

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION.

The meeting was called to order by Chairman Bill Mason at 3:30 p.m. on March 11, 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 Sheila Hochhauser
Ted Ayres-Kansas Board of Regents
Nancy Twiss, Scholarship Advisor-Kansas State University
Mark Tallman-KS Association of School Boards
Maureen Weiss-USD 437, Auburn
Scott Brown-USD 347, Kinsley
Gerry Henderson-United School Administrators of Kansas
Jacque Oakes-School for Quality Education

Others attending: See attached list

Chairman Mason opened the hearing on SB 404-concerning the Kansas distinguished scholarship program.

Ted Ayres, General Counsel and Director of Governmental Relation-Kansas Board of Regents spoke in support of **SB 404** (Attachment 1). This legislation was introduced by the Legislative Educational Planning Committee to change the program name to "Kansas Distinguished Scholarship Program", expand the listing of "distinguished scholarships", to appropriate up to \$10,000 per year and that the award amount be limited to the recipient's tuition and fees at a Kansas Regents university.

Representative Sheila Hochhauser appeared in support of **SB 404** and related the experience of a young recipient at Kansas State University (Attachment 2). This bill would remove uncertainty for this young lady and other bright young people whose talents we wish to retain in Kansas.

Nancy Twiss, Academic Advisor and Special Assistant to the Provost for Scholarships-Kansas State University appeared in support of **SB 404** (Attachment 3). Scholars represent valuable human resources of our state and it seems wise for Kansas to take steps to enable the state to benefit from their contributions to society.

Chairman Mason closed the hearing on SB 404 and opened the proponent hearing on SB 481-concerning school district boards of education, power of local control.

Mark Tallman-Kansas Association of School Boards stated support for **SB 481** since it was introduced at his organizations request to encourage innovation, experimentation and efficiency by giving elected local school boards a greater degree of local control (Attachment 4). At present, school boards only have authority which is granted by state law. This legislation allows boards to "adopt policies that the board deems appropriate to perform its constitutional duty to maintain, develop and operate local public schools".

Maureen Weiss, Board Member-USD 437, Auburn-Washburn, spoke in support of **SB 481** (Attachment 5). The current fiscal climate demands that boards of education create maximum efficiency in the use of fiscal and human resources. This legislation will give local school boards and their staff members the opportunity to work to meet educational challenges.

Scott Brown, Board Member-USD 347, Kinsley and Offerle appeared to speak in favor of **SB 481**

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION, Room 519-S Statehouse, at 3:30 p.m. on March 11, 1996.

(Attachment 6). This legislation offers greater opportunity for unified school districts to control their own destinies and makes a positive step toward local control.

Gerald Henderson, Executive Director, United School Administrators of Kansas testified in support of **SB 481** and listed instances which local school districts did not have statutory authority to perform (Attachment 7). This bill would eliminate the need to seek enabling legislation for authority to do something which everyone believes to be a good idea.

Jacque Oakes, Schools for Quality Education, spoke in support of **SB 481** (Attachment 8). Home rule would allow local school districts to meet their own responsibilities with less time and expense. This would return a measure of self government and local control to elected people in the school districts who manage school business.

Chairman Mason closed proponent's hearing and opened opponent's hearing on **SB 481**.

Craig Grant, Kansas NEA, opposes **SB 481** because the Kansas Constitution puts the responsibility of education on the shoulders of the state government through the legislature and the board of education (Attachment 9).

Chairman Mason closed hearings on **SB 481**.

The meeting was adjourned at 5:34 p.m.

The next meeting is scheduled for March 12, 1996.

HOUSE EDUCATION COMMITTEE GUEST LIST

DATE: March 11, 1996

NAME	REPRESENTING
Craig Grant	KNEA
Helen Stephens	BV USD 229
Jacque Dakes	SQF
Jeff Johnson	Dutton, Kearny & Assoc.
Jason Oblander	Intern
Nancy Fines	Scholarships - KIPU
Michelle Lee	KAC
Wenona Cook	USA
Christy Crenshaw	Bd of Regents
TED D. AYRES	REGENTS STAFF
Maurice Weiss	KASB
Mark Pallman	KASB
Scott Brown	KASB
Ann C. Burnett	USD 501#
Jim Yonally	USD 512
Gerald Anderson	USA of KS
Janitor (Annie)	Quilts Club. Chamber of Commerce
D. Gjerstad	USD 259
Karen Rowley	KASB

The Testimony of

Ted D. Ayres
General Counsel and
Director of Governmental Relations
Kansas Board of Regents

before
HOUSE EDUCATION COMMITTEE
1996 Legislative Session

in re
S.B. 404

3:30 p.m.
March 11, 1996
Room 519-S
Kansas Statehouse

House Education
3/11/96
Attachment 1

Chairman Mason, Members of the House Education Committee:

My name is Ted D. Ayres and I am General Counsel and Director of Governmental Relations for the Kansas Board of Regents. I am here this afternoon representing the Board of Regents. I am here to speak in support of Senate Bill 404, as introduced by the Legislative Educational Planning Committee. It is a pleasure to be here this afternoon

The Kansas-Rhodes scholarship act (K.S.A. 74-3278 *et seq.*) was originally passed by the 1988 Legislature. The legislation was designed to attract these outstanding students back to Kansas and to support/fund their further graduate education in Kansas.

In recent years, the Legislature has funded and expanded the Kansas-Rhodes scholarship program through appropriations "proviso" language (see attached). This has created difficulties relative to the continued funding of participants.

During the 1995 Interim, in discussions with the Legislative Education Planning Committee (LEPC), Board staff made several recommendations to the Committee:

1. That the program name be changed to "Kansas Distinguished Scholarship Program."
2. That an expanded listing of "distinguished scholarships" be placed in statute.
3. That the Legislature appropriate up to \$10,000 per year (realizing that there may be more years than not when no funds will be utilized).
4. That the award amount be limited to the recipients' tuition and fees at a Kansas Regents university.

I believe S.B. 404 encompasses these recommendations. In regard to the listed "distinguished scholarships," I am providing an attachment that describes said scholarships.

I would now stand for questions.

Operating expenditures (including official hospitality) \$1,386,484

Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 1995, is hereby reappropriated for fiscal year 1996: Provided, however, That expenditures from such reappropriated balance shall not exceed \$26,455 except upon approval of the state finance council.

Kansas supplemental grant program \$2,777,000

State scholarship program \$825,075

Provided, That expenditures may be made from the state scholarship program account for the state scholarship program and for the Kansas distinguished scholarship program: Provided further, That expenditures from this account for the Kansas distinguished scholarship program shall be made for tuition and required fees for persons who (1) are Kansas residents or hold an academic degree from a state educational institution, as defined by K.S.A. 76-711 and amendments thereto, (2) have been designated as a Rhodes scholar, a Brasenose scholar or a British Marshall scholar, (3) are acceptable to a state educational institution, as defined by K.S.A. 76-711 and amendments thereto, to be enrolled or are enrolled and are in good standing and making satisfactory progress at a state educational institution, as defined by K.S.A. 76-711 and amendments thereto, and (4) apply for and are awarded a Kansas distinguished scholarship in accordance with rules and regulations adopted by the state board of regents prescribing procedures and additional guidelines and criteria for award of Kansas distinguished scholarships, subject to the provisions of appropriation acts: And provided further, That such rules and regulations shall include procedures for reallocation of amounts which were paid pursuant to a Kansas distinguished scholarship award and which would otherwise be refunded in the case of a Kansas distinguished scholar who discontinues attendance at a state educational institution, as defined by K.S.A. 76-711 and amendments thereto, before the end of any semester.

Tuition grant program \$5,523,233

Ethnic minority scholarship program \$310,000

Provided, That any unencumbered balance in the ethnic minority scholarship program account in excess of \$100 as of June 30, 1995, is hereby reappropriated for fiscal year 1996: Provided, however, That expenditures from such reappropriated balance shall be made only upon approval of the state finance council.

Ethnic minority fellowship program \$160,000

Provided, That any unencumbered balance in the ethnic minority fellowship program account in excess of \$100 as of June 30, 1995, is hereby reappropriated for fiscal year 1996: Provided, however, That expenditures from such reappropriated balance shall be made only upon approval of the state finance council.

Kansas work-study program \$517,227

Provided, That the state board of regents is hereby authorized to transfer moneys from the Kansas work-study program account to the Kansas career work study program fund of any institution under its jurisdiction participating in the Kansas work-study program established by K.S.A. 74-3274 et seq., and amendments thereto: Provided further, That all moneys transferred from this account to the Kansas career work study program fund of any such institution shall be expended for an in accordance with the Kansas work-study program.

Teachers scholarship program \$362,500

Provided, That any unencumbered balance in the teachers scholarship program account in excess of \$100 as of June 30, 1995, is hereby reappropriated for fiscal year 1996: Provided, however, That expenditures from such reappropriated balance shall be made only upon approval of the state finance council.

Kansas association for postsecondary educational television—operating support \$12,500

Regents' distinguished professors \$81,000

State scholarship discontinued attendance fund

No limit

Provided, That all moneys remitted for cases of discontinued attendance of Kansas distinguished scholars under the Kansas distinguished scholarship program shall be deposited to the credit of this fund: *Provided further*, That expenditures made from this fund for the Kansas distinguished scholarship program shall be for persons who (1) are Kansas residents or hold an academic degree from a state educational institution, as defined by K.S.A. 76-711 and amendments thereto, (2) have been designated as a Rhodes scholar, a Brasenose scholar or a British Marshall scholar, (3) are acceptable to a state educational institution, as defined by K.S.A. 76-711 and amendments thereto, to be enrolled or are enrolled and are in good standing and making satisfactory progress at a state educational institution, as defined by K.S.A. 76-711 and amendments thereto, and (4) apply for and are awarded a Kansas distinguished scholarship in accordance with rules and regulations adopted by the state board of regents prescribing procedures and additional guidelines and criteria for award of Kansas distinguished scholarships, subject to the provisions of appropriation acts: *And provided further*, That such rules and regulations shall include procedures for reallocation of amounts which were paid pursuant to a Kansas distinguished scholarship award and which would otherwise be refunded in the case of a Kansas distinguished scholar who discontinues attendance at a state educational institution, as defined by K.S.A. 76-711 and amendments thereto, before the end of any semester.

Kansas ethnic minority fellowship program fund

No limit

Kansas Rhodes scholarship discontinued attendance fund

No limit

Private postsecondary educational institution degree authorization expense reimbursement fee fund

No limit

Voluntary tax sheltered annuity clearing fund

No limit

Substance abuse education fund—federal

No limit

Mandatory retirement annuity clearing fund

No limit

Nursing student scholarship program fund

No limit

Kansas ethnic minority discontinued attendance fund

No limit

Clearing fund

No limit

Conversion of materials and equipment fund

No limit

Teacher scholarship program fund

No limit

Financial aid services fee fund

No limit

Provided, That expenditures may be made from this fund for operating expenditures directly or indirectly related to the operating costs associated with administering the Kansas osteopathy scholarship program, Kansas optometric scholarship program, Kansas nursing scholarship program and Kansas teacher scholarship program: *Provided further*, That the executive officer of the state board of regents is hereby authorized to fix, charge and collect fees for the processing of all new and renewal applications under the Kansas osteopathy scholarship program, Kansas optometric scholarship program, Kansas nursing scholarship program and Kansas teacher scholarship program: *And provided further*, That such fees shall be fixed in order to recover all or a part of the direct and indirect operating expenses incurred for administering such scholarship programs: *And provided*

58,000

6,349,568

50,000

457,065

25,000

\$30,788,761

the following
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\$462,000

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shall not exceed \$5,294 except upon approval of the state finance council.

Kansas supplemental grant program 2,300,000
State scholarship program 257,356

Provided, That expenditures may be made from this account for the state scholarship program and for the Kansas distinguished scholarship program: *Provided further*, That expenditures from this account for the Kansas distinguished scholarship program shall be made for tuition and required fees for persons who (1) are Kansas residents or hold an academic degree from a state educational institution, as defined by K.S.A. 76-711 and amendments thereto, (2) have been designated as a Rhodes scholar, a Brasenose scholar or a British Marshall scholar, (3) are acceptable to a state educational institution, as defined by K.S.A. 76-711 and amendments thereto, to be enrolled or are enrolled and are in good standing and making satisfactory progress at a state educational institution, as defined by K.S.A. 76-711 and amendments thereto, and (4) apply for and are awarded a Kansas distinguished scholarship in accordance with rules and regulations adopted by the state board of regents prescribing procedures and additional guidelines and criteria for award of Kansas distinguished scholarships, subject to the provisions of appropriation acts: *And provided further*, That such rules and regulations shall include procedures for reallocation of amounts which were paid pursuant to a Kansas distinguished scholarship award and which would otherwise be refunded in the case of a Kansas distinguished scholar who discontinues attendance at a state educational institution, as defined by K.S.A. 76-711 and amendments thereto, before the end of any semester.

Tuition grant program 5,423,824
Ethnic minority scholarship and fellowship programs 444,942

Provided, That any unencumbered balance in excess of \$100 as of June 30, 1993, in the ethnic minority scholarship program account is hereby reappropriated to the ethnic minority scholarship and fellowship program account for fiscal year 1994: *Provided, however*, That expenditures from such reappropriated balance shall not exceed \$29,058 except upon approval of the state finance council: *Provided further*, That expenditures may be made from this account for the Kansas ethnic minority scholarship program and Kansas ethnic minority fellowship program.

Kansas career work study program 482,047

Provided, That the state board of regents is hereby authorized to transfer moneys from this account to the Kansas career work study program fund of any institution under its jurisdiction participating in the Kansas career work study program.

Teachers scholarship program 462,184

Provided, That any unencumbered balance in excess of \$100 as of June 30, 1993, is hereby reappropriated for fiscal year 1994: *Provided, however*, That expenditures from such reappropriated balance shall not exceed \$6,408 except upon approval of the state finance council.

Youth education service program 39,700

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Information About the Awards

Marshall Scholarship

As many as forty students are selected each year to receive the Marshall Scholarship, an award valued at \$40,000 to \$60,000. The scholarship, funded by the British government, was established in 1953 as a national gesture of thanks to the United States for aid under the Marshall Plan.

Brasenose Scholarship

One Brasenose Scholar is selected annually, an individual with exceptional scholarly attainments, outstanding community service, and recognized personal integrity. The scholarship provides \$40,000 to \$60,000 for two to three years of study at Oxford University in England.

Chevening Scholarship

Approximately one to five Chevening Scholars are selected annually from among candidates distinguished by a record of leadership, scholarship, and service. The award provides \$40,000 to \$60,000 for study in a university of the scholar's choice in the United Kingdom.

Rhodes Scholarship

Thirty-two Rhodes Scholarships are awarded nationally each year to individuals with "proven intellectual and academic achievement of a high standard, integrity of character, interest in and respect for their fellow beings, the ability to lead, and the energy to use their talents to the full." The scholarships provide \$40,000 to \$60,000 for two years of study at Oxford University in England.

Fulbright Scholarship

The Fulbright Scholarship provides round-trip transportation, tuition, and a monthly stipend for one academic year in any of 55 countries, an award estimated to be worth more than \$15,000 in the host country's currency. K-State has had 30 Fulbright scholars since 1975.

Rotary International

The Rotary Foundation Scholarship is designed to further international understanding and friendly relations between peoples of different countries. The program provides scholarships to allow students to attend college in any of the 161 countries where Rotary is represented. Scholarships cover all expenses including room, board, tuition, transportation, and related costs and can be worth \$20,000 or more.

Goldwater Scholarship

This scholarship honoring Barry M. Goldwater provides up to \$14,000 for two years of undergraduate study. The scholarship was set up by Congress for science and math students.

Madison Fellowship

The James Madison Memorial Fellowship is a congressional award that provides a postgraduate scholarship of \$24,000 for the study of history, government, and social studies.

Truman Scholarship

As many as 85 Truman scholars are selected each year to receive \$30,000 for undergraduate and graduate study. Selection criteria include high academic achievement and a record of leadership in public service.

Phi Kappa Phi Fellowship

As many as 50 Phi Kappa Phi Fellows are selected each year, and each college or university is allowed to nominate just one candidate. The fellowship provides \$7,000 for graduate study at the university of the student's choice.

Mellon Fellowship

The Mellon Fellowship in the Humanities has provided a cash stipend of more than \$30,000, plus tuition and fees, for three years of graduate study. The fellowship, recently reduced to one year's support, encourages students showing unusual academic promise to pursue doctoral degrees and careers as teachers and scholars.

SHEILA HOCHHAUSER
 REPRESENTATIVE, 66TH DISTRICT
 1636 LEAVENWORTH
 MANHATTAN, KANSAS 66502
 (913) 539-6177 HOME
 (913) 296-7687 TOPEKA OFFICE



TOPEKA
 —
 HOUSE OF
 REPRESENTATIVES

COMMITTEE ASSIGNMENTS
 RANKING MINORITY MEMBER: LEGISLATIVE POST AUDIT
 MEMBER: APPROPRIATIONS
 CONTRACT AUDIT
 JOINT COMMITTEE ON
 HEALTH CARE OVERSIGHT

TESTIMONY IN FAVOR OF SENATE BILL 404
 (Rm. 519-S)

Mr. Chair and Members of the House Education Committee:

Senate Bill 404 was introduced in almost identical form by a bipartisan group of House members in 1993. I supported creating the Distinguished Scholarship Program and placing the program in statute in 1993, and I continue to support it now. I appreciate the introduction of SB 404 by the Legislative Educational Planning Committee, which Senator Oleen chairs.

I would like to spend a few minutes telling you about an outstanding young woman in graduate studies at Kansas State University. This will, perhaps, aid you to understand how the Distinguished Scholarship Program helps students and the State of Kansas.

Jane (not her real name) was an outstanding undergraduate student at Kansas State University. She is from Pennsylvania. She had a brilliant academic record, and she contributed in many ways to the Kansas State University and broader Manhattan communities. She was awarded a British Marshall Scholarship. Upon graduating at the top of her class, she spent time studying at Oxford. Upon returning to the United States, she decided to continue her studies in agronomy, which is soils science, to obtain her Ph.D at Kansas State University. She was still considered an out-of-state student, and her family does not have the means to support her graduate studies. The current Distinguished Scholarship Program, only through appropriations provisos, has provided Jane with essential tuition money. Her graduate research is outstanding and important to Kansas farmers. She has also given strong consideration to making Kansas her home.

House Education
 3/11/96
 Attachment 2

STATE OF KANSAS

SHEILA HOCHHAUSER

REPRESENTATIVE, 66TH DISTRICT

1636 LEAVENWORTH

MANHATTAN, KANSAS 66502

(913) 539-6177 HOME

(913) 296-7687 TOPEKA OFFICE



TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS

RANKING MINORITY MEMBER: LEGISLATIVE POST AUDIT
MEMBER: APPROPRIATIONS
CONTRACT AUDIT
JOINT COMMITTEE ON
HEALTH CARE OVERSIGHT

Each year in the Spring Jane is on pins and needles wondering if her scholarship will be included in the Regent's Appropriations proviso. Senate Bill 404 will make the Distinguished Scholarship part of Kansas law and do away with some of Jane's uncertainty. I urge your support for SB 404 and, further, urge you to support the appropriation of \$10,000, as recommended by the Kansas Board of Regents, to remove all of the uncertainty for these bright young people whose talents we are so fortunate to retain in Kansas.

Thank you for your attention. I would be happy to stand for questions.

*Sheila
Hochhauser*

Testimony of Nancy Twiss, Academic Advisor
and Special Assistant to the Provost for Scholarships
Kansas State University

Before the House Education Committee

1996 Legislative Committee

Regarding S.B. 404

3:30 P.M.
March 11, 1996

Room 519 South
Kansas State University

House Education
3/11/96
Attachment 3

March 11, 1996

To the Chair and Members of the House Education Committee:

I am here in support of S.B. 404.

My name is Nancy Twiss. I appreciate the opportunity to be here. I am a scholarship advisor and carry out other duties at Kansas State University.

I do not speak for other Kansas institutions, but I believe S.B. 404 is of interest to all: at least seven Kansas colleges or universities are represented among our state's nationally selected recent scholarship recipients. In addition, S.B. 404 may hold some measure of significance for the future of our state.

Background

In 1988, as you know, the Legislature enacted the Kansas-Rhodes Scholar Program. The purpose was to slow the "brain-drain" and to "lure back to Kansas some...exceptionally talented" people, namely students who became nationally or internationally recognized scholars while in college. The idea to try to attract them home to complete their advanced degrees and settle here originated in the Legislature (not in higher education, so far as I know.)

When the Kansas-Rhodes Scholar idea became known, it was well received by the Board of Regents and the Associated Students of Kansas. Proponents included the Kansas National Education Association, the Kansas Association of School Boards, and the Kansas Independent College Association. There were no opponents.

S.B. 404

S.B. 404 expands the categories of Scholars eligible for the Kansas Scholars program and changes its name.

Testimony

Expanding Eligibility: If the Legislature wishes to use a state scholarship program to help stem the tide of talent that is leaving our state, it makes sense not to limit the program to Rhodes Scholars, or to one or two other kinds of Scholars, but rather to include any individual recognized by specified, major, international or national scholarships. S.B. 404 would accomplish that purpose. Only two individuals have participated in the Kansas Scholar program since it began in 1988. The chances for attracting more Kansas scholar-leaders will increase when the pool of eligible individuals increases, as it would under S.B. 404.

Funding: To achieve this goal, it would be helpful for funding to be authorized for two or more

Scholars a year. It is likely that there will be no Scholars at all in many years, but the purpose of the legislation would be undermined if two or more eligible scholars applied in the same year and only one could be accommodated (or if the funding had to be divided so much that full offers elsewhere attracted the Scholars away from Kansas.) The intellectual, moral, and leadership requirements for receiving major national or international scholarships are so high that winners can be expected to have many tempting financial offers for advanced study. These Scholars represent valuable human resources of our state, and it seems wise for Kansas to take steps to enable the state to benefit from their contributions to society.

Line Item Appropriation: A line item appropriation for S.B. 404 would clarify funding and administration of the program.

Possible Results: Tangible evidence of our state's pride in our nationally and internationally recognized Scholars may encourage more of them to settle here. Certainly, the Kansas Distinguished Scholar program can generate good will, whether or not it induces students to return to Kansas immediately.

An Appeal: It will be your choice, of course, to decide how to respond to S.B. 404. I hope, at the very least, you will authorize continued funding for 1) the student who has already returned to Kansas to study because of the Distinguished Scholar Program, and needs it to complete a program of study, and 2) the student who, ever since accepting an International scholarship, has made plans in good faith to return to Kansas for advanced study as a Distinguished Kansas Scholar.

I will be glad to respond if there are any questions. Thank you.



TO: House Committee on Education
FROM: Mark Tallman, Director of Governmental Relations
DATE: March 11, 1996

RE: Testimony on S.B. 481 (School Board Local Control)

Mr. Chairman, Members of the Committee:

We appreciate the opportunity to appear in support of S.B. 481, which was introduced at our request. As the bill moved through the Senate, two issues not directly related to the primary issue were added. I will focus on our purpose in seeking the bill: to encourage innovation, experimentation and efficiency by giving elected local school boards a greater degree of local control.

Although the Kansas Constitution is designed to encourage local control by requiring that public schools must be maintained, developed and operated by locally elected boards, school boards only have authority which is granted by state law. In other words, to take any action, school boards must find specific authorization. This differs from Kansas cities and counties, which have home rule powers. The general principle of home rule is that local units may take actions which they believe are appropriate unless those actions are prohibited by law, rather than only those actions permitted by law.

For decades, Kansas and many other states have tried to achieve a better system of public education through mandates, regulations and restrictions. This assumes that all schools and communities are pretty much alike and that the state (or federal government) knows better than local school boards and educators what is in the best interest of students, families and taxpayers. Inevitably the vitality of local control is reduced.

Five years ago, the Kansas Association of School Boards endorsed Quality Performance Accreditation by offering this compact: school boards are willing to be held-accountable for results if you (the state) are willing to let us decide how to achieve those results.

We've come a long way on accountability. Under QPA, schools are held accountable for:

- Improving or maintaining high graduation rates and attendance rates;
- Declining or maintaining low drop-out rates;
- Student achievement in math, science, communications and social studies, measured on both state assessments and local assessment;
- Increasing the number of students mastering higher math concepts and completing advanced math and science courses; and
- Reducing violent acts against teachers and students.

House Education
3/11/96
Attachment 4

Unfortunately, we have not made as much progress on the other end of the bargain. Giving local school districts the ability to decide how to achieve the outcomes listed above means three things: (1) repealing existing regulations and mandates that prescribe how to do things rather than what is results should be; (2) stop adding new regulations and mandates; and (3) entrusting local districts with more authority to make decisions. The third point is the focus of S.B. 481.

A subcommittee of the Senate Education Committee recommended several changes in the bill which were adopted. As a result, this bill differs from the H.B. 2283, which you held hearings on last year. We hope these changes address concerns that this measure is too expansive or open-ended. First, it removes language that allowed local boards to "perform all powers of local legislation," and instead allows boards to "adopt policies that the board deems appropriate to perform its constitutional duty to maintain, develop and operate local public schools." This new language is taken directly from the Kansas constitution.

Second, it clarifies that school districts are subject to all rules and regulations of the State Board of Education.

Third, it removes subsection 4 on page 3, which would have directed the courts to liberally construe the powers of local boards.

The bill retains a list of specific prohibitions on board authority even with "home rule."

- Districts remain subject to all state and federal laws, including regulations of state and federal agencies. For examples, this bill would not allow districts to circumvent student or teacher due process rights or negotiations procedures.
- Districts cannot alter boundaries except as provided by law.
- Districts cannot affect the courts.
- Districts remain subject to debt limitations.
- Districts remain subject to election laws.
- Districts do not receive any new tax or spending authority.
- Districts cannot assume the responsibilities of other units of government.

It is also important to stress that districts would not be allowed to "charter out" of any current laws or regulations. But it would mean that when local school boards, elected by and accountable to the voters every other year, develop new ideas for services and operations in their own communities that are not prohibited by law, they will not have to wait for the entire legislature to consider whether to authorize such action. If "local control" is to have any real meaning, this seems to us the minimum level of local authority school boards should enjoy.

KASB does not have a specific policy position on the use of LOB funding for lease-purchase agreements. We believe that funding for capital improvements should be equalized. Districts receive state aid for bond and interest payments but not for capital outlay funds. We do support the amendment allowing districts to propose additional increases in LOB authority.

We have two officers from our association here today who would also like to make a few remarks. They are President Maureen Weiss, USD 437 (Auburn-Washburn) and President-elect Scott Brown, USD 347 (Kinsley-Offerle). I would be happy to answer questions either now or after they speak. Thank you for your consideration.

TO: House Committee on Education

FROM: Maureen Weiss, Board Member, U.S.D. 437 (Auburn-Washburn)

DATE: March 11, 1996

Thank you for the opportunity to appear before you this afternoon in support of Senate Bill 481. As a member of the Auburn-Washburn Board of Education for the past eleven years, I have served my local community as president and vice-president, chairperson of Strategic Planning, Technology and Employee Compensation Committees. Currently I am vice-president of the Shawnee County Special Education Cooperative. My involvement at the state level includes representing all Kansas Boards of Education members as president of the Kansas Association of School Boards. For two years I have served on the Quality Performance Accreditation Advisory Committee helping the State Board of Education refine the accreditation process for Kansas schools. In 1995, I was appointed to Governor Bill Graves Educational Advisory Committee.

After having worked with Board of Education all across this state, I know their members to be sincerely interested in doing what is best for children. After seeking an elected position on your local board, which is unpaid and demands many hours each month, most of us are sustained only by a genuine desire to improve the educational performance of all children.

The current fiscal climate demands that boards of education create maximum efficiency in the use of fiscal and human resources. At the same time, we are trying to elevate the performance of every child to meet a standard of excellence. We must have available to us and our communities every avenue needed to insure our success.

With the institution of site-councils for every school building, and the pervasive belief that parent involvement is critical to success, our work is more closely scrutinized than at any time in history. I know that parents and patrons, together with boards of education and their professional staff members, are capable of making prudent decisions to attain educational excellence.

In my district we are increasingly concerned about students at high risk of failure in schools due to complex circumstances involving social, home and sometimes legal circumstances beyond the school environment. Currently unless a child is deemed in need of care and falls under the KSA 38-1523, schools do not have the authority to set up an interdisciplinary team involving school and community personnel to intervene on behalf of a student at risk. The current system is by statute reactionary verses preventative. If we hope to be successful we must intervene as a multi-disciplinary team and prevent more serious problems.

I urge your support for S.B. 481 which will give local school boards and their staff members the opportunity to work tocreatively meet educational challenges now and in the future.

House Education
3/11/96
Attachment 5

Testimony on S.B. 481
before the
House Committee on Education

by

Scott C. Brown
President-Elect
Kansas Association of School Boards
March 11, 1996

Mr. Chairman, Members of the Committee:

Good afternoon, my name is Scott Brown. I am a member of the USD 347 Board of Education which serves the communities of Kinsley and Offerle. My state legislators are Representative Melvin Minor of Stafford and Senator Jerry Moran of Hays. In addition to serving on my local board of education, I am also a Regional Vice-president for Kansas PTA and President-Elect of the Kansas Association of School Boards.

I would like to thank the committee for this opportunity to speak on behalf of Senate Bill 481. I respectfully ask for your favorable support for this bill. It is my belief that this legislation offers greater opportunity for unified school districts across the state to control their own destinies and makes a very positive step in the direction of that seemingly elusive concept of local control.

In each of the five years I have served on my local board, I have had the opportunity to travel to Topeka at least once while the legislature has been in session and to personally observe the work of this committee. I know first hand from these opportunities of the leadership from within this committee in supporting site based decision making. It seems to me the concept behind the current "enumerated powers" law is contrary to the concept of site based decision making.

Senate Bill 481 will allow locally elected school boards working with patrons, parents and educators greater flexibility as they work together to meet the diverse and rapidly changing needs of the children in their communities. It will also allow them to think outside the box. Instead of problem solving that starts with "here is the list of things we may do and here is the problem", we will be able to say to our patrons, parents and educators "here is the problem so let's work together to find our solution." This paradigm shift is consistent with what I believe is the hinge pin of the school reform, that being, decisions made based on what is best and appropriate for each individual child rather than "here is the mold--make each child fit it."

Senate Bill 481, if nothing else, allows the state to move away from the idea that here are the things you may do, now make your district fit.

Thank you again for the opportunity to speak with you about this bill and I will be happy to try to answer any of your questions.

Respectfully submitted,

Scott C. Brown

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SB 481

Testimony presented before the House Committee on Education
by Gerald W. Henderson, Executive Director
United School Administrators of Kansas
March 11, 1996

Mister Chairman and Members of the Committee:

United School Administrators of Kansas appreciates this opportunity to support the "home rule" authority for local boards of education contained in **SB 481**. We believe that local boards of education need the same flexibility enjoyed by other local units of government, i.e. the ability to act on issues unless statutes specifically prohibit such action.

Two years ago, in response to a similar bill, USA surveyed 303 school district superintendents (one superintendent was then serving two districts). The survey asked superintendents to "list instances when your and/or your board of education wanted to do something, only to be advised that you did not have the authority." Some items on the list have resulted in enabling legislation, but many more reflect the creative imagination which could be released under the change proposed by **SB 481**.

Items included on the survey for which school districts did not have the authority were:

1. Charging tuition for summer school.
2. Charging tuition for night school.
3. Using school transportation for senior citizen activities.
4. In emergencies (the 1993 flood) using school buses to transport community people to jobs across state lines.
5. Join the local Chamber of Commerce.
6. Join local economic development corporation.
7. Use school transportation in cooperative arrangements with pre-school providers, Head Start, alternative private schools, child care providers.

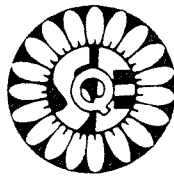
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8. Use of school capital outlay funds to repair/refurbish city owned recreation facilities (tennis courts) used by the schools.
9. Use interest dollars in textbook rental fund.
10. Using board funds to assist staff in gaining added certification endorsements.
11. Purchasing retirement gifts for long term employees.
12. Staff recognition dinner, etc. paid for by the district.

Other issues for which specific statutory authority had to be sought are:

1. School sponsored pre-schools and day care centers.
2. Purchasing cooperatives.
3. School breakfast programs
4. Lease/purchase agreements.

During this session, the legislature has again had to respond to specific requests for authority to do something which everyone believes to be a good idea, but for which no statutory authority exists. Two examples were **HB 2913**, which would allow districts to enter into contracts with private schools and child care centers to provide food service; and **SB 521**, which would allow districts to pay non-certified employees on a twelve month basis. Again, none of the specific statutes enabling any of these activities would have been required if locally elected boards of education enjoyed the same trust and flexibility granted to city and county governments. We think it is time the difference was eliminated.



Schools for Quality Education

Bluemont Hall Manhattan, KS 66506 (913) 532-5886

March 11, 1996

TO: HOUSE EDUCATION COMMITTEE

SUBJECT: CONCERNING SCHOOL DISTRICT BOARDS OF EDUCATION,
POWER OF LOCAL CONTROL-SB 481

FROM: SCHOOLS FOR QUALITY EDUCATION

Mr. Chairman and Members of the Committee:

I am Jacquie Oakes representing Schools For Quality Education, an organization of 105 small school districts.

We appear before you in favor of SB 481 which would give home rule to school districts.

We believe that this bill would allow districts to cut red tape and free them to do their job in a more expeditious manner. It would also allow Legislators to better spend their time and talents on the major issues of the state, rather than the minor issues of the districts. I do not have a count, but it seems each year there are several bills during a Session where particular districts are named needing statutory permission to take care of an item belonging distinctively to their district.

If school boards had home rule power, they could meet their own responsibilities with less time and expense to themselves, their constituents, and to Legislators. We have heard many, many times local control. This would return a measure of self-government and local control to elected people in the school districts who manage school business. Home rule seems to work well within our local government entities.

A Superintendent reminded me of Amendment 10 of the Constitution of the United States--the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Thank you for your time and positive consideration of SB 481.

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"Rural is Quality"



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

Craig Grant Testimony Before
House Education Committee
Monday, March 11, 1996

Thank you, Mr. Chairman. I am Craig Grant and I represent Kansas NEA. I appreciate this opportunity to visit with the committee about SB 481, the "home rule" bill for local school boards. The bill has had language about LOBs added to it, with which we have no problems. It is the original bill we oppose.

This is basically the same bill which was introduced last year by the KASB and not passed by this House Education Committee. The problem we have had with this proposal is trying to figure out what local boards really do want which they are not now allowed by the legislature or State Board of Education. It appears that you and the State Board have been more than willing to grant authority to local schools. In fact, we remember when the State Board offered to waive any rule or regulation and no local board took advantage of the offer.

So is this just philosophical? What do we really want? Do boards want to be able to do something not authorized without taking the time to ask the legislature for permission? If that is the case, then this legislature will have to spend its time trying to anticipate every questionable or extraordinary motion a board in any district could do--like granting super retirement deals to the top administrators--and pass a law prohibiting such action. We saw just such an indication when the Senate Education Committee inserted language prohibiting the use of LOB money for lease-purchase arrangements.

The Kansas Constitution puts the responsibility of education squarely on the shoulders of the state government through the legislature and the board of education. The bill brief explains that no other state except Texas has given this degree of local control to school boards. Both groups turn over a great deal of control to local boards. Further local autonomy should be dealt with on a case by case basis.

We believe we should rethink this concept and not adopt SB 481. The other concepts about LOB have been rolled into a House Bill in the Senate so the other areas are safe. Thank you for listening to our concerns.

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