

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION K-12.

The meeting was called to order by Chairperson Ralph Tanner at 9:00 a.m. on February 25, 2002 in Room 313-S of the Capitol.

Committee staff present: Ben Barrett, Legislative Research Department  
Carolyn Rampey, Legislative Research Department  
Jill Wolters, Revisor of Statutes  
Ann Deitcher, Committee Secretary

Conferees appearing before the committee: Representative Ward Loyd  
Dr. Kathy Dale, Exec. Director, Southwest Plains  
Regional Service Center  
Diane Gjerstad, Wichita Public Schools  
Dr. Kent Hurn, Supt. USD 345, Seaman-Topeka  
Mark Tallman, Ks Assoc. School Boards

**HB 2844 - Concerning interlocal cooperatives; relating to educational cooperatives.**

Representative Ward Loyd testified before the Committee in support of **HB 2844**. (Attachment 1).

Appearing in support of **HB 2844** was Dr. Kathy Dale. **HB 2844**. (Attachment 2).

The hearing on **HB 2844** was closed.

**HB 2865 - Concerning school districts; relating to capital improvements; state aid.**

Diane Gjerstad appeared in opposition of **HB 2865**. (Attachment 3).

Next to appear as an opponent of **HB 2865** was Dr. Kent Hurn. (Attachment 4).

Mark Tallman spoke in opposition of **HB 2865**. (Attachment 5).

Following a brief question and answer session, the hearing on **HB 2865** was closed.

**HB 2353 - Concerning accredited high schools; requiring provision of a community service class for students.**

Representative Phelps moved that **HB 2353**, previously tabled, be called back and reconsidered.  
Representative Faber seconded the motion which carried.

A motion was made by Representative Benlon and seconded by Representative Faber that **HB 2353** be passed as amended. The motion passed on a voice vote.

**HB 2844.**

It was moved by Representative Peterson and seconded by Representative Horst that **HB 2844** be passed favorably. The motion carried on a voice vote.

The meeting was adjourned at 10:35 a.m. The next meeting is scheduled for Tuesday, February 26, 2002.

WARD LOYD

123RD DISTRICT

"THE HEART OF GARDEN CITY"

1304 CLOUD CIRCLE, P.O. BOX 834

GARDEN CITY, KS 67846

(316) 276-7280

ROOM 174-W STATEHOUSE

TOPEKA, KANSAS 66612-1504

(785) 296-7655

E-MAIL: loyd@gcnet.com



TOPEKA

HOUSE OF  
REPRESENTATIVES

COMMITTEES  
CHAIR: RULES & JOURNAL  
VICE-CHAIR: JUDICIARY  
MEMBER: UTILITIES  
TAX, JUDICIAL &  
TRANSPORTATION BUDGET  
CORRECTION & JUVENILE  
JUSTICE OVERSIGHT  
SELECT COMMITTEE ON  
TOBACCO SECURITIZATION

**TO: Chairman Tanner and Members  
House Education Committee**

**RE: Testimony in Support of House Bill 2844  
Educational Interlocal Cooperatives**

**DATE: February 25, 2002**

I thank your committee for the opportunity to testify in support of House Bill 2844, a measure intended to permit High Plains Educational Cooperative (High Plains) and Southwest Kansas Area Cooperative (SKACD) the authority to enter into an agreement for interlocal cooperation, within the contemplation of K.S.A 12-2901 *et seq.*

As drafted, HB 2844 confers the power to enter into agreements for interlocal cooperation, with the view of establishing an interlocal cooperative which would exist as a separate legal entity, with the powers and duration, as provided in K.S.A. 12-2904a.

This authority is consistent with the provisions of the Kansas Constitution. Article 6, Section 5, authorizes locally elected boards to make and carry out agreements for cooperative operation and administration of educational programs, subject to limitation, change or termination by the legislature. There are any number of provisions in the school laws authorizing both interlocal, such as for special education, and interdistrict agreements.

Any such agreement would, as always, require any such proposed agreement to be submitted to the office of the Attorney General for approval as to form and legality of purpose.

House Education Committee

Date: 2/25/02Attachment # 1-1

**Testimony Supporting HB 2844**  
**Rep. Ward Loyd**  
**February 25, 2002**  
**Page 2**

One of the provisions of the Interlocal Cooperation Act, K.S.A. 12-2906, requires that agreements dealing with the provision of services within a state agency's constitutional or statutory powers be approved by that agency. That would require agreements of this nature to also be approved by the State Board of Education. You will note, however, that subsection (c) of HB 2844 provides that an agreement entered into under the authority of this measure would not require such approval. That is because no such review or approval is necessary; it has already been done.

This measure is necessary so as to permit the recognition and continuation of the Southwest Plains Regional Service Center (Service Center), which now exists by virtue of an agreement for interlocal cooperation. When originally established in the late 1980's, the Service Center interlocal agreement was entered into between the two special education cooperatives identified in the bill (High Plains and SKACD), and the board of education of Unified School District No. 480, Liberal. As such, Liberal USD 480 was a "public agency" as defined in the Interlocal Cooperation Act, at K.S.A. 12-2903, and on that basis the interlocal agreement could be approved. As it was.

Now, however, Liberal USD 480 is no longer a party to the agreement for interlocal cooperation, and the term of the approved agreement has run. Only the two Special Education Cooperatives remain as parties to the agreement. The Office of the Attorney General has raised concerns about its ability to approve the agreement for interlocal cooperation, because there is no "public agency" which is a party as required the Act. The concern is appropriate.

The AG's office has reviewed the language of HB 2844, and has indicated in a letter

**Testimony Supporting HB 2844**  
**Rep. Ward Loyd**  
**February 25, 2002**  
**Page 3**

to the attorney for the Service Center that such language will satisfy the concerns they have expressed.

So we request your favorable consideration of H.B. 2844. Such action will give legislative recognition of the right of the Service Center to continue its existence, and continue providing the valuable services it makes available to a multitude of school districts and cooperatives in Southwest Kansas. In this day of ever tightening revenues, and heightened need for fiscal conservation, the benefits of cooperation in purchasing power and delivery of educational services and supplies should be encouraged by all means available.



State of Kansas  
Office of the Attorney General

120 S.W. 10TH AVENUE, 2ND FLOOR, TOPEKA, KANSAS 66612-1597

CARLA J. STOVALL  
ATTORNEY GENERAL

December 11, 2001

MAIN PHONE: (785) 296-2215  
FAX: (785) 296-6296

Richard Yoxall  
P.O. Box 1278  
Liberal, Kansas 67901

Re: Proposed legislation/Southwest Plains Regional Service Center

Dear Mr. Yoxall:

Attorney General Stovall has asked me to acknowledge receipt of your letter inquiring whether your proposed legislation would satisfy the concerns raised in the General's letter of May 12, 1999. As you know, our concerns were founded on the lack of statutory authority for two interlocal entities to create an interlocal entity to provide services. Your proposed legislation would satisfy those concerns regardless of where such legislation is placed in the statutes.

Very truly yours,

OFFICE OF THE ATTORNEY GENERAL  
CARLA J. STOVALL

Mary Feighny  
Assistant Attorney General

MF/mf



## HIGH PLAINS EDUCATIONAL COOPERATIVE #611

621 E. Oklahoma • Ulysses, Kansas 67880 • (620) 356-5577 • Fax (620) 356-5522 • <http://users.pld.com/hpec>

February 21, 2002

Representative Ward Loyd  
Room Number 174-W  
State Capitol  
300 SW 10<sup>th</sup> Ave.  
Topeka, KS 66612-1504

Dear Honorable Representative Loyd:

The High Plains Educational Cooperative Board of Directors supports the statutory change proposed in House Bill No. 2844 that will allow the HPEC and Southwest Kansas Area Cooperative to enter into an interlocal agreement to create a separate legal entity.

We appreciate your efforts on our behalf.

Sincerely,

  
Clarence Doerksen  
HPEC President

USD CITY  
476 Copeland  
216 Deerfield  
218 Elkhart  
363 Holcomb  
210 Hugoton  
452 Johnson  
215 Lakin  
467 Leoti  
371 Montezuma  
209 Moscow  
217 Rolla  
507 Satanta  
466 Scott City  
374 Sublette  
494 Syracuse  
200 Tribune  
214 Ulysses



## Southwest Plains Regional Service Center

P. O. Box 1010 / W. Hwy 56 & Lark Avenue

Sublette, Kansas 67877

Phone: 620-675-2241 Toll Free: 800-728-1022

Fax: 620-675-8396 Website: [www.swprsc.org](http://www.swprsc.org)

### Members of the House Education Committee:

In 1989, two special education cooperatives in Southwest Kansas recognized a need for a method of providing member school districts with quality staff in-service for regular education and special education purposes. It seemed logical for the two inter-locals to collaborate on this issue. As a result, both cooperatives joined their efforts to create a Regional Education Service Agency, Southwest Plains Regional Service Center (SWPRSC) in Sublette, to serve both cooperatives and their individual districts. The Charter for the inter-local of SWPRSC was submitted and approved by Attorney General, Robert Stephan.

This arrangement is unique to the way that other Education Service Agencies were formed in Kansas. Other ESA's were formed by member districts coming together to establish an inter-local agreement to serve the school districts. In the case of Southwest Plains Regional Service Center, two inter-locals, High Plains Educational Cooperative (HPEC) and Southwest Kansas Area Cooperative (SKACD), along with their member districts went together to form another inter-local, Southwest Plains Regional Service Center.

This unique arrangement has existed for 13 years through two re-charter cycles. SWPRSC is currently in its 3rd charter cycle that will expire in June 2004. Under the new Attorney General, Carla Stovall, SWPRSC asked for an Attorney General's opinion that found that High Plains Educational Cooperative and Southwest Kansas Area Cooperative had no statutory authority to form another inter-local agency. The attorney General's opinion provided two solutions:

1. Seek statutory authority for the two inter-local special education cooperatives to continue to charter SWPRSC under its current practice, or
2. Dissolve SWPRSC and form an inter-local based on individual school districts coming together to establish SWPRSC.

By a majority vote of the 35 participating districts, the board of directors of HPEC and SKACD, and SWPRSC board of directors, all parties involved agreed to seek statutory authority to continue under the current successful model.

I stand before you today as the Executive Director of SWPRSC to ask for your affirmative support of this endeavor through your support of HB 2844.

Respectfully,

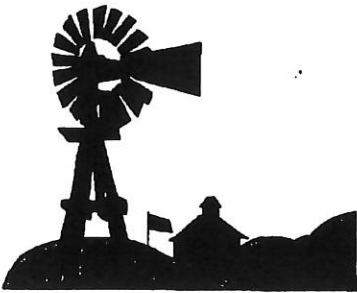
Dr. Kathy Dale  
Executive Director, SWPRSC

The Southwest Plains Regional Service Center will provide leadership and promote a cooperative effort in the establishment and maintenance of quality services for members and other clients.

House Education Committee

Date: 2/25/02

Attachment # 2-1



## HIGH PLAINS EDUCATIONAL COOPERATIVE #611

621 E. Oklahoma • Ulysses, Kansas 67880 • (620) 356-5577 • Fax (620) 356-5522 • <http://users.pld.com/hpec>

February 21, 2002

Representative Ward Loyd  
Room Number 174-W  
State Capitol  
300 SW 10<sup>th</sup> Ave.  
Topeka, KS 66612-1504

Dear Honorable Representative Loyd:

The High Plains Educational Cooperative Board of Directors supports the statutory change proposed in House Bill No. 2844 that will allow the HPEC and Southwest Kansas Area Cooperative to enter into an interlocal agreement to create a separate legal entity.

We appreciate your efforts on our behalf.

Sincerely,

  
Clarence Doerksen  
HPEC President

USD CITY  
476 Copeland  
216 Deerfield  
218 Elkhart  
383 Holcomb  
210 Hugoton  
452 Johnson  
215 Lakin  
467 Leoti  
371 Montezuma  
209 Moscow  
217 Rolla  
507 Satanta  
466 Scott City  
374 Sublette  
494 Syracuse  
200 Tribune  
214 Ulysses





# HIGH PLAINS EDUCATIONAL COOPERATIVE #611

621 E. Oklahoma • Ulysses, Kansas 67880 • (620) 356-5577 • Fax (620) 356-5522 • <http://users.pld.com/hpec>

February 21, 2002

Representative Bill Light  
Room Number 175-W  
State Capitol  
300 SW 10<sup>th</sup> Ave.  
Topeka, KS 66612-1504

Dear Honorable Representative Light:

The High Plains Educational Cooperative Board of Directors supports the statutory change proposed in House Bill No. 2844 that will allow the HPEC and Southwest Kansas Area Cooperative to enter into an interlocal agreement to create a separate legal entity.

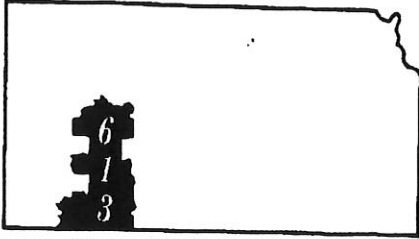
We appreciate your efforts on our behalf.

Sincerely,

*Clarence Doerksen*  
Clarence Doerksen  
HPEC President

- USD CITY
- 478 Copeland
- 216 Deerfield
- 218 Elkhart
- 363 Holcomb
- 210 Hugoton
- 452 Johnson
- 215 Lakin
- 467 Leoti
- 371 Montezuma
- 209 Moscow
- 217 Rolla
- 507 Satanta
- 466 Scott City
- 374 Sublette
- 494 Syracuse
- 200 Tribune
- 214 Ulysses

# SOUTHWEST KANSAS AREA COOPERATIVE DISTRICT 613



001 FORD Rd

P.O. BOX 70

ENSIGN, KANSAS 67841

PHONE (620) 865-2054 • FAX (620) 865-2055

EMAIL [skacd@ucom.net](mailto:skacd@ucom.net) • Web [www.skacd.com](http://www.skacd.com)

**"WE HELP KIDS"**

February 22, 2002

Representative Ward Loyd  
Room Number 174-W  
State Capitol  
300 SW 10<sup>th</sup> Ave.  
Topeka, KS 66612-1504

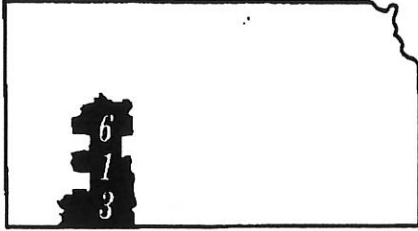
Dear Honorable Representative Loyd:

The Southwest Kansas Area Cooperative District 613 Board of Directors supports the statutory change proposed in House Bill No. 2844 that will allow the High Plains Educational Cooperative and Southwest Kansas Area Cooperative to enter into an interlocal agreement to create a separate legal entity.

Sincerely,

Keith Reimer  
Director

# SOUTHWEST KANSAS AREA COOPERATIVE DISTRICT 613



**"WE HELP KIDS"**

001 FORD Rd

P.O. BOX 70

ENSIGN, KANSAS 67841

PHONE (620) 865-2054 • FAX (620) 865-2055

EMAIL [skacd@ucom.net](mailto:skacd@ucom.net) • Web [www.skacd.com](http://www.skacd.com)

February 22, 2002

Representative Bill Light  
Room Number 175-W  
State Capitol  
300 SW 10<sup>th</sup> Ave.  
Topeka, KS 66612-1504

Dear Honorable Representative Light:

The Southwest Kansas Area Cooperative District 613 Board of Directors supports the statutory change proposed in House Bill No. 2844 that will allow the High Plains Educational Cooperative and Southwest Kansas Area Cooperative to enter into an interlocal agreement to create a separate legal entity.

Sincerely,

Keith Reimer  
Director

## HOUSE BILL No. 2844

By Representatives Light and Loyd

2-12

9 AN ACT concerning interlocal cooperatives; relating to educational  
10 cooperatives.

11

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

13 Section 1. (a) Notwithstanding any other statutory provisions to the  
14 contrary, High Plains Educational Cooperative and Southwest Kansas  
15 Area Cooperative are hereby granted the authority, upon majority vote  
16 of such cooperative's respective governing boards, to enter into an inter-  
17 local agreement between such cooperatives to create a separate legal en-  
18 tity for the purpose of and to conduct such business as provided for in  
19 such interlocal agreement. Such separate legal entity shall have the pow-  
20 ers and duration as provided in K.S.A. 12-2904a, and amendments  
21 thereto.

22 (b) Any such interlocal agreement executed pursuant to the provi-  
23 sions of this section shall be submitted to the attorney general for ap-  
24 proval. The attorney general shall approve such agreement unless the  
25 attorney general finds that it does not meet the conditions set forth herein  
26 and shall detail in writing, addressed to the governing bodies of High  
27 Plains Educational Cooperative and Southwest Kansas Area Cooperative,  
28 the specific respects in which the proposed agreement fails to meet the  
29 requirements of law. Failure of the attorney general to disapprove an  
30 agreement submitted hereunder within 90 days of its submission shall  
31 constitute approval thereof.

32 (c) Any agreement entered into under the provisions of this statute  
33 shall not require the approval of the state board of education.

34 (d) This section shall be part of and supplemental to the interlocal  
35 cooperation act.

36 Sec. 2. This act shall take effect and be in force from and after its  
37 publication in the statute book.



## House Education Committee Representative Tanner, chairman

February 25, 2002

Mr. Chairman, and members of the committee:

The Wichita Public Schools rises in opposition of H.B. 2865, a bill eliminating state aid for bond issued after July 1.

Wichita passed a \$284.5 in April, 2000. By the overwhelming margin of 64% Wichita voters approved a twenty-year mortgage to improve our schools. The Wichita bond issue passed by the widest margin in the nation for a bond issue this size.

Wichita's infrastructure needs were established by a 160-member oversight committee. Over 900 meetings were held to determine the needs at each of 100 schools, prioritize the needs, and make recommendations to the oversight committee. The oversight committee found the total infrastructure needs to be \$480M. The committee trimmed this down by 40% to keep it within the parameters set by the Board of Education.

The process of determining the size of Wichita's bond issue included many factors, including the 21% state aid. Our community made a thoughtful decision based on the rules, which included state aid.

Eliminating state aid now is breaking faith with communities across Kansas who made their decisions to improve schools with the knowledge of state aid.

Eliminating state aid now would increase mill levies for communities who have yet to issue all their bonds. In Wichita, although we passed the bond issue in April 2000, the federal guidelines regarding the use of bond proceeds are strict. Wichita has issued two \$95 million issues with one remaining. My estimation is eliminating state aid would increase the mill levy by close to one mill.

A massive community engagement process in our community agreed to the terms and taxes required to improve Wichita schools. We played by the rules and ask the legislature to keep those rules intact.

Thank you for considering our concerns. I would stand for questions.

House Education Committee

Date: 2/25/02

Attachment # 3

B. Highfill Scott  
Executive Director  
bscott@usa-ks.org

M. Katharine Weickert  
Director of  
Administrator Services  
kweickert@usa-ks.org

Don Knowles  
Professional Development  
Coordinator  
knowlesfarms@umacs.net

## HB 2865: State Aid for School Capital Improvements Ceases for Bonds Issued After July 1, 2002

Testimony presented before the House Education Committee

by  
Dr. Kent Hurn, Superintendent of Seaman-Topeka USD 345  
on behalf of  
United School Administrators of Kansas

February 25, 2002

Mister Chairman and  
Members of the House Education Committee:

I am Kent Hurn, superintendent of Seaman School District in north Topeka. I represent United School Administrators of Kansas in opposing HB 2865 which cancels state aid for capital improvements for bonds issued after July 1, 2002.

This bill will set boards of education back to pre-1992 in their ability to provide adequate, safe and modern facilities for the staffs and students in Kansas districts. Our association is concerned that this could result in unnecessary litigation because of its potential disequalization.

Public education is the cornerstone of democracy and economic development. We are greatly concerned about the state's hesitancy to provide:

- adequate base funding per pupil,
- support for necessary technology,
- adequate special education allocations, and now
- commitment for the issuance of bonds for capital improvements.

These attempts to save money at the state level have come at the expense of the local property taxes.

United School Administrators of Kansas asks that you oppose HB 2865 which would cease state aid for school capital improvements for bonds issued after July 1, 2002.

House Education Committee

Date: 2/25/02

Attachment # 4



Kansas Association of  
Elementary  
School Principals  
(KAESP)

Kansas Association of  
Middle School  
Administrators  
(KAMSA)

Kansas Association of  
School Administrators  
(KASA)

Kansas Association of  
School Business  
Officials  
(KASBO)

Kansas Association for  
Supervision and  
Curriculum Development  
(KASCD)

Kansas Association of  
Special Education  
Administrators  
(KASEA)

Kansas Association of  
Secondary School  
Principals  
(KASSP)

Kansas Council of  
Vocational  
Administrators  
(KCVA)

Kansas School  
Public Relations  
Association  
(KanSPRA)

KANSAS  
ASSOCIATION



OF  
SCHOOL  
BOARDS



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

Testimony on  
HB 2865 (Capital Improvement State Aid)

Before the  
House Committee on Education

By  
Mark Tallman, Assistant Executive Director/Advocacy

February 25, 2002

Mr. Chairman, Members of the Committee:

Thank you for the opportunity to testify on HB 2865, which would end the state aid program for capital improvements through school district bond issues. We strongly oppose this bill.

Our position on school finance is very clear: the Legislature, on behalf of the entire state, has the responsibility to provide suitable funding for the education of every child. We believe this principle is required by the state constitution, and certainly should be.

Providing a high quality education must include the physical plant and equipment. To eliminate state aid for capital improvement would undue one of the most important advances in educational opportunity. It would return us to a situation in which capital costs would be funded entirely by local property taxes, on dramatically different resources in different districts. It would essentially say to districts – and their students – whether you are wealthy or poor, you are on your own.

We believe this is completely opposite the position the state must take. On the contrary, our message must be: we are all in this together. If we are to leave no child behind, we must leave no district behind.

We urge the Committee to not report this bill favorably for passage. Thank you for your consideration. I would be happy to answer any questions.

House Education Committee

Date: 2/25

Attachment # 5