

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 March 12, 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 Bob Tomlinson  
Joan Westbrook, Johnson County  
John Sanchez, Johnson County  
Bill Frick, Shawnee Mission Schools  
Amy Brunner, KASB

**SB 394 - Closing of school buildings in USD 512.**

Chairman Tanner spoke to the Committee in explanation of **SB 394**.

Bill Frick appeared as a proponent to **SB 394**. (Attachment 1).

Amy Brunner spoke in support of **SB 394 and SB 488**. (Attachment 2).

Mr. Frick and Ms Brunner stood for questions following their testimony.

John Sanchez spoke in opposition to **SB 394 and SB 488**. (Attachment 3).

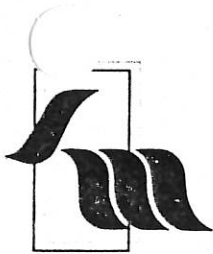
Joan Westbrook appeared as an opponent to **SB 394 and SB 488**. (Attachment 4).

Representative Tomlinson spoke to the Committee in opposition of **SB 394 and SB 488**. (Attachment 5).

Following a brief question and answer period the hearing on **SB 394 and SB 488** was closed.

The Chair announced that on Friday, March 15 they would be considering final action on bills previously heard.

The meeting was adjourned at 10:40 a.m. The next meeting is scheduled for Wednesday, March 13.



Shawnee Mission Public Schools  
Howard D. McEachen  
Administrative Center  
7235 Antioch  
Shawnee Mission, Kansas 66204-1798  
Telephone 913 993-6439

Office of the  
Assistant to the Superintendent

Educating for Life

House Education Committee Testimony on Senate Bill No. 394  
March 11, 2002

The Shawnee Mission School District is in support of Senate Bill No. 394. The school finance law provides a common base aid per pupil to all school districts in Kansas. As enrollment declines, the school district receives less money. It is essential that all districts have the same ability to cut costs in line with decreased revenue.

In order to close a school in Shawnee Mission, K.S.A. 72-8136 requires the district to go through an elaborate process that takes several months to complete. If a protest petition is filed, an election is then held in the board member district where the school is located. If voters choose not to close the school, the board has no recourse but to keep the building open for another year and then go through the same process.

If we can't close schools, we have no other recourse but to cut other programs across the district and increase class sizes.

The time required under the statute is also a problem. To illustrate the point, consider the recent announcement of potential state budget reductions to school districts. Since this information was not released until the December/January timeframe, the district could not close small elementary schools to make up the shortfall. The results won't be known until late spring while budget and staffing decisions need to be made in early spring.

Since the 1992-93 school year, the district elementary enrollment decreased 2,445 students. The district has 13 elementary schools with enrollment less than 300 students. Last year, the district planned to close three elementary schools. Each of these schools filed a protest petition and a vote was taken for a total cost of \$31,268. Two of the schools closed with a savings of \$1.5 million, while a third remained open. The proposed savings of \$639,000 for the third school (Arrowhead) had to be replaced by other budget reductions that affected students across the district.

The Shawnee Mission School District believes this law should be replaced and urges you to support Senate Bill No. 394. With declining enrollment, the district needs the flexibility to close schools to remain efficient.

*William R. Frick*

William R. Frick  
Assistant to the Superintendent  
District Lobbyist

House Education Committee

Date: 3/12/02

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Attachment # 1

KANSAS  
ASSOCIATION



OF  
SCHOOL  
BOARDS

1420 SW Arrowhead Road • Topeka, Kansas 66604-4024  
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Testimony on  
**SB 394 & SB 488 – Closing School Buildings**  
Before the  
**House Committee on Education**

By  
Amy Brunner, Governmental Relations Specialist  
Kansas Association of School Boards

March 12, 2002

Mr. Chairman, Members of the Committee:

Thank you for the opportunity to testify today on SB 394 and SB 388. These bills will allow school districts to close school buildings by a simple majority vote of the school board. KASB is a proponent of these bills due to the efficiency and authority for local school boards that the bills promote.

The procedures currently required for closing school buildings in Shawnee Mission and all other school districts with less than 1,600 enrollment inhibit the school board's ability to be efficient in managing the school buildings within its district. The current law subjects these school boards to a detailed process involving a resolution, public notice, public hearing, and a protest petition. SB 394 and SB 488 would only require two things. First, the school board must find that the building should be closed to improve the school system. Second, the school board must hold a public hearing and vote by a majority to close the building. Reducing the process required by law to close a school building to a simple majority vote of the board would allow the school board further authority to manage its district, a job that these board members were elected to do.

In light of the state budget situation, many legislators have called for schools to become more efficient. Reducing the school building closing process to a majority vote of the school board would give appropriate authority to the elected officials of the school boards and help them continue to be efficient.

KASB would urge the Committee to favorably recommend these bills.

Thank you for your consideration.

House Education Committee

Date: 3/12/02

Attachment # 2

## Legislation, Kansas and the will of the people...

- Thank you, for letting me become part of the process. I am both honored to be chosen to speak today and inspired to meliorate a situation which could be disastrous in a much more far-reaching manner than many seem to understand.
- Points to consider...

### **A. Why were these bills proposed, are they needed and are they even a good idea?**

- 1) Make no mistake about it; Sub SB394 and SB488 were not brought about because of concern for the children or their education. These bills came about because of one reason; the people gathered up tens of thousands of signatures stating that they would like a voice on their children's educational future when something so profound and non-changeable comes up like school closures. It was pure politics.
- 2) Many people fought to keep schools open last year. Two schools closed, one stayed open. Yes, some people felt bad because of misinformation and schools did close; BUT all had a voice. The people were heard and all felt comfortable that the communities needs were addressed.
- 3) You may not hear much grumbling now with constituents concerned about their rights being striped away. This is because most do not know about it and are not paying attention to it. But believe me, you will very soon hear the outcry of MANY if this goes to the floor for final vote. I know this because I have seen it. They thought most would not be concerned about the school closures, but thousands of volunteers organized at the last minute to make sure their voice was heard. The effects were outstanding and widespread. Questions were raised. The same will happen here.
- 4) School districts are known and documented for giving misinformation. Last year they were caught literally dozens of times. They must be accountable to the public. Certain school boards are known to be puppets for the district. With these boards, hearings are a farce because they have no bearing on the outcome. - - - So I ask you... At a time of doubt, when many people are passionate about their schools, yet uncertain of the district's and board's credibility... they see K.C. and it's board problems plus district non-accreditation; Shawnee Mission's bad spending habits on buildings; tens of thousands spent on written propaganda, a fortune spent on cable TV infomercial spots to push their agenda, large raises for administrators at the same time they ask for money for teachers, whom of which get a token dollar figure...these things are on the backs of everyone's mind.

The public hears about credible federal and state research promoting education going back to the basics, keeping small class sizes, safety issues within schools (these are things which were hurt severely after the last round of school closures)

House Education Committee

Date: 3/13/02

Attachment # 3-1

Is now the time to strip away the rights of the people and give inexplicable power to the districts or boards?

### **B. Does this effect the system?**

1) Yes, because you lose a great amount of checks-and-balances. Many say the public has a voice in school matters because they have the ability to vote for school board members. This is not completely accurate. The issue of school closures is not brought up in most of the school board member elections. The public's attention may not be attuned to certain issues at election time as opposed to 4 years latter. In fact, there may not even be an issue of concern one year, still, three years latter it will be a hot topic. Lastly, some issues you **can** change back, closing a school and tearing apart a community is NOT something you can change back. This is a sore lesson those on the West Coast are finding out now.

### **C. Will these bills help with school finance reform?**

- 1) If your desire is to go on record as against school finance reform, then voting for one of these bills will in effect do this. By continuing with this unethical side issue, you are dividing the people's voice to fight for school finance reform. Right now pro-public education is a political hot bed. There are many constituents who want to see a strong public education system. They are willing to exhaust countless energies to see this through and to support those legislators that support public education as opposed to speaking out the side of their mouth. Many of these people will now be faced with fighting against these bills which will hurt the school education system as well as strip the rights of the people away.... And just when we thought we had candidates to back, we now will need to fight against those same candidates.
- 2) Many people who believed in certain candidates (such as Senator [REDACTED]) that are the core of public education, now are faced with political misconceptions and conflicts of interest. Afterall, here you have a lawyer who claims to be pro-public education...and he represents several school boards as clients in his private business, but in the Kansas public forums, he sponcers bills which give school boards the power to take away the rights of the people and have ultimate authority without the current checks-and-balances we now have. Is this even ethical? You have the [REDACTED] school District who supposedly talks representatives into sponsoring bills getting rid of public voting on hard educational issues last year DURING the voting... if pushed, this could be considered not only be unethical, but unlawful.
- 3) Right now we need to band together for children, not split apart on getting rid of the rights of specific districts and individuals. Right now we need a booster shot of trust towards our legislators, not another reason to wonder if they really care about me, the complacent voter or radical advocate....

- These are just a few points I would like for you to consider. Most you already know. It is important to understand that the public does not know all of them, but can very easily get to know many of them.
- Again, thank you for your time, your consideration and have a good day as well as decision-making.

Respectfully;

John Sanches  
8724 Mackey  
Overland Park, Ks. 66212  
(913) 642-2840

A handwritten signature in cursive script that reads "John Sanches". The signature is written in black ink and is positioned to the right of the typed name and contact information.

3/12/02

HOUSE EDUCATION COMMITTEE OF KANSAS

Mr. Chairman  
Honorable Members of the Committee

Thank you for allowing me to present my objections to Senate Substitute Bill 394 and Senate Bill 488. Both of these pieces of Legislation will completely silence the voice of parents, patrons and taxpayers.

We will have no means of getting the attention of School District 512 . Their open forums and hearings are just perfunctionary exercises on their part and lessons in futile frustration for those in attendance. They are an insult to the intelligence of the taxpayers. I attend all of them and can speak from my own experience in trying to be heard on issues.

Many factors are involved in the present issues facing all School Districts. Not the least of which is, declining enrollments and a flawed Finance Formula. If the 512 District has a free hand they will close as many as 12 schools. Once the schools are gone it affects the entire economy of the area and State. The re-greening in these areas is slowed. The property values are affected, thus Tax Revenue is depressed.

The logic and verbiage of the original Legislation on closing by attendance area is just as valid today as it was 40 years ago. Who better to know the population make up and economic climate of the areas affected than those living there. The 2,600 signatures on the last North Area petitions should have sent a clear message that voters are not willing to give blanket approve of any actions of District 512. This same message should be applied to our Legislative bodies. Please take note the voters are watching this session carefully.

Having sat in on most of the School Board meetings I am greatly concerned with the number and amount of expenditures being approved. The old adage of waste not want not does not seem to apply. All the more reason not to take away the vote and voice of the taxpayers by passing this Legislation.

The House Education Committee has the opportunity to salvage our educational system. It will take courage on your parts. By not passing this Legislation it will allow time for the State, County and Cities to work out the School Finance problems. As these problems are resolved the negative, dooms day actions of the District's scare tactics can be reversed. If the schools that are already paid for are closed and gone, the process of rebuilding with more Tax dollars may not set too well. The Taxpayers are not a bottomless pit of money. We have always been generous to education and probably will be again with an increase in State Taxation, benefiting all the students.

House Education Committee

Date: 3/12/02

Attachment # 4-1

In this presentation I am including an article by Dave Solenberger of Lenexa. Please take a few minutes to read it. I found it to be a powerful article and statement as to why these two pieces of Legislation should not be passed.

In conclusion I wish this Committee the Wisdom of Solomon and the stamina to withstand all the political pandering. This is still a nation of by the people, for the people. This includes our children too. Remember our students of today and those of the future will be the ones to take care of our Nation and us.

Thank you for your time and indulgence in hearing me today.

I am open to questions if you so choose.

Joan Westbrock  
6744 Riley  
Overland Park, KS 66204



H U S

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Dara Macan  
Advertising  
234-7751

MAIL

Shawnee Mission  
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Past gives perspective on law  
on school-closing elections

To the editor:

I've noticed with interest the Shawnee Mission School Board's efforts to change legislation authorizing patrons to petition for an election. As a current Shawnee Mission district patron living in Lenexa who used that legislation to prevent closing Indian Hills Middle School in Prairie Village, I have some unique perspectives on this matter. Further, I also used to be president of the Taxpayers Association of Johnson County, an organization that had concerns about local government accountability and spending. While I no longer have children in the district (my two graduated and are in their 20s), I still have some concerns about the proposed change.

My understanding is the current legislation was put in as a compromise when the Shawnee Mission district was first established 40 years ago. At that time, northeast Johnson County was concerned that some of their schools would be closed and they would have no say in those decisions. Thus, the unique legislation was passed and the Shawnee Mission District was formed.

As the northeastern Johnson County population declined, the board decided to close schools. Several elementary schools were

closed, and some elections were held. Patrons from the North and East areas supported the board. Then came the board decision to reorganize the middle schools and close some of them. With a history of closures to study, patrons started to ask questions. It became apparent the administration and the board had not done their homework. This angered the patrons, who voted by a 70 percent margin to keep both East area middle schools open.

This legislation turned out to be essential for several reasons. First, democracy requires a vigilant electorate. Without the questions, a terrible error could have been made and district resources wasted. Second, patrons need to be close to the schools to know whether it's time to close a school. Thus, the area provision. Patrons can't be knowledgeable about all schools throughout the district. Finally, consolidating power at the Shawnee Mission School Board won't help educate students and maintain property values for all of us. Instead should the board's new power be used to close schools without justification, the long-term public support for the education spending will decline.

Dave Solenberger,  
Lenexa

Burying utility lines  
proved a wise move

To the editor:

In 1966 we designed and built our home in Overland Park.

We consulted with Kansas City Power & Light regarding the electric service from the property line to the house. KCPL suggested we go underground rather than overhead, since we then should not experience any problems in the future due to storms, etc. At that time KCPL also stated it was contemplating burying its existing overhead lines in the near future.

Nearly 26 years have passed, during which time we experienced at least three major ice and snowstorms with devastating effects. KCPL's overhead lines were not buried, but at least we can say that we have never had any problems with our buried service between the property line and the house. Incidentally, we also buried the telephone and cable lines.

We realize that burying all the power, telephone and cable lines will not solve all the problems, but we believe it will eliminate 90 percent of them.

Harvey Fink  
Overland Park



# School districts slip in EQ ratings

SCHOOL, From A1

Individual school districts receive one of five rankings. Gold Medal schools rank in the top 17 percent of those districts evaluated, and Blue Ribbon districts rank in the top third nationally. Green Light districts comprise the average, and Yellow Light and Red Light districts are below the national average. Olathe now stands as a Blue Ribbon district.

"They still have a good rating, but they're not at the top where they were a few years ago," said Doug Davidson, vice president of County Economic Research Institute. "We believe our districts are still very good, but this lower ranking dilutes that argument because we can't claim we rank as high as we once did."

Tim McKee, vice president of economic development for the Olathe Chamber of Commerce, said the typically high rankings of Johnson County schools often had been used in discussions with inquiring businesses.

"We have used this in our recruitment of businesses, and this publication goes out to all

*'They're the backbone of all we've done in Johnson County.'*

— Tim McKee  
vice president of economic development for Olathe Chamber



the relocation consultants," he said.

He added that the county's historically strong schools have been an important part of the county's growth.

"They're one of the driving factors of all of our economic development in Johnson County," McKee said. "They're the backbone of all we've done in Johnson County."

Davidson said businesses considered the schools at a potential relocation or startup site for two reasons — schools for their employees' children

and as a source of future employees.

"We think the high quality public school systems we have in Johnson County have been the foundation of our economic success," he said. "In marketing the county, our public school systems are one of the things we really hang our hat on."

King said Johnson County is known as the major economic force for Kansas and traditionally strong school districts are a part of that.

"Once you lose the reputation for outstanding schools in

Eastern Kansas, it's going to take a long time to get it back," he said.

King, who has children in a school district in Johnson County, said he's angered at the level of funding school districts in Kansas receive.

"I live in Johnson County because of the school districts," he said. "As a patron, a taxpayer and a parent of three kids in the Blue Valley School District, I'm outraged. It's an artificially created political crisis that's going to continue to get worse every year."

"They could solve the problem for the Johnson County districts by lifting the cap on the Local Option Budget."

King said that when he joined the staff of the magazine eight years ago, Kansas was just above the national average in education spending.

"Now they're down toward the bottom," he said.

Davidson said that if the lower rating was any indication of things to come, changes should be made.

"That's a major red flag that something needs to be done," he said.

Throughout the day, they attended meetings with principals, teachers, principals, deans and student life officials.

5-14

## Mother's Day Out planned in Merriam

Children ages 3 to 5 will enjoy a day of creative and play opportunities during a Mother's Day Out being offered by the Johnson County Park and Recreation District at the Merriam Community Center, 5701 W. 119th Lane, Merriam.

This is an excellent way to introduce young children to a peer group setting and help them gradually adjust away from parents for an extended part of the day. Parents should bring a sack lunch. Milk and snacks are furnished.

Parents can choose between Tuesday or Thursday sessions and then sign their children up for four successive sessions that day. Days cannot be mixed. For March, the Tuesday session will begin on March 5 and the Thursday session will begin on March 7.

The program begins at 8 a.m. and runs until 4 p.m. The cost for four eight-hour sessions is \$72 for Johnson County residents or \$80 for nonresidents.

For more information or to register, call 831-3342 or 831-3342 TDD.

— The Olathe News-Press

## FRIDAY'S LOTTERIES

KANSAS PICK 3 6-6-9	MISSOURI PICK 4 8-9-8-7
MISSOURI SHOW ME 5 2-13-17-34-38	MISSOURI PICK 3 9-0-1

# Olathe considers tax incentive program for home

OLATHE, From A1

apply for a property tax rebate for a one percent increment increase in property value after the improvements were made. Copeland explained that any or all taxing entities within the district could choose to participate

Copeland said.

Copeland said that depending on how the city chose to proceed with the NRA program, it was flexible enough to cover commercial and residential property and new projects and redevelopment. Copeland said

is to prevent that to the extent possible by encouraging home owners to invest in their property. It's really aimed at maintaining property values and to make sure that people's homes aren't deteriorating."

Copeland said.

Assistant City Administrator Dick Garofano said the program, when implemented, would play a vital role in rejuvenating homes in the downtown area. Garofano added that

at tax incentives for commercial properties. But when we look at our downtown, you see a lot of residential properties."

Garafano said it was of the utmost importance for the city to continue to invest in the

Olathe Chamber said the city would not have to limit the number of NRA districts in the downtown area that not only cover property outside

4-5

OVERHEARD

fe's alive. My dogs are alive. My horses are alive. What more could I ask for?"

ome in Fallbrook, Calif., was among 34 destroyed by a fire that blackened more than 5,000 acres.

# TION WATCH

THE KANSAS CITY ST  
Wednesday, February 13, 20

# U.S. birthrate hits 30-year high

ATLANTA — American women, encouraged by a decadelong economic boom, are having more children than at any other time in the last three decades: 2.1 on average in a lifetime, the government said Tuesday.

For the first time since 1971, women are producing enough children to offset deaths in the United States, the National Center for Health Statistics said.

The center reported 4,058,814 births in 2000, the latest year for which figures were available — up 2.5 percent from 1999. It was the first time since 1993 that births topped 4 million.

Researchers said the roaring economy of the 1990s was probably a major factor, helping potential parents feel more comfortable about supporting a family.

"Their financial security was increasing, and they could afford additional children. And then we had this continuing increase in postponed childbearing," said Stephanie Ventura, a demographer for the center.

The national birth total breaks down to an average of 2.13 children for every woman through her childbearing years of 15 to 49.

The government uses 2.1 as the figure necessary for a population to fully replace itself.

The report showed increases in the birthrate in 2000 among women of all age groups except teen-agers.

Births to 15- to 19-year-olds dropped to 48.5 for every 1,000 women, an all-time low. The teen birthrate was 49.6 in 1999.

"The credit goes to the teens themselves," said Sarah Brown, director of the National Campaign to Prevent Teen Pregnancy.

"There are only two ways these rates can go down — less sex and more contraception. There's evidence that these teens are doing both."

The report also found that smoking among pregnant women declined for most age groups, down to 12.2 percent in 2000.

That rate has fallen steadily since 1989.

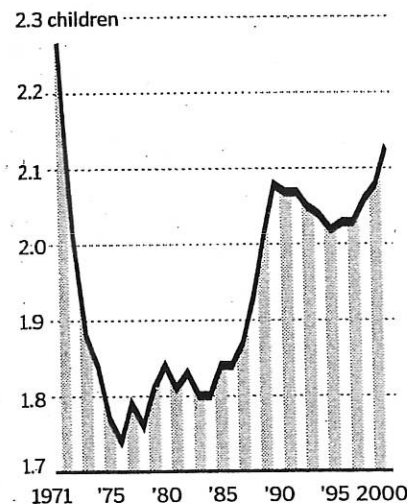
The report found 12 percent of babies born to smokers had low birthweight, compared with just 7 percent of babies born to non-smokers.

The rate of twins rose slightly, extending a two-decade-long trend.

"Older moms are more likely to have multiple births," said Joyce Martin, an epidemiologist for the center. "And you have the added whammy of fertility-enhancing therapy, both the drugs and the

## Baby boom

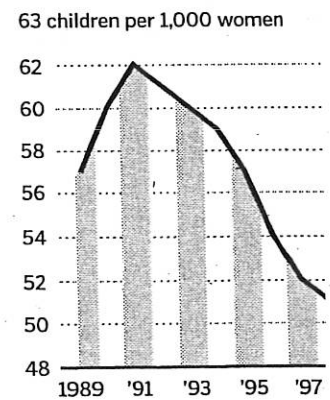
American women are having more children than at any time in 10 decades — 2.1 on average in a lifetime.



Source: National Center for Health Statistics

## Teen births down

Although women overall are having more children, 15- to 19-year-old women are having fewer.



The Assoc

techniques."

However, sets of triplets and higher-order births are on the decline, the report found.

Health officials hope that decline means women might be heeding their warnings about fertility procedures, which often pro-

duce multiple births that put children at risk.

Overall, the fertility rate places the United States high end of developed nations.

The rate is 1.8 in Australia, Britain and 1.2 in Spain.

— The Associated Press

BOB TOMLINSON  
 REPRESENTATIVE, 24TH DISTRICT  
 STATE CAPITOL  
 TOPEKA, KS 66612-1504  
 785 296-7633  
 5722 BIRCH  
 ROELAND PARK, KS 66205  
 913 831-1905



TOPEKA

HOUSE OF  
 REPRESENTATIVES

COMMITTEE ASSIGNMENTS  
 CHAIR: INSURANCE  
 MEMBER: EDUCATION COMMITTEE  
 FINANCIAL INSTITUTIONS  
 AND INSURANCE  
 FISCAL OVERSIGHT

March 12, 2002

Dr. Tanner, Members of the Houses Education Committee

It is with grave reservation that I speak in opposition to SB 394 and the companion SB 488. It is not often that I differ with my own Board of Education.

This law has been on the books since 1977. We would not be here today were it not for the lack of appropriate educational funding. School closure in this case is a financial money saving necessities.

The district has tried to ease the impact of school closures on our area. The housing of two special programs is evidence of this. Still future school closings would not spare the North area. The quality of life is dependent on our schools. This same story has played out in many Kansas communities in recent years.

The importance of school elections cannot be minimized. While the whole district may pay for schools to remain open, only the neighborhoods themselves will be directly effected by the closing of our local school. The North end of our county feels this most keenly. Residence see declining property values as schools close. They are scared and I am scared for them.

Theories of one man one vote recognize minority interests. Rural and ethic minorities are clearly recognized and it has been declared unconstitutional to delete their voting strength. Why is a geographical minority any different.

John C. Calhoun wrote of "the teaming of the majority." His contention was that sections of the country who could never command a majority would suffer in their permanent minority status. The passing of this legislation would make the outcome of these elections a foregone conclusion. There is no democracy when the outcome of elections is determined prior to the vote.

House Education Committee

Date: 3/12/02

Attachment # 5