

Approved: April 10, 1998  
Date

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION.

The meeting was called to order by Chairperson Michael R. O'Neal at 3:30 p.m. on March 10, 1998 in Room 519-S of the Capitol.

All members were present except:

Representative John Ballou - Excused  
Representative Ralph Tanner - Excused

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

Conferees appearing before the committee:

Clyde Graber, State Treasurer  
Senator Tim Emert  
Dr. Steve McClure, Principal Shawnee Heights High School  
Mark Tallman, Kansas Association of School Boards  
Sue Chase, Kansas National Education Association

Others attending: See attached list

Hearings on Substitute SB 402 - postsecondary education savings programs, feasibility study, were opened.

Clyde Graber, State Treasurer, appeared before the committee as a proponent of the bill. He explained that this bill would authorize the State Treasurer's office to conduct a feasibility study to develop criteria for a postsecondary education savings plan. His written testimony provided several elements that would be studied. (Attachment 1)

Hearings on Substitute SB 402 were closed.

Hearings on SB 298 - state board of education prohibited from issuing certificate to certain persons, were opened.

Senator Tim Emert appeared before the committee as one of the sponsors of the bill. The proposed bill would prohibit the State Board of Education from knowingly issuing a certificate or a renewal of a certificate to any person who has been convicted of most felony offenses, and certain misdemeanors involving children, or those that have entered into a diversion regarding those offenses. It would also provide that the county or district attorney must file a written report with the State Board of Education for any person convicted of any offense provided in the act within 30 days of the conviction. The State Board would be granted immunity from liability. (Attachment 2)

Dr. Steve McClure, Principal Shawnee Heights High School, appeared before the committee as a proponent of the bill. He explained that there is a good interstate system of reporting but that there is no systematic way of reporting within the state. (Attachment 3)

Mark Tallman, Kansas Association of School Boards, appeared before the committee in support of the bill. He stated that this bill would protect children from those that could have a bad influence on them. (Attachment 4)

Sue Chase, Kansas National Education Association, appeared in support of the bill but had some concerns as to the way it would impact the Professional Practices Commission. (Attachment 5)

Hearings on SB 298 were closed.

The committee meeting adjourned. The next meeting is scheduled for March 11, 1998.





STATE OF KANSAS  
**Clyde D. Graeber**  
TREASURER

900 JACKSON, SUITE 201  
TOPEKA, KANSAS 66612-1235

TELEPHONE  
(785) 296-3171

**Testimony on Substitute for SB 402**  
**House Education Committee**  
**Assistant State Treasurer Peggy Hanna**  
**March 10, 1998**

Chairman O'Neal and Members of the Committee:

Good afternoon, my name is Peggy Hanna, the Assistant State Treasurer. On behalf of State Treasurer Clyde Graeber, I would like to thank you for this opportunity to discuss the Substitute for SB 402, which was passed 39-0 by the Senate February 27. This proposal originated with the Legislative Educational Planning Committee, and we're happy to see this collaborative effort reach your committee today.

Substitute for SB 402 would authorize the treasurer's office to conduct a feasibility study concerning college savings plans. Through a joint effort of the state treasurer's office and representatives of the board of regents, we determined the study should consist of the following elements:

- Examining existing college-savings plans;
- Determining participation guidelines;
- Maximizing participants' state and federal tax benefits by complying with current taxation codes;
- Studying the range of coverage the savings program provides;
- Examining investment procedures and regulations;
- Reviewing the concept of an oversight committee.

We also are asking the committee to approve a one-time \$30,000 allocation for this study. These funds will cover expenses associated with this study, such as travel to other states, conference calls with state and independent colleges and production of reports for legislative committees. Any unused portion will be returned to the state general fund. The treasurer's office has an existing example of this practice. We return to the general fund all unused dollars appropriated for the state's banking fees because those funds only can be used for that specific purpose. The identical practice would be applied to the funds attached to this feasibility study. Treasurer Graeber and I met with Budget Director Gloria Timmer, and she agreed that this allocation is a reasonable amount with which to conduct this study.

We have attached some additional information regarding college savings programs. I would be happy to answer any questions at this time.

# COLLEGE SAVINGS FEASIBILITY STUDY

The State Treasurer's Office has asked the Legislature to appropriate \$30,000 to conduct a feasibility study regarding a college savings plan. The study will require travel, teleconference calls, system reviews, proposal composition and presentation. The following items provide a detailed description of the priorities associated with this study.

INTERNAL ACTION	STATE VISITS	INTERIM	FINAL REPORT
<p><b>April-May, 1998</b></p> <ul style="list-style-type: none"> <li>• Assemble appropriate management staff and assign duties associated with the feasibility study.</li> <li>• In compliance with the legislative directive, the State Treasurer will meet with leaders of all regents institutions and independent state colleges.</li> <li>• Compile information from meetings and develop a survey for all interested institutions for higher learning.</li> <li>• Establish deadline for survey return and begin work on analyzing results.</li> </ul>	<p><b>May-July 1998</b></p> <ul style="list-style-type: none"> <li>• Establish extensive visits to two state savings programs that have characteristics similar to the plan discussed in the legislative committee.</li> <li>• Talk with other states' personnel, review their respective budgets, analyze systems and review marketing strategy.</li> <li>• If outside contractor is involved, meet with that company.</li> <li>• Compile program description to be used for legislative presentation</li> </ul>	<p><b>Fall 1998</b></p> <ul style="list-style-type: none"> <li>• Check with interim legislative committee to set date for preliminary proposal.</li> </ul> <p>Review feasibility study, referring to the legislative directives.</p> <ul style="list-style-type: none"> <li>• Develop cost analysis and review legislative requests to determine presentation's content.</li> <li>• Send all legislative committee members, caucus leaders, regents institutions/independent college representatives and other interested parties an advanced summation of the report.</li> <li>• Make preliminary report available on disk and on the web site.</li> </ul>	<p><b>1999 Legislative Session</b></p> <ul style="list-style-type: none"> <li>• Submit final report to appropriate legislative committees.</li> <li>• Issue report to all legislators, regents/independent colleges and interested parties. This version supplements the interim report and makes recommendations on legislative actions.</li> <li>• Contact Revisor's office regarding the drafting of legislation.</li> <li>• Contact Budget Division with analysis of program's costs.</li> <li>• Make final report available on web site and on disk.</li> </ul>
<p><b>COSTS:</b></p> <ul style="list-style-type: none"> <li>• Teleconference Calls</li> <li>• Production of survey/postage</li> <li>• Limited travel</li> <li>• Staff time: correspondence production</li> </ul>	<p><b>COSTS:</b></p> <ul style="list-style-type: none"> <li>• Two travel trips for two staff members, one program/systems analyst</li> <li>• Airfare, lodging for two visits</li> </ul>	<p><b>COSTS:</b></p> <ul style="list-style-type: none"> <li>• Report production</li> <li>• Distribution/postage</li> <li>• Computer hardware/software usage</li> </ul>	<p><b>COSTS:</b></p> <ul style="list-style-type: none"> <li>• Produce public information brochure for interested residents.</li> <li>• Production of final report/postage</li> </ul>

# State Contacts for College Savings Programs

Many of the state programs which are operational maintain Internet websites detailing the individual plans. These sites can be accessed by visiting the College Savings Plan Network's website at [www.collegesavings.org](http://www.collegesavings.org)

State	Contact	Telephone
Alabama	Pam Stevenson	(334) 242-7514
Alaska	Jim Lynch	(907) 474-7711
Arizona	Verna L. Allen	(602) 229-2592
Arkansas	Harold Criswell Mike Todd	(501) 682-5888 (501) 239-4002
California	Karl Engelbach Joseph Yew	(916) 322-7331 (916) 653-2995
Colorado	Becky Godec	(303) 395-1981, ext. 307
Connecticut	Treasurer Christopher Burnham	(860) 702-3001
Delaware	Marilyn Quinn	(302) 577-3240
Florida	Thomas J. Wallace	(904) 488-8514
Georgia	Governor Zell Miller	(404) 656-1776
Hawaii	Treasurer Earl I. Anzai Laurel Johnston	(808) 586-1518 (808) 586-6975
Idaho	Treasurer Lydia Justice Edwards	(208) 334-3200
Illinois	Donald Prince	(847) 831-8580 or (217) 785-0729
Indiana	Treasurer Joyce Brinkman	(317) 232-6386
Iowa	Keith Greiner Treasurer Mike Fitzgerald	(515) 242-6709 (515) 281-5368
Kansas	Governor Bill Graves	(913) 296-3232
Kentucky	Jo Carole Ellis	(502) 696-7383
Louisiana	Jack Guinn	(504) 922-1023
Maine	Treasurer Dale McCormick	(207) 287-2771
Maryland	Ellen Markowitz	(410) 269-0306
Massachusetts	Peter Mazareas	(617) 261-9760
Michigan	Robin Lott	(517) 335-4767
Minnesota	Treasurer Mike McGrath	(612) 296-7091
Mississippi	Treasurer Marshall Bennett	(601) 359-3600
Missouri	Treasurer Bob Holden Dan Peterson	(573) 751-2411 (573) 751-2361
Montana	Governor Marc Racicot	(406) 444-3111

## State Contacts for College Savings Programs

State	Contact	Telephone
Nebraska	Treasurer David Heineman	(402) 471-2455
Nevada	Treasurer Robert L. Seale	(702) 687-5200
New Hampshire	Treasurer Georgie Thomas	(603) 271-2621
New Jersey	Governor Christine Todd Whitman	(609) 292-6000
	Scott Freedman	(609) 588-2240
New Mexico	Lillian Montoya-Rael	(505) 827-7396
New York	Treasurer George Gasser	(518) 474-4250
North Carolina	Treasurer Harlan Boyles	919) 733-3951
	Dr. Steven E. Brooks	(919) 549-8614
North Dakota	Governor Edward Schafer	(701) 224-2200
	Treasurer Kathi Gilmore	(701) 328-2643
Ohio	Barbara Jennings	(614) 466-4229
Oklahoma	Ned Bastow	(405) 524-9129
Oregon	Treasurer Jim Hill	(503) 378-4329
Pennsylvania	Treasurer Barbara Hafer	(717) 772-5000
Rhode Island	Treasurer Nancy Mayer	(401) 277-2397
	Governor Lincoln Almond	(401) 277-2080
South Carolina	Treasurer Richard Eckstrom	(803) 734-2101
	James Holly	(803) 734-2101
South Dakota	Jeff Moser	(605) 773-3378
	Governor Bill Janklow	(605) 773-3212
Tennessee	Jill Bachus	(615) 532-8045
Texas	Wardaleen Belvin	(512) 463-4384
Utah	Norm Tarbox	(801) 321-7251
Vermont	Treasurer Jim Douglas	(802) 828-2301
	Bruce Post	(802) 655-9602 ext. 398
Virginia	Diana Cantor	(804) 786-0719 or (888) 567-0540
Washington	Linda Schactler	(360) 753-7825
West Virginia	Treasurer John D. Perdue	(304) 343-4000
	Charles Bockway	(304) 343-4000
Wisconsin	Marty Olle	(608) 264-7886
Wyoming	Treasurer Stan Smith	(307) 777-7408
District of Columbia	Michael Vincent Hodge	(202) 727-6055

## State College Savings Plans 1997

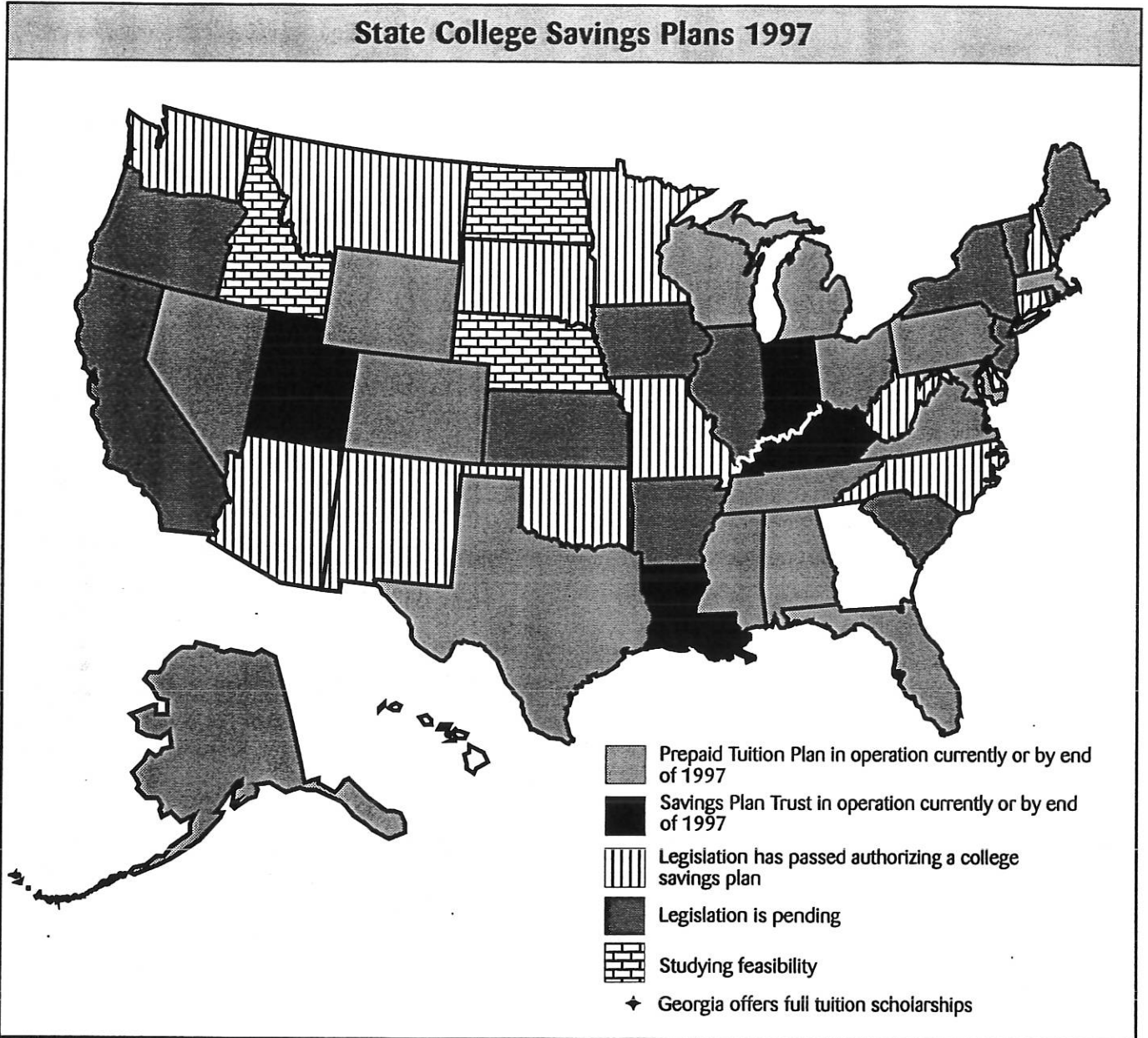


TABLE 9 + Program Management								
States	Basic Administration	Marketing	MIS	Banking/ Lock Box	Customer/ Account Services	Fund Investment	Investment Advice	Actuarial Services
Alabama	In-house	In-house	In-house & Outside	Outside	In-house & Outside	Outside	Outside	Outside
Alaska	In-house	In-house	In-house	NA	In-house	In-house	In-house	Outside
Colorado	In-house	In-house & Outside	In-house & Outside	Outside	In-house & Outside	Outside	Outside	Outside
Florida	In-house	Outside	Outside	Outside	Outside	Outside	Outside	Outside
Indiana	Outside	Outside	Outside	Outside	Outside	Outside	Outside	Outside
Kentucky	In-house	In-house	In-house	Outside	In-house	Outside	Outside	...
Louisiana	In-house	In-house & Outside	In-house	Outside	In-house	Outside (a)	Outside	Outside (b)
Maryland	(c)	(c)	(c)	(c)	(c)	(c)	(c)	(c)
Massachusetts	In-house	Outside	Outside	Outside	Outside	NA	NA	Outside
Michigan	In-house	In-house	In-house	Outside	...	In-house	In-house	Outside
Mississippi	In-house	In-house (d)	In-house & Outside	Outside	Outside	Outside	Outside	Outside
Ohio	In-house	In-house	In-house	Outside	In-house	In-house (e)	Outside	Outside
Pennsylvania	In-house	In-house	In-house	In-house	In-house	In-house	Outside	Outside
Tennessee	In-house	In-house	In-house	In-house	In-house	In-house	In-house & Outside	Outside
Texas	In-house	Outside	In-house & Outside	In-house	In-house & Outside	In-house & Outside	Outside	Outside
Utah	In-house	In-house	In-house	Outside	In-house	Outside (a)	Outside	NA
Virginia	In-house	In-house & Outside	Outside	Outside	In-house & Outside	In-house & Outside	Outside	Outside
Washington	In-house	NA	NA	NA	NA	In-house	In-house	NA
West Virginia	...	...	...	...	...	...	...	...
Wisconsin	In-house	In-house	In-house	Outside	In-house	In-house	In-house	Outside

Key: ... - Not Available; NA - Not Applicable

**Notes:**

- (a) State treasurer.
- (b) Consultants.
- (c) To be determined.
- (d) With help from consultants.
- (e) State pension plan, no outside cost.



TIM EMERT  
 SENATOR, 15TH DISTRICT  
 ALLEN, CHAUTAUQUA, SE COFFEY,  
 MONTGOMERY, WILSON, WOODSON COUNTIES  
 P.O. BOX 747  
 INDEPENDENCE, KANSAS 67301  
 (316) 331-4831  
 STATE CAPITOL BUILDING, ROOM 356-E  
 TOPEKA, KS 66612-1504  
 (913) 296-2497



KANSAS SENATE  
 OFFICE OF THE MAJORITY LEADER

## COMMITTEE ASSIGNMENTS

CHAIRMAN:  
 CONFIRMATIONS OVERSIGHT

VICE-CHAIRMAN:  
 JUDICIARY  
 ORGANIZATION, CALENDAR & RULES

MEMBER:  
 EDUCATION  
 INTERSTATE COOPERATION  
 LEGISLATIVE COORDINATING COUNCIL  
 STATE FINANCE COUNCIL  
 JOINT COMMITTEE ON GAMING COMPACTS

March 10, 1998

Senator Tim Emert  
 Testimony - SB 298  
 House Education - 519S - 3:30 p.m.

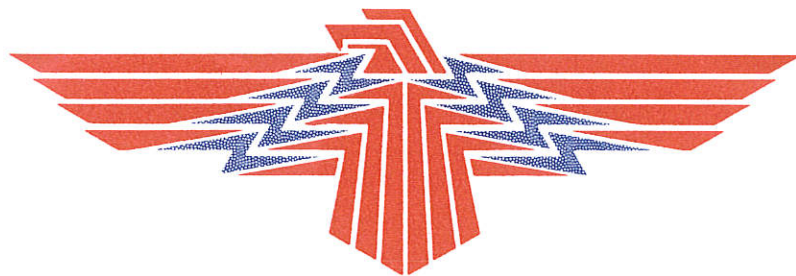
Thank you for the opportunity to testify on SB 298. The bill contains the following provisions:

- A) The State Board of Education is prohibited from knowingly issuing or renewing a certificate to any person convicted of or entering into a diversion agreement for the following offenses:
1. Rape
  2. Indecent liberties with a child
  3. Aggravated indecent liberties with a child
  4. Criminal sodomy
  5. Aggravated criminal sodomy
  6. Indecent solicitation of a child
  7. Aggravated indecent solicitation of a child
  8. Sexual exploitation
  9. Aggravated incest
  10. Endangering a child
  11. Abuse of a child
- B) The Board may issue or renew a certificate of a person convicted of certain offenses if the Board determines, after a hearing, that the person has been rehabilitated for a period of at least five years from the date of conviction. The bill provides factors to be considered in the Board's determination. These provisions also include diversions as well. The offenses include:
1. Felony conviction of any drug offense.
  2. Felony conviction of crimes against persons such as murder, manslaughter, vehicular homicide, aggravated assault, aggravated battery, criminal threat, kidnaping (including aggravated), robbery (aggravated), blackmail and a few others and misdemeanor battery, if the victim is a child or minor.

3. Felony conviction of a sex offense other than those listed in (a) such as promoting prostitution and aggravated sexual battery and misdemeanor sexual battery if the victim is a child or minor.
  4. Conviction of offenses affecting family relationships and children such as bigamy, incest, abandonment of a child (aggravated), nonsupport of a child, furnishing liquor or cereal malt beverage to a child and contributing to a child's misconduct.
  5. Felony conviction of offenses involving property such as theft, worthless check, burglary (aggravated) and arson (aggravated) and many others.
  6. Conviction of promoting obscenity to minors.
  7. Any attempt of any offense listed above.
- C) The county or district attorney must file a written report with the State Board of Education for any person convicted of any offense provided in this act within 30 days of the conviction of such act.
- D) The State Board is granted immunity from liability to any person refused issuance or renewal of a certificate by reason of the Board's good faith compliance with the requirements of this act.

During the years I served on the State Board of Education there were problems getting information on crimes committed by persons seeking to be licensed. SB 298 would be a great step forward to address this problem.

Thank you.



**SHAWNEE HEIGHTS  
UNIFIED SCHOOL DISTRICT NO. 450**

Central Services Facility  
4401 S.E. Shawnee Heights Road  
Tecumseh, Kansas 66542-9799  
(785) 379-5800 Fax: (785) 379-5810

Dr. Stephen G. McClure, Superintendent of Schools  
Rebecca L. Lisher, Associate Superintendent  
Shirley J. Martin, Assistant to the Superintendent for Business  
Kyle Goodwin, Director of Special Education

March 10, 1998

TO: Chairperson Michael O'Neal  
House Education Committee

FROM: Dr. Stephen G. McClure  
Superintendent of Schools

Testimony in Favor of  
Senate Bill 298

Dear Chairperson O'Neal and House Education Committee Members:

I am asking for your support of Senate Bill 298. I first became aware of a need for such a bill when I was involved in prison ministry at Lansing Medium Security Prison. The case involved an individual who was living in Johnson County and convicted of crimes against children in Johnson County, but was teaching for the Kansas City, Missouri School District. The individual was coming to the end of his three year sentence and had time remaining on his teaching certificates in both states. The Kansas City, Missouri School District did not know the individual resigned due to incarceration. Due to the fact he was not an employee, Shawnee Mission USD 512 was not aware of the individual.

I called the Director of Certification for the State of Kansas and asked them to check on this individual and check with the District Court of Johnson County. They did so and the certificate was removed by the Professional Practices Commission, which is an entity required by Kansas Statute. However, this incident made me realize how loose the process is in Kansas with regard to intrastate notification around these types of matters.

I have been working for a number of years to get this legislation passed. In 1995, it was passed out of the Senate in a bill sponsored by Senator Bogina, but arrived too late to be passed out of the House Education Committee. Every year there have been some refinements made in the bill. The bill, basically, covers individuals who commit felony crimes against children. Some misdemeanor crimes, for example, sexual

House Education  
3-10-98  
Attachment 3

Page two

battery against a 14 year old, is a misdemeanor, where the same act against a 13 year old is a felony. It would also have handled the recent case in Wichita with drug-related convictions. This legislation has the support of KNEA, KASB, and United School Administrators.

In reviewing Section 6e, the County or District Attorney shall file a written report to the Board of Education indicating the name, address, and social security number of people who have been determined to have committed any of the offenses of the acts specified in Sections A or B. Such report shall be filed within 30 days of the date of determination that the person has committed any such act. This is how the intrastate reporting would take place, as there are a number of individuals who hold Kansas teaching certificates who may not currently be teaching.

Also, it is important to realize that even if we had a system where we fingerprinted and did an F.B.I. check on every school district employee, there would still be a need for this legislation. It would be possible for an individual to have a five year teaching certificate, commit a crime, spend two years in prison, be released, and have two years left before they would be asked to self-report when renewing their certificate. To hold a Kansas teaching certificate currently requires self-reporting of such action.

"8. Since the issuance of your recent certificate, have you been convicted of a felony or a crime involving dishonesty, a controlled substance, or a child?"

The Professional Practices Commission investigates anyone who self-reports. But, my primary fear is the individual who does not self-report.

For your information, there is a good interstate system. For example, in the incident I mentioned earlier, after the individual's Kansas Teacher's Certificate was lifted, that information went to all of the other states and the individual's Missouri teaching certificate was also lifted. The real problem is there is no systematic way of communicating this type of information within the state.

Thank you for your time and consideration.

**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 9, 1998

**RE:** Testimony on S.B. 298 - Issuing Certificates to Persons Convicted of Crimes

Mr. Chairman, Members of the Committee:

Thank you for the opportunity to appear today as proponents of S.B. 298, which would prohibit the State Board from issuing or renewing certificates for persons convicted of certain crimes. We testified last year in favor of a similar bill in this committee, H.B. 2091.

The Kansas Legislature has shown considerable concern during the past several sessions over school safety, and has increased both criminal reporting requirements for school officials and penalties for students. Equal efforts should be made to protect students from individuals who should not be in the classroom or even the school building.

This bill would reinforce and hopefully strengthen efforts by the State Board, the Department of Education and the Professional Practices Commission in this regard. We urge its favorable passage.

House Education  
3-10-98  
Attachment 4



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

Susan Chase Testimony Before  
House Education Committee  
Tuesday, March 10, 1998

Thank you Mr. Chairman and members of the committee. I am Susan Chase and I represent the Kansas National Education Association. I am here to offer comments on SB 298.

KNEA supports the efforts to improve the process of licensing in Kansas, including the areas of non-issuance, suspension, and revocation of licenses for certain individuals. KNEA has long supported the work of the Professional Practices Commission and believes they have done a superb job of policing the teaching force in Kansas. Unfortunately the current system is not perfect and we are always looking for ways to improve the system.

We do not oppose SB 298, but we do have some concerns about the way the bill is drafted and its impact on the Professional Practices Commission.

Currently, anytime an individual is reported to the commission for possible problems, the commission investigates and holds hearings on the matter. If the commission finds the individual committed an act that should result in action on their certificate, their recommendation is taken to the state board for action. If this bill becomes law, will the same process still take place or will most of the matters proceed directly to the state board for action?

We also have concern about the mandatory action as it involves diversions. Since individuals who enter into diversions do not admit guilt nor are they considered guilty by entering into a diversion, are we automatically assuming guilt by making the act mandatory? Those individuals should be referred for possible action instead of taking immediate action.

Finally, we question whether requiring county or district attorneys to file written reports is the most efficient and most productive way of handling reports to the state board. KNEA believes that reporting is the most pressing problem that needs to be dealt with and we are afraid that because of budget constraints and lack of manpower this solution will not solve the problem.

We stand ready to help provide solutions to the problems we outlined and hope this committee will take deliberate action toward addressing some of our concerns.

Thank you for allowing me to speak.

House Education  
3-10-98  
Attachment 5