

Approved:   
Date

## MINUTES OF THE SENATE COMMITTEE ON EDUCATION

The meeting was called to order by Chairperson Barbara Lawrence at 9:00 a.m. on February 25, 1997 in Room 123-S of the Capitol.

All members were present except:

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

Conferees appearing before the committee: Sue Chase, KNEA  
Mark Tallman, KSAB  
Gerald Henderson, USA  
Dale Rawson, Superintendent USD 427 Belleville

Others attending: See attached list

Senator Lawrence called the meeting to order, turned the Committee's attention to SB 213--relating to local option budgets and stated that the thing that needs to be done is to get an LOB out of Committee and hopefully out of the Senate and over to the House.

Susan Chase, KNEA, spoke in support of the bill, stating that the financing of education is the responsibility of the state. One of the compromises made to the new school finance formula was the institution of the local option budget. Not only did this allow a disparity among districts, it also began a trend of forcing districts to have to rely on local revenues for increases in school budgets. When the legislature did not increase the base per pupil for a number of years, local districts had to go to their constituents to fund not only new programs, but also to fund inflationary increases. KNEA believes this has had a disqualifying impact on education in the state and is aware of the impact of doing away with or reducing the LOB and how that would impact many local districts. Districts must be allowed to incrementally increase their authority to fund the LOB without protest.

Ms. Chase ended by stating that a long term solution to the districts' problems needs to be addressed; the base per pupil should be increased and the reliance on local effort to fund schools should be discontinued.  
(Attachment 1)

When asked to clarify what she meant by a disparity in districts, Ms. Chase said there are districts that have had to increasingly rely on the LOBs for basic operations where others have been able to expand their programs. There is more of a gap in what children are being offered or having at their school sites. The concern is the way the LOB has caused a difference in what is available for students, not just what they get per student.

Diane Gjerstad, Wichita Public Schools, briefly commented that she is present to lend support to the bill and to efforts to move to a long term solution on the LOB issue.

Ms. Gjerstad was asked how she thought the voters were going to feel if they were deprived of the opportunity to vote on the issues.

She responded that they would have an opportunity to vote for school board members who would act in their best interests.

Ms. Gjerstad was asked the percentage that Wichita receives from the state in its LOB. She responded about 82%. The concern about the LOB issue at the ballot box is never around student achievement, but about property taxes - if there is any other recourse to lower taxes. Seventy-five percent of the district's patrons don't have children in school and they see the ballot as one of the few opportunities to say no. She also stated that the district's LOB translates into 12.4 mills.

Mark Tallman, KASB, made a few short comments in support of the bill. KASB does not see this as a permanent solution, but a necessary step until a better solution is found. (attachment 2)

## CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON EDUCATION, ROOM 123-S-Statehouse, at 9:00 a.m. on February 25, 1997.

Gerald Henderson, USA, stated his organization supports the bill for the stop gap measure that it is. Many districts are using LOB funds for everyday operating funds. Required costs of operation ought to be funded by the legislature. (Attachment 3)

The Chairperson stated that this closed the hearing on **SB 213** and called for action on the bill.

Senator Emert moved to recommend SB 213 favorable for passage. Senator Downey gave a second to the motion. The motion carried.

### SB 65--alternative placement for students who are above a certain age

Senator Lee introduce Dr. Dale Rawson, Superintendent, USD 427, Belleville, Kansas, who was present to provide testimony on why the bill was introduced. (Attachment 4)

Mr. Rawson told the story of a 23 year old individual who approached the principal and announced his intention to return to high school. Educational records were obtained from the Larned Youth Center that showed he had earned several freshman course credits. The most appropriate placement would have been between the Freshman and Sophomore classes, although there were concerns about placing a 23 year old student with students ages 15 and 16, and in some cases, 14 years of age. Legal counsel was concerned about possible predatory motives this individual might have for wishing to be involved with the student population. It was decided this individual would best be served by placing him in an environment other than the regular classroom. The individual declined this and reiterated his desire to become a part of the school population. He further indicated a desire to participate in the extra curricular activity program at this time. This was not permitted because of KSHSAA guidelines, but the school was advised by KASB that there is not upper age limit with respect to eligibility for enrollment.

Mr. Rawson stated the situation ended when the individual declined to enroll since he wanted to be with older students and not with Freshman and Sophomores.

One of the Committee stated that he did not questions the bill's intent, but did question the wording of the bill.

Another comment was to the effect that school districts should have discretion, while not depriving anyone of an education.

Several further comments were made regarding the wording of the bill.

Gerald Henderson, USA, presented his testimony on the bill. (Attachment 5) He stated his believes the first message from the schools should be one of invitation, with **SB 65** in the school's back pocket just in case.

Mark Tallman, KASB, spoke to the bill, (Attachment 6), and stated that this bill would not deny educational services to these students, but would allow school personnel to make different placements if they believe that is in the best interest of both the older students and the students in the regular classroom.

Sue Chase, KNEA, spoke as an opponent of **SB 65** and stated that all individuals should have the opportunity to continue their education, whether it is in the secondary or post secondary; if an individual would like to get his high school diploma he should be allowed to attend the high school in the district. Local district should have a procedure spelled out in statute for deciding who may be excluded and how it should be determined. She ended by urging the Committee not to pass the bill out favorably. (Attachment 7)

The Chairperson appointed a subcommittee to work on appropriate language that will be acceptable to the Committee. Senator Emert will be Chairperson, Senator Lee and Senator Downey will serve. Action will be taken on the bill at the rail upon first recess tomorrow.

The minutes of February 10, 12 and 13 were approved on a motion by Senator Emert and second by Senator Langworthy.

The meeting was adjourned.

The next meeting is scheduled for February 26 at the rail.





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

Susan Chase Testimony on SB 213  
Before Senate Education Committee  
Tuesday, February 25, 1997

Thank you Madam Chair and members of the committee for allowing me to speak. I am Susan Chase and I represent the Kansas National Education Association. I am here to speak in support of SB 213.

Kansas NEA believes the financing of education is the responsibility of the state. In order to ensure an equal opportunity to a quality education for all of the children of Kansas, the state must take on the responsibility of financing that education. With the passage of the new school finance formula the state took a large step in that direction. Unfortunately, one of the compromises made to the formula was the institution of the Local Option Budget. Not only did this allow a disparity among districts, it also began a trend of forcing districts to have to rely on local revenues for increases in school budgets. When the legislature did not increase the base per pupil for a number of years, local districts had to go to their constituents to fund not only new programs but also to fund inflationary increases. We believe that this has had a disequalizing impact on the education in this state.

KNEA is extremely aware of the impact doing away with or reducing the LOB would have on many of the local districts. It is because of this that we are supporting SB 213. We also know that this is just a short term answer to the problem. Unless the state is willing to increase the base per pupil substantially, districts are going to have to rely on LOBs to continue to provide a good education for the students in their community. To do this we must allow districts to incrementally increase their authority to fund the LOB without protest. This would allow districts to fund inflationary increases.

We would urge this committee to not only pass out SB 213, but to also look for a longer term solution to the problems districts are facing. We believe that the only true way to provide a quality education for all the students of Kansas is to substantially increase the base per pupil and discontinue the reliance on local effort to fund schools. As Governor Graves said in his speech at the Education Summit, "We cannot expect steak and pay for meatloaf."

Thank you for allowing me to speak.

*Senate Education  
2-25-97  
Attachment 1*



TO: Senate Committee on Education  
FROM: Mark Tallman, Director of Governmental Relations  
DATE: February 25, 1997

**Testimony on S.B. 213**

S.B. 213 would provide an additional one-year extension of Local Option Budget authority due to expire after the next school year. While this is not a permanent solution to the LOB issue, we support this bill as a necessary step until a better solution is found.

**Testimony on S.B. 65**

S.B. 65 would allow school districts to place students who are above a certain age in alternative placements. This bill would not deny educational services to these students, but would allow school personnel to make different placements if they believe that is in the best interest of both the older students and the students in the regular classroom.

We understand the intent of this bill is to deal with students who would be older than their peers. For that reason, we suggest that the bill should be amended to refer to persons who are over the age of 18 and whose high school class has already graduated. There is clearly a compelling reason for treating such students in a different manner than students who have passed the compulsory attendance age but whose peer group is still in school.

Thank you for your consideration.

*Senate Education  
2-25-97  
Attachment 2*



## SB 213

Testimony presented before the Senate Committee on Education  
by Gerald W. Henderson, Executive Director  
United School Administrators of Kansas  
February 25, 1997

Madam Chairman and Members of the Committee:

United School Administrators of Kansas supports **SB 213** for the stop gap measure it is. Extending the term of current Local Option Budgets only moves the train wreck spoken about in this committee yesterday further down the track. As you know, many districts are using the supplemental general fund not for enhancements, but for everyday operating funds. It is our position that only when LOBs go the way they were originally intended will the wreck be avoided. LOBs were to decrease as BSAPP increased. Required costs of operation ought to be funded by the entity most able to provide the adequacy I most often talk about and the equity both for students and for taxpayers nearly everyone talks about. That entity is of course, you the Kansas Legislature.

We encourage you to pass **SB 65** favorably.

LEG/SB213

*Senate Education  
2-25-97  
Attachment 3*

# REPUBLIC COUNTY UNIFIED SCHOOL DISTRICT NO. 427

## ADMINISTRATION

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February 25, 1997

## TESTIMONY OF DR. DALE V. RAWSON BEFORE THE SENATE EDUCATION COMMITTEE REGARDING SENATE BILL 65

Senator Lawrence and Members of the Senate Education Committee:

First, thank you for allowing me to speak on behalf of Senate Bill 65 introduced by Senator Lee at our request.

Prior to making a few remarks about why we requested this bill, I would like to state what the bill is not. Senate Bill 65 is not an attempt to shirk the responsibility of providing education to **individual** citizens of Kansas. Rather, it is an attempt to allow local school districts the discretion they need to create a safe, healthful and orderly educational environment for **all** students.

In order to understand the basis of this bill, I will briefly review a situation which faced us last fall.

Near the start of the school year, our high school principal was approached by a 23 year old resident of our community who announced his intent to return to high school. The latest educational records we could obtain were from the Larned Youth Center where he had spent time and earned several freshman course credits. Since his release from Larned, he had no educational records that we were able to discover. Since the last credits earned were from the freshman year, the most appropriate placement would be between the freshman and sophomore classes. We had concerns about placing a 23 year old student with students of the ages of 15 and 16.

In addition to the lack of educational records, we were also concerned about the influence this adult may have on our students. Through the records of the court, we were able to determine that this adult had been adjudicated as a juvenile offender on multiple occasions. After placement at a youth home, the individual was ultimately committed to the Youth Center at Larned. Both alcohol and substance abuse problems as well as sexual misconduct have been apparent in the family when this individual was growing up and local legal counsel expressed concern about possible predatory motives this individual may have for wishing to be involved with our student population.

*Senate Education  
2-25-97  
Attachment 4*

Based upon our concerns about the impact of placing a 23 year old adult in an environment with impressionable teenagers, we determined that we could best serve this student in an environment other than the regular classroom.

We proposed to this individual that we could help him through preparation for the GED. He declined and reiterated his desire to become a part of our school population. We then suggested that we could provide him a private location and bring teachers to him on a one-on-one basis to work with him in meeting course requirements. He again declined and indicated his interest in becoming a part of the student body. He further indicated his interest to participate in the extra curricular activity program at this time.

While the request to participate in KSHSAA sponsored activities was not permitted due to the age guidelines adopted by the association, we were shocked when we were advised by legal counsel of the Kansas Association of School Boards that there is no upper age limit with respect to eligibility for enrollment. Even though we have some latitude in determining best placement for a student, the bottom line was that if the student persisted, we may have had to enroll him in regular classes with other high school students.

Again, I would like to point out that we never refused to help this individual. We offered to assist him with an individually designed program designed to allow him to earn enough credits to graduate from high school. Our only reluctance was in placing a 23 year old adult in an environment where he would have access to impressionable youth of high school age.

The situation ended when we finally determined that based upon his attendance records, he would need to enroll in Freshman and Sophomore course offerings. He declined to enroll at that point since he wanted to be with "older students" and not with Freshman and Sophomores.

My hope is that the Senate Education Committee will forward this legislation and work for its passage in the 1997 session. We appreciate Senator Lee's recognition of the potentially harmful impact the placement of this individual could have on our school setting and her effort in drafting legislation that would allow the school district the discretion it needs to establish an age appropriate environment for learning.

Thank you again for allowing me the opportunity to speak with you today. I will answer any questions that you may have.