

Approved: \_\_\_\_\_

4/11  
Date

## MINUTES OF THE SENATE COMMITTEE ON EDUCATION

The meeting was called to order by Chairperson Barbara Lawrence at 9:00 a.m. on March 11, 1998 in Room 123-S of the Capitol.

All members were present except: Senator Hensley  
Senator Oleen

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: Representative Kay O'Connor  
Mark Tallman, KASB  
Linda Aldridge, Principal, David Brewer School,  
Leavenworth, Kansas  
David Winans, Assistant Superintendent, USD 453  
Representative Horst  
Gary R. Mitchell, Secretary, KDHE

Others attending: See attached list

Chairperson Lawrence called the meeting to order.

### **SB 2907--school districts; enrollment of non-resident pupils**

The Chairperson stated that the bill had been amended to contain a provision that would allow teachers to be paid from staff development funds for inservice activities.

Representative Kay O'Connor, bill sponsor distributed copies of her testimony ([Attachment 1](#)) and stated why she had introduced the bill. She told the story of a family in the Olathe school district who, because of problems the son was having in the district, wanted to move the him to the DeSoto district. The DeSoto district charge them \$1,000 tuition for that privilege. They complained that as taxpayers, they shouldn't have to pay this, but because they were out of district that was the end of the discussion. A year ago there was another family with two teenage children in middle school in the Gardner-Edgerton area, who are not in her district, but are individuals she knows, wanted to move the children to another district because of problems with other students. The students became truant and went before the judge. They had to have an Olathe address to move into that school district and they could not afford the tuition at DeSoto so the judge told them their only option would be to home school. This is what they are doing now. There were low income with two jobs; now there is only one wage earner because the other is home schooling. Neither of these parents have a high school diploma.

Representative O'Connor stated that what her legislation does is take away permission to charge tuition. The history behind the current statutory law is that prior to 1992, under the school finance law, the school district was allowed to keep the school attendance fee that it was charging to offset actual expenses. In 1992 when the equalization law became effective, it was no longer allowed to keep the tuition. If one reads the stricken language, the attendance fee was to offset a cost, but there is no offset of a cost. Any tuition that is collected by law is subtracted from their state aid so it is a wash, it is not income to the local school district; the equalization law will not permit it. What she is proposing to do in her legislation is to delete that permission to charge an attendance fee.

Representative O'Connor had attached to her testimony a part of the Kansas Constitution which states, "No tuition shall be charged for attendance at any public school to pupils required by law to attend such school, except such fees or supplemental charges as may be authorized by law." Public schools are not supposed to be charging tuition. She would submit that half of our statutory laws are in violation of the Kansas Constitution as it currently stands because it offsets no cost and secondly Constitution basically says that we aren't supposed to be charging tuition in public school.

Representative O'Connor was asked if she had any indication why the 1992 law prohibited school districts from keeping the offset or fees they were charging.

## CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON EDUCATION, ROOM 123-S-Statehouse, at 9:00 a.m. on March 11, 1998.

Representative O'Connor replied that she was not in the legislature at that time, but she thinks it was because of the equalization formula, any income outside of that equalization formula would suddenly make the equalization formula unequalized.

Ben Barrett, Legislative Research, stated that Representative O'Connor's answer was essentially correct. The theory behind the 1992 law is base state aid per pupil times enrollment. All school districts with the same kind of enrollment have the same kind of dollars. If they were allowed to keep this tuition for other sources of revenue, that would count as part of the base state aid times enrollment then there would be different balances.

One of the Committee asked about the fact that we might be in violation of the Kansas Constitution by allowing districts to charge tuition.

The Revisor stated that the court has not ruled on it yet. If one could see how the material was written, the word 'tuition' is not mentioned; it is cost of attendance. The Constitution says that the legislature may authorize fees.

Mr. Barrett commented that the statute clearly provides that if one is a resident of the district, one has the right to attend that district. The assumption is that one has a right to attend that district, but not the right to automatically cross district lines and attend a particular school.

A Committee member responded by stating that she understood the reason for charging for students crossing boundary lines is because of the different levels of LOBs. If taxpayers within the district are paying the LOB levels then students from out-district should be required to supplement the amount so that their education is being paid for in the same way as those schools within the district.

Representative O'Connor agreed that is a problem. Someone that lives in a district that has no LOB and that lives close to the border and chooses to cross the district line and go into the other district where there is an LOB and there are better services, and they don't have to pay for it is wrong. The bill doesn't address this, but the money the family may have to pay for the privilege crossing the district; the attendance fee, is not income to the district. It is income to the State of Kansas. In effect that family has to pay its Kansas state taxes a second time. It is an unfair duplicate tax.

It was commented that they are paying the difference between what their home district is doing and what the district is sending to the State of Kansas with the LOB.

Representative O'Connor replied that the State of Kansas is also doing some matching on the LOB funds collected within a district. It is up to the receiving to decide whether or not to take a student. If they are not satisfied that the state aid plus its share of the LOB is sufficient number of dollars to warrant bringing a child into the district, it can do what the Olathe school district does. What **HB 2907** is attempting to do is to say that no student that comes from an out-district can be asked to pay an attendance fee that is not income. There has to be offsetting cost and there is no offset. It is something that is being abused. It is to discourage out-district students from coming in and it is also discouraging low income families. People who are sufficiently wealthy can pay the out-district tuition fee and their children can go in; those who are low income cannot. It is a very discriminatory practice that is going on.

Representative O'Connor was asked what she thought the motivation was for districts charging when they don't get to keep the money. She replied that the only reason was to discourage out-district attendance.

Representative O'Connor was asked about the amendment added by the Committee of the Whole. She stated that it allows the local school district to decide how it spends its inservice money without direction from the state. It gives the districts one more option to pay teachers directly.

Representative O'Connor was asked if the situation she described in Johnson County is happening in other areas. She responded that Dale Dennis, KSDE, was asked that question and he didn't know the exact number, but thought it might be close to half the school districts that have this policy. She was told by Representative Bill Mason that the El Dorado area was charging as much as \$10,000 tuition or attendance fees for students coming from out-district areas. Again, these districts do not get to keep the money.

The comment was made that there has to be some way to calculate how much money is coming to Topeka. Staff volunteered that they thought the sum to be in the neighborhood of \$200,000.

One of the Committee members stated the different ways a district could refuse a student: it could just say 'no'; it could establish an address criteria or date of entrance criteria; it could charge tuition which would eliminate quite a few people.

## CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON EDUCATION, ROOM 123-S-Statehouse, at 9:00 a.m. on March 11, 1998.

Representative O'Connor said that what this does is penalize the children. She stated that we have to think of the justice of the thing; the statute says it has to offset a cost and it is not offsetting a cost.

Mark Tallman, KASB, addressed the bill, stating that he wished to comment on both parts of the bill. His association believes that the decision to admit non-resident students to a school district should be made by the local school board. The present bill will allow this. (Attachment 2) KASB does have a specific policy decision about new section 2, which allows direct payments to certified personnel for attending staff development programs during non-contractual times from the school district inservice fund.

Mr. Tallman stated that current law does not prohibit this from happening; it has been a policy of the State Board of Education not to allow it because of the cost involved. The bill says the state board should reimburse for those expenses. KASB does not hold a position on this and does not have a problem with it, but it is their understanding that it would increase the total amount of inservice expenditures likely. Unless the state puts in more dollars, the inservice fund would be prorated even lower.

With regard to the first issue of the bill, Mr. Tallman commented that he believes there is some sort of psychological feeling on the part of some boards that if there is someone coming in from another district that has not shared in the cost, they ought to make a contribution, even though the state doesn't benefit from it.

One of the Committee members stated that her understanding of the amendment that was placed on the bill was an effort on the part of the district to find inservice opportunities outside the school day because many teachers are reluctant to leave during the school day because of problems involved with substitutes and the cost time. It would seem to be in the best interests of the whole system if teachers were in the classroom the maximum amount of time. This amendment would give them another option.

Mr. Tallman stated that it is his understanding that the reason the state board has not allowed payment for this is because of the feeling that it would rather dramatically increase costs. He doesn't think it is a matter of state law that prohibits this, but the policy of the state board. He thinks it is also possible for boards to make payments to teachers outside of the inservice fund, but if they do that, they do not get the matching state dollars.

Linda Aldridge, Principal, David Brewer School, Leavenworth, Kansas, appeared on the bill, speaking to the amended portion. (Attachment 3) She stated that the problem is that the current state statute does not allow them to pay teachers directly for staff development time. When they have staff development meetings they are basically faced with three options. One would be to limit staff development activity to the time that is built into the school schedule. Another option is for teachers to work on an unpaid basis. The third option is buying time by hiring substitute teachers to cover classes during normal school hours.

Ms. Aldridge stated that they are fully aware in Leavenworth that the statute change does not increase funding for staff development. The bill is about giving the option to better spend the precious dollars available.

David P. Winans, USD 453, was the final conferee on the bill and he stated the points that he thought should be emphasized for the Committee. (Attachment 4) Staff development is a critical and essential part to school improvement; schools will not improve without the teachers and administrators having the opportunity to learn new things. The current statute is not clear in two respects. There is language in the current statute that would require all staff development to be paid out of the inservice fund. This is not current practice. There is discrepancy between wording of the statute and the practice in the field.

Mr. Winans said that the other clarification that needs to take place is that the department of education has interpreted that teachers can be paid for attending inservice sessions only if they have prepared and presented to other teachers. The inequity is that auditors are interpreting this differently across the state. The auditors in the Leavenworth school district have said that this is clearly a non-allowable expenditure. Other school districts are being permitted to make that expenditure. He thinks it is important for the language to be clarified prior to the funding being made available so that this inequity could be addressed.

The final point that Mr. Winans emphasized was that it is very important that there is equal opportunity for staff throughout the district to learn. It is very important that the state know how much is being expended for staff development. Currently, because of the variations in interpretation, the state cannot know that. This is a compelling reason for the bill to pass so the state can have better records of the funds that are being spent by school districts to develop its staff.

Mr. Winans was asked if he was aware of those circumstances where schools are allowed to pay a teacher who is not a presenter from the general fund. This is allowable; they can transfer money from the general fund into their inservice fund if they wish to do so.

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MINUTES OF THE SENATE COMMITTEE ON EDUCATION, ROOM 123-S-Statehouse, at 9:00 a.m. on March 11, 1998.

inservice fund if they wish to do so.

Mr. Winans responded that he thought they could do that subject to pre approval by the state board of education. They have the ability to pay the teacher, but without benefit of a match. The statute says all payments for inservice should be made from the stated fund.

The Chairperson stated that she would get someone from the department of education to the Committee later this week or next week.

The Chairperson thanked the conferees and closed the hearing on **HB 2907**.

**HB 2837--boarding schools excluded from certain child care facility requirements**

Representative Horst, bill sponsor, began the testimony by stating that this bill would exempt boarding schools from the current staff/child ratios that are required by the Department of Health and Environment regulations. Boarding schools are considered boarding homes for children and are required to maintain specific staff/child ratios. The bill would address a concern that was brought to several Salina legislators by the staff at St. John's Military School, Salina. They feel that in their situation it is a case of overregulation. (Attachment 5)

Representative Horst gave some statistics on the school. The youngest students at St. John's are 12-13 years old; junior high and high school students. There are 200 young men in grades 7 through 12. The cost is approximately \$19,000 per year, with the average attendance being three years.

Representative Horst stated that the students that attend the military school are not the young children one would envision when reading the statutes which reference child care facilities. The bill would instruct KDHE to recognize the mission of boarding schools as being one of education rather than simple care and treatment of children.

Representative Horst submitted testimony in support of the bill by E.A. McAlexander, President, St. John's Military School, who was unable to appear before the Committee. (Attachment 6)

Gary Mitchell, Secretary, Kansas Department of Health and Environment appeared on the bill to state it implications for the Department. (Attachment 7) His testimony stated current KDHE procedures for boarding homes, including boarding schools, and changes proposed by Representative Horst's bill. Secretary Mitchell stated that he had personally stopped by and visited St. John's and found it to be a fine facility. He thinks that this is a good piece of legislation.

As there were no further conferees, the Chairperson declared the hearing closed on **HB 2837**.

Senator emert moved to recommend **HB 2837** favorably for passage.

Senator downey gave a second to the motion.

The motion carried.

The meeting was adjourned.

The next meeting is scheduled for March 12, 1998.



STATE OF KANSAS

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TOPEKA

HOUSE OF  
REPRESENTATIVES

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March 11, 1998

TO: Senate Education Committee Members  
FROM: Kay O'Connor   
RE: HB 2907

Madam Chairman and members of the committee, I come before you today to urge your favorable consideration of HB 2907.

Over the past 2 years, through anecdotal stories, I have gradually come to see a problem in the Kansas public schools, which are charged with providing a free and appropriate education for all Kansas students.

We have a conflict, in my opinion, between the Kansas Constitution and Kansas statutes. Article 6, Section 6, Paragraph B of the State Constitution states, "No tuition shall be charged for attendance at any public school...".

You will note on your copy of HB 2907, in the stricken language on lines 23 to 28, that school districts are currently permitted to charge an attendance fee. The language is not quite honest in that no attendance costs are defrayed due to the fact that any tuition collected is deducted from the school district state aid.

The State is the beneficiary at the expense of double taxation of the family crossing district lines. We should not be discriminating against lower income families who, for whatever reasons, choose a public school outside of their assigned district.

I have been informed that some schools are charging as much as \$10,000 tuition.

I will be happy to stand for questions at the pleasure of the chair.

*Senate Education  
Attachment #1  
3-11-98*

**Law Review and Bar Journal References:**

"Students' Constitutional Rights in Public Secondary Education," Harold D. Starkey, 14 W.L.J. 106 (1975).

**Attorney General's Opinions:**

School textbooks; when free textbooks required. 79-122.  
Schools; buildings; compliance with municipal zoning and building code requirements. 80-14.

Schools; teachers' contracts; constitutionality of binding arbitration provision in Senate Bill No. 718. 80-63.

Schools; transportation of students; transportation routes. 83-180.

Capital outlay levy, funds and bonds; procedure, protest, petition and election; effect of substitute resolution. 86-69.

School attendance; G.E.D. 87-46.

Organization, powers and finances of boards of education; interlocal agreements; duration of agreements. 87-119.

**CASE ANNOTATIONS**

1. School dress code regulating hair length of male students upheld; school boards authorized to provide rules and regulations. *Beline v. Board of Education*, 210 K. 560, 563, 571, 502 P.2d 693.

2. Cited in holding local school board authorized to close attendance facility. *Brickell v. Board of Education*, 211 K. 905, 917, 508 P.2d 996.

3. Cited; state board of education possesses general supervisory powers over district boards. *State, ex rel., v. Board of Education*, 212 K. 482, 485, 486, 492, 493, 497, 511 P.2d 705.

4. Mentioned in action involving collective negotiations of teachers' association with school board. *National Education Association v. Board of Education*, 212 K. 741, 748, 512 P.2d 426.

**§ 6. Finance.** (a) The legislature may levy a permanent tax for the use and benefit of state institutions of higher education and apportion among and appropriate the same to the several institutions, which levy, apportionment and appropriation shall continue until changed by statute. Further appropriation and other provision for finance of institutions of higher education may be made by the legislature.

(b) The legislature shall make suitable provision for finance of the educational interests of the state. No tuition shall be charged for attendance at any public school to pupils required by law to attend such school, except such fees or supplemental charges as may be authorized by law. The legislature may authorize the state board of regents to establish tuition, fees and charges at institutions under its supervision.

(c) No religious sect or sects shall control any part of the public educational funds.

**History:** Adopted by convention, July 29, 1859; ratified by electors, Oct. 4, 1859; L. 1861, p. 59; original subject matter stricken

and new subject substituted, L. 1966, ch. 10—Spec. Sess.; Nov. 8, 1966.

**Revisor's Note:**

Prior to 1966, section related to moneys from various sources to be applied to support of common schools.

For annotations to original section, see K.S.A. Vol. 6, p. 939; copyright 1964.

Provision for a permanent tax levy for educational institutions, previously appeared in § 10 of this article.

**Research and Practice Aids:**

Colleges and Universities ⇌ 4, 6(1); Schools and School Districts ⇌ 16 et seq., 98 et seq.

Hatcher's Digest, Constitutional Law § 67; School Districts § 100.

C.J.S. Colleges and Universities §§ 9, 10; Schools and School Districts §§ 17 et seq., 376 et seq.

Am. Jur. 2d Colleges and Universities §§ 30, 31.

**Law Review and Bar Journal References:**

"Student Fees in Public Schools: New Statutory Authority," Joe Allen Lang, 16 W.L.J. 439, 441, 442, 448 (1977).

**Attorney General's Opinions:**

Schools; teachers' contracts; constitutionality of binding arbitration provision in Senate Bill No. 718. 80-63.

State educational institutions; management, operation; fixing of tuition, fees and charges. 81-115.

Education; state board of education; authority. 83-154.  
Schools; vocational education; plan for establishment; approval by state board of education. 83-169.

**CASE ANNOTATIONS**

1. Order dismissing action to determine constitutionality of 1973 School District Equalization Act as moot, vacated and remanded; rights hereunder unresolved. *Knowles v. State Board of Education*, 219 K. 271, 272, 273, 547 P.2d 699.

2. Apportionment of monies contained in fund established hereunder by state finance council not unconstitutional as being a usurpation of executive powers by the legislature. *State, ex rel., v. Bennett*, 222 K. 12, 24, 564 P.2d 1281.

**§ 7. Savings clause.** (a) All laws in force at the time of the adoption of this amendment and consistent therewith shall remain in full force and effect until amended or repealed by the legislature. All laws inconsistent with this amendment, unless sooner repealed or amended to conform with this amendment, shall remain in full force and effect until July 1, 1969.

(b) Notwithstanding any other provision of the constitution to the contrary, no state superintendent of public instruction or county superintendent of public instruction shall be elected after January 1, 1967.

(c) The state perpetual school fund or any part thereof may be managed and invested as provided by law or all or any part thereof may be appropriated, both as to principal and in-

KANSAS  
ASSOCIATION



OF  
SCHOOL  
BOARDS

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

TO: Senate Committee on Education  
FROM: Mark Tallman, Director of Governmental Relations  
DATE: March 11, 1998

**RE: Testimony on H.B. 2907**

Mr. Chairman, Members of the Committee:

KASB believes that the decision to admit non-resident students to a school district should be made by the board of education of that school district. H. B. 2907 would continue to allow boards to make that decision. We would oppose any change in that authority.

KASB does not have a specific policy position on a board's ability to charge tuition. As you know, under the current school finance act, such tuition is simply offset by reductions in state aid. The issue of charging tuition has not been raised with us by our members since the 1992 school finance act was enacted.

KASB also does not have a specific policy position about new section 2 of the bill, which allows direct payments to certified personnel for attending staff development programs during non-contractual times from the school district inservice fund. We do, however, favor full funding of the state's share of the inservice aid program. This program has been severely prorated in recent years. We are concerned that this section of the bill would increase inservice expenses without any corresponding increase in state funding. That would simply spread already limited funding more thinly. Perhaps this change is appropriate, but the committee should be aware of the actual consequences of this change.

Thank you for your consideration.

*Senate Education  
Attachment # 2  
3-11-98*



# DAVID J. BREWER SCHOOL

Linda Aldridge  
Principal  
401 N. 17th Street  
Leavenworth, KS 66048

Telephone (913)684-1490

**Testimony Before the Kansas Senate  
Education Committee in Support of House Bill 2907  
March 11, 1998**

**Linda Aldridge, Ed.D.  
Principal, David Brewer School, Leavenworth, KS**

Ms. Lawrence, Chairperson, and Honorable Members of the Education Committee:

The amendment before you is supported by the David Brewer School Site Council. This council, composed of parents and staff, is responsible for demonstrating student growth in academic achievement. The council urges your support of this bill for the following reasons:

1. House Bill 2907 allows teachers to be paid from staff development funds for participation in inservice activities occurring during noncontractual time.
2. Interpretation of the current statute governing staff development funds disallows use of such funds to be directly paid to teachers. Schools, therefore, are faced with the choice of scheduling staff development activities during normal school hours or inviting teachers to participate in inservice activities on an unpaid basis. While teachers have been remarkably receptive to invitations to work on an unpaid basis, it is frequently necessary to schedule inservice activities during times when school is in session. This necessitates the hiring of substitute teachers to cover classrooms while teachers participate in staff development activities.
3. During the current school year, substitute teachers have been paid for 51 days of work to create time for staff development activities. This translates into 344 hours of instructional time that was less productive because the regular classroom teacher was replaced by a substitute teacher. In many instances, the classroom teacher would have preferred to receive inservice opportunities during noncontractual time thus yielding the following advantages:
  - Students remain with the teacher who can best respond to their academic and social needs.
  - The teacher does not expend time and resources in preparing for a substitute teacher.
  - Classroom productivity levels remain unchanged.
  - The classroom teacher is directly compensated for professional, noncontractual time spent engaging in critical staff development activities.

*When everyone is working together toward a goal improvement happens.*

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As staff development needs are estimated for the coming school year, hours needed for inservice will certainly increase. Inservice time included in the yearly schedule is woefully inadequate to address the explosion in staff development needs experienced in our school. This explosion can be attributed to the following:

- Incorporation of computer assisted instruction into classroom routines requires massive education of staff to develop the necessary knowledge base for selection and utilization of appropriate hardware and software.
- Legislated demands for evidence of increased student learning in multiple academic areas has prompted a need to integrate subject matter to capitalize upon student interest, better utilize academic learning time, and to improve achievement. The process of *curriculum integration* accomplishes these goals, but requires deep change in the nature of instructional activities planned and implemented in classrooms. Such change is driven by staff development opportunities.
- Changes in expected student outcomes in the areas of reading, writing, math, science, and social studies require modifications in instructional approach and assessment techniques. Teachers need staff development opportunities to absorb and implement these modifications.

House Bill 2907 allows the David Brewer Site Council to better utilize precious staff development time and dollars. Students benefit when reliance upon substitute teachers is reduced. Your support of this bill represents a commitment to careful spending of public funds while improving services received by Kansas children.

TESTIMONY BEFORE THE KANSAS SENATE  
EDUCATION COMMITTEE IN SUPPORT OF HOUSE BILL 2907  
March 11, 1998

David P. Winans, Ed.D.  
President-Elect Kansas Staff Development Council  
Assistant Superintendent Leavenworth USD – 453

Madam Chairperson, Barbara Lawrence and Honorable Members of the Education Committee:

Though the first glance of this amendment is good reason for its adoption, there is more than meets the eye in this clarifying amendment.

- It should be adopted for the better insight it will provide Kansas lawmakers as to the state's investment in staff development.
- It should be adopted to reveal the lack of conscience currently existing in too many of our school districts.
- It should be adopted for teachers and citizens to better see what can be done differently.
- Most importantly, its adoption will help see to it that boys and girls learn the correct things, better.

The amendment before you brings the support of the Kansas Staff Development Council Executive Board which is proud that since 1983, the state of Kansas has correctly identified through statute the importance of staff development to the success of educating young people. This amendment will keep staff development resources as expenditures for teacher learning. Present regulations seem to prohibit teachers from receiving a stipend for attending inservice workshops or conferences (91-1-146e; ¶b; section 5). Some districts, however, have provided stipends to teachers as consultant fees and honorariums (91-1-146e; ¶a; section 1). To the Kansas Staff Development Council, an approximately 600-member organization representing all parts of our great state, it is clear that school districts and auditors have not interpreted this regulation consistently. Currently, an inequity exists because some districts have paid a stipend to teachers participating in staff development activities while some have not paid teachers unless they prepared a presentation for other teachers. The amendment before you will uphold the intention of statute that staff development expenditures not supplant salary.

There is a short run disadvantage to this amendment. This change could increase the demand for matching dollars from the inservice fund. As you know, the inservice fund is a fixed amount each year, and the amount any one district receives is prorated based upon statewide participation in staff development. This amendment, if enacted, appears likely, in the short run, to cause less support per district for the development of our children's teachers. As this disparity becomes more apparent it would be the hope of KSDC that further refinements in this statute would be made.

In spite of the current statute language, some districts provide resources for inservice programs from funds other than the inservice fund. The language I refer to reads: "All moneys received by the school district from whatever source for inservice education programs established under this act shall be credited to the fund established by this section". By permitting teachers to be paid for attending an inservice program that occurs in non-contract time, this amendment will eliminate one reason for a district to support inservice from its General Fund.

Since some expenditure for staff development originate in funds other than the inservice fund, the state of Kansas can not know with certainty the extent of staff development available to its teachers. When Marilyn Bates, a staff developer for Instructional Theory Into Practice, spoke to KSDC several years ago she called staff development the conscience of an organization. To expect different, and better, results from students requires a conscientious effort to provide teachers with the opportunity to learn

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and improve instructional delivery. More poignantly, if you do what you've always done, you'll get what you've always got! An organization would truly be without conscience to expect improvement without the opportunity for learning. The State of Kansas should know the resources that are being utilized for staff development in its public schools and this amendment will encourage more complete reporting of the expenditures by school districts.

We would also hope that passage of this amendment would bring to this committee's attention the apparent lack of staff development that is occurring in Kansas school districts. With limitations already noted, the current statute provides strong incentive for districts to establish an inservice fund that is, at least, equal to one quarter of one percent of the district's general fund. Though it has been diminishing, the incentive is a match for dollars spent up to that level of 0.25%. In the most recent year for which data are available, 177 Kansas school districts had less than this level of expenditure from the inservice fund. (Kansas Association of School Boards 1995-96 compilation of USD expenditures.) The teachers in 58% of our school districts were expected to get different results with their same prior knowledge. Which is, by the way, one of the better definitions of insanity: To expect different results while doing the same thing.

The same data show that the school district inservice fund with the highest proportion of the General fund is only 1.26%. With credit to Montezuma for the better conscience of their organization, consider that estimates of typical investment in staff development range from 6% to 10% of operating expenditures. (Orlich, Donald Staff Development: Enhancing Human Potential. (1989) Allyn and Bacon; p. 99) Jack Welch, CEO of General Electric, rescued this giant from ruin through intense, and extensively funded, staff development of G. E.'s managers. (Tichy, N. and Sherman, S. Control Your Own Destiny, Or Someone Else Will. (1994) Harper Business). No less an effort should be occurring in each of Kansas's school districts. This amendment will remove an excuse for funding staff development from sources other than the Inservice Fund and, in so doing, make more clear the lack of expenditure for staff development in Kansas school districts.

Thank you, Madam Chairperson.



**I thank you for your consideration of HB 2837 and I urge your support of this change which would facilitate the operation of boarding schools while preserving their interest in maintaining basic health and safety requirements.**

Written Statement by E. A. McAlexander  
President, St. John's Military School  
To the Education Committee of the Senate  
Topeka, Kansas  
March 11, 1998

St. John's Military School was established in 1887 and will graduate its 110<sup>th</sup> class this May. We have a historical association with the Episcopal Church, with an Episcopal Priest serving as our chaplain, and the Bishop of the Diocese of Western Kansas being an ex-officio member of our Board of Trustees. The Board of Trustees is comprised of 15 members, mostly from the Salina Community, who take an active interest in the school.

St. John's serves 200 young men in grades 7 through 12. Currently 15% of the cadets are from Kansas, 35% are from Colorado, and 21 other states are represented. All of the students live on campus during the normal nine-month school year, they wear uniforms, and the high school students take Army Junior ROTC courses. We have a wide range of athletic and extra-curricular programs. The cost to attend St. John's is approximately \$19,000 per year and the average student will attend for three years.

Although there are several boarding schools in the state which do not have licenses, our Board of Trustees decided several years ago to accept a few cadets who were in the custody of SRS. At that time the school was licensed by the Department of Health and Environment as a Residential Center. The annual inspections associated with that license have been the most frustrating experiences I have had as President of the school, and have been a major factor in our decision not to participate in the privatized foster care program.

One source of contention during these inspections has been the staff to resident ratios contained in KDHE regulation 28-4-271 (d) 3. It states that "Each facility shall have a minimum of one child care staff member on duty and available of every seven residents during waking hours and a minimum of one for every ten during sleeping hours." This raises several interesting issues in a boarding school environment, and the following is one of the more obvious examples.

Depending on the interpretations of this regulation, (and there are several possible interpretations) we would be required to have 12 to 15 staff members "on duty and available" while the cadets are asleep. While this might be reasonable in a situation where the "residents" are very young or behind locked doors, in our case it would be a waste of resources.

As our campus is currently arranged, the cadets sleep in three separate buildings. We have a minimum of one staff member awake and patrolling in each building while the cadets are asleep. In addition, we have video cameras and two-way intercom systems that allow duty personnel to listen and watch for cadets who may need assistance during

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the night. This level of supervision should also be adequate to insure appropriate reaction to a fire, tornado, etc.

I understand that this regulation applies to any situation in which children under the age of 16 are boarded over night. This would include youth detention centers, mental health facilities, etc, where these ratios are appropriate. Our situation, with healthy active boys who are free to leave their rooms, is totally different and there is no logic in dedicating that many resources while they sleep. Apparently the inspectors have agreed since our license has routinely been renewed. However, it has always been a discrepancy on the inspection sheet requiring a response. I have asked for a waiver of this requirement several times without receiving a reply.

The most important motivation for having adequate supervision (and for having an excellent school) is the demand of the market place. Parents will not enroll a child if they do not feel he is adequately supervised. We encourage tours of the facility, hold a Parent's Weekend in the fall, and have parents visiting the campus almost every weekend. Several of our cadets have at least one parent who is a lawyer so the possibility of tort liability is a consideration. In addition, boarding schools are subject to SRS regulation and investigation concerning adequate supervision, child abuse and neglect. In short, there are other forces at work besides an arbitrary number in a regulation.

Thank you for your attention, and I strongly recommend that this legislation be passed.





**KANSAS**  
**DEPARTMENT OF HEALTH & ENVIRONMENT**  
BILL GRAVES, GOVERNOR  
Gary R. Mitchell, Secretary

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Testimony presented to

Senate Education Committee

March 11, 1998

by

Gary R. Mitchell  
Secretary of Health and Environment

House Bill 2837

Chairman Lawrence, and members of the committee, thank you for the opportunity to appear before you to discuss House Bill 2837 and its implications for the Kansas Department of Health and Environment. I am aware of the different needs of boarding schools in our state who operate board and care programs as an ancillary service to their educational program. The statutory change proposed by HB 2837 will facilitate the operation of these boarding schools while preserving their interest in maintaining basic health and safety requirements.

**Current KDHE Procedures for Boarding Homes Including Boarding Schools**

- Boarding schools are considered boarding homes for children and are required to maintain specific staff/child ratios as determined by regulation, regardless of the purpose of the school program and the particular population served.

**Changes Proposed by House Bill 2837**

- Eliminates a specific staff/child ratio for Boarding Schools whose program is primarily education and not residential care for children in the state's custody or residential care for special needs populations.
- Maintains health and safety requirements.
- Recognizes the unique mission of boarding schools as one of education rather than care and treatment of children.

I am confident KDHE and boarding schools can continue to work together to ensure that children's needs are adequately met. Please consider me a resource for information as you consider this legislation. Thank you for your time and consideration. I would be pleased to answer any questions from the committee.

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