1/2$). Because of the continuing contract law, there is no opportunity to reduce teaching staff, and the district will have lost the revenue provided by 24 students.

We would ask the committee to extend the protection offered by **SB 526**, but in a much simpler manner. We recommend that districts be allowed to use either the current enrollment or the previous year's enrollment which ever is the greater. We believe such a provision would not only solve the problem of the districts mentioned in **SB 526**, but all other Kansas districts as well.

LEG/SB526

House Education
3/4/96
Attachment 12



TO: House Committee on Education
FROM: Mark Tallman, Director of Governmental Relations
DATE: March 4, 1996

RE: Testimony on S.B. 482 (Amendments to Gun Free Schools Act)

Mr. Chairman, Members of the Committee:

Thank you for the opportunity to comment on S.B. 482, which was introduced at KASB's request. The concept of this bill was also recommended by the Joint Committee on Children and Families during the 1995 interim. The bill makes two changes in the Gun Free Schools bill you passed last year. Both changes are requested to address problems which have developed during the implementation of the 1995 legislation.

The 1995 legislation was a response to a federal law which requires a one year expulsion for any student bringing a gun to school. However, the federal law also requires that states allow this punishment to be modified on a case-by-case basis by the chief administrative officer of each school. The bill you passed last year only allows this case by case modification for special education students. The first change contained in S.B. 482 would allow - but not require - that modification to be made for all students. This change would bring Kansas law into compliance with the federal law and the U.S. Department of Education's interpretation that "Each state must allow the chief administrative officer of an LEA to modify the one year expulsion requirement on a case-by-case basis."

We believe this is appropriate because the current law provides absolutely no discretion to local school officers. A first grade student who brings his or her parents' gun in bookbag without even understanding what a year-long expulsion means and a high school student who threatens other students at gunpoint in the school cafeteria must be treated the same way.

Even if the Legislature believes this is appropriate, our member school districts are finding out that the courts do not. In several cases, districts have expelled students for a year, only to have the courts reinstate the students because courts feel that the punishment is too harsh for the particular students. In those cases, of course, the district faces considerable legal expenses.

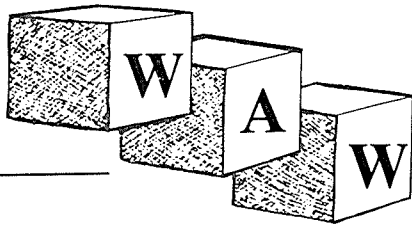
The provisions of this bill dealing with case-by-case exceptions was the most controversial part of the bill. We support the language added by the Senate Education Committee in subsection (e) on page 3. This amendment makes it clear that school administrators may modify the expulsion, but are not required to if the district wishes to enforce a strict "zero tolerance" policy

House Education
3/4/96
Attachment 13

on weapons. We believe that this is an acceptable compromise between the requirements of federal law and the interests of school safety.

The second change proposed in S.B. 482 is purely practical. In its current form, only the school superintendent may conduct the hearing required in these cases. In larger districts, another school official or attorney is often selected to conduct these hearings, with the right of appeal to the school board. We believe these discretion should be extended to weapons cases as well.

Thank you for your consideration.



White Elementary School

March 4, 1996

Rep. Bill Mason, Chairman
House Education Committee
Topeka, Kansas

Dear Rep. Mason:

Below is the text of the comments I wish to share with your committee on March 4, 1996 in reference to SB 482. I appreciate the opportunity to share my concerns with you and the committee.

My name is Frank Leone. I am the principal of William Allen White Elementary School in Emporia, Kansas, a kindergarten through 4th grade school with an enrollment of 280 students. I have been an educator in Kansas for 20 years, 14 of those as an elementary principal. I would like to take a few minutes of your time to speak in favor of SB 482 and then answer any questions you might have for me.

On February 21st of this year, a seven year old Emporia child made a serious mistake. She found a revolver in a suitcase at home, buried beneath a pile of summer clothing. Without telling her parents, she put the revolver in her backpack and took it to school that morning, with the intent of showing it to her friends (and perhaps to her teacher).

The unloaded revolver made it to school and was shown to one classmate and discussed with another during the breakfast hour. Upon reaching the classroom, one of the students immediately told her teacher that the girl had a gun in her backpack.

The backpack, gun and child were removed from the classroom. The local police and SRS were involved in accordance with state laws. The child was suspended from school for 5 days pending the outcome of an expulsion hearing.

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The hearing on February 27th determined that the 7 year old had indeed brought a weapon to school. In accordance with the current Kansas law, she was expelled from school for a period of one year. The hearing officer, Dr. Richard Gregory, had no alternative under the law but to expel her.

By my estimation, most students involved in weapons cases should be expelled from school. Others should be incarcerated as well. However, the one size fits all punishment of a year's expulsion is not appropriate in all cases.

Here we have the story of a 7 year old girl. Not one to get in trouble in class. Not a fighter or trouble-maker. An immigrant girl struggling to learn English with a positive school record up till February 21st.

Should she have brought a gun? No. Did she know it was wrong? Yes. Did she fully comprehend the significance of her actions that day? No.

Were the parents at fault for leaving the gun in reach? Certainly they were. Both her mother and father thought the gun was out of sight and reach that day. They had apparently miscommunicated as to the gun's location when the mother pulled down the suitcase with summer clothes during a warm spell the week of February 19th.

The point of my testimony is this. Should all students who bring a weapon to school, regardless of their age and motive, be treated identically under the law? I would like to invite my student back to school at some time in the near future, so that she can get on with her education.

Thank you for the opportunity to share my thoughts with you. I would be glad to answer any questions you have at this time.



KANSAS NATIONAL EDUCATION ASSOCIATION / 715 W. 10TH STREET / TOPEKA, KANSAS 66612-1686

Craig Grant Testimony Before
House Education Committee
Monday, March 4, 1996

Thank you, Mr. Chairman. I am Craig Grant and I represent Kansas NEA. I appreciate this opportunity to speak with the committee about SB 482.

Kansas NEA is a reluctant supporter of SB 482. We had opposed the original bill as one which, by allowing a case-by-case decision to be made, weakened the gun free schools act. We feared that preferential treatment would be given to certain students and politics would enter the situation.

However, because we were convinced that we needed to make this change to be in compliance with the federal act, we changed our position to one of support for SB 482.

Thank you for listening to our concerns.

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SB 482

Testimony presented before the House Committee on Education
by Gerald W. Henderson, Executive Director
United School Administrators of Kansas
March 4, 1996

Mister Chairman and Members of the Committee:

United School Administrators of Kansas supports the language of **SB 482** which adds some needed flexibility to the section of the statutes dealing with who may conduct hearings for pupils required to be expelled for possession of weapons. For example, the potential conflicts between what my members are required or are able to do with special education students who come in conflict with this law will perhaps be lessened if the IEP committee is involved in the process.

We are supportive of the senate amendments which while allowing the superintendent to modify the expulsion of students on a case by case basis, does not require that he/she do so. This allows for a "zero tolerance" policy decision by the local board of education.

I will be happy to stand for questions.

LEG/SB482.96

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**Testimony regarding
Senate Bill 482
House Education Committee**

Representative Bill Mason, chair

Submitted by Diane Gjerstad, Wichita Public Schools

March 4, 1996

Mr. Chairman and members of the House Education Committee:

Wichita Public Schools appreciates your attention to the gun-free schools implementing legislation passed in 1995. This bill addresses would permit the expulsion hearing as required under law to be conducted by the superintendent or any certificated employee of the school or a hearing officer appointed by the Board of Education.

Wichita Public Schools had a zero tolerance policy for two years, prior to the federal law mandating the same. The district had a hearing policy in which the superintendent designated hearing officers. The bill before you would permit USD 259 to return to it's practice prior to the state law passed in 1995.

The mandate that only the superintendent could conduct the hearings is simply not functional in a large school district. Certainly the superintendent is always aware of dangerous situations within our buildings, but having the superintendent conduct the hearing does not accomplish the goal. The hearings must be conducted in an expeditious manner, not subject to a CEO's business, meeting, or travel schedule. The outcome of the hearing process must be kept within standards best maintained by those who have these difficult hearings as part of their job duties.

Wichita Public Schools would support this modification in the administration of the gun-free schools act.

The 1995-96 school year-to-date weapons violations are:

- 7 real guns
- 9 air guns
- 6 replica guns

The board of education has a strict zero tolerance in two other areas as well. A mandatory 186-day suspension is the penalty for students who buy, sell or traffic drugs on school property or commit battery on a staff member.

The zero tolerance policy is working. A key to the success is communication. Each building asks parents to sign a letter during enrollment stating that they are aware and understand the zero tolerance policy and ramifications if violated. The proof is two-fold: the number of guns entering buildings is down and climate surveys completed by students and parents indicate overwhelmingly that students feel safe in their school, even though the neighborhood is not always viewed as safe.

Thank you.

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Attachment 17*