

Approved: 1-18-96
Date

MINUTES OF THE SENATE COMMITTEE ON EDUCATION.

The meeting was called to order by Chairperson Barbara Lawrence at 1:30 p.m. on January 11, 1996 in Room 123-S of the Capitol.

All members were present except: Senator Sherman Jones

Committee staff present: Ben Barrett, Legislative Research Department
Carolyn Rampey, Legislative Research Department
Avis Swartzman, Revisor of Statutes
Doris Kinnett, Committee Secretary

Conferees appearing before the committee: Mark Tallman, Kansas Association of School Boards
Dale Dennis, State Board of Education
Gerald Henderson, United School Administrators
Susan Chase, Kansas National Education Association
Ted Ayres, Kansas Board of Regents

Others attending: See attached list

Mark Tallman told the committee the KASB focus will be on three bills: amendments to gun free school act, legislation to provide school district home rule, school board member required inservices. He expressed that his group wants to strengthen the three-part system of public education in Article Six of the state constitution. They would urge the development of legislation which would fully fund the current obligations of the state under the school finance system, and address the inadequate level of base budget support provided to larger school districts in Kansas. They would also urge support for QPA of school accountability, and support efforts to redesign the teacher and administrator certification system to reflect performance. Also they would like the teacher evaluation system strengthened. They would like the Education Committee to introduce legislation recommended by the Joint Committee on Children and Families that would amend the Gun Free Schools legislation passed last year. They also support amendments to the School Safety Act passed last year. They would like to see the committee study the issue of home rule, HB 2283 and SB 136, teacher due process. They would like to have a Senate bill to companion HB 2017, teacher inservice training (Attachment 1).

Senator Langworthy moved to introduce an amendment to the Gun Free Schools Act; a bill to provide school districts with "home rule", and a bill to require school board members inservices. Senator Emert seconded the motion. The motion carried.

Dale Dennis addressed the committee and expressed concern about technology in schools falling behind. Their recommendation is that technology grants to unified school districts would come from a special tax of \$.25 per video rental and \$25.00 for each new computer sold. It is recommended that each unified school district receive \$5,000 and the remaining amount be distributed on a per student basis. It is recommended that the state collect the money for one year and use those funds for distribution to school districts the following year. This fund would be a no-limit fund subject to revenue received the preceding year. Senator Emert moved to introduce a bill. Senator Walker seconded. The motion carried.

Gerald Henderson told the committee his association has no bill requests. Their interests are local option budget, funding children with special needs and providing stable revenue sources. The association supports the Governor's stance re-authorizing the 35 mill statewide levy for a balanced mix of taxes, property, sales and income, to support public schools. USA supports making the Local Option Budget subject only to a vote of the local board of education. USA recommends for computing maximum allowable budget, a school district be allowed to use the previous year's FTE enrollment or the current year's FTE enrollment, whichever is greater. Due process: they believe local boards should not be denied authority to make personnel decisions to protect teachers against arbitrary and capricious actions by administrators and boards of education. They would favor any legislation to restore authority of boards to make personnel decisions in Kansas school districts (Attachment 2).

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON EDUCATION, Room 123-S Statehouse, at 1:30 p.m. on January 11, 1996.

Senator Emert moved to introduce a bill to make the local option budget a decision of a local board rather than the state. Senator Downey seconded the motion. The motion carried.

Senator Emert asked if every child must be admitted to school, and the answer was that in case law, yes, all citizens must be educated. Senator Emert also asked if Kansas has a state blueprint of how to determine least restrictive environment.

Sue Chase addressed the committee, expressing KNEA's priorities for educational funding: movement to 100% funding of Special Education, funding of the second year of the correlation weighting, increasing the at-risk weighting factor, and increasing the base per pupil amount. For safe schools, they are researching three issues to determine what legislation would be needed. First, crisis plans should be developed, similar to fire or natural disaster plans. Second, sharing of information about a student with other juvenile care agencies; third, to develop alternative placements for students who are violent or potentially violent. Finally, to insure the future of public education (Attachment 3).

Senator Oleen questioned if there is cooperation among different agencies. Chase answered that Judiciary identified what information should be shared. Senator Emert asked about federal law on privacy, if agencies could be addressed as juvenile care agencies to share information. Chairperson Lawrence encouraged senators to see that sharing happens with other entities. Senator Kerr mentioned that Representative Adkins of Ways and Means recommendations are very important to this problem of being able to share information.

Ted Ayres will furnish the committee with a list of Board of Regents priorities, to include a proposal for crumbling classrooms to further repair, renovate, remodel, renewal projects of \$163 million at the Regents' institutions, borrowing moneys from educational building fund; a tuition accountability and flexibility proposal; and a method to give Regents' institutions more control and revenue from tuition and increase in enrollment; simplify budget process and set measurable performance standards; comprehensive grants (they support the concept of HB 9557). They support LEPC's distinguished scholars programs. Senator Downey asked if student grants give more money than necessary and provide inequities. He answered that Regents' institutions are looking at ways to downsize this program.

The next meeting is scheduled for January 16, 1996.

SENATE EDUCATION COMMITTEE GUEST LIST

DATE: 11/11/96

NAME	REPRESENTING
Bill Musick	ST-Blz Ed
Oran Burnett	USD 501#
Ted Ayres	Regents Staff
Stephen Jordan	Bd of Regents
Eric Senter	WSCU
Margy Dign	Steve Kenny + Assoc.
Ken Babo	4th Enrollment USD's
Helen Stephens	BV 229
Jacque Oakes	SQE
Merle Hise	KLCC
Bill Reid	KICA
Susan Chase	KNEA
Kolyn Lehman	Oletha USD 233
Karen Lowery	KAB
Paul Anderson	USA of KS

OVER.



TO: Members of the Senate Committee on Education
FROM: Mark Tallman, Director of Governmental Relations
DATE: January 11, 1996

We appreciate the opportunity to present an overview of our association's major legislative concerns for the 1996 session, and to request bill introductions.

The KASB Board of Directors has selected priority issues to strengthen the three-part system of public education established by the people of Kansas in Article Six of the state constitution.

- ◆ First, *the Legislature* is given the responsibility to provide suitable financing for the state's educational system.
- ◆ Second, *the State Board of Education* has the primary responsibility for educational accountability through its general supervision and accreditation powers.
- ◆ Third, *locally elected school boards* have the authority to maintain, develop and operate public schools on behalf of their community.

Today, we would ask you to consider legislative action in the following areas:

Finance

We urge you to develop and support legislation which:

1. Fully funds the current obligations of the state under the school finance system, as provided by the Governor's budget recommendations; and
2. Addresses the inadequate level of base budget support provided to larger school districts in Kansas, resulting in disproportionate reliance on the local option budgets (many of which expire at the end of the next school year); and the need to respond to rising education costs by all districts.

Educational Accountability

We urge you to continue support for the Quality Performance Accreditation system of school accountability. We continue to support a system of accreditation based on improvement in school and student performance, with locally developed strategies for achieving improvement targets and a system of assistance and sanctions for schools which fail to improve over time.

SENATE EDUCATION
1-11-96
ATTACHMENT 1

We urge you to support efforts to redesign the teacher and administrator certification system to reflect performance. We support strengthening the teacher evaluation system. One component should be removal of evaluation criteria and procedures from the professional negotiations process. A carryover bill to accomplish that step is SB 145, which was introduced last year at our request.

We would request that the committee introduce the legislation recommended by the Joint Committee on Children and Families that would amend the Gun Free Schools legislation passed last year. We support the committee's recommendations.

We also support amendments to the School Safety Act passed last year. We are working with the chief sponsor of the bill in the House last year, and do not have specific amendments to propose at this time.

Local Authority

To expand the ability of local school districts to meet changing community needs and seek innovative ways to operate more efficiently, we request that the committee introduce legislation which would grant local school boards the authority to take any actions which are not contrary to state and federal law or regulations and are taken in the interest of the district. This "home rule" legislation was introduced last year in the House as HB 2283. We would request that this committee study this issue as well.

We urge the committee to address the issue of teacher due process studied this summer by the Special Committee on Education. Last year, at our request you introduced SB 136, which remains in this committee. We are prepared to consider any alternative proposals to strengthen the ability of local boards to set employee standards while maintaining legitimate rights for teachers.

We also support creating a requirement that local school boards receive periodic inservice training as a condition of board service. This concept was introduced last year as HB 2017, which was carried over in the House Education Committee. We would request that the committee introduce a similar bill, which could be considered in conjunction with the two issues discussed above.

Summary

We request the following bill introductions:

1. Amendments to the Gun Free Schools Act.
2. Legislation to provide school districts with "home rule", rather than limited powers.
3. Legislation to require schools board member inservice.



1996 LEGISLATIVE OVERVIEW

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

Madam Chairman and Members of the Committee:

I appreciate this opportunity to visit with the committee about a few legislative issues my members think are important. I will make no specific bill requests this afternoon, but if any of the issues I raise make sense to the committee, I will of course be happy to work with you toward that end. Included in the packet of material attached to my testimony is a copy of the 1996 legislative position statements of USA. I will not review the entire document with you this afternoon. Our statements are brief and to the point, and I hope you will take the time to read them at your convenience. I will limit my comments to two categories, money and accountability.

I will most likely have an opportunity later on in the Session to share some of our positions on school finance with both Sen. Langworthy's Tax Committee and Sen. Kerr's Ways and Means Committee. I share them now with you for what I hope are obvious reasons. I will focus my comments about school finance on Base State Aid Per Pupil (BSAPP), planning of school district budgets, the Local Option Budget (LOB), funding services for children with special needs, and providing for stable revenue sources. I will discuss these issues in reverse order.

STABLE REVENUE SOURCES

USA has for the 11 years I have been with the organization supported a balanced mix of the three major revenue sources - property tax, sales tax and income tax - used to support Kansas public schools. There are essentially two reasons for this position. One, we believe that a balanced mix of taxes used in support of public services guards against the potential

SENATE EDUCATION
1-11-96
ATTACHMENT 2

disruptions caused by a sudden failure of one of the revenue sources. One need only look to our two neighbors to the south, Texas and Oklahoma, to understand the problems caused when a dominant revenue source dries up. The second reason for our support of a balanced mix of taxes is that such a mix allows **all** Kansans to participate in the support of public services. We are appreciative of the stance taken by the Governor on the re-authorization of the 35 mill statewide levy. We encourage the legislature to act affirmatively on the governor's recommendation.

SPECIAL EDUCATION

The nation's public schools have over the past several years enrolled an ever larger number of children who are products of an increasingly troubled and strained society. Kansas is not immune from this phenomenon. The move from serving troubled children in institutions to serving them in community settings has added to the numbers and to the strain. The governor's \$4.7 million in new dollars will almost maintain special education funding at current levels, which means that district general funds will continue to bear much of the burden. The kids with almost overwhelming special needs keep coming. I wish they did not, because serving them is frightfully expensive, but they do.

LOCAL OPTION BUDGET

LOB was included in the 1992 school finance plan for two reasons. One, to allow districts spending more than \$3600 BSAPP to continue spending at those levels. Secondly, to provide for some flexibility at the local level. LOB was never intended to become an ongoing part of the school finance picture. Quite to the contrary, the original law required that as BSAPP was increased, LOB was to be decreased by a corresponding amount. The plan was that eventually BSAPP would catch up with need and LOB would disappear. Since the current finance plan seems to be suffering from the same malady as the old SDEA, under funding, USA supports making the Local Option Budget subject only to a vote of the local board of education. 138 districts must renew their LOBs next year or loose up to 25% of their operating budgets. If the six largest districts loose LOBs, more than a third of the state's children will be affected. In Wichita, loss of the LOB would amount to loosing the budget authority needed to operate their senior high schools. If a change is to be made in LOB regulations, the 1996 Session must take action. Next year will be too late.

BUDGET PLANNING

In order to comply with the continuing contract law, Kansas school administrators must make staffing recommendations to their boards of education by May 1. Solid information about revenue is not available until September 20. Estimating future enrollments has become hazardous at best, especially in small districts, where the unexpected loss of an employer in the community could cause major disruptions to the budget planning process. USA supports adding a provision for declining enrollment to the current law much the same as existed under the old law. We recommend that for the purpose of computing maximum allowable budget a school district be allowed to use the previous year's FTE enrollment or the current year's FTE enrollment, whichever is greater.

BASE STATE AID PER PUPIL

Attached to my testimony are three exhibits which explain why in the face of the governor's message, USA would take a position in support increasing BSAPP to \$3800. The cost of doing business in Kansas has risen from 2.5% to 5.4% per year for the past five years. If BSAPP had been supported by the Kansas Legislature at only 2% per year we would be at \$3820 now. My members do not believe that asking for support of BSAPP at \$3800 for next year is out of line. In 1992 the legislature tied accountability measures to the new finance law. In 1995, under Quality Performance Accreditation, the evidence is growing that schools have responded positively to your call for accountability, and are indeed doing better. Teachers and administrators are working harder and longer at making a demonstrated difference for kids than at any time in my memory. Just last evening I left a meeting at Seaman at about 5:20 and two committees of teachers, administrators and patrons were still working. That kind of dedication needs to be recognized with reasonable salary increases. The public hearing notice from Western Resources illustrates the squeeze public school districts are in. A 9.5% increase in gas bills will be difficult for schools to handle with no increase in revenue.

ACCOUNTABILITY

Under the category of Accountability I would like to visit about only one of the position statements contained on pages six and seven of our brochure. That issue is **Teacher due**

process. Our position is not to remove from teachers protection from "arbitrary and capricious" actions by administrators and boards of education. Under the old three member panel system, if an issue got to court, the court applied the "arbitrary and capricious" test to the decision of the board.

Under court interpretation of the 1991 law, which replaced the panel with a hearing officer, that important test is applied not to the board's decision but to the decision of the hearing officer. We think that is wrong and that it was never the intent of the legislature to effectively deny local boards the authority to make personnel decisions. Again, teachers must be protected against arbitrary and capricious actions by administrators and boards of education. But, boards must be allowed to make personnel decisions in Kansas school districts. USA is in favor of any legislation which will restore this authority and at the same time protect teachers.

I appreciate this opportunity to visit with the committee, and will attempt to answer any questions.

BUDGET PER PUPIL

ESTIMATES

<u>1993-94</u>	<u>1994-95</u>	<u>1995-96</u>	<u>1996-97</u>
\$ 3,600	\$ 3,708	\$ 3,819	\$ 3,934
<u>1.03%</u>	<u>1.03%</u>	<u>1.03%</u>	<u>1.03%</u>
\$ 3,708	\$ 3,819	\$ 3,934	\$ 4,052
\$ 3,600	\$ 3,673	\$ 3,745	\$ 3,820
<u>1.02%</u>	<u>1.02%</u>	<u>1.02%</u>	<u>1.02%</u>
\$ 3,673	\$ 3,745	\$ 3,820	\$ 3,897

CONSUMER PRICE INDEX

PERCENT INCREASE

Calendar Year	1990	5.4 percent
	1991	4.2 percent
	1992	3.0 percent
	1993	3.0 percent
	1994	2.5 percent
	1995	2.8 percent*

*Estimate

when speed limits are increased, stricter enforcement will be practiced, with less of a grace allowance by police, Wohlforth said. Eichorn was less specific about grace allowances by the highway patrol.

When speed limits are increased, stricter enforcement will be practiced, with less of a grace allowance by police, Wohlforth said. Eichorn was less specific about grace allowances by the highway patrol.

When speed limits are increased, stricter enforcement will be practiced, with less of a grace allowance by police, Wohlforth said. Eichorn was less specific about grace allowances by the highway patrol.

When speed limits are increased, stricter enforcement will be practiced, with less of a grace allowance by police, Wohlforth said. Eichorn was less specific about grace allowances by the highway patrol.

When speed limits are increased, stricter enforcement will be practiced, with less of a grace allowance by police, Wohlforth said. Eichorn was less specific about grace allowances by the highway patrol.

When speed limits are increased, stricter enforcement will be practiced, with less of a grace allowance by police, Wohlforth said. Eichorn was less specific about grace allowances by the highway patrol.

When speed limits are increased, stricter enforcement will be practiced, with less of a grace allowance by police, Wohlforth said. Eichorn was less specific about grace allowances by the highway patrol.

PUBLISHER'S NOTICE
Sunday, Dec. 31, 1995
Vol. 76, No. 245
Kansas City Kansan

(USPS 290-160)
Published by The Kansan Publishing Co., 901 N. 8th St., Kansas City, Kan. 66101, daily except Saturdays and Mondays and New Year's Day, Memorial Day, Independence Day, Labor Day and Christmas Day. Subscription rates by carrier, in advance, \$18.35 for 3 months, \$34.90 for 6 months and \$67.35 per year. By mail, in Wyandotte, Johnson and Leavenworth counties in Kansas and Jackson, Clay and Platte counties in Missouri, \$79.90 per year, all others \$86.05 per year. Second class postage paid at Kansas City Kansas. POSTMASTER: Send address changes to Kansas City Kansan, 901 N. 8th St., Kansas City, Kan. 66101. Telephone number: (913) 371-1041.

Winning lottery numbers

Here are the winning numbers drawn Saturday night for various area lottery games:

- Kansas Pick 3: 2, 8, 7
- Kansas Cash Lotto: 1, 7, 17, 27, 30, 32
- Missouri Lotto: 3, 9, 11, 21, 23, 28
- Powerball: 7, 4, 13, 2, 26, 33

Notice of Public Hearing

Kansas Corporation Commission
on application for natural gas rate increase
Docket No. 193,305-U

To: KPL/KGE/Western Resources Customers:

Notice is hereby given that Western Resources has filed an application with the Kansas Corporation Commission requesting a \$36 million natural gas rate increase for both KPL and KGE customers.

The Commission has scheduled three public hearings concerning the request by Western Resources to allow customers to testify before the Commission on the application. Each public hearing will take place in two parts. First, there will be a question and answer period to allow customers to ask Commission staff and company representatives questions pertaining to the case. In the second part of the hearing, ratepayers will be allowed to make their statements to the three-member Commission.

Public hearings

The following public hearings have been scheduled:

- 7:30 p.m. Wednesday, January 24, Kansas Corporation Commission, Hearing Room, 1500 S.W. Arrowhead Road, Topeka, Kansas
- 7:30 p.m. Thursday, January 25, Bicentennial Center, 800 Midway, Salina, Kansas.
- 6:30 p.m. Wednesday, January 31, City Council Chambers, 455 N. Main, Wichita, Kansas.

The Commission will also accept written comments from Western Resources' customers through February 9. Comments regarding the case should reference Docket No. 193, 305-U and be sent to the KCC Office of Public Affairs, 1500 S.W. Arrowhead Road, Topeka, Kansas 66604-4027.

The Commission will hold a technical hearing on the request beginning February 12 at 10:00 a.m. in the main hearing room at the Commission's Topeka office. The Commission must issue its decision by April 13, 1996.

Western Resources proposal.

Western Resources requested permission to increase natural gas rates by \$36 million, which represents an overall increase of 9.4 percent for both KPL and KGE customers.

In its application Western Resources said it was requesting the rate increase to recover increased operating and maintenance costs, costs associated with the company's natural gas distribution line replacement program, and to attract capital and earn an adequate return on equity to protect its financial integrity. The company's last natural gas rate increase was granted in January 1992, when the company was allowed to increase rates by \$39.3 million or 9.5 percent.

Western Resources, through its KPL and KGE operating companies, provides natural gas service to approximately 608,000 customers in eastern and central Kansas.

Additional information available

For more information about the proposal or the public hearings, contact the KCC Office of Public Affairs and Consumer Protection at 1-800-662-0027. Any person requiring special accommodations under The Americans With Disabilities Act needs to give notice to the Commission at least 10 days prior to the scheduled hearing date.

Western Resources, Inc.
818 Kansas Avenue
Topeka, KS 66612

2-7



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

Susan Chase Presentation Before
Senate Education Committee
Thursday, January 11, 1996

Thank you Madam Chairman and members of the committee for allowing the Kansas National Education Association to make this presentation. We are pleased with the commitment you have made to the education of all Kansas' children.

The Kansas National Education Association has established three priorities for this session.

- Invest in Public Education
- Involve Others for Safe Schools
- Insure the Future of Public Education

Invest in Public Education

The Kansas National Education Association, in a departure from previous years, has established priorities for the funding of education. These priorities were established in recognition of the limited resources of the State of Kansas. We believe the state should invest its resources in the following order:

1. Movement to 100% funding of Special Education
2. Funding of the second year of the correlation weighting
3. Increasing the At-Risk Weighting factor
4. Increase the base per pupil amount

Involve Others for Safe Schools

We have begun to look at ways to insure our schools are safe and secure for the children and faculty. We are researching three issues to determine what legislation would be needed to facilitate action in these areas.

The first area involves actions taken by buildings if a potential violent situation arises. These would be situations where a student becomes extremely violent or an armed intruder enters the building. We believe that simple crisis plans should be developed that insure the safety of the children and the faculty in the building. These plans would be similar to fire or natural disaster plans in that they would contain plans for either evacuation or lock down of the building and establish a chain of command for the reporting and monitoring of the crisis. These plans should be well known and easily executed by the children and faculty of the building.

The second issue is one of communication and cooperation between the schools and other agencies that have supervisory duties for a particular student. We are investigating legislation instituted by the State of Washington that designates all agencies that deal with students 'juvenile care agencies'. It then allows and encourages those agencies to share information about a student who is under their supervision with other juvenile care agencies who have supervisory duties related to that student. We are examining how this would fit into our system and how we can insure the information is passed on to the person that has direct contact with the student.

Finally we are researching ways to encourage the development of alternative placements for students who are violent or potentially violent. These would not necessarily be school-run programs but would be cooperative community ventures.

Susan Chase Presentation
January 11, 1996
Page Two

We believe that safe schools are a community investment, and are committed to working with others to encourage a community approach to creating a safe environment for children.

Insure the Future of Public Education

My final point, but by no means a lesser priority, is to insure the future of public education. We believe that public education is the cornerstone of a strong democracy. We are committed to preserving and enhancing public education in this state. This is not an issue in which we are proposing legislation but a measuring stick by which we measure all legislation.

I want to thank you for your time. I hope you will continue your efforts to insure a strong public education for the children of Kansas.