

Approved: _____

1/28
Date

MINUTES OF THE SENATE COMMITTEE ON EDUCATION

The meeting was called to order by Chairperson Barbara Lawrence at 9:00 a.m. on January 22, 1998 in Room 123-S of the Capitol.

All members were present except: Senator Hensley
Senator Langworthy

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: Rodney J. Bieker, KSDE, General Counsel
Ann Colgan, President, KS Proprietary School Commission
Karen France, KS Association of Realtors
Jean Duncan, KS Real Estate Commission
Stacey Farmer, KASB
Susan Chase, KNEA
Gerald W. Henderson, USA
Jacque Oakes, Schools for Quality Education

Others attending: See attached list

Chairperson Lawrence called the meeting to order. Dr. John Morton, Superintendent USD 465, Winfield, Kansas, requested a bill on behalf of the Kindergarten Coalition that would allow schools districts to receive full-time equivalency for funding for kindergarten students because there are so many who are going full days, yet are counted as half-time students. The district would like to have them counted as full-time students.

Senator Emert moved the introduction of the legislation, seconded by Senator Umbarger. The motion carried.

SB 444--proprietary schools

Rod Bieker, Kansas State Department of Education, gave the history of the proprietary act and what is hoped to be accomplished in the bill. He stated the concerns the bill addresses. A proposed amendment was attached to Mr. Bieker's testimony (Attachment 1)

Mr. Bieker was asked for the number of schools that close and he replied it averages about two a year, the two main reasons being corporate closure or inability to operate financially and having to close the doors.

There are approximately 80 proprietary schools representing a wide range of instructional formatting from animal husbandry, modeling, and technical schools that have as few as 3 students to a top range of 300 students. They are mostly concentrated in the population centers and most are east of Highway 81. Those west of Highway 81 are essentially massage therapy schools.

Ann Colgan, President, Kansas Proprietary School Commission, presented her testimony (Attachment 2) and stated that what they would really like to see is better availability of governing themselves. Most of the schools are career relevant with an average attendance of 28-30 students.

Karen France, Kansas Association of Realtors, spoke in opposition to the bill, stating that the members question the need for students of one school paying for the poor business decisions of another school (Attachment 3) She referred to page 8, section 12, relating to the posting of a bond and stated that a better way may be to increase the bond or the bond provisions could be amended to provide coverage for those left in the lurch when a school closes its doors. She ended by questioning why the members should be forced to pay an additional charge to cover the mistakes of others.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON EDUCATION, ROOM 123-S-Statehouse, at 9:00 a.m. on January 22, 1998.

Jean Duncan, Kansas Real Estate Commission, appeared as a neutral conferee. (Attachment 4) She stated the Commission requests the bill be amended to amend the license act and to make any other amendment which would be necessary to provide that continuing education courses not be subject to the \$4 per student fee.

As there were no further conferees on the bill, the Chairperson stated that the hearing was closed. It will be taken up again next week.

SB 446--short-term suspensions

The Chairperson stated that this legislation passed the Senate last year, but got no further in the process.

Stacey Farmer, KASB, appeared as a proponent of the bill and stated it would benefit the students of Kansas in two ways: 1) it would allow school personnel more flexibility to remove dangerous or disruptive students from the classroom; 2) it will help students who face suspension. (Attachment 5) The bill will provide a "middle ground" for school officials who believe five days is not long enough. The bill will also be consistent with federal law, which allows for ten day suspensions for students in special ed programs.

Comments were made about the problem suspension creates and some efforts by educators to get some type of alternative for this type of student.

The comment was also made that there are others in the classroom who come ready and willing to learn, but who are being sidetracked by the disruptive student.

Susan Chase, KNEA, appeared on the bill and expressed the concern of what suspension will do the student. (Attachment 6) Suspension of a student without an alternative provided will almost assure the failure of that student. KNEA stands ready to assist the committee in trying to address the problem.

Gerald W. Henderson, United School Administrators, appeared on the bill and stated that USA supports increasing the limits of short-term suspensions from five to ten days. Due process procedures required by law are very difficult to complete in five days. Federal law recognizes this, but Kansas statutes do not. (Attachment 7)

Jacque Oakes, Schools for Quality Education, submitted written testimony (Attachment 8) and commented about beginning to see more help provided for this type of student in the small school districts she represents.

Senator Emert recommended favorable passage of SB 446. Senator Oleen gave as second to the motion. The motion carried.

The meeting was adjourned.

The next meeting is scheduled for January 26, 1998.

SENATE EDUCATION COMMITTEE GUEST LIST

DATE: January 22, 1998

NAME	REPRESENTING
Scott Hill	KSBE
Ann Colgan	KS Prop. Comm.
Gerald Christensen	KS Dept of Ed.
Rod Bieker	"
Sean C. Payant	KS Assn. of Realtors
KAREN FRANCE	" "
KAREN GEHLE	" "
Jeds	Keep for Networking
Diare Ejerstad	USD 259
Mary R Hillen	SRS - CFS
Janie Zharovsk	Sen. Min. Agenda Clerk
Bessie Luard	Families Together, Inc.
Josie Torres	Families Together, Inc.
Kari Ramos	KAPS
Vidilegum Hellsa	Budget
Stacey Farmer	ICASB
JACQUE OAKES	SQE
Jean Duncan	Real Estate Commission
Gerald W. Henderson	USA of KS



Kansas State Department of Education

120 S.E. 10th Avenue
Topeka, Kansas 66612-1182

MEMORANDUM

TO: Senate Education Committee

FROM: Rodney J. Bieker, KSDE, General Counsel *RSB*

SUBJECT: 1998 S.B. 444 --- Proposed legislation to strengthen and clarify the Proprietary School Act, K.S.A. 72-4916 et seq.

DATE: January 22, 1998

As one of its many duties, the State Board of Education has the statutory duty to issue certificates of approval to proprietary schools. These are schools which are private, non-tax supported and provide vocational training.

The Proprietary School Act, 72-4916 et seq. was adopted in 1971. It has remained virtually unchanged since its original enactment.

The law provides for a nine-member advisory commission. The commission is charged with the duty of recommending policies, regulations and standards in regard to proprietary schools.

At its meeting in November 1995, the State Board met with members of the Proprietary School Advisory Commission to discuss issues of importance regarding proprietary schools. Following a fairly lengthy discussion, it was agreed between the State Board of Education and the members of the Commission that a study of the Proprietary School Act was in order. Therefore, in 1996, the Legislative Educational Planning Committee (LEPC) was requested to conduct an interim study of the law, with a view towards strengthening and updating this 25-year old law.

Suggested changes in the law were developed jointly with members of the Proprietary School Advisory Commission and staff of the Department of Education. These suggestions were then discussed with the LEPC which refined the proposed changes. The LEPC then agreed to introduce legislation in the 1997 session of the legislature to make the desired changes. The resulting bill was 1997 House Bill No. 2004. This year, the bill has been introduced in the Senate and is S.B. 444.

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In particular, this bill addresses the following concerns:

1. A major component of the bill is to provide adequate protection for students of such schools if they close for any reason. This protection is provided by creating a state student tuition protection fund. The source of money for this fund is fees collected from the proprietary schools. Moneys in this fund would be available to reimburse the tuition paid by students if a proprietary school closes.

2. In a related manner, if a proprietary school closes, it is vital that the students' records of that closed school be maintained and information relating to students of the school be kept. The current act does not provide adequate provisions to address this vitally important matter. This bill adds provisions for collecting and preserving those records

3. Another area in need of attention is the fee schedule provided for in this law. The schedule has not been changed since 1977. Once again, the change needed in the fee schedule is supported by the advisory commission, the majority of which are proprietary school owners or managers.

4. Finally, the language used in this 27-year old statute needs to be edited and updated to assist in the proper administration of the law. Therefore, many editorial changes are made.

The State Board believes that enactment of this bill will strengthen the proprietary school law and provide adequate protection to students enrolled in such schools. Therefore, the State Board requests your favorable consideration of this bill.

Amendment
to
Senate Bill 444

Any proprietary school which is exempted from this act under K.S.A. 72-4920(b), and amendments thereto, may request, upon closure of the school, that the state board acquire, permanently file, and maintain the records of all students who are in attendance at the school at the time of closure or who have attended the school at any prior time. Upon such request, the state board may acquire, permanently file and maintain such records.

Kansas Advisory Commission on Proprietary Schools

Basic Statistics:

48 Proprietary schools within the State.

27 Out-of-state proprietary schools.

Title IV Funding:

Not more than 18 schools use federal funds to finance educational costs; whereas, much of the funding is acquired via local sources and/or personal (student) monies.

Enrollment Numbers:

At an individual school, the total student population ranges from 2 students to over 300 students (e.g. Topeka Technical College).

Educational Programs:

Each specific school strives to provide an education which can fulfill a specific regional business need. A wide-range of opportunities are available to students ranging from course work in animal husbandry, modeling, Chinese medicine, and/or technical studies. The technical studies can include the fields of medicine, law, computer information systems, and business operations.

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Attachment 2
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Executive Offices:
3644 S. W. Burlingame Road
Topeka, Kansas 66611-2098
Telephone 913/267-3610
Fax 913/267-1867

TO: THE SENATE EDUCATION COMMITTEE

FROM: KAREN FRANCE, DIRECTOR OF GOVERNMENTAL AFFAIRS

DATE: JANUARY 22, 1998

RE: SB 444, THE PROPRIETARY SCHOOL TUITION PROTECTION FUND

Thank you for the opportunity to testify. The Kansas Association of REALTORS appears today in opposition to the creation of the Proprietary School Tuition Protection Fund.

The Kansas Association of REALTORS operates a proprietary school which offers pre-license and continuing education courses to real estate licensees. We have concerns about the need for a "protection" fund and the way it would impact students who attend classes in our school.

First, our members question the need for students of one school to pay for the poor business decisions of another school. This bill appears to require students who attend our school to pay \$4 for each class they take from us, in order to cover the tuition costs of students of another school who, either unintentionally, or perhaps intentionally, close their doors without delivering the promised education. Does it make sense for students who attend our school to subsidize these bad business decisions?

There may be a better way to handle the situation. Under current law (addressed in the bill on page 8, in Section 12 at line 38), a \$20,000 bond must be posted in order to receive a proprietary school certificate of approval from the Department of Education. However, that bond only insures that, in the event a school closes, the state board can recover the cost for acquiring, filing and maintaining the student records of the proprietary school.

We question whether the better solution to the problem of proprietary school closure is to increase the level of this bond, based upon a formula taking into account the number of students and/or the tuition collected on an annual basis. Additionally, the bond provisions of the statute could be amended to provide coverage for the students who are left in the lurch when a school closes its doors.□□

Finally, we want to point out that, while \$4 may not appear to be very much money and no cause for concern, we want to put it in perspective for you. Real estate licensees are required to take 12 hours of continuing education every two years. A member of KAR who

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takes a 4 hour continuing education class from us pays \$30. An additional \$4 charge to cover the cost of this "protection" fund adds approximately 13% to the cost of that class.

Our members ask what they need protection from. While continuing education is a relatively new invention, our association has existed for 75 years. Why should our members be forced to pay for insurance they don't need, just to cover the mistakes of others? Shouldn't individual schools take responsibility for their own financial soundness, rather than forcing other students, like ours, to pay for their mistakes.

In closing, the members of the Kansas Association of REALTORS question the need for a "protection" fund. We think there are better avenues of addressing the problem by making schools responsible to their own students and without unnecessarily burdening the pocketbooks of students attending schools such as ours. We ask you to defeat this proposal.

Thank you again for the opportunity to testify.

□



BILL GRAVES, GOVERNOR

KANSAS REAL ESTATE COMMISSION

Three Townsite Plaza Ste 200
120 SE 6th Ave
Topeka, KS 66603-3511

(785) 296-3411



JEAN DUNCAN, DIRECTOR

January 22, 1998

TO: THE SENATE EDUCATION COMMITTEE

FROM: JEAN DUNCAN, DIRECTOR
KANSAS REAL ESTATE COMMISSION

DATE: JANUARY 22, 1998

SUBJECT: SENATE BILL 444

Thank you for the opportunity to testify.

The Kansas Real Estate Commission requests that you amend Senate Bill No. 444 to delete subsection (g) of K.S.A. 58-3046a. This section of the Kansas real estate brokers' and salespersons' license act pertains to educational requirements of applicants and real estate licensees.

Subsection (g) provides that courses approved by the Kansas Real Estate Commission be offered by proprietary schools or by one of the other entities which is listed therein.

(g) Except for courses reviewed pursuant to subsection (j), on and after January 1, 1994, courses of instruction required by this section shall be courses approved by the commission and offered by:

- (1) An institution which is accredited by the north central association of colleges and secondary schools accrediting agency;
- (2) an area vocational or vocational-technical school as defined by K.S.A. 72-4412 and amendments thereto;
- (3) a proprietary school which has been issued a certificate of approval pursuant to the Kansas proprietary school act;
- (4) any agency of the state of Kansas; or
- (5) a similar institution, approved by the commission, in another state.

This matter came to the commission's attention because of the tuition protection fund provision in the proposed legislation, specifically the fee charged per student and how it would relate to continuing education courses. The continuing education requirement

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is 12 clock hours during each two-year renewal period. Courses are approved for a minimum of 3 clock hours. Therefore, a licensee may take as many as four different courses, which could be taken from four different schools. As we understand the bill, this could mean a \$16 fee for one student over a two-year period.

The commission feels that a tuition protection fund should not be applicable to courses of this nature.

If subsection (g) is removed from the real estate license act, it is our understanding that schools that offer our 30-hour and 24-hour pre-license courses would generally still come under the proprietary school act.

The proprietary school provision has been in the license act for the last four years, and we are not aware of any problems that would have resulted if schools had not been proprietary schools. On the other hand, there has been a downside in that entities which are not eligible cannot have their courses approved unless they are sponsored by an eligible school. This has affected the approval of some high-quality national courses.

The commission therefore requests that you amend Senate Bill 444 to amend the license act and to make any other amendment which would be necessary to provide that continuing education courses not be subject to the \$4 per student fee.

Your consideration will be appreciated. I would be glad to answer any questions.

Thank you.



TO: Senate Committee on Education
FROM: Stacey Farmer Coordinator Governmental Relations
DATE: January 22, 1998

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

Madam Chair, 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.

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Attachment 5
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KANSAS NATIONAL EDUCATION ASSOCIATION / 715 W. 10TH STREET / TOPEKA, KANSAS 66612-1686

Susan Chase Testimony Before
Senate Education Committee
Thursday, January 22, 1998

Thank you Madam Chair and members of the committee for the opportunity to offer 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.

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SB 446

Testimony presented before the Senate Committee on Education
by Gerald W. Henderson, Executive Director
United School Administrators of Kansas
January 22, 1998

Madam 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.

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Attachment 7
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Schools for Quality Education

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

January 22, 1998

TO: SENATE EDUCATION COMMITTEE
SUBJECT: SHORT TERM SUSPENSIONS--SB 446
FROM: SCHOOLS FOR QUALITY EDUCATION

Madam Chair and Members of the Committee:

I am Jacque Oakes representing Schools For Quality Education, an organization of 108 small school districts.

We submit written testimony in favor of SB 446 which would extend short term suspension from 5 days to 10 days.

School superintendents and boards take very seriously a suspension of a student in their district. An extension to 10 days for short term suspension would allow more consideration to assure a decision that is best for the student. It often takes time to make certain of the facts surrounding the pupil's problem.

This particularly is true in a special education case. Five days do not allow enough time for a team to get together, possibly rewrite the IEP, and find an alternative placement.

Please give SB 446 your favorable consideration. Thank you.

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"Rural is Quality"
