

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION K-12.

The meeting was called to order by Chairperson Kathe Decker at 9:00 a.m. on March 10, 2003 in Room 313-S of the Capitol.

All members were present except: Representative Ostmeyer - Absent
Representative Williams - Excused absence

Committee staff present: Kathie Sparks, Legislative Research Department
Jill Wolters, Office of the Revisor of Statutes
Ann Deitcher, Committee Secretary

Conferees appearing before the committee: Jim Edwards, KASB
Jeff Burkhead, Ks Press Assoc.
Dale Dennis, Deputy Commissioner of Education
Mark DeSetti, KNEA

It was moved by Representative Beggs and seconded by Representative Storm that the minutes of the committee meetings for February 17, 18, 19, 20, 21, 24 and 25 be approved.. The motion carried on a voice vote.

SB 82 - Relating to powers and duties of board of education.

The Chair called the committee's attention to a copy of statutes for **SB 82**. (Attachment 1).

Jim Edwards offered testimony in support of **SB 82**. (Attachment 2).

Jeff Burkhead spoke in support of **SB 82**. (Attachment 3).

Earl Watt, Publisher of the Southwest Daily Times, offered written testimony as a proponent to **SB 82**. (Attachment 4).

Also offering written testimony in favor of **SB 82** was Katy Crow, a member of the West Area Advisory Board of the Shawnee Mission School District. (Attachment 5).

A teacher from Liberal, Kansas, Brent Goodwin, offered written testimony, asking for the committee to consider this testimony before taking any action on **SB 82**. (Attachment 6).

Mark DeSetti of KNEA and Dale Dennis offered explanations and answers to the committee.

The hearing on **SB 82** was closed.

SB 118 - Relating to rules and regulations.

Dale Dennis offered a brief explanation to **SB 118**. (Attachment 7).

The hearing on **SB 118** was closed.

The meeting was adjourned at 10:05 a.m. The next meeting is scheduled for Tuesday, March 11, 2003.

Statutes for Senate Bill No. 82
An Act Repealing K.S.A:

- 72-124a** **Abolition of old state board of education; continuation of contracts**
 ✓ Subject to amendment, termination, or revocation by state board after 1/13/1969
 ✓ Remain in full force unless changed
- ~~72-1626~~ **Sites, buildings, repairs, and improvements; bonds; elections; exceptions; limitations.**
 ✓ Must submit to electors of the city school districts for the questions of issuing general obligation bonds
 ✓ The board is authorized to issue bonds
- 72-1626a** **Sites outside cities of first or second class and their school limits**
 ✓ Properly plan for future school needs
 ✓ School board authorized to acquire by gift, dedication, devise, or purchase and hold land
 ✓ May not be acquired more than 3 miles from nearest territorial boundary
- 72-6734 **School district unification; legislative declaration of purpose**
 ✓ General improvement of the public schools
 ✓ Equalization of benefits and burdens of education
 ✓ Expedite organization of public school districts
- 72-6735** **Definitions**
 ✓ State superintendent
 ✓ County superintendent
 ✓ Planning unit
 ✓ Home county
 ✓ Planning board
 ✓ Board
 ✓ Unified district
 ✓ City district
 ✓ Boards of city districts
 ✓ Board of the city district
 ✓ Selection committee
 ✓ Disorganized district
- 72-8110** **Certain unified districts with two member districts**
 ✓ May petition the state superintendent to change the method of election for the unified district to the two-district method of election
- 72-8111** **Same; initial board of education**

- 72-8112 **Same; application of other laws**
- 72-8113 **City, preunified, and identical unified districts; definitions**
 ✓ City unified district
 ✓ Preunified district
 ✓ Identical unified district
- 72-8114 **Initial board of education of certain unified districts including a city of the second class**
 ✓ School board shall include holdover members
 ✓ Afterwards, members shall be elected like others
- 72-8118 **Certain preunified districts; election provision**
 ✓ Not required to conduct primary elections
- 72-8118a **Same; election of board of education members; position of members**
- 72-8119 **Same; retransfer of certain school territory**
 ✓ School district territory
 ✓ Bond indebtedness
- 72-8120 **Attachment of territory with large population to certain city unified districts**
 ✓ Petitions to annex (propositions)
- 72-8121 **School districts with two cities of first class; establishment**
 ✓ One unified school district to include territory of a rural high school district
 ✓ Disorganized all nonunified school districts
- 72-8122 **Same; application of school laws**
- 72-8124 **Same; first election; application of school election laws**
 ✓ Forth Tuesday
- 72-8125 **Same; terms of members of the board**
 ✓ Odd year elections are two-year terms
 ✓ Even year elections are 4-year terms
 ✓ After 1971 all terms are 4 years
- 72-8126 **Same; areas and voting places**
 ✓ County election officers specify voting places
- 72-8129 **Same; moratorium on certain elections**

- ✓ Refund fees to applicants who filed before disorganization
- 72-8130 **Same; expiration on terms of certain officers**
 - ✓ Members of disorganized districts may serve until July 1st, 1969
- 72-8131 **Same; transfer of property; responsibility for debts**
 - ✓ Turn disorganized property over to new districts
 - ✓ Balance of bonded indebtedness
- 72-8132 **Same; certain unexpended bond and capital improvement funds; use and investment**
 - ✓ Unexpended funds may be used by the board of education to help construction of the unified district
- 72-8133 **Same; contracts of certificated personnel**
 - ✓ Contracts may become valid and binding
 - ✓ May be changed or voided by mutual agreement
- 72-8134 **Same; advisory boards; elections and duties of members**
 - ✓ Each district has 5-member advisory board
 - ✓ Elected during May (even years)
 - ✓ Provide liaison for
 - Personnel of school district
 - Curricula
 - Budget
 - Budget allocation
- 72-8134 **Same; interim board of education**
 - ✓ May not vote, but may attend
- 72-8135 **Same; appointment of superintendent and assistants**
 - ✓ Appoint superintendent and assistant superintendent
- 72-8137 **Limited authority for issuance of bonds by certain school districts**
 - ✓ Funds used to construct buildings
 - Fire insurance proceeds
 - Capital outlay fund tax levy
- 72-8138 **Nonunified school districts disorganized and territory attached; consolidation pending, effect**
 - ✓ State board may disorganize nonunified districts and attach territory to a unified district
 - Must follow rules
- 72-8139 **Same; teacher contracts to remain valid; alteration when**
 - ✓ Financial obligations valid

- 72-8141 **Organization of certain nonunified districts; unexpected funds, use and investment**
 ✓ Unexpected bond funds shall be used by the unified district
- 72-8142 **Same; elections suspended**
 ✓ Persons who already paid application fees for election in disorganized districts will be refunded
- 72-8143 **Certain districts to assume and pay indebtness; USD 366**
 ✓ Woodson #366 pays Perry's bonded indebtness
- 72-8144 **Same; USD 377**
 ✓ Atchinson County #377 pay bonded indebtness of Cummings and Effingham
- 72-8144a **USD 321 to assume and pay bonded indebtness; subject to certain conditions**
 ✓ Pottawatomie pays for Rossville
- 72-8144b **Same**
 ✓ Pottawatomie pays for Delia
- 72-8144c **Same; approval of electors required**
- 72-8145 **Sale of certain school property**
 ✓ USD 261 Sedgwick may sell property from Campus High School
- 72-8150 **Use of unexpected bond funds in certain cases**
 ✓ Build 2 Jr. Highs, 1 Elementary school, and 1 school bus maintenance facility
- 72-8151 **USD 333 purchase of school facility; tax levy and use of proceeds**
- 72-8152 **Same; bond issue in lieu of tax levy**
 ✓ May issue general obligation bonds
- 72-8153 **Same; bonds not within debt limits; investment of tax levy funds**
 ✓ Bonds shall not be subject to any statutory debt limitations
- 72-8154 **Same; protest petition and election**
 ✓ 5% must sign the petition
 ✓ Must be filed within 40 days
- 72-8155 **Change of fiscal year of certain school districts**
 ✓ Operation expenses (↓ 125,000) shall not be more than 102 ½%

- ✓ May adopt and 18 month operation budget
 - 40% for last 6 months
 - ✓ Budget and tax levy limitations laws apply

- 72-8158 **USD 345, 437, 450, and 501 authorized to acquire certain land, buildings, equipment; conditions**
 - ✓ May acquire property from Forbes Field from federal govt.

- 72-8159 **Supplemental capital outlay levy in certain school district; tax levy; use of proceeds; procedure**
 - ✓ May make a request for an additional levy in county has a population of 300,000 and a pupil enrollment of 18,000

- 72-8160 **Supplemental capital outlay fund established**
 - ✓ Financing of redevelopment projects upon property located within the school district

- 72-8161 **Same; purposes for which moneys may be used; investments of funds**
 - ✓ Money in supplemental capital outlay fund of any school district may be used for the purpose of construction, reconstruction, repair, remodeling, additions to furnishings and equipment of school building

- 72-8162 **Issuance of bond prohibited**
 - ✓ School district which is authorized to make a tax levy shall not issue and sell general obligation bonds based upon or in lieu of tax levy

- 72-8163 **Savings clause for authorizations under article 88 of chapter 72**
 - ✓ Construed as affecting the validity of bonds issued

- 72-8176 **USD 232; transfer of moneys to general fund, waiver of certain statutory conditions and limitations; procedure**

- 72-8177 **General obligation bonds, issuance authorized, proceedings confirmed and validated; USD 461**
 - ✓ Issuance of general obligation bonds of the school districts for \$2,500,000 for constructing, furnishing and equipping a new high school building

- 72-8178 **Same; USD 431**
 - ✓ Issuance of general obligation bonds of the school district for \$3,200,000

- 72-8179 **Same; USD 290**
 - ✓ Issuance for \$525,000

- 72-8180 **Same; USD 362**
 ✓ \$2,500,000 to help pay facility improvements
- 72-8181 **Same; USD 362**
 ✓ \$2,500,000
- 72-8182 **Same; USD 263**
 ✓ \$2,000,000 for a new elementary
- 72-8183 **USD 268 authorized to levy taxes for Cheney Recreation Commission, limitations and conditions**
 ✓ USD 268 is authorized to annually levy the taxes subject to limitations specified by Cheney Recreation Commission
- 72-9901 **Definitions**
 ✓ Board
 ✓ School district
 ✓ Educational excellence grant program (EEGP)
 ✓ Educational system enhancement plan (ESEP)
 ✓ At risk pupil assistance plan (ARPAP)
 ✓ At risk pupil
 ✓ State board
- 72-9902 **Participation procedures and eligibility requirements; grand applications; approval by state board; cooperative and interlocal**
 ✓ The board may participate and may apply for state moneys to supplement amounts expended
- 72-9903 **Administration of act; powers and duties of state board; evaluation and approval of plans; establishment of funding priorities**
 ✓ Adopt rules and regulations
 ➤ Establish standards and criteria for ESEP and ARPAP
 ➤ Prescribe and adopt criteria for pupil identification
 ➤ Establish standards for measurement
 ➤ Approve ESEP and ARPAP
 ➤ Establish funding priorities
 ➤ Be responsible for awarding grants to schools
 ➤ Request of and receive from each school district which is participating
 ✓ Evaluation enhancement plans and establish funding priorities
 ➤ Comprehension of the plan
 ➤ Level of effort exhibited by school district
 ➤ Intragality of the plan
 ➤ Aggressiveness of district
 ➤ Endeavors of district to enter into a cooperative

**KANSAS
ASSOCIATION**



**OF
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BOARDS**

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Testimony on SB 82
before the
House Education Committee

by

Jim Edwards, Governmental Relations Specialist
Kansas Association of School Boards

March 10, 2003

Chairwoman Decker and members of the Committee:

I appreciate the opportunity to appear in front of you today to support SB 82, a measure which would repeal or amend various statutes relating to school districts and boards of education to delete obsolete language.

In its original form, SB 82 was requested by the State Department of Education for the purpose of repealing statutes which now are obsolete. We asked that the bill be amended by adding two additional statutes that could also be considered obsolete.

The first amendment would require that boards of "city school districts" publish the salaries of various school officials. Since the unification acts of 1966, there are no longer city school districts, but some boards are concerned that legal action could be taken for their failure to comply with publication requirements.

The second amendment would remove the requirement that local boards of education file copies of their personnel evaluation policies with the State Board of Education. Because the State Board takes no action on these policies and simply files them, KASB considers them an unnecessary expense to school districts.

We believe that the Legislature should eliminate state requirements for filing reports, policies and other documents unless those items are necessary for decision-making at the state level.

I thank you once again for the opportunity to present our testimony and would ask you to strongly consider this measure for passage. I would stand for questions.

House Education Committee

Date: 3/10/03

Attachment # 2



Kansas Press Association, Inc.

Dedicated to serving and advancing the interests of Kansas newspapers

5423 SW Seventh Street • Topeka, Kansas 66606 • Phone (785) 271-5304 • Fax (785) 271-7341 • www.kspress.com

March 10, 2003

Testimony on SB 82
House Education Committee
Chair Kathe Decker

Speaking on behalf of Kansas Press Association and its 230 member newspapers, I oppose SB 82.

The press association's primary opposition to SB 82 concerns the repeal of a long-standing requirement for school districts to publish the names, positions and salaries of the superintendent and department heads in the newspaper.

KPA believes that publication of this information is important to school patrons and taxpayers, who have a right to know how their tax dollars are being used to fund administrative salaries. The requirement to publish this information provides accountability for school districts and makes for a better-informed public.

To say that this information is already available under the Kansas Open Records Act, thus negating the need for required publication, is like saying that because the minutes of a meeting are available upon request, then why bother with reporting the information in the newspaper.

The Legislature, when it enacted this legislation in the early 1950s, thought this information was important for the taxpayers of Kansas to know. True, Kansas public education went through school unification in the 1960s, changing how school boundaries were organized, but that does not change the intent of the Legislature in requiring that information about school administrative salaries be made public.

A recent attorney general's opinion concurs, saying, "The obligation to publish the information exists regardless whether a request is received by the board of education. ... A board of education of a unified school district is obligated under K.S.A. 72-1623 to publish the names, positions and salaries of the superintendent and department heads of the school district."

Kansas Press Association encourages this committee to re-affirm the original intent of the Legislature to require that this information be made public.

Thank you.

Jeff Burkhead, executive director
Kansas Press Association

House Education Committee
Date: 3/10/03
Attachment # 3

Southwest Daily Times

16 S. Kansas Ave. • Liberal, KS 67901 • (620) 624-2541

March 10, 2003

Representatives:

Thank you for the opportunity to discuss SB 82 with you today. This is an extremely important part of the legislative process, and allowing public input on such matters allows citizens to take ownership and involvement in the government and provides additional perspective to the legislature.

It is in the spirit of that public involvement that I ask you to leave the language of KSA 72-1623 as it is written. The requirement by the legislature to have school districts publish the names and salaries of their superintendents and department heads is not obsolete as suggested by the KASB. Recently, Brent Goodwin, a teacher in the Liberal, Kansas school district, made me aware of the statute. Our local school district did not send us this information annually, and so I requested that they do so.

They did not feel they were obligated to do so and requested an attorney general's opinion on the matter. The AG agreed that the law did apply to them, and that in the case of these salaries, KORA was not satisfactory enough to the Legislature. The opinion stated that this requirement went beyond the basics of KORA. And the school district complied with the statute. When they did, it was discovered that administrators (principals and up) were being paid a combined \$1.5 million for 21 employees. Those aren't guesses - those are the facts as presented by the school district itself.

This information is vital for the public to have, especially in tough economic times. When decisions have to be made as to where school districts can save money, the answer may not always be to combine classrooms, where teachers earn \$30,000 a year. By releasing this information, the taxpayers may want to see savings in these high-end salaries, or even combined administrative positions. In Liberal, there is a superintendent, a deputy superintendent, a director of business services, a director of curriculum, a director of a technical school, a director of special education, a director of auxiliary services, and a director of federal programs. These people alone combine for a salary of \$627,740. This information would not have been afforded to the public without KSA 72-1623.

And just like our input here today, the public in Liberal can now voice its concern with those numbers to the school board before any additional pay increases or classroom staff reductions are made, because now they know how some of their money is spent. This law is vital, it's necessary, it provides a good public service, and if utilized each year in October, as the statute requires, Kansans would be better informed about the costs of school administration.

I urge you not to amend KSA 72-1623. Thank you.


Earl Watt, publisher
Southwest Daily Times

House Education Committee
Date: 3/10/03
Attachment # 4

Mail Message

Novell.

Close Next Forward Reply to Sender Reply All Move Delete Read Later Properties

From: "Katy Crow" <stampinkaty@kc.rr.com>
To: Kathe Decker
Date: Tuesday - March 4, 2003 8:33 AM
Subject: Senate Bill 82 - Obsolete Statutes
 winmail.dat (3420 bytes) [View](#) [Save As](#)
Mime.822 (9923 bytes) [View](#) [Save As](#)

Dear Ms. Decker,

The state legislature is currently working to eliminate perceived obsolete statutes from Kansas State law. Some of the statutes proposed for elimination deal with the formation of the Shawnee Mission School District some 30 years ago and the Advisory Boards. These Advisory Boards were created to serve as liaison groups between the citizens of the area and the board of education.

While some may argue that the Advisory Boards have outlived their usefulness, the members of the West Area Advisory Board would fail to agree. The Advisory Boards serve the Shawnee Mission District in many ways. We serve as ambassadors for the District to the students, parents & patrons that the District serves. We are able to keep the community informed of District happenings and achievements. Because we are "in the trenches" so to speak, we are out among the students, parents & patrons every day. They are our friends, our neighbors, our customers, and our clients. We share with them the pride we feel for the Shawnee Mission School District and we work tirelessly to promote the District in a positive light. The public relations work the Advisory Board members provide is an invaluable resource to the District.

Back in November, the parents of students from Overland Park Elementary and Pawnee Elementary attended the West Area Advisory Board meeting and expressed their concerns and dismay over the proposed middle school boundary changes that would affect their children. Many issues came to light including how information failed to reach all parents of students involved in these proposed boundary changes. The West Area Board listened to their concerns and in agreement with them, did not support the board of education's boundary change plan. The Board of Education would later agree with the Advisory Board's recommendation that the boundary changes were not necessary. This is an example of how the existence of the Advisory Board allowed parents to express their concerns in a public forum and these parents were very grateful to have this opportunity. While some say they could have just as easily expressed their concerns at a School Board meeting, the Advisory Board meetings provide a more intimate and less intimidating forum for parents and patrons to present their views.

It has been mentioned in local area papers that eliminating the Advisory Boards would save money. While a dollar figure has never been given, we would like to know exactly what the dollar savings would be. All Advisory Board members serve as volunteers and we receive no monetary compensation. If the cost savings has to do with monthly meetings and the dissemination of monthly paperwork, we would gladly offer cost cutting alternatives that could be put into place by the District. We in no way, shape or form want to use up any of the District resources that could be used for the education of students. We feel that the service that the Advisory Boards provide to the District far outweighs the costs that may be associated with their

<https://la003.state.ks.us/servlet/webacc?action=Item.Read&User.context=fv> House Education Committee

Date: 3/10/03

Attachment # 5-1

existence.

In times such as these where budget crises exist and our nation's and state's economies continue to falter, it is very important for the Shawnee Mission District to have the goodwill ambassadors of the area Advisory Boards. Because we are elected and not appointed, we can provide and unbiased opinion to both the board and it's patrons on very important issues. We, the members of the West Area Advisory Board, feel that the Advisory Boards have not outlived the spirit of the law under which they were created and we urge the state legislature to keep in effect state statute 72-8134.

Sincerely,

Katy Crow
Member - West Area Advisory Board
Shawnee Mission School District

Katy Crow
Stampin' in the Heartland
Visit my website:
www.stampinkaty.stampinup.net

I discovered K.S.A. 72-1623 as I was browsing thru the Kansas legislative website and brought it to the attention of USD 480 Administration. This is a very good and necessary law that allows for fair and efficient operation of a school district. The legislators who enacted this law showed a great deal of wisdom and foresight in 1951. As a Kansas public school teacher, my only regret is that Kansas districts have not been in compliance for quite some time. I feel very strongly about this as I have sent email correspondence to all House Education Committee members explaining the need for this law in light of a possible cut in the education budget. I would ask that you refer to this correspondence before taking any action on Senate Bill 82.

I am sure that the Kansas Press Association will point out the need for this statute from their standpoint. The purpose of my testimony here today will be to share specific instances where problems would have been avoided had the USD 480 Board of Education been in compliance with 72-1623.

The unspoken attitude of the school board in Liberal has been that it's not the business of the public to know the salaries of school administrators. This of way of thinking causes the public not to be as informed as they should be, and have a right to be. Published salaries are probably more meaningful to patrons than budgets. As a result of this mind-set, the local Board of Education has created a severe discrepancy between teacher and administrative salaries. The education of a child has to be a team effort and teachers don't feel like equal team members when this occurs. If the public would have been adequately informed, this would not have been allowed to happen. This problem is not exclusive to Liberal. The recent Post Legislative Audit report shows this to be a problem all across the state. There are numerous reasons as to why I feel that this is a good law, and in light of time constraints, I will narrow my illustration to the events as they recently unfolded in Liberal.

The teachers in Liberal recently went to impasse which culminated with a fact finding hearing in front of an officer appointed by the Kansas Department of Human Resources. The hearing officer subsequently ruled in favor of the teachers primarily because of the large salary discrepancy between administrators and teachers when both groups were compared with the rest of the

state. Prior to the fact finding hearing, as the chief negotiator for the teachers, I personally set up a meeting with the Superintendent to try and resolve the salary disagreement so as to head off a fact finding hearing. I felt that if a hearing could be avoided, it would be in the best interest of the school district. At this meeting I reduced the teacher's contract proposal to no salary increases for two years if the board of Education would increase their participation in the health insurance pool for all employees including administrators. The Board of Education refused this offer and a fact-finding hearing took place on May 20, 2002.

As a result of the hearing, and subsequent collective bargaining, the health insurance pool for all school employees including administrators was increased. Keep in mind; the majority of the raise for teachers was built into the increased health insurance pool which the administrators also participated in.

USD 480 Administrative raises were finalized for the current contract year last October. The average administrative raise in USD 480 was \$3,312 excluding insurance. In addition to the increased insurance participation, one central office administrative director received a one year raise of \$7,391 which was finalized last October. This same central office administrator got a 3 year salary increase of \$15,050 excluding health insurance. Were there additional administrative duties placed upon this individual? Why was this raise so large in comparison to other raises given within the district? These increases only further widened the pay disparity between teachers and administrators, aside from the fact that there are looming student program cuts. These are questions that taxpayers and patrons have the right to know especially in light of the current funding situation and more than likely would not know it unless it was printed in the newspaper on a year basis. I am quite sure that if the school district had been in compliance with State Law 72-1623, the public would not have allowed this to happen.

Another practice that is probably not exclusive to Liberal is the procedure of replacing administrators who vacate positions with persons of less education and experience at a higher salary. Was this necessary in order to fill the position? Why did we do this? Again, the public was not properly informed in order to ask the proper questions.

There are numerous other instances I could point out where this law would benefit the public, but in the absence of time I will stop. I would respectfully ask that before any action is taken on Senate bill 82, you would carefully consider what I have said. If this can happen in Liberal, Kansas, it could have and probably has happened all across the state.

Sincerely,

Brent Goodwin
1511 N. Calhoun
Liberal, Kansas 67901
620-626-5289
620-482-4867



Kansas State Department of Education

120 S.E. 10th Avenue
Topeka, Kansas 66612-1182

March 10, 2003

TO: House Education Committee

FROM: Dale M. Dennis, Deputy
Commissioner of Education

SUBJECT: 2003 Senate Bill 118

Senate Bill 118 amends a statute concerning procedures the State Board of Education must follow when the Board adopts rules and regulations. Current law requires the State Board of Education to publish the full text of all proposed constitutional rules and regulations when notice of public hearings is given.

The amendment of this statute would require the State Board to adopt all of its rules and regulations in accordance with the Kansas Administrative Rules and Regulations Filing Act (K.S.A. 77-415 et seq.). This would bring the State Board of Education back in line with all other state agencies.

Division of Fiscal & Administrative Services

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House Education Committee

Date: 3/10/03

Attachment # 7