

MINUTES OF THE SENATE COMMITTEE ON EDUCATION.

The meeting was called to order by Chairperson Umbarger at 1:10 p.m. on February 13, 2001 in Room 123-S of the Capitol.

All members were present except:

Committee staff present: Ben Barrett, Legislative Research
Avis Swartzman, Revisor of Statutes
Judy Steinlicht, Secretary

Conferees appearing before the committee: Senator Dave Jackson
Charles Yunker, State Adjutant, American Legion
Ralph Snyder, Retired, American Legion
Gary Slimmer, Adjunct Professor, Washburn University
Michael Byington, Envision
Sharon Zoellner, USD 232, Desoto
Mark Tallman, KASB
Linda Baker, USD 501
Helen Ljungdahl, School Board, USD 437
Ben Barrett, Legislative Research Department

Others attending: See attached list

SB163--Instruction program on flag use, display and etiquette.

Senator Dave Jackson said a few words about **SB163** which is the flag etiquette bill and introduced proponents of the bill, Mr. Charles Yunkers, Ralph Snyder and Gary Slimmer. Mr. Yunker's remarks are included in (Attachment 1), Mr. Snyder's remarks are included in (Attachment 2) and Mr. Slimmer's remarks are in (Attachment 3).

Senator Teichman made a motion to pass **SB163** favorably out of the Committee. Seconded by Senator Vratil. Motion carried.

SB157--School districts, use of credit or debit cards for payment of tuition, fees, charges
SB158--School districts, authorize use of credit or debit cards by officers and employees
SB161--School districts, policies relating to the use of credit or debit cards

Mr. Michael Byington, Envision, gave testimony in support of **SB158** and **SB161**. (Attachment 4) Mr. Byington offered an amendment which is stated on page 2 of his testimony.

Next, Sharon Zoellner, USD 232, Desoto, spokesperson for several others in the audience, Jenni Newell, Blue Valley School District, Eric Hansen, Gardner-Edgerton Schools, John Chapman, Piper Schools, Gary George from Olathe Schools, and Bill Frick from Shawnee Mission Schools, gave testimony in support of **SB161**. (Attachment 5)

Mark Tallman, KASB, stated he was in support of **SB157**, **SB158**, and **SB161**. (Attachment 6) Mark was asked to address the amendment that was presented by Mr. Byington. Mark believed that the requests in the amendment were already addressed in the bill. Ms. Zoellner concurred with Mr. Tallman that the amendment was not needed. The Committee asked if credit card use was prohibited in schools and it was explained that presently the current Kansas statutes do not mention credit cards or debit cards, and that the basic law of the state is that school districts have only those powers that are specifically provided to them by statutes or reasonably implied by statutes. The purpose of this bill is to give specific authority for the use credit cards. Many schools are already using credit cards, so the bill is to legitimize that use. The staff was asked for a comment on the amendment offered by Mr. Byington. The staff concurred that the amendment was not needed.

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Chairman Umbarger called to the attention of the Committee the written testimony before them from Charles Hensen supporting **SB157**. (Attachment 7)

Senator Vratil distributed a balloon form of **SB161** with some amendments that he intends to offer at the appropriate time, one which would delete from the bill the requirement of a special fund. (Attachment 8)

One member of the Committee was concerned about misuse of credit cards in schools and wants an opportunity to get more information from her school board. If the credit card bill was not paid on time, late charge and interest could be very expensive or the card could be used for inappropriate things. She believes the rules in the bill regarding use of the credit card would have to be very specific. Chairman Umbarger stated that the bill would be voted on at a later date and there would be time to study the bill and gather the desired information.

SB248--School districts, membership on boards of education

Linda Baker is teacher in USD 501, Topeka, and until last year was a member of the Board of Education in her district. She was forced to resign from the Board of Education as a result of court action. She wants legislator's to amend **SB 248** to include professional and classified school employees to stand for election and serve on their employing school board. Her testimony is in (Attachment 9).

Helen Ljungdahl offered testimony in favor of **SB248**. She was a part time employee of USD 437 as a school bus driver. She was strictly an hourly employee who received no benefits and sees no reason why her position was a threat to the school board. She is a very involved patron in the district, the parent of two children. She did volunteer work, PTO, as well as many other groups and projects. She was urged to run for the school board by other patrons. It is difficult to get people to run for these positions because of the time involved. An election is coming up for three positions and two incumbents are unopposed. Asked the question directly, she does feel that teachers should not serve on the school board because she could guide curriculum and guide other decisions.

Mark Tallman offered testimony as an opponent to **SB248**. His testimony on this bill is included in (Attachment 6) above. Discussion brought up the question of why school boards different from hospital boards. It is a requirement that physician be represented on the hospital board. Instead of thinking that a teacher would be biased or prejudiced, why couldn't this be exchanged for knowledge or expertise. Mark states the problem is how can an employee of a school district serving on the school board be treated, supervised and disciplined in the same way as all other employees when that individual sits on the board and evaluates the superintendent, evaluates the process, and has access to all of the other employees records. The Supreme Court says this is a fairly settled matter of law that this is inappropriate, one person cannot be a supervisor and a supervisee.

SB257--School districts, board delegation of power to enter certain contracts to superintendents

Mark Tallman gave testimony in support of **SB257**. Mark's testimony is included in (Attachment 6).

Senator Vratil explained that currently under state law, only a Board of Education can enter into a contract on behalf of the school district regardless of the size of it. If the contract was \$20, it would have to be considered and approved by the Board of Education and signed by the president. The purpose of **SB257** is to allow the board to delegate that authority on contracts up to a maximum of \$10,000.

Senator Oleen moved that contents of SB166 be amended into SB257 and report the bill favorably. Motion was seconded by Senator Vratil. Question was asked what **SB166** does. It was explained that **SB166** grants school districts powers to take reasonable and necessary actions to fulfill their mission unless specifically prohibited by state law. Now the law says they can't do anything unless the legislature says they can. After motion was discussed, the Committee passed SB257 as amended.

Pre-School Programs

Ben Barrett presented an overview of pre-school programs. (Attachment 10) The Committee would like

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to know what plans are for the \$2 million dollars that was taken out of the Children's Initiative Fund. The Committee would like to know the results of the Ways and Means report on children's funding.

Meeting adjourned at 2:20 p.m. Next meeting is scheduled for February 14 at 1:00 p.m.

SENATE EDUCATION COMMITTEE GUEST LIST

DATE - 2/13/01

| <u>NAME</u> | <u>REPRESENTING</u> |
|--------------------|-------------------------------------|
| Bill Buck | Shawnee Mission Schools |
| Mary R. George | Olathe District Schools |
| David D. Jackson | Senate Dist 18 |
| Gary A. Johnson | Citizen |
| Ralph Snyder | Citizen |
| Charles M. Yunker | The American Legion Dept. of Kansas |
| Ted Nugent | Citizen |
| E O'Malley | O.P. Chamber of Commerce |
| Don Ryan | Kearney Valley USD 321 |
| Hershel Poor | Citizen |
| Don Howard | USA. |
| Bill Brady | Schools for Ed Funding |
| Helen Ljungdahl | USD 437 - Board Member - x-employee |
| Stacy Farmer | KASB |
| Eric Sexton | W S U |
| Basil James-Martin | SRS - Children/Family Policy |
| Denise Ayst | USA - K C K |
| Mark Falkman | KASIS |
| Patrick & Shirley | KLC/KEC |
| Jim Youally | self |
| | |
| | |

TESTIMONY IN FAVOR OF
SENATE BILL 163
BY CHARLES M. YUNKER, ADJUTANT
THE AMERICAN LEGION, DEPARTMENT OF KANSAS
SENATE EDUCATION COMMITTEE
TUESDAY, FEBRUARY 13, 2001

Thank you Mr. Chairman, and members of this committee for the opportunity to appear before you today and present testimony in support of Senate Bill 163. My name is Charles M. Yunker and I serve as the State Adjutant for the American Legion Department of Kansas. SB 163 is a simple twelve line act that can provide every youngster in Kansas an invaluable element of their education that will last a lifetime. My use of the term "lifetime" may be somewhat bold but if I can still recall the Flag education course taught to me in the seventh grade I'm certain I am not alone.

According to American Legion National Headquarters, twenty-seven states currently have laws requiring the recitation of the Pledge of Allegiance or that a Flag Education/Flag Etiquette course be taught in their schools. Our nation's Flag is the one symbol which binds our diverse society together. Unfortunately in recent years knowledge of its proper display, handling and treatment has waned.

Today it is not uncommon to see the United States Flag ordered lowered by schools, local governments and private firms as a way of acknowledging the death of a student, local elected official or fellow employee. As much as we can offer our sympathy for those individuals and their families, local governments and private industry simply do not have the authority to lower the United States flag to half staff. That privilege is reserved for the President of the United States and in some cases to the Governor of

*Senate Education
2-13-01
Attachment 1*

every state within specific guidelines which spell out for whom and for how long the Flag can be flown at half staff. If local governments, including specific Departments with the local or county governments such as police or fire, and private industries have their own flag or banner those can be lowered to half staff. But they do not have the authority to fly the Flag of the United States a half staff unless approved or directed to do so by the President or Governor.

There is a common myth that only veterans and some elected officials may have a Flag draped coffin. That is not true; every United States citizen can. The only difference is who provides the Flag; in the case of a veterans' funeral the federal government does at no charge to the veteran's family.

The reason I cite the two examples I just mentioned is merely to bring to your attention facts that I and, I'm certain many of you, learned in grade school. Facts which are no longer taught to our children and grandchildren. There are several other facts regarding Flag Etiquette which I could mention today regarding proper display and disposal of the Flag but chose two which I think are rather obscure or unfortunately have been forgotten by too many people.

Earlier I stated our nation's Flag is the one symbol which binds us together; it also serves as a way to promote patriotism and pride in not only our country and our representative form of government but also pride in ourselves and who we are, Americans. I'll never lose or ignore my ethnic heritage -- that's who I am, that's who my

family is, and who my ancestors were -- likewise I'll never lose sight of my religion, but right along side of those, I am an American who is very proud of my state's Flag and the Flag of my country. That pride was taught to me in grade school, SB 163 will provide today's students the same gift.

February is Americanism month, and I acknowledged that in my monthly column for the American Legion's newspaper the Sunflower Legionnaire. I've attached a portion of that column to my testimony and would like to take a moment to read two sentences from it. "This goes back to a lack of education; not necessarily to a lack of respect. How can we expect others to respect our Nation's Flag and anthem unless we first educate them?"

Missouri and Louisiana are the two latest states to require Flag Education be taught in their respective schools. Missouri passed their law 136 to 10 in its House and 34 to 0 in its Senate; the State of Louisiana approved their version 100 to 0 in its House and 36 to 0 in its Senate. I have attached a copy of Missouri's basic program to my testimony for your review.

Again thank you for this opportunity to urge your support of SB 163.

**ADJUTANTS
COLUMN**

Chuck Yunker

Last month I attended a Topeka Scarecrows hockey game as a guest of my nine year old son Michael. (I'll explain how I became my son's guest later in this column.) Naturally the pregame activities included the National Anthem which reminded me of two 'pet peeves.' First; the lack of some to pay proper respect for the flag (or others who were) while the anthem was being sung, and second; the increasing trend to modify the anthem's closing words from "Home of the brave" to "Home of (insert name of team here)."

In the first instance we as veterans have a duty and obligation to help educate and remind others of the respect due our flag. We can accomplish this by setting an example and by reminding those with us to do the same. We can also make ourselves available to scouting groups, schools, and even adult groups to explain flag etiquette. February is Americanism Month and a perfect time to contact groups to offer your services on behalf of The American Legion (you do not have to be a Post Officer; only someone who cares about our flag; ask your Post for assistance).

Department Headquarters can also assist you in preparing a presentation: some materials we have are free of charge while others do have a slight fee (our cost) including small \$.10 peel and stick lapel flags you can present to each member of an audience. Other items include a video, "George Learns The Pledge" aimed at children in grades 1-5 (available for the cost of a blank tape), Let's Be right on Flag Etiquette and Americanism manuals - see page two of the January Sunflower for more ideas. Recently I presented this very same material before a pair of 3rd grade classes in Gardner; I'm still not sure who had more fun, the students or me. What a GREAT group of kids!

In the second instance I visualize myself sounding like Andy Rooney of 60 Minutes when I think "Who said it's okay to end our National Anthem with... "And the Home of the Chiefs!", the Crows, or the Toledo Mud Hens for that matter? What are we as a society trying to do? Raise a generation who has to consult a book to learn the correct ending of our Nation's Anthem? Or will any future generation even know, or care, that "insert name of favorite team" isn't correct? This goes back to a lack of education; not necessarily to a lack of respect. How can we expect others to respect our Nation's flag and anthem unless we first educate them?

Today's lack of respect and/or education to the flag and other traditional values did not occur overnight nor can we cure the problem overnight. We all know how or why the trend away from patriotism began; and we all know what we can do to reestablish that pride and respect...we begin with our youth. It will take time but in many cases when parents see their children displaying respect for our flag mom and dad will do likewise.

Guidelines for Teaching Flag Etiquette in Missouri Public Schools



Published by the
Missouri Department of Elementary and Secondary Education
Robert E. Bartman, Commissioner of Education
December 1998

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Introduction

This booklet was developed as a result of legislation (House Bill 630) enacted by the Missouri General Assembly in 1997. The bill was sponsored by Rep. Bill Boucher of Kansas City and Rep. Bill Ransdall of Waynesville. The law is now found in state statutes as Section 161.104, RSMo.

The intent of this law and the State Board of Education's accompanying regulation is to encourage local schools to provide appropriate instruction for young people about the United States flag and flag etiquette. Local schools have

discretion, however, in deciding how and when such instruction will be provided.

The Department of Elementary and Secondary Education acknowledges the encouragement and assistance of Representatives Boucher and Ransdall in developing this material. The Department also is grateful to the following statewide organizations for their assistance and support in developing this booklet for local schools:

- The American Legion
- Disabled American Veterans
- Veterans of Foreign Wars
- The Missouri Association of Veterans' Organizations

Except for the cover, the illustrations used in this publication were originally created by The American Legion and are used here with permission.

Statutory Authority

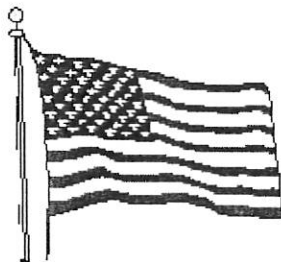
Here is the complete text of the 1997 state law concerning instruction about flag etiquette.

Section 161.104 - State board to adopt rules on instruction of etiquette concerning the U.S. flag.

1. The state board of education shall provide by rule for a program of instruction relating to the flag of the United States of America and instruction in etiquette and in its correct use and display and such other patriotic exercises as may be expedient. Such instruction, at a minimum, shall include sections 36 U.S.C. 170 to 177.*
2. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.

***Note:** Throughout this material, reference is made to "The Flag Code" and to different sections of Title 36 of the United States Code (U.S.C.) or the United States Code Annotated (U.S.C.A.). The Flag Code was adopted into federal law by Congress on July 7, 1976 (Public Law 344). In this publication, all references to The Flag Code are based on this source.

The Missouri State Board of Education adopted a regulation, as required by this statute, in June of 1998. The rule became effective October 30, 1998. It may be found in the Code of State Regulations (CSR) under 5 CSR 50-865.400 and in Appendix B of this publication.



Ideas For Instruction In Flag Etiquette

Activities

- At the first assembly of the school year, have the principal, a faculty member, a student, or a person from the community show students how to stand during the playing of the national anthem. At future assemblies, have someone on stage model the proper way to stand, with teachers and Student Council members reinforcing what that person does.
- In elementary classes, discuss the meaning of the words in the Pledge of Allegiance. Discuss what this or any other country would be like if it did not have liberty and justice and if its people were so divided that they

could not live peacefully with each other. Students could show what they learned by dramatizations or by making drawings to illustrate their ideas.

- Have older students create posters, using newspaper articles they find, that show examples of liberty, justice, and people living peacefully together as opposed to other examples showing those conditions not being present in different parts of the world. Maps could show the locations of the sites where the stories took place.
 - Have a group of students, perhaps Student Council members or Scouts, together with a student who plays a trumpet, lead a dignified flag-raising ceremony and a flag-lowering ceremony each day at the flagpole by the front of the school. If such a ceremony is not conducted each day, it could be conducted in connection with national and state holidays, special school or community events, or on the first day of the week. Prior to such ceremonies, students need to be instructed on how to behave during the ceremony. (See Sections 174d and 177 of The Flag Code, [Appendix A](#).)
 - Have students study and then demonstrate proper displays of the flag using flags and The Flag Code as resources. (See Section 175 of The Flag Code, [Appendix A](#).)
 - As a follow-up to Activity 5, have students discuss the rationale for the code, i.e., why flags are sometimes flown at half staff, or why flags of two or more nations are flown from separate staffs of the same height and are approximately the same size.
 - Have students conduct research on the flag as a symbol that evokes strong feelings among many of our citizens, such as those who have fought for this country and those who have immigrated from other nations.
 - Have students discuss the ideals the flag represents, such as liberty and justice, and even the right of some citizens not to pledge allegiance to it. There was a controversy over students in school saluting the flag, which resulted in two Supreme Court decisions in the 1940s. Those cases are *Minersville v. Gobitis* (1940) and *West Virginia State Board of Education v. Barnette* (1943). Students could conduct research about these cases and present reports to the class in a variety of creative ways.
 - Have students collect or make pictures of the various forms the U.S. flag has taken since our nation's beginnings. Have them investigate and explain the symbolism in the various forms of the flag, how and why it has changed, and how it has stayed the same.
 - Have students investigate and identify arguments concerning a constitutional amendment that would outlaw desecration of the United States flag.
-

Resources

To assist in conducting research about the flag, its history, and etiquette concerning its use, schools should consider the following sources:

1. School and Public Libraries

2. Organizations

There are many organizations who may be contacted by teachers and/or students for assistance with flag-related activities and patriotic observances. Many of these organizations have offices or local affiliates throughout the state. Only a few of them are listed here.

- The American Legion, State of Missouri, P.O. Box 179, Jefferson City, MO 65102-0179 (Phone: 573-893-2353, Fax: 573-893-2980)
- Veterans of Foreign Wars of the United States, VFW Building, 406 West 34th Street, Kansas City, MO 64111 (Phone: 816-756-3390, Fax: 816-968-1157). The VFW has a curriculum entitled *Citizenship Education Programs for School and Youth Groups - Curriculum Guide for Educators*, which it provides to schools at no cost.

3. Resources on the Web

The wealth of flag-related information and resources available to students and teachers on the World Web.

Here are just a few currently available sites:

- [American Embassy, London](#)
- [The American Legion](#)
- [Betsy Ross Homepage](#)
- [Fort McHenry National Monument and Historical Shrine](#), which includes all sorts of interesting information in the Guided Tour of the fort one can take by clicking on the fort's logo.
- [National Flag Foundation](#)
- [Surfing the Net With Kids](#)
- [A site by Duane Streufert](#)
- [A site on the history of the U.S. flag](#)

- [A site on vexillology, the study of flags](#)

- [The Star-Spangled Banner Project](#)

- Information on the U.S. flag at the site of [Smithsonian's National Museum of American History](#)

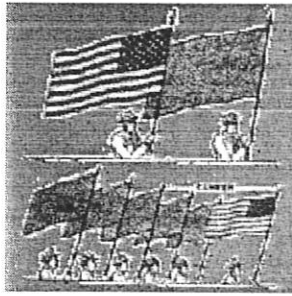
Appendix A

Excerpts from The Flag Code

The following excerpts from The Flag Code may be used in connection with [Activities](#) 4 and 5.

§ 174. Time and occasions for display; hoisting and lowering(d) The flag should be displayed on all days, especially on

- New Year's Day - January 1
- Inauguration Day - January 20
- Lincoln's Birthday - February 12
- Washington's Birthday - third Monday in February
- Easter Sunday - (variable)
- Mother's Day - second Sunday in May
- Armed Forces Day - third Saturday in May
- Memorial Day (half-staff until noon) - last Monday in May
- Flag Day - June 14
- Independence Day - July 4
- Labor Day - first Monday in September
- Constitution Day - September 17
- Columbus Day - second Monday in October
- Navy Day - October 27
- Veterans Day - November 11
- Thanksgiving Day - fourth Thursday in November
- Christmas Day - December 25
- Other days as may be proclaimed by the President of the United States
- Birthdays of States (date of admission)
- State holidays



§ 175. Position and manner of display

The flag, when carried in a procession with another flag or flags, should be either on the marching right; that is, the flag's own right, or, if there is a line of other flags, in front of the center of that line.

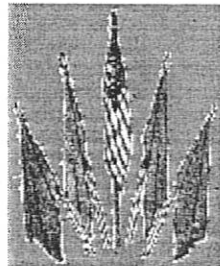
(a) The flag should not be displayed on a float in a parade except from a staff, or as provided in subsection (i) of this section.

(b) The flag should not be draped over the hood, top, sides, or back of a vehicle or of a railroad train or a boat. When the flag is displayed on a motorcar, the staff shall be fixed firmly to the chassis or clamped to the right fender.

(c) No other flag or pennant should be placed above, or, if on the same level, to the right of the flag of the United States of America, except during church services conducted by naval chaplains at sea, when the church pennant may be flown above the flag during church services for the personnel of the Navy. No person shall display the flag of the United Nations or any other national or international flag equal, above, or in a position of superior prominence or honor to, or in place of, the flag of the United States at any place within the United States or any Territory or possession thereof: Provided, That nothing in this section shall make unlawful the continuance of the practice heretofore followed of displaying the flag of the United Nations in a position of superior prominence or honor, and other national flags in positions of equal prominence or honor, with that of the flag of the United States at the headquarters of the United Nations.



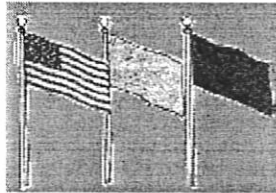
1. The flag of the United States of America, when it is displayed with another flag against a wall from crossed staffs, should be on the right, the flag's own right, and its staff should be in front of the staff of the other flag.



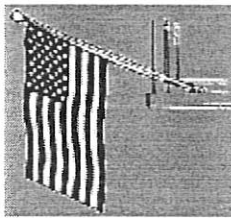
1. The flag of the United States of America should be at the center and at the highest point of the group when a number of flags of States or localities or pennants of societies are grouped and displayed from staffs.



(f) When flags of States, cities, or localities, or pennants of societies are flown on the same halyard with the flag of the United States, the latter should always be at the peak. When the flags are flown from adjacent staffs, the flag of the United States should be hoisted first and lowered last. No such flag or pennant may be placed above the flag of the United States or to the United States flag's right.

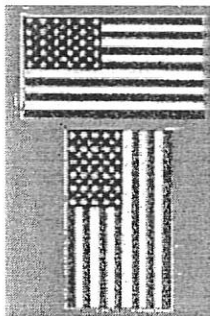


(g) When flags of two or more nations are displayed, they are to be flown from separate staffs of the same height. The flags should be of approximately equal size. International usage forbids the display of the flag of one nation above that of another nation in time of peace.

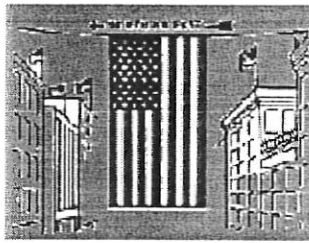


(h) When the flag of the United States is displayed from a staff projecting horizontally or at an angle from the window sill, balcony, or front of a building, the union of the flag should be placed at the peak of the staff unless the flag is at half staff.

When the flag is suspended over a sidewalk from a rope extending from a house to a pole at the edge of the sidewalk, the flag should be hoisted out, union first, from the building.



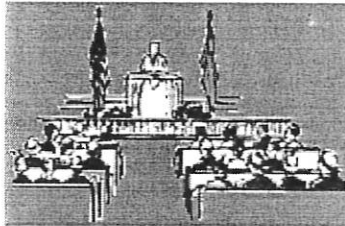
1. When displayed either horizontally or vertically against a wall, the union should be uppermost and to the flag's own right, that is, to the observer's left. When displayed in a window, the flag should be displayed in the same way, with the union or blue field to the left of the observer in the street.



(j) When the flag is displayed over the middle of the street, it should be suspended vertically with the union to the north in an east and west street or to the east in a north and south street.



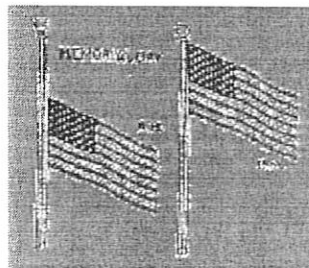
(k) When used on a speaker's platform, the flag, if displayed flat, should be displayed above and behind the speaker.



When displayed from a staff in a church or public auditorium, the flag of the United States of America should hold the position of superior prominence, in advance of the audience, and in the position of honor at the clergyman's or speaker's right as he faces the audience. Any other flag so displayed should be placed on the left of the clergyman or speaker or to the right of the audience.

(l) The flag should form a distinctive feature of the ceremony of unveiling a statue or monument, but it should never be used as the covering for the statue or monument.

1. The flag, when flown at half-staff, should be first hoisted to the peak for an instant and then lowered to the half-staff position. The flag should be again raised to the peak before it is lowered for the day.



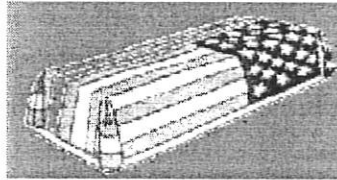
On Memorial Day the flag should be displayed at half-staff until noon only, then raised to the top of the staff. By order of the President, the flag shall be flown at half-staff upon the death of principal figures of the United States

Government and the Governor of a State, territory, or possession, as a mark of respect to their memory. In the event of the death of other officials or foreign dignitaries, the flag is to be displayed at half-staff according to Presidential instructions or orders, or in accordance with recognized customs or practices not inconsistent with law. In the event of the death of a present or former official of the government of any State, territory, or possession of the United States, the Governor of that State, territory, or possession may proclaim that the National flag shall be flown at half-staff. The flag shall be flown at half-staff thirty days from the death of the President or a former President; ten days from the death of the Vice President, the Chief Justice or a retired Chief Justice of the United States, or the Speaker of the House of Representatives; from the day of death until internment of an Associate Justice of the Supreme Court, a Secretary of an executive or military department, a former Vice President, or the Governor of a State, territory, or possession; and on the day of death and the following day for a Member of Congress. The flag shall be flown at half-staff on Peace Officers Memorial Day, unless that day is also Armed Forces Day. As used in this subsection.

(1) the term "half-staff" means the position of the flag when it is one-half the distance between the top and bottom of the staff;

(2) the term "executive or military department" means any agency listed under sections 101 and 102 of title 5; and

(3) the term "Member of Congress" means a Senator, a Representative, a Delegate, or the Resident Commissioner for Puerto Rico.



(n) When the Flag is used to cover a casket, it should be so placed that the union is at the head and over the left shoulder. The flag should not be lowered into the grave or allowed to touch the ground.

1. When the flag is suspended across a corridor or lobby in a building with only one main entrance, it should be suspended vertically with the union of the flag to the observer's left upon entering. If the building has more than one main entrance, the flag should be suspended vertically near the center of the corridor or lobby with the union to the north, when entrances are to the east and west or to the east when entrances are to the north and south. If there are entrances in more than two directions, the union should be to the east.

§ 177. Conduct during hoisting, lowering or passing of flag

During the ceremony of hoisting or lowering the flag or when the flag is passing in a parade or in review, all persons present except those in uniform should face the flag and stand at attention with the right hand over the heart. Those present in uniform should render the military salute. When not in uniform, men should remove their headdress with their right hand and hold it at the left shoulder, the hand being over the heart. Aliens should stand at attention. The salute to the flag in a moving column should be rendered at the moment the flag passes.

Appendix B

State Board of Education's Regulation on Flag Etiquette

5 CSR 50-865.400 Flag Etiquette

PURPOSE: This rule provides guidelines for flag etiquette and the correct use and display of the United States of America flag.

1. School districts may adopt a program of instruction relating to the flag of the United States of America, instruction in flag etiquette, correct use and display of the flag and its use in other patriotic exercises.
2. The program of instruction should include, but not be limited to the following areas:

Times and occasions for display of the flag of the United States, as stated in 36 U.S.C.A. section 174, included as Appendix A to this rule, including:

1. Displays on buildings and stationary flagstaffs in the open;
2. Night display;
3. Manner of hoisting the flag;
4. Prohibitions on display during inclement weather;
5. Appropriate days of display; and
6. Display of the flag on or near public buildings, polling places or schoolhouses.

(B) Proper position and manner of display of the flag of the United States as stated in 36 U.S.C.A. section 175, included as Appendix B of this rule, including:

1. Appropriate display of the flag;
2. Position of the flag with other flags;
3. Inappropriate displays and prohibited uses of the flag; and
4. Display of the flag at half-staff.

(C) Showing respect for the flag of the United States, as stated in 36 U.S.C.A. section 176, included as Appendix C of this rule including:

1. Personal displays of respect for the flag;
2. Prohibited uses of the flag;
3. Storage of the flag;
4. Prohibitions on alteration of the flag; and
5. Appropriate destruction of flag no longer suitable for display; and

(D) Conduct during hoisting, lowering or passing of flag of the United States as stated in 36 U.S.C.A. section 177, included in the rule as Appendix D of this rule.

1. The Department of Elementary and Secondary Education shall provide to school districts sample of instructional activities that meet the requirements of section (2) of this rule, as well as other patriotic exercises. Use of the sample will be voluntary by any school district.

AUTHORITY: section 161.104, RSMo Supp. 1997* Original rule filed March 24, 1998, effective Oct. 30, 1998.

*Original authority 1997.

APPENDIX C

Respect for flag

No disrespect should be shown to the flag of the United States of America; the flag should not be dipped to any person or thing. Regimental colors, State flags, and organization or institutional flags are to be dipped as a mark of honor.

1. The flag should never be displayed with the union down, except as a signal of dire distress in instances of extreme danger to life or property.
2. The flag should never touch anything beneath it, such as the ground, the floor, water, or merchandise.
3. The flag should never be carried flat or horizontally, but always aloft and free.
4. The flag should never be used as wearing apparel, bedding, or drapery. It should never be festooned, drawn back, nor up, in folds, but always allowed to fall free. Bunting of blue, white, and red, always arranged with the blue above, the white in the middle, and the red below, should be used for covering a speaker's desk, draping the front of the platform, and for decoration in general.
5. The flag should never be fastened, displayed, used, or stored in such a manner as to permit it to be easily torn, soiled, or damaged in any way.
6. The flag should never be used as a covering for a ceiling.

7. The flag should never have placed upon it, nor on any part of it, nor attached to it any mark, insignia, letter, word, figure, design, picture, or drawing of any nature.
8. The flag should never be used as a receptacle for receiving, holding, carrying, or delivering anything.
9. The flag should never be used for advertising purposes in any manner whatsoever. It should not be embroidered on such articles as cushions or handkerchiefs and the like, printed or otherwise impressed on paper napkins or boxes or anything that is designed for temporary use and discard. Advertising signs should not be fastened to a staff or halyard from which the flag is flown.
10. No part of the flag should ever be used as a costume or athletic uniform. However, a flag patch may be affixed to the uniform of military personnel, firemen, policemen, and members of patriotic organizations. The flag represents a living country and is itself considered a living thing. Therefore, the lapel flag pin being a replica, should be worn on the left lapel near the heart.
11. The flag, when it is in such condition that it is no longer a fitting emblem for display, should be destroyed in a dignified way, preferably by burning.

APPENDIX D

Conduct during hoisting, lowering or passing of flag.

During the ceremony of hoisting or lowering the flag or when the flag is passing in a parade or in review, all persons present except those in uniform should face the flag and stand at attention with the right hand over the heart. Those present in uniform should render the military salute. When not in uniform, men should remove their headdress with their right hand and hold it at the left shoulder, the hand being over the heart. Aliens should stand at attention. The salute to the flag in a moving column should be rendered at the moment the flag passes.

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Missouri Department of Elementary and Secondary Education

Division of Instruction - Curriculum Services

Warren Solomon, Social Studies Consultant

Email: wsolomon@mail.dese.state.mo.us

URL <http://www.dese.state.mo.us/divinstr/curriculum/>

Revised January 23, 2001

TESTIMONY BY
RALPH SNYDER
ON SB - 163

THANK YOU CHAIRMAN UMBARGER AND THE MEMBERS OF YOUR COMMITTEE, TO ALLOW ME THE PRIVILEGE TO TESTIFY BEFORE YOU TODAY. I AM RALPH SNYDER, A VETERAN OF THE KOREAN WAR.

WHEN I ATTENDED PUBLIC SCHOOL DURING THE LATE 30'S AND 40'S EVERY MORNING IN OUR FIRST CLASS EVERYONE RECITED THE "PLEDGE OF ALLEGIANCE" AND THEN GAVE "THE LORD'S PRAYER." IT IS MY OPINION A LARGE MAJORITY OF THESE PEOPLE TURNED OUT VERY WELL. IN FACT, WE MAY NOT HAVE THE FREE ELECTIONS IN OUR COUNTRY TODAY IF IT WERE NOT FOR THE SACRIFICES THESE PEOPLE GAVE AS TOM BROKAW WROTE IN HIS BOOK TITLED, THE GREATEST GENERATION, WHICH SAVED THE FREE WORLD.

I AM A VERY EMOTIONAL PERSON WHEN IT COMES TO THE AMERICAN FLAG AND THE "PLEDGE OF ALLEGIANCE." WHILE I WAS IN KOREA, I CARRIED TWO ITEMS CLOSE TO MY HEART, ONE ITEM WAS A SMALL BIBLE AND THE OTHER A 3"X 5" AMERICAN FLAG, GIVEN TO ME BY MY FATHER.

TODAY WE HAVE DONE AWAY WITH "THE LORD'S PRAYER" IN THE PUBLIC SCHOOLS AND THE "PLEDGE OF ALLEGIANCE" IS NOW GIVEN AT THE DISCRETION OF THE SCHOOL ADMINISTRATOR.

MY PERSONAL EXPERIENCE WAS WHEN I WAS INVITED TO A SENIOR HIGH SCHOOL IN SHAWNEE COUNTY WITH TWO OTHER MILITARY VETERANS. ONE WAS A VIETNAM VETERAN AND THE OTHER WAS FROM DESERT STORM. WE GAVE OUR VERSION OF HOW LIFE WAS IN THE AREA WE SERVED OVERSEAS IN TWO DIFFERENT CLASSES.

FOLLOWING THE LAST CLASS, I ASKED THE TEACHER, "IF THEY GAVE THE PLEDGE OF ALLEGIANCE IN HIS CLASS?" HIS ANSWER WAS, "NO." I ASKED, "WHY NOT? WAS IT BECAUSE THERE IS NOT AN AMERICAN FLAG IN THE ROOM, AND WHY ISN'T THERE ONE HERE?" HE SAID "IT WAS MORE THAN LIKELY A BUDGET PROBLEM." AS I LEFT THE SCHOOL, I WONDERED WHAT THE COST WOULD BE TO PROVIDE AMERICAN FLAGS IN EACH CLASSROOM IN THAT SCHOOL DISTRICT. AT THAT TIME MY MAJOR CONCERN WAS THAT I WAS A RESIDENT IN THAT SCHOOL DISTRICT.

WE ALWAYS TALK ABOUT GOING BACK TO THE GRASS ROOTS AND DO SOME OF THE THINGS THAT OUR FOREFATHERS STARTED, THE FIRST STEP WOULD BE TO PUT "THE PLEDGE OF ALLEGIANCE" BACK IN OUR SCHOOLS.

I URGE THIS COMMITTEE TO VOTE IN FAVOR OF SB 163 AND TO START IT ON A SUCCESSFUL JOURNEY THROUGH THE SENATE AND HOUSE CHAMBERS.

THANK YOU FOR YOUR TIME.

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SENATE BILL 163
Gary Slimmer
785-246-1291

Good Afternoon ladies and gentlemen, my name is Gary Slimmer and I am appearing before you today in support of Senate Bill 163. I would like to begin by thanking my Senator David Jackson for introducing SB 163 and everyone who has co-sponsored or has indicated their support of SB 163.

While my adult career has been varied my primary focus has been in education at all levels including service as an elementary school principal in the Seaman School District here in Shawnee County. Currently I am with Washburn University and I do quite a bit of substitute teaching throughout the county at every grade level. Therefore I feel I am in a unique position to observe and interact with today's children and students of all ages.

Although we are living in a fast paced society of computers, ever expanding technology and rapidly changing views, one thing that has remained constant with our children is the need to "fit in and to have a sense of belonging or a pride in themselves, their family, community, our state and our country."

I believe a Flag Education or Etiquette program in every Kansas school is an excellent method to instill those very attributes in students at an early age. Such programs will provide every youngster with an intangible attitude of self-worth which will translate into tangible results reflected in their behavior, pride and knowledge that they very well may carry with them throughout life.

I urge your support of Senate Bill 163. I thank you for the opportunity to address you this afternoon and ask if you have any questions of me.

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Choices & resources for people who are blind or low vision



Envision®

PLEASE REPLY TO: Michael Byington, Director
Envision Governmental Affairs Office
924 S. Kansas Ave
Topeka, Kansas 66612
(785) 354-4747 (Topeka Office)
(785) 640-4500 (pager and mobile)
(785) 354-4646 (FAX)
mbyingto@ink.org or
michael.byington@envisionus.com

February 13, 2001

TO: Senate Education Committee

RE: Joint hearings on Senate Bills 158 and 161

These two very similar bills, by Senators Vratil and Gilstrap respectively, would grant potential authority to Boards of Education of local school districts to provide for acquisition of debit or credit cards in the name of the district. Our purpose in appearing today is not to oppose this concept; this is clearly the waive of the future in agency purchasing. It is in fact a practice being promoted by the federal government through former Vice President Gore's "Reinventing Government" initiative, and which the United States Military has started using over the past eight years. As a result, currently over 5,000 federal government employees each month, who used to have no direct purchasing authority, receive their new "impact cards" which are credit/debit cards along the lines detailed in these two Kansas bills concerning school district purchasing.

We know that Legislation of this type is going to happen in Kansas. If it does not happen this year, it will be adopted within the foreseeable future.

We do not want to oppose progress, and thus we are certainly not opposing this legislation. This legislation, however, unless amended, could potentially hurt employment of severely disabled Kansans. I will explain the rather complex and convoluted connection between these two seemingly unconnected issues as this

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testimony progresses, but first of all, I will propose amendment wording.

In line 26 of Senate Bill 158, or line 25 of Senate bill 161, after the word "fund." and before the word "The," the following language would be added, "Among the restrictions prescribed by the policy, provisions shall be established to insure that provisions set forth in K.S.A. 75-3317 et seq. are observed and enforced."

At the end of line 40 of Senate Bill 158, or line 39 of Senate Bill 161, the following would be added after the word "effective." "The provisions of K.S.A. 75-3317 et seq. are, however applicable to this section."

A new Section (d) would also be added. It would read as follows: "NEW SECTION (d) If it is brought to the attention of the State Board of Education or the director of purchases of the department of administration that a school district using credit or debit cards as authorized by Section 1 (a) of this act is repeatedly and willfully violating the provisions of K.S.A. 75-3317 et seq., then the State Board of Education and the director of purchases of the department of administration are hereby given separate and binding authority, and shall engage such authority, to revoke the school district's authorization to use a credit or debit card purchasing system for a period of one year commencing on July 1 of the fiscal year following the violations."

The referenced K.S.A. 75-3317 et seq., provides that when not for profit Kansas corporations who employ the blind or severely disabled are manufacturing products which will meet the needs of state agencies or unified school districts operating within the State of Kansas, such not for profit manufacturers are a mandatory source for such products. The referenced statutes also provide protections to insure that the state agencies and school districts are getting a fair deal. The statutes allow the director of purchases to fix prices for goods offered based on a fair market value, and require that goods provided be of conforming quality in order for the law to apply. There is also procedure for waiver of the law provided within the statutes if the not for profits involved can not provide sufficient quantities of goods in a timely manner.

At Envision, for example, some of the products we manufacture include: writing instruments, seal closure bags, and trash bags,

all of which are used in considerable quantity by school districts. About 25 of our most severely multiply disabled blind employees are employed on contracts which manufacture almost exclusively to meet sales under K.S.A. 75-3317 et seq. I have not broken out at this juncture the percentage of our sales to State agencies as opposed to municipalities, as opposed to school districts, but significant sales are made to all of these varieties of governmental agencies. Additionally, about another 67 of our employees work on manufacturing products which are in significant quantity sold under the provisions of K.S.A. 75-3317 et seq. While these product lines also have strong customer following in the federal government and private competitive sectors, we would nonetheless stand to lose business if state government purchasing or school district purchasing were to be significantly weakened. The result would be that a number of blind or severely multiply disabled blind employees would run the risk of losing employment.

Our products are of excellent quality, and we have a very good on time delivery history. In areas of competitive price, quality, and delivery, we are most certainly as competitive or more so as prescribed by the requirements of existing law. What we are not able to do, however, is compete with the glitzy displays for products, such as writing instruments and trash bags, which are often used in local retail establishments where school district credit or debit cards are likely to be used. We make an excellent line of pens, but we do not have movie stars flicking their biks on national television. We make a thicker mil, better line of bags than are commercially available, but we do not have cardboard statues of the Man From Glad, in his pristine, white uniform, swooping down to save somebody's sandwich, or to place our pristine garbage bags in his pristine dumpster. The prevalence of this type of marketing will cause us to lose business if school district employees can go to the local five and dime and purchase products which compete with ours, and which Kansas law currently says they are supposed to give us the first shot at selling to the districts.

Frankly, we know that some of the unified school districts are in violation of K.S.A. 75-3317 et seq. anyway. IF they were not, we would have much more business from them in certain areas. There is no real enforcement provisions within K.S.A. 75-3317 et seq., as it is, because when this law was adopted, it was the wisdom of the Kansas Legislature that enforcement provisions were not needed. Both the state provisions concerning purchasing from the disabled, and the corresponding Javits-Wagner-O'Day Act which provides

federal provisions for purchasing from entities who employ the blind and severely disabled, were both initially adopted in the late 1930s. At that time it was the wisdom of State and federal lawmakers that, of course it would make sense to purchase from the severely disabled, and of course the relatively few executives authorized to purchase for State agencies and school districts would follow such a productive and well meaning law.

The world has changed subsequent to the adoption of the law as described above. There are no longer just a few executives making purchasing decisions. We acknowledge this. We have been willing to change with that world and have done so already. The federal purchasing switches under the "Re-inventing Government" initiatives could have hurt us very badly, but we have been able to minimize such damage by offering and implementing training for federal employees as to how to use the credit and debit "impact" cards to purchase through sources which employ people who are blind and severely disabled, and through the opening of distribution centers operated by the not-for-profits who employ the blind on military bases. We are willing and ready to make similar accommodations and adjustments to keep the school districts as valued customers and to increase this business, but to do so, we need some linkage between the purchasing authority authorized under Senate Bills 158 or 161, and K.S.A. 75-3317 et seq.

Envision probably sells more products in quantity and variety under K.S.A. 75-3317 et seq. than any other not-for-profit in Kansas, and we probably have the most jobs to be effected by changes in purchasing practices of State agencies or school districts. We are not the only entity who would be effected, however. At least seven other not for profits around the State who employ people who have developmental disabilities also sell under K.S.A. 75-3317 et seq.

What we, who are not for profits in the business of providing employment for people with blindness or other severe disabilities, are doing is still needed. When the Javits-Wagner-O'Day Act was adopted at the federal level, and most States adopted similar statutes such as we have here in Kansas, in the late 1930s and early 1940s, unemployment among people who were blind or severely disabled was at a level of over 95% among those who would normally be considered to be of working age. In 1990, number crunching from census data demonstrated that we had gotten the number down to 74% unemployment among working aged blind. Groups representing other disability interests also did sampling around 1990 and arrived at

an estimate of 70% unemployment among their working aged populations. Thus it was established that we were making progress, but still had a very long distance to go.

Programs which integrate people who are blind and severely disabled into community based employment settings are further helping impact unemployment among the disabled populations, and many not for profits who sell under K.S.A. 75-3317 et seq., including Envision, are operating such employment placement and support programs for working aged, disabled adults, Even with these new initiatives, however, recent research suggest that, as of the year 2000, we were still experiencing over 60% unemployment among those who are blind or severely disabled. We are thus not in a position to give up any viable employment options. We can not tell people who may be laid off because of loss of contracts that the economy remains fairly good with under 4% unemployment, and that other jobs are thus readily available. With our populations, there is more along the lines of a 60% chance that they are simply not going to get other jobs until we can call them back.

This is why we are in support of the modernization of school district purchasing options, but are asking that the employment of the blind and severely disabled be allowed to evolve and grow with such modernization of the machinery of up-to-date governmental business, rather than be left crushed in the dust by the steam roller of such modernization.



35200 W. 91st. Street
DeSoto, Kansas 66018-0449
Phone: 913/583-8300
FAX: 913/583-8303
E-mail: szoellner@usd232.org

Dr. Sharon Zoellner
Deputy Superintendent

February 13, 2001

To: Members of the Senate Education Committee
From: Sharon Zoellner, Deputy Superintendent
Re: Testimony on Senate Bill 161

Thank-you Chairman Umbarger and members of the committee for permitting us time to address Senate Bill Number 161. I am speaking on behalf of a number of districts that are very interested in seeing this legislation put into place.

School Districts are constantly looking for methods to increase efficiency and effectiveness with dwindling dollars. The ability to use a district purchasing card provides us the opportunity to consolidate many of our purchase orders. This saves valuable time and money from an accounts payable perspective. Whereas a district may have 50-75 purchase orders for stores such as Target, Wal-mart, etc., the use of the credit card can reduce that to one purchase order.

The use of the credit card by district employees gives them the ability to purchase items they need in a timely fashion rather than waiting the 2-3 days it may take to generate a purchase order. In today's age of credit many suppliers no longer honor purchase orders.

As districts schedule staff development opportunities out of town it is more and more common for hotels to require a credit card to hold a reservation and often to make the payment. Purchase orders are not accepted as readily as in the past. Again, this also provides for consolidation of payments throughout the district.

The ability to use the credit card does not affect the administrative approval of expenditures as staff members are still required to obtain prior approval, at the building or department level, for any expenditures. The system is tightly controlled by the business office, which establishes credit limits and blocks inappropriate vendors. A very strict "one strike and your out" rule helps all users stay on task with the recordkeeping requirements. The credit card issuers are also very responsive to changes that need to be made including, but not limited to, adjusting credit limits, transaction limits and revoking privileges.

Finally, it would be beneficial for district patrons to have the ability to pay for fees using their personal credit card.

Thank-you for this opportunity to speak with you about these issues. Putting this measure into place would be a benefit to all school districts throughout the state. I would be happy to entertain any questions.

Sincerely,

A handwritten signature in cursive script that reads 'Sharon Zoellner'.

Sharon Zoellner, Ph.D.
Deputy Superintendent

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February 13, 2001

To: Member of the Senate Education Committee
From: John Chapman, Associate Superintendent, Piper USD 203

Re: Testimony on Senate Bill 161

Senate bill 161 addresses credit card usage by public school districts. It addresses this usage both in terms of usage of school district credit cards by district employees and in terms of school districts accepting payments due them by credit card. I am aware of no clear guidance on the subject at the present time, and a variety of procedures are in use at the present time in various school districts. I believe that school districts could benefit from clearly stated procedures in this respect and believe this bill addresses the subject.

Credit card usage is on the increase in school districts because:

1. The credit card allows teachers to shorten the time between the identification of the need for a given item and the availability of that item in the classroom, benefiting the instructional process.
2. Many of the discount suppliers of teaching and office supplies will not accept purchase orders or are unwilling to periodically bill school districts.
3. It is very difficult for teachers, administrators and board members to travel in relation to their duties because many hotels, motels and airlines will book only on a credit card.

In addition to the above, some school districts would, for the convenience of patrons, like to have guidelines concerning payment of fees by credit card. These guidelines could, in conjunction with mail-in registration, allow patrons to avoid the confusion, long lines and writing of multiple checks that sometimes accompany the enrollment process.

Approval of the provisions in Senate bill 161 would allow school districts to take advantage of technological advances now available and have the potential to increase the efficiency with which the districts are operated. It is hoped that this committee and the Senate as a whole will favorably consider this bill.



Blue Valley
Schools
"growing with pride"

February 13, 2001

Mr. Chairman and Members of the Committee –

My name is Jenni Newell. I am the Executive Director of Business and Finance for the Blue Valley School District. I am here today in support of Senate Bill 161.

School districts across the state of Kansas need the flexibility that credit cards and purchasing cards provide. As budgets continue to tighten, we are constantly looking for ways to improve the efficiencies of our operations. Estimates are that to process small dollar purchases through our financial system costs in excess of \$100 per transaction. With the use of purchasing cards, we can eliminate these high dollar transaction costs and provide for more efficient payment of goods and services. Purchasing cards provide school districts the flexibility needed without sacrificing safeguards and internal controls over transactions by employees.

Thank you for your time and consideration.



TO: Senate Committee on Education
FROM: Mark Tallman, Assistant Executive Director for Advocacy
DATE: February 13, 2001
RE: Testimony on Today's Bills

Credit and Debit Cards – S.B. 157, S.B. 158, S.B. 161

These bills authorize school districts to accept payment of fees and charges by credit and debit cards, and to allow the use of credit and debit cards by district employees. Under our support for greater local control or "home rule," we support this option. The Senate has repeatedly passed legislation that would authorize school board local control and make many of these kinds of bills unnecessary. You voted to introduce this bill as S.B. 166, and will hope you consider this measure before the end of the session. In the meantime, we would support the bills before you today.

Employees on School Boards – S.B. 248

We oppose S.B. 248, which would allow persons who are not professional or administrative employees to serve on the school board that employ them. This bill would partially reverse the "Baker" decision in which the Kansas Supreme Court ruled that serving as both an employee of a school board and a member of the same board is an inherent conflict of interest under common law. We strongly agree with that ruling. It is simply unreasonable to expect that any employee can be subject to the same supervision and discipline as other employees if that individual is also the supervisor of the superintendent and other administrators. It makes no difference whether that individual is a professional employee.

Delegation of Power to Execute Certain Contracts – S.B. 257

KASB supports S.B. 257. We believe the superintendent should operate as the chief executive officer of the school district. The school board is the policy-making body. If a school board desires to delegate authority to execute contracts to the superintendent so that board may focus on policy matters, it should have that ability.

Thank you for your consideration.

*Senate Education
2-13-01
Attachment 6*

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**ALSO ADMITTED IN MISSOURI

Our File No.

February 12, 2001

Senate Education Committee
Kansas State Senate
Statehouse
Topeka, Kansas

Re: SB 157

Dear Members:

I represent American Express Travel Related Services Company, which has requested me to offer the following comments regarding SB 157 now before the Committee.

American Express Travel Related Services Company supports the concept of SB 157 to allow a school district to accept a credit or debit card in payment of fees, tuition or other charges imposed by the district. Such a policy will be a convenience to patrons of the district, aid the district in reducing the costs associated with handling cash, and reduce the costs of insufficient funds checks.

The concern of American Express with the current provisions of SB 157 is the requirement in line 17-19 that the district charge an additional fee when a credit or debit card is used to make payment. This fee is to be "the actual amount of any costs incurred by the school district by reason of the method of payment used." While SB 157 exempts school districts from the prohibition, without the exemption this requirement would be contrary to the Uniform Consumer Credit Code which prohibits a surcharge for use of a credit card in a consumer credit transaction.

If an additional fee is to be charged for use of a credit or debit card, American Express believes one fee should be charged for use of all cards. The actual cost to the district will vary depending on the card used by the patron. Different fees for use of different cards would be confusing, difficult to implement, and create artificial incentives to use one card rather than another. The fee structure mandated by SB 157 in its current form may impede the ability of a school district to contract with all the credit card issuers with which they may desire to do business. It also may prevent the district from providing the full level of convenience acceptance of all credit cards would provide to its patrons.

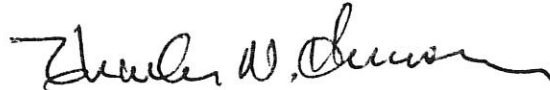
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Page 2

For the foregoing reasons, American Express believes the second sentence and the last sentence of Section 1 of SB 157 should be stricken.

As an alternative, if a fee is to be imposed, the fee should be made uniform by making the second sentence of Section 1 read, "The policy shall provide for imposition of an additional fee by reason of the method of payment used."

Sincerely yours,

A handwritten signature in black ink, appearing to read "Charles N. Henson", with a long, sweeping horizontal stroke at the end.

Charles N. Henson

CNH/dm

SENATE BILL No. 161

By Senator Gilstrap

1-30

9 AN ACT concerning school districts; authorizing boards of education to
10 adopt policies relating to the use of credit or debit cards.
11

12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. (a) The board of education of any school district, pursuant
14 to a policy developed and adopted by the board ~~at its organizational meet-~~
15 ~~ing in July of each school year,~~ may provide for the acquisition of credit
16 ~~or debit~~ cards in the name of the school district for use by designated
17 officers and employees of the school district. The policy shall prescribe
18 limitations and restrictions on the use of such credit ~~or debit~~ cards and
19 on the amounts and categories of expenses which may be paid through
20 use of such credit ~~or debit~~ cards. ~~The policy shall provide for establish-~~
21 ~~ment of a special fund from which expenditures for payment of charges~~
22 ~~incurred by the school district through use of credit or debit cards shall~~
23 ~~be made, authorize an officer or employee of the school district to ad-~~
24 ~~minister the special fund, and designate an amount of moneys to be main-~~
25 ~~tained in the fund. The officer or employee authorized to administer the~~
26 ~~fund shall keep a record of all receipts and expenditures from the fund,~~
27 ~~and from time to time, and at the end of each school year, shall prepare~~
28 ~~a report for the board of education showing all receipts, expenditures,~~
29 ~~and the balance in the fund. If the board of education is satisfied with~~
30 ~~the reports, the board may authorize replenishment of the special fund~~
31 ~~from other funds of the district, as appropriate. The special fund shall be~~
32 ~~kept separate from all other funds and be used only for authorized ex-~~
33 ~~penditures and itemized receipts shall be taken for each expenditure. All~~
34 ~~officers or employees entrusted with the administration of a special fund~~
35 ~~established under authority of this section shall be bonded by the school~~
36 ~~district.~~

37 (b) The provisions and restrictions of the cash basis and budget laws
38 of this state shall not apply to the provisions of this section in any manner
39 so as to prevent the intention of this section from being made effective.

40 (c) ~~Any policy developed and adopted by a board of education under~~
41 ~~authority of this section is subject to modification, amendment or repeal~~
42 ~~by subsequent action of the board.~~

43 Sec. 2. The board of education of any school district, pursuant to a

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1 policy developed and adopted by the board, may provide for the accep-
 2 tance of payment in the form of a credit or debit card of fees, tuition or
 3 other charges imposed by the school district. The policy ~~shall~~ provide for
 4 imposition of an additional fee to recover the actual amount of any costs
 5 incurred by the school district by reason of the method of payment used.
 6 The policy also may provide for establishment by the school district of
 7 secure internet sockets that will allow payment by a credit or debit card
 8 via the internet. Any transactions involving payment by credit card pur-
 9 suant to this section shall not be subject to the provisions of K.S.A. 16a-
 10 2-403, and amendments thereto.

[may

11 Sec. 3. This act shall take effect and be in force from and after its
 12 publication in the ~~statute book.~~

[Kansas register



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

Linda Baker Testimony
Senate Education Committee
Tuesday, February 13, 2001

Thank you Mr. Chairman, members of the Committee, I am Linda Baker and I appreciate the opportunity to visit with you about Senate Bill 248.

I am a teacher in USD 501 and, until last year, a member of the Board of Education of the District. As a result of a court action, I was forced to resign my position as an elected official. I am here today to share with you why I think school employees should be allowed to serve on their local boards.

Up until last year, school employees – professional employees and classified employees – were permitted to stand for election and serve on the boards of their employing districts. Many of us did stand for election and indeed were elected by voters who knew of our employment status with the district. In my case, the district filed suit shortly after I filed for election and the ensuing publicity made it certain that, when voters chose me, they knew they were voting for a teacher employee of the USD 501.

This legislature has been asked before to consider legislation barring school employees from serving on their employing district boards. History reveals that you considered such legislation in 1981, 1982, 1983, 1984, 1985, 1991, 1992, 1993, 1994, 1998, 1999, and 2000. Twelve times the Kansas legislature was asked to enact a law prohibiting school employees from serving on their employing school boards and twelve times, the Kansas legislature rejected such a prohibition.

I believe that the legislature's support for teachers and classified school employees serving on their employing board stems from the recognition of two central points in a democracy. First, that voters do not cast their ballots in a vacuum and, indeed, they know when they are voting for a school employee and they are choosing to vote according to their best interests. And secondly, the legislature recognizes that in a democracy elected officials are often called upon to recognize a potential conflict of interest and to remove themselves from the discussion or the vote when such a conflict exists.

Senate Bill 248 goes halfway toward restoring the legislature's concept of a representative democracy. It allows classified school employees to serve on their employing school board. But Senate Bill 248 still allows one class of school employees to be marginalized. In a state where school board races are often uncontested and where some boards cannot even find enough persons to fill all the seats, it is wrong to exclude some members of the community from standing for election.

I would urge you to restore the legislature's ideals and amend Senate Bill 248 to professional and classified school employees to stand for election and serve on their employing school board.

SENATE COMMITTEE ON EDUCATION

Summary of Main Preschool Program Proposals

Parent Education Program

HB 2019 and HB 2452 propose to amend the parent education program law to expand its coverage. The current law makes the program available to parents or expectant parents of infants and toddlers. The statute defines "infant" and "toddler" as a child that has not yet attained the age of three. The amendment expands the definition to include children up to the age of four. Both of these bills presently reside in the House Committee on Education.

HB 2019 was recommended by the 2000 interim Special Committee on Preschool and K-12 Matters pursuant to its study of the topic *Early Childhood Education Issues*. Among the early childhood initiatives it considered, the Committee singled out the parent education program for its effectiveness and the widespread support it commands. The expansion of the scope of the program to include children up to age four was intended to address a gap conferees identified in the existing continuum of early childhood educational services, especially for three year-olds. The Committee also recommended that during the 2001 Session the Ways and Means Committee of the Senate and Appropriations Committee of the House consider increasing the funding for this program with the objective of eliminating waiting lists for program participation.

The Governor has recommended a \$2.0 million increase in state support for the parent education program for a total of \$8.1 million—\$3.5 million from the Children's Initiative Fund and \$4.6 million from the State General Fund. This was expected to extend the program to an additional 3,000 children (20,875, in total). The recommendation supports the concept contained in HB 2019 and HB 2452. (The State Board of Education had proposed a pupil weighting for this program which would have cost an additional \$8.4 million.)

Both the House and Senate Subcommittees working the State Department of Education's budget have recommended removing \$2.0 million from the Children's Initiative Fund for this program.

Four Year Old At-Risk Program

SB 77 (Task Force) and SB 202 and HB 2253 (both the Governor's Plan) increase the number of four year old at-risk students served to add 436 pupils (from 2,230 to 2,666).

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SB 259 (Schools for Fair Funding) and HB 2541 remove the cap on the four year old at-risk students counted in the school finance formula.

The Governor has recommended an increase of \$1.0 million from the Children's Initiative Fund for his proposed program expansion. The State Board of Education's proposal was a \$7.5 million increase to serve all children not otherwise served in Head Start, special education, or this program—about 3,250 additional children.

The Senate Subcommittee that is working the State Department of Education's budget has adopted the Governor's recommendation while the House Subcommittee has recommended adding \$500,000 from the State General Fund for this program. (This would add about 218 children (total—654).)