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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 16, 1998 in Room 123-S of the Capitol.

All members were present except: Senator Downey
Senator Hensley

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: Dale Dennis, Deputy Commissioner, KSDE

Others attending: See attached list

Chairperson Lawrence called the meeting to order and continued the hearing on **HB 2907--school districts: enrollment of nonresident pupils**. She stated that the bill precludes schools from charging any tuition for out-district students. It was amended in the House and a bill that was in the Senate Committee was attached to it that has to do with reimbursement for inservice.

Dale Dennis, Deputy Commissioner, KSDE, brought a chart to show the Committee entitled "Inservice State Aid Program" (Attachment 1). He stated that inservice expenditures currently are defined by the state board and are very restrictive because, as seen by the chart, there isn't much money appropriated for that purpose. The law provides funding for up to 50 percent, not to exceed one-half of one percent of the general fund.

After going through the chart, Mr. Dennis said that what would be done in this bill is to broaden the definition, but not putting any more money into it so all that is being done is prorating a little more. It has been suggested to the state board to broaden the definition of inservice and the board would be willing to do it, but it does not seem to be appropriate when it is already being prorated. There has to be an inservice plan that has to be approved. These plans have improved over the years. Teachers are more involved in the planning and it has seemed to work quite well. If the definition is broadened, it's just prorated a little more.

One of the Committee made the observation that this is just another example of a mandate where the state has said, "you will have inservice", but yet it is funded at only 23 percent.

Mr. Dennis stated that in speaking with educators, they will tell you the secret to their success is staff development; inservice to keep teachers up to date, particularly relating to at-risk children and the area of technology. There are a number of people that are learning to share information and use it and it has continually improved. If the amendment to the bill is approved, the percentage of proratio will drop again because the definition is being increased. He thinks state aid has peaked at \$5.5 million.

The Chairperson called on Representative Marti Crow, who was present to speak to the inservice portion of the bill. (Attachment 2) Representative Crow stated that she had heard about this proposal from the curriculum director of Leavenworth school district and the School Planning and Management team at one of the Leavenworth elementary schools, who would like to have the flexibility to be able to plan their inservice after school, on Saturday or in summer so that their school teachers are not out of the building with substitutes in their classrooms while they are doing inservice. If the money can be spent on substitutes, it seems likely that the money could be spent on the teachers, themselves, if the priority is to have the teachers in the classrooms as much as possible. As it is now, the allocation encourages having teachers out of the classroom.

After a few comments on the bill, the Chairperson declared the hearing closed on the bill. She stated the bill is composed of two distinctly different elements; one which precludes school districts from charging tuition from out-district students and the other contains a provision for inservice.

Mr. Dennis clarified that the money collected from tuition goes into the general fund and becomes a deduct on state aid. It amounted to approximately \$209 thousand last year. Senator Emert commented that he empathizes with Representative O'Connor's one-family problem but he is

worried about the consequences of the bill. School districts across the state of Kansas have chosen a course of action where they feel justified in charging tuition. In the Olathe district, the amount charged was the amount of the LOB.

Senator Emert moved to amend HB 2907 by striking the tuition waiver portion of the bill.
Senator Langworthy gave a second to the motion.

The Chairperson added the comment that if a school district does not want to accept students, there are several different ways to get around it; they can just refuse to admit them.

Senator Langworthy commented that this would take away local control of school districts. If a district has chosen to have an LOB, can it be justified to start allowing students from other districts to come in and not pay the LOB when everyone else has. Representative O'Connor's argument was that a poor family cannot go to another district, but poor families living in an LOB district are paying it. It is a fairness issue and a local control issue. Districts should be allowed the flexibility to do this. She is very hesitant to start micro-managing things the districts do for their patrons.

The Chairperson stated that when she had discussed this with Representative O'Connor, her proposal was to somehow figure the difference between whatever the LOB might be in the district from which the student was coming and that to which it was going. There is no way the bill could be made fair in that way.

Another point made by Senator Langworthy was that school districts have the alternative now of not accepting any students; this bill might hinder it the other way. Districts who are now charging because they feel that their patrons are paying it might assume the position if they can't charge then they are not going to accept. That would penalize students who are there.

The Chairperson agreed that would be a very likely result.

After a few further comments, the Chairperson called for a vote. The motion carried.

The Chairperson addressed the inservice portion of the bill.

Senator Emert, after asking Mr. Dennis for the statistic, stated that the average teacher makes \$190 per day. A substitute makes half that. Are we going to find ourselves in the situation of stretching further the already diminished inservice dollars if districts start paying teachers to be there on Saturday at their contracted rate.

Senator Emert moved to report HB 2907 adversely.
Senator Jones gave a second to the motion.
The motion carried.

Senator Oleen asked the Chairman of the Ways and Means committee about the extra dollars that are returned to the state. She asked if this money could be used to help and not prorate inservice.

The Ways and Means chairman stated that this had been discussed in the Ways and Means education subcommittee budget. It seemed surprising to them that the inservice expenditures were rising because of the need a couple of years ago when we had the extra money doing that because of QPA training and the things that were associated with that. We were surprised that expenditures were still rising. In the end they did not add more funds to it. As far as shifting monies from an increase in valuation which then works with state aid, that is a line item and could not be washed over unless there was specific direction to do so in the appropriations language. If there was a proviso to take any leftover funds in base state aid per pupil line item, then that could happen. The problem would be timing. It is late to benefit the schools. Most of the inservice would be executed by the time they knew there was extra money.

Mr. Dennis stated the districts file a report in the middle of the year and the department sends them a partial check. At the end of the year the department sends them another one. All this goes out about June 15. It could be done. As a general rule it would go into the cash balance to help the following year.

Senator Oleen commented that it is currently funded at 23 percent when we have a formula that indicates that we try to fund at 50 percent. She doesn't know where we are in the education budget, but it is possible a proviso could be put there to try to get the dollars. QPA was a concern, but right now technology is a real concern for inservice training. If there were additional dollars, it wouldn't kick in unless there was still money in the education budget to be able to move it from where it was to another education piece, which is the training of teachers. It might be something his committee might discuss and consider.

Senator Kerr's response was that the education subcommittee budget has already been worked. However, it must be returned to once the distribution of that money is decided. It has to be funded. The intention is to fund it when the full bill will be worked in Committee. It is the one giant bill method. There is an opportunity to address all the items as the final bill is worked. There is an opportunity to amend a subcommittee report that has already been adopted by the full committee.

Senator Oleen asked if there was a sense from the Committee that if possible the extra money would go to inservice training for that one year.

Senator Kerr stated that this additional funding couldn't be distributed until June. It's for the current year so it would go into ending balances for the next year.

Senator Oleen asked if it could be a carryover.

Mr. Dennis said it could be carryover in that fund.

The Chairperson asked what the feeling of the Committee would be if it did make this motion in Ways and Means. The idea would be to use any unused money in education which normally goes back into the general fund if there is any, to use that for inservice for the following year.

Senator Oleen explained to another member that had not been present that the handout that Mr. Dennis had distributed showed that the legislature has the ability to fund at 50 percent for inservice. It is currently funded at 26 percent so the money has to be prorated to go around. This would simply say if there were extra we would up and try to get closer to 50 percent and mandate it for inservice.

The Chairperson asked for a show of hands on who would support this type of motion.

Senator Kerr suggested that form of support would take the form of a letter from the Education Committee Chairperson to the Chairman of Ways and Means.

The Chairperson turned the Committee's attention to **SB 335--education of inmates**

The Chairperson stated that hearings were held on the bill introduced by Senator Gooch. Testimony was given by Dr. Jackson of Wichita and the Deputy Superintendent of the Department of Corrections. It was very difficult to figure a fiscal note because of the number of questions about how many would be included in the program and how many would take advantage of the opportunity, but the fiscal note is between \$16 million and \$46 million in cost. There are already several different education programs in the prison system now which are available to those who wish to take advantage of it.

Senator Oleen stated that she had an opportunity to speak with the Secretary of Corrections and this bill was referenced. Part of the concern might be that legislators may not be aware of the educational opportunities that are there and those inmates who would not profit from having educational opportunities that are going to be there a long time. She would like to recommend the bill because it has some merit in trying to prepare people, be looked to and referred to the Corrections and Juvenile Justice Oversight Committee to put together what that education plan is and to get that information to legislators so they would be made more aware.

Senator Jones stated that this did not call for an educational plan per se, but what it really says, in his opinion, is that if this law should be enacted, that if an inmate would not complete some education study, he would not be available for good time. He questions whether it could be done. Inmates going to school is not the issue; the issue of this bill is if they don't get some kind of diploma or GED or whatever the program takes, that they cannot receive good time credit until they complete the course.

In response to Senator Jones, Senator Emert stated that Judiciary Committee has dealt with this good time issue and the response of the courts has been that good time cannot be taken away; it can be refused for not doing something. It is the problem of mandating something that is not funded. Testimony showed that there are waiting lists already for educational programs that the prisons have. To say that every person should go beyond where they are and the state should pay for it is not realistic and takes a lot of control from the department. It is another good program that needs more money. It could be funded and be the target of lawsuits because people can't get the good time credit because the program is not there; the bill has merit, but it needs work.

Another member stated that the testimony from the Department of Corrections stated that if the bill passed, they would feel that it was a mandate to put education ahead of such things as substance abuse and sexual offender treatment. Substance abuse has a fairly good track record. Ways and Means watches those percentages very carefully so when budgets are reviewed there are statistics that indicate those programs make a difference. He would hate to see education, valuable as it is, take precedence over what is probably the primary problem which is so often drug abuse.

Senator Oleen moved the bill be referred for interim study. Senator Lee gave a second to the motion.
The motion carried.

The meeting was adjourned. The next meeting is March 17.

Inservice State Aid Program

	1996-97 <u>Actual</u>	1997-98 <u>Estimate</u>	1998-99 <u>Estimate</u>	1998-99 Est. <u>w/HB 2907*</u>
Total Inservice Expenditures	\$10,586,620	\$11,500,000	\$13,000,000	\$14,000,000
50% of Inservice Expenditures **	\$5,293,310	\$5,750,000	\$6,500,000	\$7,000,000
State Aid	\$3,995,262 <i>proposed</i>	\$3,000,000	\$3,000,000	\$3,000,000
Percent of State Aid Proration	75.5%	52.2%	46.2%	42.9%
Percent of State Aid to Total Expend.	37.7%	26.1%	23.1%	21.4%

* Assuming the cost would increase \$1,000,000 by including teachers salaries in eligible inservice expenditures.

** Current law allows state aid to be paid at 50% of eligible inservice expenditures.

*Senate Education
Attachment 1
3-16-98*

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THE STATE

**SENATE EDUCATION COMMITTEE
HOUSE BILL 2907
MARCH 16, 1998**

Thank you for the opportunity to present testimony in support of House Bill 2907 which makes it clear that school districts may use inservice education funds to compensate teachers who attend inservice education programs outside the duty day.

The proposed change to the law governing inservice education expenditures was suggested to me by the Curriculum Director of the Leavenworth School District and the School Planning and Management Team at one of Leavenworth's elementary schools. Representative Deena Horst introduced HB 2746, which was heard in the House Education Committee. HB 2746 was amended into HB 2907 on the floor of the House. There was no opposition to the amendment.

Each school district Board of Education is required by Kansas law to establish and conduct an inservice education program for teachers which must be approved by the State Board of Education. Appropriations are made for inservice programs and each district has an Inservice Fund, which is used only for inservice activities and is separate from General Fund.

Current law allows school districts to spend funds from the Inservice Education Fund in each district to pay for inservice education programs or "directly attributable to inservice education programs." K.S.A. 72-9609. The State Board of Education, by regulation K.S.R. 91-1-146e, has allowed expenditures for salaries of substitute teachers for teachers who leave their classrooms to attend inservice education programs, for registration fees and travel expenses for inservice workshops and conferences out of district and even out of state. The regulation specifically prohibits the use of inservice funds for salaries of teachers attending inservice workshops. K.S.R. 91-1 146e(b)(5).

*Senate Education
attachment 2
3-16-98*

The problem faced by school districts is that these regulations encourage inservice programming which takes teachers out of the classroom. This amendment provides school districts with the flexibility to plan inservice programs during weekends, summertime, and after school. Instead of paying substitute teachers, the districts can pay their teachers to attend inservice training conducted during non contract time. This is good educational policy because the students will have their teachers in the classroom instead of substitutes which contributes to the educational quality of classroom time, while districts will be able to plan inservice training outside the school day.

The educators who propose this change want me to emphasize the importance of maximizing the time that teachers and students spend in the classroom. Learning is not as effective when a substitute teacher is in the classroom. Districts need the flexibility to provide inservice without disrupting the student-teacher contact time and thereby disrupting educational quality. Also, substitute teachers are difficult to find in this time of low unemployment. With our healthy economy, districts are having trouble providing substitutes when teachers are unable to be in their classroom.

There is no fiscal note to this change to K.S.A. 72-9609. The change will not increase the amount of inservice funding which school districts receive. The change will merely allow districts more flexibility in planning inservice programming.

I appreciate the opportunity to urge the committee's support for HB 2907.