

Approved: 3-1-2000  
Date

MINUTES OF THE SENATE EDUCATION COMMITTEE.

The meeting was called to order by Chairperson Senator Barbara Lawrence at 9:00 a.m. on February 21, 2000 in Room 123-S of the Capitol.

All members were present except: Senators Downey and Hensley - Excused

Committee staff present: Avis Swartzman, Revisor  
Ben Barrett, Legislative Research Department  
Jackie Breymeyer, Committee Secretary

Conferees appearing before the committee: Dr. Gary George, Olathe School District  
John Koepke, Kansas Association of School Boards  
Jackie Oakes, Schools for Quality Education  
Craig Grant, Kansas National Education Association

Others attending: See Attached List

The meeting was called to order by Vice Chairperson Langworthy, who called for action on the minutes of January 28 & 31; February 2, 3, 7, 9, 10, 14, & 15. The minutes were approved on a motion by Senator Umbarger with a second by Senator Kerr.

**SB 552** - conferring the power of home rule on boards of education

The Vice Chairperson called on Dr. Gary George, Olathe School District, to begin his testimony. Dr. George appeared in support of the bill and read through his testimony. (Attachment 1)

In response to a question by one of the committee, Dr. George replied that the bill would let the school districts do things that they now have to constantly seek authority to do. The legislature would monitor the districts and if it was thought the districts were getting out of line, it could do things conceptually to take corrective action to remedy the problem.

John Koepke, Kansas Association of School Boards, submitted testimony in favor of the bill and urged the committee to grant the home rule power to local school districts that is already possessed by other local units of government such as cities and counties. This is an issue that hinders the ability of local school boards to adopt innovative programs and policies. (Attachment 2) He feels that it should be up to the schools boards to decide which decisions are in the best interests of the community.

Senator Bleeker, on a point of personal privilege, introduced a group from Leadership Great Bend. They stood up to be recognized and were welcomed by the Vice Chairperson.

Jackie Oakes, Schools for Quality Education, an organization of 115 small school districts, spoke in support of the bill and submitted her testimony. (Attachment 3) She stated if school boards had home rule power, they could meet their own responsibilities with less time and expense. This would return a measure of self-government and local control to elected people in the school districts who manage school business.

Avis Swartzman, Revisor, stated that a district cannot charge fees unless specifically authorized by an act of the legislature.

Chairperson Lawrence continued the meeting and called on Craig Grant, KNEA, to present his testimony. Mr. Grant stated he would present an amendment that would remove their policy opposition to the bill. He read the amendment on his testimony (Attachment 4) (H)"School Districts may not adopt policies that affect school employees (except administrative employees) unless authorized to do so by the legislature." He stated that this would take care of all situations, not just ones that are spoken to by the law. He is not sure the legislature can grant such home rule powers to local school boards. He mentioned the Peabody case and thought it would be the State Board of Education that could grant such home rule powers since it has self-executing authority for the policies that affect school districts.

The Chairperson closed the hearing on **SB 552** and called for discussion on the bill.

CONTINUATION SHEET

MINUTES OF THE SENATE EDUCATION COMMITTEE, Room 123-S Statehouse, at 9:00 a.m. on February 21, 2000.

Senator Oleen had a school bus situation she wanted the committee to consider as an amendment to the bill. It pertained to the ability of school districts to charge fees for picking up students who live less than two miles from a district. Senator Oleen stated she would make that into the form of a motion.

Senator Oleen moved to allow school districts to charge fees for picking up students who live less than two miles from a district. Vice Chairperson Langworthy gave a second to the motion.

Dale Dennis, Deputy Education Commissioner clarified that the mileage was 2 ½ instead of 2 miles.

Senator Oleen said she would stay with current law and make her motion 2 1/2 miles. This language has gone through both houses before, but died in conference committee.

Mr. Dennis clarified that it would be permissive to charge, but not required.

The motion carried.

Chairperson Lawrence called for action on the bill.

Senator Oleen moved to recommend SB 552 favorably for passage as amended. Senator Langworthy gave a second to the motion. The motion carried.

The Chairperson turned the committee's attention to **SB 381 - professional service scholarships** Paul West, fiscal analyst, distributed materials the committee had asked for last week.

The Chairperson gave a short history of the bill to bring the committee up to date. Because the rate is based on the plus rate; the committee did not know what that rate was.

Mr. West stated that information could be found at the bottom of the yellow sheet entitled "Interest Rate Comparisons" and said the Plus Loans are based on one year treasury bills. He went down the list of percentage rates. (Attachment 5.)

The Chairperson commented there had been some interest expressed in taking it up to plus plus 4.

Senator Emert moved to amend SB 381 by making the rate plus plus 5. Senator Kerr gave a second to the motion.

Discussion was held. The motion carried.

Senator Oleen asked the Chairperson to have the minutes reflect a request that the LEPC begin to look at some of the exchange programs. She expressed particular concern over the dental program. Some information has been obtained, but it is still sketchy. She believes there is an imbalance in the program. The Chairman stated that would be reflected in the minutes.

Senator Kerr stated that the bill is duly referred and will go to the Ways and Means committee next. He is not convinced at this point that the scholarship plan is what is needed to solve the dental problem. It may not survive in that committee, not because of disinterest in dental, but there may be a different answer for this issue. There has been another possible source of additional trading found just this week. He, like Senator Oleen, is not convinced our trades are working that well.

The Revisor went over the amendment that the Regents wanted to include in the bill.

Senator Emert moved to amend SB 381 with the adoption of the language suggested by the Regents. Senator Oleen gave a second to the motion.

Senator Oleen recommended SB 381 favorable for passage as amended, seconded by Senator Langworthy. The motion carried.

The meeting was adjourned.

# SENATE EDUCATION COMMITTEE GUEST LIST

DATE: February 21, 2000

NAME	REPRESENTING
Chuck Bredahl	Lieutenant General's Dept
Denise Axt	USA / KCK
John Koepke	KASB
Bob Vancouver	Blue Valley USD 229
Craig Grant	KNEA
David Miles	Associated Press
Jim Langford	DOB
Margie A. Blaufuss	KNEA
Mike Matzer	KBUR
Gary Robbins	KS Opt Assn
Alvena Spangenberg	GB Leadership
Jean Marie Leltinger	GB Leadership
Julie Peterson	GB Leadership
Caryn L. Campbell	USD 501
John Peterson	Ks Dental Assn
Chip Wheelen	Osteopathic Assn
Jacque Oakes	SQE
Jim Yacally	USD #512

**Testimony for Senate Education Committee  
Senate Bill 552  
February 21, 2000  
Dr. Gary George  
Olathe School District 233**

**Senator Lawrence and members of the Senate Education Committee, thank you for giving us an opportunity to speak on Senate Bill 552. Senate Bill 552 would grant local school districts a measure of home rule. The Olathe School District is supportive of this bill. Over the past several years, the legislature has passed special legislation in order that school districts could do some ordinary things. For example, legislation was necessary so that a public school cafeteria could prepare school lunches for a private school. In another situation, a law was passed to allow a school district to help with food service at a university. Recently, there was consideration of a bill involving school bus headlights. The Olathe School District has been seeking passage of a bill to allow school districts to contribute to a teacher's tax sheltered annuity.**

**Under the current laws, there is no incentive to be entrepreneurial or to think out-of-the-box. We would like to suggest that if school districts had more flexibility, we could do more without constantly having to seek a new law. For instance, we believe that we have an outstanding training component in our district. We would like to market these services to other districts to recover some of our investment and generate funds. We have distance learning labs. We would like to provide**

**instruction to others and, again, recover our investment. These are just two examples about which we are thinking. However, there is not much incentive to go beyond incremental change and small improvements. We would hope that we could have more freedom to move forward.**

**Thank you.**



Testimony on Senate Bill No. 552  
before the  
Education Committee

by  
John W. Koepke  
Executive Director  
Kansas Association of School Boards  
February 21, 2000

Madam Chairman and members of the Committee, we appreciate the opportunity to appear before you on behalf of the member boards of education of the Kansas Association of School Boards in support of Senate Bill 552. As we have in the past several years, we would urge you once again to grant the "home rule" power to local school districts that is already possessed by other local units of government such as cities and counties.

Although the Kansas Constitution is designed to encourage local control by requiring that public schools must be maintained, developed and operated by locally elected school boards, those school board have only the authority that is expressly granted to them by state statute. The general principle of home rule is that local units may take actions which they believe are appropriate unless those actions are prohibited by law. At a time when the legislature seems eager to encourage innovation and reform in public education, this issue hinders the ability of local school boards to adopt innovative programs and policies.

It is important to note that this measure would not allow school districts to "charter out" of any existing state statutes. But it would eliminate the seemingly annual trek of local school boards to the capitol to seek new or special legislation to allow them to pursue some reasonable approach to a problem they face that is not currently authorized by statute.

Some in the past have expressed their fear of what local school boards might do with this new grant of authority. We prefer to express the hope that new means of addressing problems that might be replicated on a state wide basis would be found through the exercise of this authority.

We would urge that your committee and the Kansas Senate once again give its approval to this modest measure and express your support for continued exploration of new avenues to address the issues facing public education. Thank you for your attention and I would be happy to answer any questions.



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## Schools for Quality Education

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

February 21, 2000

To: SENATE EDUCATION COMMITTEE

Subject: SB 552--CONFERRING THE POWER OF HOME RULE ON BOARDS  
OF EDUCATION

From: SCHOOLS FOR QUALITY EDUCATION

Madam Chair and Members of the Committee:

I am Jacque Oakes representing Schools For Quality Education, an organization of 115 small school districts.

We appear before you in favor of SB 552 which would give home rule to school districts.

We believe that this bill would allow districts to cut red tape and free them to do their job in a more expeditious manner. It would also allow legislators to better spend their time and talents on the major issues of the state, rather than some of the minor issues of the districts. It seems each year there are several bills needed during Session which take care of all districts in a general way or particular districts needing statutory permission to take care of an item belonging distinctively to their district.

If school boards had home rule power, they could meet their own responsibilities with less time and expense to themselves, their constituents, and to legislators. We have heard many, many times local control. This would return a measure of self-government and local control to elected people in the school districts who manage school business. Home rule seems to work well within our local government entities.

We believe that school boards would be extremely careful in their utilization of this new authority and that sufficient safeguards have been built into SB 552. Please trust your elected, local school boards.

Thank you for your time and positive consideration of SB 552.

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**"Rural is Quality"**

Senate Education  
2-21-2000  
Attachment 3



KANSAS NATIONAL EDUCATION ASSOCIATION / 715 SW 10TH AVENUE / TOPEKA, KANSAS 66612-1686

Craig Grant Testimony Before  
Senate Education Committee  
Monday, February 21, 2000

Thank you Madame Chairman. I am Craig Grant and I represent Kansas NEA. I appreciate this opportunity to once again visit with the Senate Education Committee about SB 552.

Kansas NEA continues to oppose this "home-rule" bill for school boards. Our general counsel, David Schauner, refers to the concept as "opening the black hole of mischief" for local boards of education. I believe the bill has not passed the myriad of times it has been tried because of legislators using their imaginations to tell them just how far some (maybe a few, but some) might go if given this authority. We have only to remember school boards that adjusted the final average of top administrators so they could draw higher retirement compensation as an example of what might occur with these new powers.

Having said the above, and noting the zeal in which school boards have pursued this "power," I have an amendment that would remove our policy opposition to the bill. On page two of the bill, line 38 and 39, if we could change subsection (H) to the following:

- (H) School Districts may not adopt policies that affect school employees (except administrative employees) unless authorized to do so by the legislature.

The school board association has continually indicated that boards of education would not use this new authority to change working conditions for employees. This amendment would ease our mind about any "home-rule" authority affecting our members.

Our other concern really may be more basic. The proponents of this measure have indicated that they want to be like cities and counties with the same "home-rule" powers. We think that there is a basic difference between school boards and cities and counties. That difference is that the constitution gives "self-executing" power to the State Board of Education, or at least the Peabody case would so indicate and the change to remove such powers has failed three times before the voters of Kansas. We do believe that as long as the State Board has the self-executing powers, local school boards can not be granted home rule by the State Legislature.

Kansas NEA opposes SB 552 on policy as well as Constitutional grounds. We think the policy question can be dealt with by amendment; we think the voters will have to deal with the Constitutional question. Thank you for listening to our concerns.

Senate Education  
2-21-2000  
Attachment 4



PROFESSIONAL SCHOLARSHIP FINANCIAL COMPARISONS

Scholarship Program	Present Maximum Award	Proposed Maximum Award	FY 1999 Average Award	Number of Awards Authorized	FY 1999 Awards	Notes
<b>Undergraduate Programs</b>						
Teacher	\$5,000	70 % COA	\$4,657	50 new	27 new/83 total	
Nursing	\$3,500	70 % COA	\$3,128	250 new	106 new/144 total	
ROTC	100% of Tuition	70 % COA	\$1,594	160	92	
<b>Graduate Programs</b>						
Osteopathic	\$15,000	KUMC Loan Prog.	\$15,000	15		8 KUMC Loan Program is budgeted at \$23,979 in FY 2001.
Optometry	None Specified	Same	\$6,693	None Specified		20 Does not include 19 reciprocal seats in Missouri
Minority Fellowship	\$8,000	100 % COA	\$7,111	40	18	
Advanced Reg. Nurse Practitioner	\$15,000	70 % COA	\$0	12	0	
Dental	\$0	70 % COA	\$0	15 new/60 total	0	

**Cost of attendance** -Includes tuition, fees, books, supplies, room, board, and miscellaneous expenses. For FY 1999, 70 percent of cost of attendance for an average undergraduate program at a Regents institution would be \$6,600. Graduate programs could be significantly higher.

**Interest Rate Comparisons:**

- 8.50% Current rate for PLUS Loans (one year treasury bills plus 3%)
- 10.50% Current S.B. 381 rate (PLUS rate plus 2%)
- 13.39% Average rate for a 24 month personal loan from a commercial bank in CY 1999
- 15.00% Current rate for professional scholarship repayments
- 15.00% Current rate for medical student loan repayments (no change proposed)
- 15.21% Average rate for credit card issued by a commercial bank in CY 1999

## PROFESSIONAL SCHOLARSHIP SERVICE REQUIREMENTS

### Senate Bill 381

#### Current Law

**Osteopathic Scholarship.** (Bill sections 1-6)  
Practice primary care medicine full-time in Kansas in a county other than Douglas, Johnson, Sedgwick, Shawnee or Wyandotte or at least half-time in a state medical care facility or institution for one year for each year of scholarship assistance.

**Optometry Scholarship.** (Bill sections 7-9)  
Practice optometry in Kansas one year for each year of scholarship assistance. (Not applicable to those who attend Missouri under the reciprocal agreement.)

**Nursing Scholarship.** (Bill sections 10-18)  
Work full-time for sponsoring health care facility one year for each year of scholarship assistance or the proportional equivalent if working less than full-time.

**Teacher Scholarship.** (Bill sections 19-26)  
Teach full-time in a hard-to-fill teaching discipline, as determined by the State Board of Education, for one year for each year of scholarship assistance.

#### S.B. 381 Changes

Add obstetrics and gynecology to the definition of primary care medicine; allow part-time practice to qualify for proportional compliance; authorize the Board of Regents to designate medically underserved areas which also qualify for compliance.

Allow part-time practice to qualify for proportional compliance.

Add a licensed home health agency to the list of approved sponsoring health care facility.

Add geographic areas of the state where there is a critical shortage of teachers, as determined by the State Board of Education, as a qualifying service; allow part-time teaching to qualify for proportional compliance.

**Ethnic Minority Fellowship.** (Bill sections 27-30) Work full-time for an accredited Kansas educational institution for a period equivalent to the period fellowship assistance was provided.

Work for an accredited Kansas elementary or secondary school or postsecondary educational institution for a period equivalent to the period fellowship assistance was provided; allow part-time work to qualify for proportional compliance.

**ROTC Scholarship.** (Bill sections 31-37) Serve for four years as an officer in the Kansas National Guard.

Same.

**Dental Scholarships.** (Bill sections 38-43). New program.

Practice dentistry in Kansas 1) in a rural area (excludes the five urban counties) or 2) in a medically underserved area (as designated by the State Board of Regents) one year for each year of scholarship assistance or the proportional equivalent if working less than full-time or 2) practice dentistry at least half time in a state medical care facility or institution or community health center one year for each year of scholarship assistance.

**Advanced Registered Nurse Practitioner Scholarship.** (Bill sections 44-51). Practice full-time or the equivalent to full-time as an advanced registered nurse practitioner in a medically underserved area by specialty or a critically medically underserved area by specialty as defined by KSA 76-375 or in a county with a population of not more than 20,000 one year for each year of scholarship assistance.

Practice one year for each year of scholarship assistance in a medically underserved area as defined by the State Board of Regents or in a county other than Douglas, Johnson, Sedgwick, Shawnee or Wyandotte; allow part-time practice to qualify for proportional compliance.

**PROFESSIONAL SERVICE SCHOLARSHIP RECIPIENT STATUS  
FY 1999**

<u>Professional Scholarship</u>	<u>Program Began</u>	<u>In School/ Training</u>	<u>Deferment</u>	<u>In Service</u>	<u>Obligation Fulfilled</u>	<u>In Repayment</u>	<u>Obligation Repaid</u>	<u>Bankruptcy/ Default</u>	<u>Status Unknown</u>	<u>Other</u>	<u>TOTAL RECIPIENTS</u>
<b>Osteopathic</b>	FY 1977	53 17.0%	2 0.6%	38 12.2%	76 24.4%	25 8.0%	88 28.2%	9 2.9%	3 1.0%	18 5.8%	312 100.0%
<b>Optometric</b>	FY 1987	39 24.7%	1 0.6%	19 12.0%	54 34.2%	5 3.2%	16 10.1%	2 1.3%	5 3.2%	17 10.8%	158 100.0%
<b>Teaching</b>	FY 1991	118 36.0%	5 1.5%	67 20.4%	97 29.6%	21 6.4%	16 4.9%	0 0.0%	0 0.0%	4 1.2%	328 100.0%
<b>Nursing</b>	FY 1990	144 8.8%	0 0.0%	112 6.8%	1,154 70.5%	49 3.0%	99 6.0%	0 0.0%	0 0.0%	79 4.8%	1,637 100.0%
<b>Minority Fellowship</b>	FY 1994	34 56.7%	2 3.3%	5 8.3%	10 16.7%	8 13.3%	0 0.0%	0 0.0%	0 0.0%	1 1.7%	60 100.0%

Notes: No data on Kansas National Guard ROTC Service Scholarships; Advanced Registered Nurse Practitioner program has never been funded; Status Unknown typically are recipients who have yet to establish a practice; Other includes academic failure, deceased, and license examination failure. For the Optometric Scholarship, other also includes 14 recipients who attended school under a reciprocal agreement with Missouri and thus did not incur a service obligation.