

Approved: April 10, 1998  
Date

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION.

The meeting was called to order by the Ranking Minority Member Bill Reardon at 3:30 p.m. on March 4, 1998 in Room 519-S of the Capitol.

All members were present except:

Representative Cindy Empson - Excused  
Representative Cliff Franklin - Excused

Committee staff present: Ben Barrett, Legislative Research Department  
Avis Swartzman, Revisor of Statutes  
Cindy Wulfkuhle, Committee Secretary

Conferees appearing before the committee:

Joseph Barron, State Board of Regents  
Senator Lana Oleen  
Mark Tallman, Kansas Association of School Boards  
Gerry Henderson, United School Administrators of Kansas

Others attending: See attached list

Hearings on **SB 510 - state educational institutions, residence of students for fee purposes**, were opened.

Joseph Barron, State Board of Regents, appeared before the committee as a proponent of the bill. He stated that this bill would allow those who have not established residency in another state to be charge in-state fees if they have moved back to Kansas within 12 months. (Attachment 1) He also requested a technical amendment that would add the word "domiciliary residents of the state of kansas". (Attachment 2)

Hearings on **SB 510** were closed.

Hearings on **SB 388 - school district food service programs, contracts with municipalities**, were opened.

Senator Lana Oleen appeared before the committee as a proponent of the bill. She explained that USD 383 had been contacted by the Riley County Commission about providing meal service for the county's new law enforcement center. However, in order to do so there would need to be a statutory change that would allow municipalities to contract with the school district. (Attachment 3)

Mark Tallman, Kansas Association of School Boards, appeared before the committee in support of the bill. He believes that this type of issue should be decided at the local level and that this is why the Kansas Association of School Boards supports the "home rule" so these types of issues would not have to come before the legislature (Attachment 4)

Representative Jeff Peterson, Donna Keyser, School Food Service Director in Manhattan, and Jim Williams, Riley County Commissioner, were unable to appear before the committee but requested that their written testimony be included in the committee minutes. (Attachment 5)

Hearings on **SB 388** were closed.

Hearings on **SB 446 - school districts, duration of short-term suspensions of pupils from schools**, were opened.

Mark Tallman, Kansas Association of School Boards, appeared before the committee as a proponent of the bill. He commented that this would simply allow school personnel the flexibility to suspend a student for up to 10 days. The proposed bill would match the federal law allowing for special education students to be suspended for the same time period. (Attachment 6)

Gerry Henderson, United School Administrators of Kansas, appeared before the committee as a proponent of the bill. He believes that this bill would allow those who deal with kids who are problems more options in dealing with their behavior. (Attachment 7)

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION, Room 519-S Statehouse, at 3:30 p.m. on March 4, 1998.

Jacque Oakes, Schools for Quality Education, & Sue Chase, Kansas National Education Association, did not appear before the committee but requested that their testimony be included in the committee minutes. (Attachment 8)

Hearings on **SB 446** were closed.

The committee meeting adjourned. The next meeting is scheduled for March 10, 1998.

# HOUSE EDUCATION COMMITTEE GUEST LIST

DATE: March 4, 1998

NAME	REPRESENTING
Roslyn James-Martin	BRS-Children & Family Services
Melinda Calderwood	Washburn
MC Pomatto	Pittsburg State U.
Mark Tallman	KA SB
Jacque Dakes	SQE
Hershel Pear	Cit.
Denis Stanley	Jefferson West USD 340
Grace Blumett	USD 501 <sup>th</sup>
Dorothy Rockefeller	LOWU
Stacy Farmer	KA SB
DAT LEHMAN	@ USD 233
GERALD HENDERSON	USA of KS
Lita Hamman	KSD E
Josie Torres	Families Together
Stan [unclear]	AP
Walt [unclear]	KSD [unclear]

HOUSE EDUCATION COMMITTEE  
TESTIMONY ON SENATE BILL 510

Presented by  
Joseph T. Barron, Jr.  
General Counsel  
Kansas Board of Regents

March 4, 1998

Mr. Chairman and Members of the Committee:

The Board of Regents requests an amendment to residency statutes which would essentially permit Kansas residents who leave Kansas and return within 12 months to retain their "resident for fee purposes" status and be treated for fee purposes as if they had never left Kansas. Such persons have usually not established residency for fee purposes in another state because most states have a durational residency requirement similar to Kansas. Denying these former Kansans the ability to pay resident tuition upon returning to Kansas is appropriate under the current statute. However, this seems unfair when they have not been a resident in another state long enough to be classified as a resident of that state for fee purposes. Passage of this bill could have an impact on the amount of non-resident tuition which might otherwise be collected. However, the number of persons impacted would be small and the fiscal impact would be negligible.

I should note for clarity the bill provides that all persons not included in the definition of residents are nonresidents for fee purposes. The statute goes on to authorize the Board of Regents to allow certain specified classes of persons to pay resident tuition. For example, persons who have lost their resident status within six months of enrollment may be accorded the resident fee privilege. Such persons would be distinguished from those defined in the amendment above, because those persons returning to Kansas within 12 months of their departure would never have lost their resident status, and their resident status would not be related to an enrollment date.

Finally, we would offer a further technical amendment (bold print) to SB 510:

(a) Persons enrolling at the state educational institutions under the control and supervision of the state board of regents who, if such persons are adults, have **not** been **domiciliary residents** or, if such persons are minors, whose parents have **not** been **domiciliary** residents of the state of Kansas for at least 12 months prior to enrollment for any term or session at a state educational institution are ~~nonresidents~~ residents for fee purposes. *A person who has been a resident of the state of Kansas for fee purposes and who leaves the state of Kansas to become a resident of another state or country shall retain status as a resident of the state of Kansas for fee purposes if the person returns to **domiciliary** residency in the state of Kansas within 12 months of departure. All other persons are nonresidents of the state of Kansas for fee purposes.*

The technical amendment makes clear the intent that persons to whom this section applies are to be domiciliary residents, as defined K.S.A. 76-729(c)(4).

# SENATE BILL No. 510

By Committee on Education

1-27

9 AN ACT concerning the state educational institutions; relating to resi-  
10 dence of students for fee purposes; amending K.S.A. 76-729 and re-  
11 pealing the existing section.

12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. K.S.A. 76-729 is hereby amended to read as follows: 76-  
14 729. (a) Persons enrolling at the state educational institutions under the  
15 control and supervision of the state board of regents who, if such persons  
16 are adults, have not been or, if such persons are minors, whose parents  
17 have not been residents of the state of Kansas for at least 12 months prior  
18 to enrollment for any term or session at a state educational institution are  
19 nonresidents residents for fee purposes. A person who has been a resident  
20 of the state of Kansas for fee purposes and who leaves the state of Kansas  
21 to become a resident of another state or country shall retain status as a  
22 resident of the state of Kansas for fee purposes if the person returns to  
23 residency in the state of Kansas within 12 months of departure. All other  
24 persons are nonresidents of the state of Kansas for fee purposes.

domiciliary residents of the state of Kansas

domiciliary

domiciliary

25  
26 (b) The state board of regents may authorize the following persons,  
27 or any class or classes thereof, and their spouses and dependents to pay  
28 an amount equal to resident fees:

- 29 (1) Persons who are employees of a state educational institution;
- 30 (2) persons who are in military service;
- 31 (3) persons who are domiciliary residents of the state, who were in  
32 active military service prior to becoming domiciliary residents of the state,  
33 who were present in the state for a period of not less than two years  
34 during their tenure in active military service, whose domiciliary residence  
35 was established in the state within 30 days of discharge or retirement  
36 from active military service under honorable conditions, but whose dom-  
37 iciliary residence was not timely enough established to meet the residence  
38 duration requirement of subsection (a);
- 39 (4) persons having special domestic relations circumstances;
- 40 (5) persons who have lost their resident status within six months of  
41 enrollment;
- 42 (6) persons who are not domiciliary residents of the state, who have  
43 graduated from a high school accredited by the state board of education

LANA OLEEN  
SENATOR, 22ND DISTRICT  
GEARY AND RILEY COUNTIES



TOPEKA

SENATE CHAMBER

CHAIR: FEDERAL AND STATE AFFAIRS  
CHAIR: CORRECTIONS/JUVENILE JUSTICE  
CHAIR: LEGISLATIVE POST AUDIT  
VICE CHAIR: JUDICIARY  
MEMBER: EDUCATION  
CONFIRMATION OVERSIGHT  
LEG. EDUCATIONAL PLANNING  
KANSAS SENTENCING COMMISSION

LEGISLATIVE HOTLINE  
1-800-432-3924

**TESTIMONY ON SENATE BILL NO. 388  
HOUSE EDUCATION COMMITTEE  
MARCH 4, 1998  
BY  
SENATOR LANA OLEEN**

**Chairman O'Neal and Members of the Committee:**

**Thanks for the opportunity to testify in support of Senate Bill 388. The request for the bill came from the Intergovernmental Council of Riley County, but it has potential state-wide usage.**

**The provisions of the bill allow the board of education of any school district to enter into contracts with municipalities to provide meals for whom the municipality is responsible.**

**I am submitting copies of testimony offered in the Senate Education Committee to be entered into your committee record.**

**The bill has potential cost savings for communities and is consistent with intergovernmental cooperation.**

**I ask your favorable consideration of Senate Bill 388.**

KANSAS  
ASSOCIATION



OF  
SCHOOL  
BOARDS



1420 S.W. Arrowhead Rd, Topeka, Kansas 66604  
913-273-3600

TO: House Committee on Education  
FROM: Mark Tallman, Director of Governmental Relations  
DATE: March 4, 1998  
  
RE: Testimony on S.B. 388 - School District Food Service

Mr. Chairman, Member of the Committee:

KASB appears today in support of S.B. 388, which expands the authority of school boards in the area of food service contracts. It would allow boards to provide meals to the officers and employees of municipalities.

Our association strongly believes that this kind of decision should be made at the local community level. If a school board and municipal governing board - both made up of elected officials accountable to the voters - believe that providing meals through the school food service program is a good idea, they certainly should have the authority to do so.

This is another demonstration of why we support school board "home rule." The Senate has recognized this principle, and last year passed the school board local control bill, S.B. 37. Unfortunately, the House has not yet taken that position, which makes bills like this one necessary. We support this bill, but we ever more strongly urge this committee to pass a broad school board home rule bill such as S.B. 37 to make this kind of bill unnecessary.

Thank you for your consideration.

House Education  
3-4-98  
Attachment 4

STATE OF KANSAS

COMMITTEE ASSIGNMENTS  
APPROPRIATIONS  
SUB-COMMITTEE  
AGRICULTURE AND NATURAL RESOURCES

**JEFF PETERSON**

REPRESENTATIVE, DISTRICT 66

**TOPEKA ADDRESS:**

STATE CAPITOL, 155-E

TOPEKA, KANSAS 66612-1504

(913) 296-7694

EMAIL: REP\_\_JEFF\_\_PETERSON@MAIL.KSLEG.STATE.KS.US

**MANHATTAN ADDRESS:**

1850 CLAFLIN ROAD

MANHATTAN, KS 66502

(913) 539-2360



TOPEKA

HOUSE OF  
REPRESENTATIVES

TO: House Committee on Education  
FROM: Representative Jeff Peterson  
DATE: March 4, 1998

Mister Chairman, and Members of the Committee:

I am writing to ask for your support of Senate Bill 388.

This bill as indicated in your Bill Brief was requested by USD 383 and the County Commissioners of Riley County. This legislation will allow for the current food service at USD 383 to provide service at the new law enforcement center, resulting in savings for the taxpayers in Riley County. This type of flexibility will present opportunities for savings across the state of Kansas in the future.

Thank you for your time, on holding this hearing, and for your consideration.

House Education  
3-4-98  
Attachment 5



**Testimony in Support of Senate Bill No.388**  
**January 26, 1998**

Dear Members of the Senate Education Committee:

I am Donna Keyser, School Food Service Director in the Manhattan-Ogden Schools. I would like to thank the Education Committee for the opportunity to speak on Senate Bill 388. Our district was approached by the Riley County Commission about the possibility of providing meal service for the county's new Law Enforcement Center. With one small change, Senate Bill 388 would allow the school district to enter into the bidding process. In order to provide meals for inmates, paragraph 2 of the bill should read "... for the provision of meals to those for whom the municipality is responsible for providing meals," rather than "for officers or employees of the municipality."

As a taxpayer, I believe it behooves public agencies to seek bids from as many sources as possible. When the possibility exists for a local vendor to supply a major service, both immediate cost savings and long term benefits to the local economy can be realized. The county could save tax dollars by having a local vendor provide meals, and the district food service would have an additional source of income to offset increasing food and labor costs.

The taxpayers of the Manhattan/Ogden school district have enabled us to build a facility that greatly enhances our capacity for providing meals; this is an opportunity for us to show our constituents an additional return on their investment.

# SENATE BILL 388

TESTIMONY

OF

RILEY COUNTY COMMISSIONER

JIM WILLIAMS

BEFORE THE SENATE EDUCATION  
COMMITTEE

SENATOR BARBARA LAWRENCE,  
CHAIR

Madam Chair, members of the Senate Education Committee, it is indeed a pleasure to address you this morning regarding Senate Bill 388. This legislation is important to Riley County. Riley County is in the process of planning a new law enforcement center. A major part of the center is a jail that needs food service. Meals can be either be prepared in an institutional kitchen located in the jail, or in another institutional kitchen located elsewhere in the community.

The local school district presently operates a large institutional kitchen. Riley County could contract with the local unified school district to supply the jail with meals. This is an attractive jail meal option for Riley County because it would eliminate the duplication of large institutional kitchens, built at public expense, in

Manhattan. The Riley County commission believes contracting with the local unified school district for jail food service will therefore be in the best interest of all Riley County taxpayers.

In order for this to happen the legislature must grant authority to the local unified school district to enter into a food service contract with Riley County. Senate Bill 388 provides the local unified school district with the needed authority. I therefore urge you to favorably report Senate Bill 388 out of the Education Committee.

Thank you for allowing me time to testify. Are there any questions regarding my testimony?



TO: House Committee on Education  
FROM: Mark Tallman, Director of Governmental Relations  
DATE: March 4, 1998

**RE: Testimony on S.B. 446- Short Term Students Student Suspensions**

Mr. Chairman, Members of the Committee:

Thank you for the opportunity to appear today as a proponent on S.B. 446, concerning short-term suspensions from school. This is a very familiar bill. We have supported this bill each time it has come up because we believe that this legislation will benefit the students of Kansas in two significant ways.

First, it would allow school personnel more flexibility to remove dangerous or disruptive students from the classroom, helping to achieve safer, more orderly schools. We believe growing numbers of students, parents and teachers are concerned about that small minority of kids who hinder the educational experience of others. The rights of those students who come to school ready to learn, willing to work and follow the rules should not always be subordinate to rights of students with behavior problems. Children with such problems may need punishment, discipline or special services. We trust the professional educators in our public schools to make appropriate choices. This bill would also allow a longer short term suspension without formal, legalistic hearing requirements of a long term suspension.

Second, we believe that this bill will help students who face suspension. Most short term suspensions are probably 3-5 days, while long term suspensions often run until the end of the semester or up to 90 days. This bill would provide a "middle ground" for school officials who believe five days is not long enough.

Furthermore, by lengthening the maximum short-term suspension from five to ten school days, Kansas would be consistent with federal special education law, which allows for ten day suspensions.

This provision was contained in S.B. 1, which passed this committee and the Senate in the 1995 session. It was removed by the House Education Committee and ultimately lost in conference committee. And it was also contained in S.B. 36 last year which also passed this committee and the Senate and then got turned into the LOB bill in the house. We hope you will make another effort to enact this change.

We urge your favorable consideration of this bill.



## SB 446

Testimony presented before the House Committee on Education  
by Gerald W. Henderson, Executive Director  
United School Administrators of Kansas  
March 4, 1998

Mister Chairman and Members of the Committee:

I am Gerry Henderson, Executive Director of United School Administrators of Kansas, an association of approximately 1600 school leaders. USA supports increasing the limits of short-term suspensions from five to ten days for one reason. That reason does not involve a desire on the part of my members for more authority to remove children from school. Under current law we have all the authority we need to maintain safe and orderly environments in our schools.

Increasing the maximum length of short-term suspension will not mean that every such suspension will be for ten days. Most suspensions now are for terms less than the allowed five days. Typical suspensions for such violations as fighting or possession of tobacco products are for from one to three days. Most five-day suspensions occur when rules infractions are serious enough to warrant consideration of long-term suspension or expulsion. Under these circumstances, the due process procedures required by law are very difficult to complete in five days, especially when special needs children are involved. Federal law recognizes this fact, but Kansas statutes do not. We support bringing our law in line with the feds.

House Education  
3-4-98  
Attachment 7





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

Susan Chase Testimony Before  
House Education Committee  
Wednesday, March 4, 1998

Thank you Mr. Chairman and members of the committee for the opportunity to offer written comments on SB 446. I am Susan Chase and I represent the Kansas National Education Association.

This is an issue that has appeared before this committee many times. Each time it has come up for hearings, numerous discussions have been held within the Association. The concern that continues to surface is what effect the suspension will have on the student. We believe that what is more important than the length of the suspension is what educational alternatives would be provided for that student during the suspension. A student who has exhibited behavior that would result in a short-term suspension is probably already at-risk for failure. Suspending that student for a period of time, whether it is five days or ten days, with no other education alternatives provided will almost assure their failure.

Most school districts and educators are trying to address the problem of educational alternatives; but with limited resources, most of them are not satisfied with what they are able to offer. KNEA believes we need to provide incentives, support, and recognition to those districts that are working to develop and implement good alternatives for students who are not being successful in the regular classroom.

KNEA is concerned about this issue and stands ready to assist this committee in trying to address the problem. Thank you for listening to our concerns.