

MINUTES OF THE SENATE COMMITTEE ON EDUCATION.

The meeting was called to order by Chairperson Dwayne Umbarger at 1:30 p.m. on February 18, 2002 in Room 123-S of the Capitol.

All members were present except: Senator Hensley (excused)

Committee staff present: Ben Barrett, Legislative Research
Carolyn Rampey, Legislative Research
Theresa Kiernan, Revisor of Statutes
Dale Dennis, Deputy Commissioner of Education
Judy Steinlicht, Secretary

Conferees appearing before the committee: Amy Brunner, KASB

Others attending: See Attached List

SB488--School buildings, closing of

Amy Brunner, Kansas Association of School Boards, testified in support of **SB488**. KASB is a proponent of this bill because it promotes efficiency and authority for local school boards. The bill reduces the school board process for closing schools and gives appropriate authority to the elected officials of the school boards. (Attachment 1)

Craig Grant, KNEA provided written testimony in favor of **SB488**. KNEA supports the concepts contained in the bill and sees no reason why Shawnee Mission District should be dealt with differently than other school districts. (Attachment 2)

Jacque Oakes, Schools for Quality Education, provided written testimony in favor of **SB488** because passage of this bill would make the closure law of school buildings the same for all districts. It would put the authority into the hands of experienced, elected school board members. (Attachment 3)

Testimony signed by 34 Johnson County residents opposing **SB488** was received in the mail, however, Chairman Umbarger and Vice Chairman Vratil believe that their concerns are related to **SB394** which was passed last week. A copy of the testimony was given to all Committee members. (Attachment 4)

Committee members were given time to review all written testimony. The floor was again opened to discussion.

After discussion, Senator Vratil made a motion to amend wording in SB488 sub-section C, page 3, line 41 and 42 to "the board shall determine whether the school building or buildings should be closed to improve the school system". Seconded by Senator Corbin. Motion passed.

Senator Oleen made a motion to prepare a substitute bill SB488 because the bill has a lot of strike-outs; and to change the enactment date to the Kansas Registry. Seconded by Senator Teichman. Motion carried.

Senator Teichman moved that SB488 be passed favorably as amended. Seconded by Senator Vratil. Motion carried.

SB483--School finance; reimbursement of special education and related services

Chairman Umbarger asked for discussion and possible action on **SB483**. This bill was introduced to correct a bill passed last year in which special education state aid was paid to interlocal and cooperative

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON EDUCATION at on February 18, 2002 in Room 123-S of the Capitol.

schools. **SB483** would amend that provision so that payments previously made to the interlocal and cooperatives would be paid to the school districts themselves and they would pay the interlocals and cooperatives. This would allow the school districts to put money in the general fund so that they could use the local option budget. The Committee discussed the effects of this change on the schools involved and how it could be fairly resolved without a big impact on those schools and still be fair to all schools.

Senator Downey made a motion to amend **SB483** to become a phase out with a fifty percent phase out this year and fifty percent next year. Senator Oleen seconded the motion. Motion failed.

Senator Vratil made a motion to pass **SB483** as originally drafted. Seconded by Senator Teichman. Motion Carried.

SENATE EDUCATION COMMITTEE GUEST LIST

DATE - 2/18/02

<u>NAME</u>	<u>REPRESENTING</u>
Mark Buck	USD 254
Dagise Sept	USA - USD 500
Don Ryan	USD 321
Mark Tallman	KASB
Amy Brunner	KASB
Josie Torres	KCDD
Mark Desetti	KNERA
Ken Howles	USA
Karin Wysoy	Citizen
George Lzfferty	citizen
Jim O'Malley	KS Press Assn
Beth Paetow	Sped Tech
Melissia Bollig	KLEAR
Jim Rubin	Oage City Schools
Diane Gierstad	Wichita Public Schools
Bill Bradu	SFFF
Elaine Frispie	Div. of the Budget

**KANSAS
ASSOCIATION**



**OF
SCHOOL
BOARDS**



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

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

February 18, 2002

Mr. Chairman, Members of the Committee:

Thank you for the opportunity to testify today on SB 488. This bill would repeal the provisions under Kansas Statute 72-8213 requiring a resolution, public hearing, and protest petition for closing school buildings. KASB is a proponent of this bill due to the efficiency and authority for local school boards that this bill promotes.

The procedures currently required for closing school buildings inhibit the school board's ability to be efficient in managing the school buildings within its district. This law subjects the school board to a detailed process involving a resolution, public notice, public hearing, and a protest petition. 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 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 this bill.

Thank you for your consideration.

*Senate Education
2-18-02
Attachment 1*



Craig Grant Written Testimony
Senate Education Committee
Monday, February 18, 2002

Thank you, Mr. Chairman and members of the Senate Education Committee, for this chance to present written testimony on SB 488. We do not have problems with this bill, which bring USD 512 into compliance with the other districts in the state as far as school closings are concerned.

Kansas NEA is in support of the concepts contained in these bills. We see no need for the Shawnee Mission District to be dealt with any differently than other districts in order to close a school building. We do believe, however, that any school board in the state should make sure that patrons know of its intention to close a building and should have come type of public input into the decision. It should not be necessary do have a public vote.

Kansas NEA would ask the committee to support SB 488. Thank you for considering our thoughts.



Schools for Quality Education

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

February 18, 2002

TO: Senate Education Committee
FROM: Schools for Quality Education – Jacque Oakes
SUBJECT: SB 488 – Closure of School Buildings

Mr. Chair and Members of the Committee:

Schools For Quality Education is an organization of 110 small school districts, and we are submitting written testimony in favor of SB 488.

This bill would allow a board of education in any unified district to adopt a resolution to close a school building. Prior to the resolution the board shall give published notices, hold a public hearing, and proceed with the resolution.

SB 488 would put the authority into the hands of experienced, elected school board members who have the knowledge of the budgets and the facts of the district to make a building closure decision a less emotional issue.

Passage of this bill would make the closure law of school buildings the same for all districts.

Please give your serious consideration to SB 488. Thank you.

"Rural is Quality"

*Senate Education
2-18-02
Attachment 3*

7708 West 64th Street
Overland Park, KS 66202

The Honorable Dwayne Umbarger
Kansas State Senator
Topeka, KS

Dear Senator Umbarger:

This letter is being sent by the undersigned with the expectation that it shall be considered the equivalent of public testimony as we are unable, due to work and other obligations, to be in Topeka to make a presentation. We would hope that our thoughts contained herein will be shared with the remaining committee members.

We strongly object to Senate Bill 488 and want you to understand why and, in addition, the ultimate consequences of this proposed legislation.

We do understand the financial condition the State of Kansas finds itself in and are very much aware of the effect this has on education financing. However, SB 488 will not enhance education in the Shawnee Mission School District in any way, supporters' statements to the contrary.

The present Shawnee Mission School Board is out of touch with its constituents. The petition right the Board wants repealed has, in effect for over 30 years, not harmed the excellence of the Shawnee Mission School District. It is evident that the Board does not want to consult, consider or even discuss with parents, students, teachers and patrons any aspect of the Board's actions. This is totally contrary to tradition in Kansas, distancing the governing body from those governed by them. Shawnee Mission School Board president Bysfield's statement reported in the Kansas City Star on February 13 – "the decision to close schools should rest solely with the Board" – indicates a total ignorance or perhaps arrogance concerning the deep and abiding interest the District's families have in the schools. Last year, after public hearings, the Board held a meeting at which its members voted without any discussion unanimously to close the three schools selected. No discussion to inform the public and no dissenting votes makes their actions disturbing to all. The dispute going on in the Blue Valley District concerning the closing of Tomahawk Ridge School only serves to reinforce the need to involve the public, not eliminate its involvement. If you want taxpayers to be involved and supportive of Kansas schools don't distance the people from the process. Perhaps instead of repealing the petition right in the Shawnee Mission School District you should be extending it to all districts. If citizens are involved they are flexible enough to accept change otherwise you merely chase them, their tax dollars and most important their energy away.

The Shawnee Mission School Board's credibility on the issue of school financing and budget cuts is enormously suspect. The Board, despite its constant complaint of a shortage of funds for the District and president Bysfield's statement "we have to be

Senate Education
2-18-02
Attachment 4

responsible and not make any expenditures we shouldn't be making" (Kansas City Star 2/13/02) just gave upper level administrators, for this school year, substantial and unnecessary pay increases such that the superintendent is now earning as much as our last two United States Presidents, hardly comparable jobs. The Board has also allowed the "hiring" of a motivational speaker for students before testing. Surely, within this District someone is capable of doing that job (should such a task actually be beneficial) at no additional expense. Last spring the Board voted to close Cherokee Elementary School and most of the children ended up at Pawnee Elementary which after the school year began was discovered to be an unsafe environment and in the midst of the school year the children were moved (for many a second dislocation). Surely it is the Board's responsibility to see that the District's buildings, and particularly one that was kept open to receive more children, is safe. As would be said in common parlance: is this any way to run a business! Yet these very same people want unsupervised control of our children and their education.

The Shawnee Mission School Board, in the last few years, has talked of little else than budgetary problems and program cuts and declining enrollments. If they continue in this fashion and if Senate Bill 488 is passed and schools are closed without the patrons' right to petition then exactly whom do they think will want to stay or move into the district. The Board's rhetoric and actions are blatantly counterproductive to enhancing enrollment. In addition, education experts nationwide agree that to provide our children with the best education possible the one basic key is small schools with small classes. Here again the credibility of the Shawnee Mission School Board becomes an issue. The Board promised that in closing schools they would not exceed District guidelines on class size and they have exceeded those guidelines in numerous classes.

What seems curious is that the Shawnee Mission School Board seems to have so little faith in the patrons in its own district. Patrons do understand that the State and the District are facing lean economic times but what patrons also understand is that the District can and should act like the ordinary taxpayer – temporarily cut the frills but don't sell the house. Patrons understand that programs can be restored, but schools cannot be rebuilt to replace ones of which the Board has already disposed if it is given the unfettered ability to close schools at will as Senate Bill 488 would allow. And the Board does not seem to be aware that data now shows that the year 2000 showed a substantive increase in live births (Kansas City Star, February 13) which means that by 2005, three short years away, Kansas will be faced with more kindergartners. The Board seems to ignore the hard facts on the ground. As of today the smallest school in the District already has enrolled for the fall 2002 one and half times the number of kindergartners enrolled last spring and this despite the Board's discouraging rhetoric.

In conclusion, despite Board president Bysfield's comment that elections are unsettling, highly emotional, elections and public participation are basic to our democratic process and once again Blue Valley's current situation with closings supports the fact that Board-determined closings will not prove to be uncomplicated and the exclusion of patrons will not settle any thing. In fact the Shawnee Mission School District will prove to be at greater risk as the Board begins to "cherry pick" schools to be

closed rather than work with determination to find more viable and progressive solutions. If as Board president Bysfield says - every dime must be considered - raises for administrators supervising fewer children should be rolled back and the Board start calm, careful work to do better with less, not to eliminate the most basic precept of good education and the foundation and success of the Shawnee Mission School District - small neighborhood schools with involved parents and patrons.

Please consider carefully before voting in favor of SB 488.

Respectfully,

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