

## MINUTES OF THE HOUSE COMMITTEE ON EDUCATION.

The meeting was called to order by Chairperson Ralph Tanner at 9:00 a.m. on February 12, 1999 in Room 313-S of the Capitol.

All members were present except:

Representative Lisa Benlon- Excused  
Representative Marti Crow - Excused  
Representative Eber Phelps - Excused

Committee staff present:

Carolyn Rampey, Legislative Research Department  
Leah Robinson, Legislative Research Department  
Renaë Jefferies, Revisor of Statutes  
Avis Swartzman, Revisor of Statutes

Conferees appearing before the committee:

Representative David Adkins  
Mark Tallman, Kansas Association of School Boards  
Dr. Jerry Farley, President Washburn University  
Representative Becky Hutchins  
Richard Maginot, Business Administrator for Soldier Township

Others attending: See attached list

Hearings on **HB 2191 - School districts, certain persons exempted from certification of health requirements**, were opened.

Representative David Adkins, appeared before the committee as the sponsor of the bill. Representative Adkins explained that the bill is to provide clarification of exactly what class of individuals are required to provide such a certification. The law in its current form serves as a significant impediment to recruiting volunteers to serve in our public schools. He has no difficulty with a law that allows each school district to determine the appropriate level of protection. (Attachment 1)

Mark Tallman, Kansas Association of School Boards, appeared before the committee as an proponent of the bill. He said that KASB understands that the intent of this measure is to make it easier to bring community volunteers into the public school system, and strongly support that goal. (Attachment 2)

Hearings on **HB 2191** were closed.

Hearings on **HB 2173 - Eisenhower, Dwight David, scholarship act** were opened.

Representative David Adkins appeared before the committee as a sponsor of the bill. Representative Adkins, which establishes the Dwight David Eisenhower Scholarships. These scholarships would be awarded to high ability Kansas students providing them with tuition and fees to attend and public, post secondary institution in Kansas. The scholarships would be renewable for up to eight semesters of study for students making satisfactory academic progress. The program would be administered by the Board of Regents. (Attachment 3)

Hearings on **HB 2173** were closed.

Hearings on **HB 2164 - Municipal universities, out-district tuition** were opened.

Dr. Jerry Farley, President of Washburn University, appeared as a proponent of the bill. He stated the measure is about Washburn's state-wide role in Kansas higher education and equity in financing that role. (Attachment 4)

Representative Becky Hutchins appeared as an opponent of the bill. She felt that the bill would unfairly increase the tax burden on surrounding counties and townships by requiring out-district tuition for students attending Washburn University, whose residence is outside of the municipal university district and have more than 64 credit hours. The law currently exempts those individuals. (Attachment 5)

Richard Maginot, Township Business Administrator, appeared before the committee as an opponent of the bill. He stated that as written the bill places an unfair burden on the taxpayers of Kansas and that they should not be asked to pay additional taxes to support the high costs of trying to maintain the last municipally owned university in the nation. (Attachment 6)

Hearings on **HB 2164** were closed.

The next meeting will be February 15, 1999. The meeting was adjourned at 10:30 a.m.



STATE OF KANSAS  
HOUSE OF REPRESENTATIVES

STATE CAPITOL  
TOPEKA, KANSAS 66612  
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8021 BELINDER ROAD  
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REPRESENTATIVE DAVID ADKINS

Testimony Before the House Committee on Education  
Friday, February 11, 1999  
House Bill 2191

Chairman Tanner and Members of the Committee:

Thank you for this opportunity to visit with you about HB2191 which attempts to clarify certain provisions of K.S.A. 72-5213 which currently requires "all persons; whether employees of the school district or under the supervision thereof, who come in regular contact with the pupils of the school district, to submit to a certification of health signed by a person licensed to practice medicine and surgery under the laws of any state on a form prescribed by the secretary of health and environment."

I have attached a copy of the form currently used for such purpose.

My intent in offering this legislation is to provide clarification of exactly what class of individuals is required to provide such a certification. The law in its current form serves as a significant impediment to recruiting volunteers to serve in our public schools. By amending the law to accommodate volunteers I believe a greater public good is accomplished.

I certainly believe public health issues cannot be neglected. I have no difficulty with a law that allows each school district to determine the appropriate level of protection. Some school districts have interpreted the current language of the statute as a strict mandate from which they can grant no exceptions. I do not believe the current law requires most school volunteers to submit to such a certification of health but lacking specific clarification I cannot definitively assure school officials that volunteers would not need to submit to a TB test.

I urge you to clarify this statute relying on common sense and good judgement. We need volunteers involved in our schools as tutors and mentors. We should not unnecessarily burden those programs which seek to recruit volunteers to mentor and tutor by imposing barriers to participation.

I would urge you to report HB 2191 favorably. Thank you.

*David Adkins*  
HOUSE EDUCATION  
Attachment 1  
2-12-99

CERTIFICATION OF HEALTH FOR SCHOOL PERSONNEL  
K.S.A. 72-5213

To be completed by the Applicant/Employee:  
(Form to become part of the Personnel File)

Name: \_\_\_\_\_ Social Security Number: \_\_\_\_\_

Home Address: \_\_\_\_\_ Birthdate: \_\_\_\_\_  
(Street, City and Zip Code)

Job Title: \_\_\_\_\_ Work Site: \_\_\_\_\_



Tuberculin Testing Results  
(To be completed by the Health Care Professional)

Tuberculosis has been ruled out by:

Test	Date of Test	Date Test Read	Result
Mantoux/PPD	_____	_____	_____ mm induration (Positive) _____ (Negative)
Chest X-Ray:	_____	_____	_____ (Negative/Positive)
Testing Conducted by:	_____		
Individual Who Read Test:	_____		
	(Signature)		
	(Health Facility)		



Physician's Statement

I have, this date, examined \_\_\_\_\_ and find no evidence  
(Signature)  
of any physical condition that would conflict with the health, safety, or welfare of the pupil or would prevent the individual from working in a safe and healthful manner. List limitations or restrictions, if any.

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
(Signature of Licensed Physician) (Examination Date)

\_\_\_\_\_  
(Address)

This medical evaluation has been conducted under the guidelines established by L.S.A. 71-5213 as indicated below:  
Certification of health; form and contents; expense of obtaining. Every board of education shall require all persons, whether employees of the school district or under the supervision thereof, who come in regular contact with the pupils of the school district, to submit a certification of health signed by a person licensed to practice medicine and surgery under the laws of any state on a form prescribed by the secretary of health and environment. The certification shall include a statement that there is no evidence of physical condition that would conflict with the health, safety, or welfare of the pupils; and that freedom from tuberculosis has been established by chest x-ray or negative tuberculin skin test. If at any time there is reasonable cause to believe that any such person is suffering from an illness detrimental to the health of the pupils, the school board may require a new certification of health. The expense of obtaining certification of health may be borne by the board of education.



KANSAS  
ASSOCIATION



OF  
SCHOOL  
BOARDS



1420 SW Arrowhead Road • Topeka, Kansas 66604-4024  
785-273-3600

TO: House Committee on Education  
FROM: Mark Tallman, Assistant Executive Director for Advocacy  
DATE: February 12, 1999

RE: **Testimony on H.B. 2191**

Mr. Chairman, Members of the Committee:

We appreciate the opportunity to appear before you today. KASB appears as a proponent of H.B. 2191. We understand that the intent of this measure is to make it easier to bring community volunteers into the public school system. We strongly support that goal.

KASB also support measures to insure that children are healthy and that schools are safe environments. We therefore believe that this legislation should make clear that school boards **may** require certification of health from volunteers and others coming into regular contact with students in the school if community circumstances make that appropriate.

In other words, loosen the state mandate and give the local school board more flexibility and authority to meet the needs of its students and their community. We hope that is a familiar refrain.

Thank you for your consideration.

STATE OF KANSAS  
HOUSE OF REPRESENTATIVES

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REPRESENTATIVE DAVID ADKINS

Testimony Before the House Committee on Education  
Friday, February 11, 1999  
House Bill 2173: The Dwight David Eisenhower Scholarship Act

Chairman Tanner and Members of the Committee:

It is my pleasure to appear today in support of your favorable consideration of HB 2173 which establishes the Dwight David Eisenhower Scholarships. These scholarships would be awarded to high ability Kansas students providing them with tuition and fees to attend any public, post secondary institution in Kansas. The scholarships would be renewable for up to eight semesters of study for students making satisfactory academic progress. The program would be administered by the Board of Regents.

The creation of these scholarships is a fitting way for our state to honor the memory of President Eisenhower, our nation's 34<sup>th</sup> President. Eisenhower benefitted from a public education in his boyhood home of Abilene and was able to attend college as a result of admission to the United States Military Academy at Westpoint. He returned to Kansas to attend the Command and General Staff College at Fort Leavenworth where he graduated high in a class that included many future generals, hence the name "the class the stars fell upon". After his distinguished service as a soldier, Ike served as President of Columbia University prior to becoming a candidate for the Presidency. His commitment to higher education was significant both as an academic leader and as President.

In a special message to Congress in 1957, Eisenhower said, "In a Nation which holds sacred the dignity and worth of the individual, education is first and foremost an instrument for serving the aspirations of each person. It is not only the means for earning a living, but for enlarging life—for maintaining and improving liberty of the mind, for exercising both the rights and obligations of freedom, for understanding the world in which we live. Collectively, the educational equipment of the whole population contributes to our national character—our freedom as a Nation, our national security, our expanding economy, our cultural attainments, our unremitting efforts for a durable peace."

Eisenhower's legacy of service is a source of pride for all Kansans. As a state we have the opportunity to provide a living memorial to Ike's legacy by creating a merit based scholarship in his name. The fiscal impact of such a program is approximately \$250,000 dollars per class of scholars. When fully implemented the estimated annual cost would not exceed \$1,000,000. This is a small price to pay to keep the brightest young students in Kansas for pursuit of their post secondary studies. Oklahoma and many other states have been very aggressive in providing state based scholarship support to national merit scholar finalists. We must remain competitive in recruiting high ability students to our universities. This program provides our universities with one more valuable tool to retain high ability Kansas students in Kansas.

While I certainly support need based scholarships, I also firmly believe that there is a place for purely merit based scholarships in the constellation of state funded scholarships. These scholarships will significantly enhance the ability of our universities and post-secondary institutions to recruit and retain high ability students in Kansas. The program is designed to be easily administered and it is appropriately targeted.

The most valuable natural resource our state possesses is the intellect and skill of its youth. This is a commodity we can little afford to export. The small investment required to implement the Eisenhower Scholarship program will pay significant dividends for high ability Kansas students, for the institutions they choose to attend and for the state in which they study. As we confront the demands of the Information Age we must make the commitment to invest in the talent that will determine our state's success in meeting those demands.

Eisenhower also said, "An intellectual is a man who takes more words than necessary to tell more than he knows." With that in mind I will conclude my testimony now and attempt to avoid invading the realm of the intellectual. I would urge you to report this bill favorably and I would be pleased to respond to your questions.

Respectfully submitted,

A handwritten signature in cursive script that reads "David Adkins".

David Adkins



## WASHBURN UNIVERSITY

Office of the President

**Testimony  
to the  
House Education Committee  
by  
Dr. Jerry B. Farley, President  
February 12, 1999**

**RE: House Bill 2164**

Mr. Chairman, Members of the Committee:

It is a pleasure to appear before you this morning to request your endorsement of House Bill 2164.

This measure is about Washburn's state-wide role in Kansas higher education and equity in financing that role.

Washburn has been receiving out-district tuition from counties and from the townships inside Shawnee County outside the city of Topeka since the late 1970s. In the twenty years we have been receiving this financial support, it has been statutorily limited to students who have completed fewer than 64 credit hours or, in some specialized programs, 72 hours. These provisions have been in place to provide symmetry between out-district tuition paid to community colleges and Washburn University. The net result is that Washburn, a baccalaureate institution with graduate and professional programs, has been limited to receiving out-district tuition only for the equivalent of freshmen and sophomores.

Two years ago, legislation was passed eliminating effective July 1, 1999 the 64/72 credit hour limitation on the receipt of out-district tuition for students enrolled in the state's community colleges. Because the statutes authorizing Washburn's receipt of out-district tuition are in a different section than those effecting the state's community colleges, Washburn was overlooked when this change occurred. We request your support of HB 2164 to remove the 64/72 credit hour limitation on students attending Washburn University.

Passage of this measure will have no fiscal impact on the state of Kansas as Washburn receives no out-district state aid. In 1991 when the Legislature approved a state operating grant as a means to fund Washburn University, state out-district aid was folded in to the operating grant and since that time Washburn has received no differential for out-district state aid. The fiscal impact of HB 2164 will be felt on the 104 counties which send students to Washburn and the townships within Shawnee County outside the city of Topeka.



Currently out-district hours (freshmen and sophomores) represent 15.6 percent of the University's credit hour enrollment. However, out-district tuition payments represent less than 1.2 percent of the University's revenues. When examining the University's entire student body, between 40-45 percent of the student credit hours generated at Washburn are generated by students from outside the city of Topeka. Under current law, local property tax payers are providing a major subsidy for Kansas residents choosing to attend Washburn from outside its taxing district. Even with passage of HB 2164, out-district tuition would still represent less than three percent of the University's operating revenues.

The issue before you is one of fairness. Currently Washburn students, through tuition and fees, contribute over 40 percent of the University's operating revenues, Topeka taxpayers contribute 28 percent, and the state's General Fund provides slightly less than 20 percent. Even when out-district tuition is added to the state operating grant, less than 21 percent of the University's support comes from outside the city of Topeka. Yet, in any given year, 45 percent of our students come from other areas within the state of Kansas.

In closing, let me note that I am aware of the unpopularity of out-district tuition among county commissioners across the state. We applaud and support efforts on the part of those such as Representative Reinhardt to devise financing proposals for Washburn and the community colleges which eliminate out-district tuition and undue reliance on local property taxes. Nonetheless, until such fundamental changes are made in the financing of Kansas post-secondary education, it is essential that Washburn receive equity of treatment under existing financing formulas. Therefore, we request your endorsement and support of House Bill 2164.

BECKY HUTCHINS  
REPRESENTATIVE, FIFTIETH DISTRICT  
JACKSON AND SHAWNEE COUNTIES  
700 WYOMING  
HOLTON, KANSAS 66436  
(913) 364-2612



TOPEKA

HOUSE OF  
REPRESENTATIVES

COMMITTEE ASSIGNMENTS  
MEMBER: AGRICULTURE  
ENVIRONMENT  
HEALTH AND HUMAN SERVICES  
JOINT COMMITTEE ON HEALTH CARE  
REFORM LEGISLATIVE OVERSIGHT

ROOM 427-S  
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February 12, 1999

To: Chairman Tanner and members of the House Education Committee:

Subject: HB 2164

Thank you for the opportunity to come before you today and speak in opposition to HB 2164.

HB 2164 would unfairly increase the tax burden on surrounding counties and townships by requiring out-district tuition for students attending Washburn University, whose residence is outside of the municipal university district, and who have more than 64 credit hours. Current law exempts those individuals.

I feel this is an undo burden on local units of government that are currently under a tax lid. Passage of this bill would add significantly to surrounding counties and townships at a time when budgets are already stretched to the limit.

Elimination of these exemptions would make the financing formula for Washburn University the same as community colleges where counties pick up a greater portion of tuition costs. Washburn University is a four year institution, and passage of this bill will hurt Washburn's attempts to be made a part of the Regents system.

Make no mistake, this is a mandate. If you have one student in your district who attends Washburn University, who has over 64 credit hours, this bill will cost your county additional out-district tuition.

Thank you.

*Rep. Becky Hutchins*



# Soldier Township

600 N.W. 46th, Topeka, Kansas 66617

**Testimony on House Bill 2164  
Relating to Out-District Tuition  
By**

**Richard Maginot, Township Business Administrator**

I am here today to speak in opposition to this bill. As written the bill places an unfair burden on the taxpayers of Kansas. The Out-District Tuition statute requires that Soldier Township must collect taxes and pay Washburn University \$24 per credit hour for a every person living in Soldier Township who attends the University. Current law states that if a student has more that 64 credit hours (72 hours for nursing or engineering students) there is no out-district tuition to be paid. This provision was adopted as a sensible limit to the cost share the public should pay for basis education at Washburn.

This bill would remove that cap and require out-district tuition be paid no matter how many credit hours or how many degrees a student accumulates. To expect the taxpayers to help pay for advanced degrees, continuing education and other non-basic courses at Washburn is both unfair and unreasonable. These taxpayers already support advanced degrees and continuing education by paying taxes to fund the Schools in the State Regent system. They should not be asked to pay additional taxes to support the high costs of trying to maintain the last municipally owned university in the nation.

We urge this committee to recommend that the statutes relating to out-district tuition be left as currently written.