

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 18, 2003 in Room 313-S of the Capitol.

All members were present.

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

Conferees appearing before the committee: Mark DeSetti, KNEA  
Mark Tallman, KASB  
Dale Dennis, Deputy Commissioner State  
Department of Education

**SB 57 - Concerning school districts; relating to powers and duties of governing bodies thereof**

Mark DeSetti appeared in support of **SB 57**, saying their organization agreed with the bill as long as no changes were made to it. (Attachment 1).

Mark Tallman spoke as a proponent to **SB 57**. (Attachment 2).

A question and answer session followed.

Written only testimony was distributed from Ashley Sherard, Lenexa Chamber of Commerce; Jacque Oakes, Schools for Quality Education; and Tim Rooney, Shawnee Mission School District, (Attachments 3, 4 and 5).

The hearing was closed on **SB 57**.

**SB 117 - Relating to hearings provided for teachers upon notice of non-renewal or termination of contracts of employment.**

Dale Dennis explained **SB 117** and answered the questions of the committee. (Attachment 6).

The hearing was closed on **SB 117** was closed.

**HB 2194 - Concerning school districts; disallowing the counting of certain pupils for purposes of computations under the school district finance and quality performance act; entering into reciprocal agreements.**

Representative Mason spoke to the committee of the findings of the sub-committee on **HB 2194**. (Attachment 7). He also showed a rough draft of a letter that is to be forwarded to the State Department of Education. (Attachment 8).

A motion was made by Representative Mason and seconded by Representative Horst that the report of the sub-committee be adopted. The motion carried on a voice vote.

The meeting was adjourned at 10:00 a.m. The next meeting is scheduled for Thursday, March 20, 2003.



Madame Chair, members of the committee, thank you for the opportunity to appear before you regarding **Senate Bill 57** on behalf of KNEA.

We ask you today to support **SB 57** exactly as it appears before you now. After many years of disagreement, Kansas NEA and the Kansas Association of School Boards have come to a reasoned compromise on this issue.

We believe that passage of this bill will allow local school districts to manage business transactions in the most efficient manner. This is indeed what KASB and others have wished for every time they have had to ask for legislation for some transaction that just seemed to make sense. KNEA was often up here testifying in favor of those bills.

When this issue was brought up in the Senate this year, both KASB and KNEA gave their usual testimony. We had worked last year to reach a compromise but that work fell apart at the last minute. This year, our legal counsel David Schauner, KASB's counsel Pat Baker, Mark Tallman, and I met with Senators Umbarger and Vratil to try and put this issue to rest. We all agreed to the bill you have here today. It passed the Senate 39 – 0.

We all support this bill *without amendments*. We urge this committee to pass the bill out as is and recommend that it be passed by the full house without amendments.



Testimony on  
**SB 57– School Board Local Control**  
Before the  
**House Committee on Education**

By  
Mark Tallman, Assistant Executive Director/Advocacy

March 18, 2003

Madam Chairman, Members of the Committee:

Thank you for the opportunity to appear today as a proponent of SB 57. This bill would broaden the authority of local school boards to take actions pursuant to their constitutional duties to operate public schools. It represents one of our Association's highest priority issues.

The purpose of this bill is to provide local school districts with authority similar, but not identical, to the powers of cities and counties often referred to as "home rule." The simplest way to explain the proposed change is that currently, school boards may only take actions that are specifically authorized by law. The language of the current state law can be found in this bill. The key phrase can be found at the top of page 2, lines 1 and 2.

Under this bill, school boards would be given the authority to "transact all school business and adopt policies that the board deems appropriate to perform its constitutional duty to maintain, develop and operate local public schools." (Sec. 1 (e) (1), page 2, lines 17-19) It also specifies that this bill does not intend to relieve other units of government of their duties and responsibilities as provided by law. (Sec. 1 (e) (2), page 2, lines 22-26) We would note that this is identical to language that was adopted last year by the House Committee of the Whole as a floor amendment to another bill, but that bill ultimately failed after a number of other amendments were attached.

In response to concerns about the scope or impact of this bill, please also note that this bill was amended by the Senate Education Committee to make clear that it does not allow local school boards to circumvent, or "opt out" of any state statutes, including those concerning employee rights. This language (Sec. 1 (e) (2), page 2, lines 20-21) was developed and approved by the legal staff of both KASB and the Kansas National Education Association. We support this language, and ask your support of the bill without amendment.

This issue has enjoyed broad support from the Kansas Senate. The concept has repeatedly passed the Senate by wide margins. This session, SB 57 passed the Senate on a vote of 39-0.

House Education Committee  
Date: 3/18/03  
Attachment # 2



We believe this measure would foster innovation and creativity on the part of local boards. It would provide schools with more flexibility in their operations. It would reduce the need for the Legislature to consider bills to authorize school boards to take "common sense" actions on a local level every year. By passing this bill, the Legislature would be entrusting locally elected school board members with more authority to manage their districts. We are not aware of any widespread belief that cities and counties are abusing the "home rule" authority they have been provided. Why should school board members be considered less trustworthy than other local officials?

Yet, in fact, this bill provides much less authority than city and county governments have been given. School districts can only use this authority to carry out functions that are related to the management of schools. School boards cannot use this authority to contravene laws passed by the state or federal government. It does not give authority to "charter out" of state laws. Finally, it should be stressed that if the Legislature believes school boards are doing something inappropriate, it can simply pass a law to stop that action.

At a time with school district funding is limited and facing further cuts; this is one step the Legislature can take to help school districts operate more efficiently.

We urge you to recommend this bill favorably for passage. Thank you for your consideration.



*The Historic Lackman-Thompson Estate*

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TO: Representative Kathe Decker, Chairman  
Members, House Education Committee

FROM: Ashley Sherard, Vice President  
Lenexa Chamber of Commerce

DATE: March 18, 2003

RE: **SB 57—Expanded Powers for School Districts**

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The Lenexa Chamber of Commerce would like to express its support for the concepts embodied in Senate Bill (SB) 57, which authorizes school district boards of education to transact all school district business and adopt policies that the board deems appropriate to perform its constitutional duty to maintain, develop and operate local public schools.

The quality educational opportunities available in Kansas are a primary reason employers choose to locate here—both as an incubator of highly-skilled workers as well as a quality of life issue for their families and the families of their employees. Accordingly, we strongly believe Kansas must continue its reputation as a place where children can attend excellent schools.

Unfortunately, in recent years state funding of K-12 public education has created financial challenges that now seriously threaten the quality of instructional programs, and school districts' ability to respond to these challenges continues to be hampered by state regulations and limited local authority. **Measures such as SB 57 that provide needed flexibility and expand school districts' local authority to administer their schools would significantly improve school districts' ability to manage and respond to serious financial issues, enhance long-term planning, and facilitate better efficiency and cost-effectiveness.**

Recognizing the importance of quality public education to economic prosperity, the Lenexa Chamber of Commerce strongly urges the committee to recommend SB 57 favorable for passage. Thank you for your time and attention to this issue.

House Education Committee  
Date: 3/18/03  
Attachment # 3



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## Schools for Quality Education

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

March 18, 2003

TO:            House Education Committee

FROM:        Schools for Quality Education – Jacque Oakes

SUBJECT:    SB 57 – Concerning school districts; relating to the powers and duties of the governing bodies thereof

Madam Chair and Members of the Committee:

I am Jacque Oakes, representing Schools For Quality Education, an organization of 104 small school districts.

We submit written testimony in favor of SB 57 which would give local control to school districts.

We believe that this bill would allow districts to cut red tape and free them to do their job in a more expeditious manner. It would also allow legislators to better spend their time and talents on the major issues of the state, rather than the minor issues of the districts. It seems each year there are several bills needed during a Session which take care of all districts in a general way or particular districts needing statutory permission to take care of an item belonging distinctively to their district.

If school boards had local control power, they could meet their own responsibilities with less time and expense to themselves, their constituents, and to legislators. We have heard many, many times "local control". This would return a measure of self-government and local control to elected people in the school districts who manage school business. Local control seems to work well within our local government entities.

We believe that school boards would be extremely careful in their utilization of this new authority and that sufficient safeguards have been built into SB 57 to prevent major abuses. Please trust your elected, local school boards.

Thank you for your time and positive consideration of SB 57.

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**"Rural is Quality"** =

House Education Committee

Date: 3/18/03

Attachment # 4

Testimony in Support of SB57 – House Education Committee on March 18, 2003

The Shawnee Mission School District supports SB57. This bill allows school districts the same rights as cities and counties as they carry out their functions. Currently districts are not permitted to transact normal school district functions unless specifically granted by statute. This bill would take the reverse approach by granting full authority to school districts to transact their business unless specifically restricted by law.

It has not been uncommon for our district to suggest changes in current law to permit transactions that fall well within our charge as a school district. One request that was passed authorized the district to enter into a contract with neighboring schools to provide school lunches. Last legislative session, a change was made that allowed the superintendent to approve contracts less than \$10,000. Previously many interpreted the law to require the board to approve all contracts. Considering the thousands of purchasing commitments (ie contracts) that the district makes each year, it is unworkable for the board or the superintendent to approve this volume of transactions. Therefore, we are forced to ask for another legislative change to include the authorization for the superintendent's designee.

If this bill passes, local school boards can make appropriate decisions on matters such as these without taking the time away from the legislature for more important matters. The Shawnee Mission School District urges you to support SB57.

Tim Rooney, Manager of Budget and Finance – Shawnee Mission School District

House Education Committee  
Date: 3/18/03  
Attachment # 5



**Kansas State Department of Education**

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

March 18, 2003

TO: House Education Committee  
FROM: State Board of Education  
SUBJECT: 2003 Senate Bill 117

Senate Bill 117 is a bill requested by the State Board because of the difficulties we have had in administering the law as currently written. Specifically, this law requires that all hearing officers for teacher due process hearings be attorneys. It also provides that the Commissioner is to send a list of nine potential hearing officers whenever the need for a hearing arises. Also, a second list of nine officers can be requested and must be sent.

Current law limits the amount a hearing officer can be paid to \$240 per day of actual hearing. Because of this limit, we have had very few attorneys choose to be on our list of potential hearing officers. In fact, we now have only 15 attorneys on the list.

In order to encourage more attorneys to serve as hearing officers, the State Board recommends that the law be changed to remove the payment limitation. Also, we request that each list of potential hearing officers be required to contain only five names, rather than nine as is currently required.





# KANSAS BOARD OF REGENTS

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February 27, 2003

The Honorable Bill Mason  
Kansas State Representative  
State Capitol – Room 170-W

Representative Mason:

I have received your February 26, 2003 inquiry regarding out-of-state students who have attended Kansas schools. Your question centers around discussion that occurred during a House of Representatives floor debate on Substitute for House Bill 2145.

According to data provided by the Kansas State Department of Education for the 2002-2003 school year, 614 out-of-state students attended K-12 schools in Kansas. Because that data does not provide a grade level break down of students, we are unable to estimate the number of students who have been enrolled in Kansas high schools for three or more years.

Under current statute, these students would be considered non-residents for the purpose of admission and tuition at state universities. You also asked how the passage of Sub. HB 2145 would affect this group of students. Under Sub. HB 2145, any student, including those out-of-state students, who has attended, for three or more years, and graduated from an accredited Kansas high school, would be entitled to benefit from resident rate tuition upon admission to the state's universities.

I hope this information provides the clarification you were seeking. Please do not hesitate to contact me if I assist further.

Sincerely,

Jack Wempe  
Chairman

House Education Committee  
Date: 3/18/03  
Attachment # 7-1



**Kansas State Department of Education**

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

March 11, 2003

TO: Representative Bill Mason  
FROM: Dale M. Dennis, Deputy  
Commissioner of Education  
SUBJECT: Out-of-State Students

As per your request, we have contacted the State Departments of Education in Oklahoma, Missouri, and Colorado requesting information on Kansas students enrolled and attending school in their states. Listed below are the responses received from each state in addition to Nebraska.

**Missouri** -- The only data they collect from Missouri school districts concerns nonresident students. State aid is paid to the home district of the nonresident pupil not the district they are attending. They have reviewed reports for school districts along the Kansas border and indicated there are very few nonresident students in these districts. There was no indication that specific information relative to Kansas students would be collected in the future.

**Colorado** -- They do collect this information and reported the following number of Kansas students attending school in Colorado.

2000-01	19
2001-02	14
2002-03	15

**Nebraska** -- An earlier telephone call was made to officials in Nebraska and they reported that during the 2001-02 school year, there were 32 Kansas students attending Nebraska schools.

**Oklahoma** -- Oklahoma statutes state that school districts shall not include out-of-state pupils in their average daily membership for the purpose of computing average daily membership or state aid. Consequently, there is no need to collect the number of out-of-state students attending school in their state. Oklahoma school districts can charge tuition for out-of-state students. If Oklahoma students attend school in Kansas, a form is sent to the Kansas district verifying the student's enrollment. Their home district in Oklahoma then receives state aid for such students.

c:\leg:Mason--Out-of-State Student Survey

Out of State Students						
USD	District Name	2002-03	2001-02	2000-01	1999-00	1998-99
104	White Rock	31	37	41	44	52
203	Piper-Kansas City		1			
204	Bonner Springs		2	2	3	
207	Ft. Leavenworth	7	12	4	9	4
210	Hugoton Public Sch			1	2	2
211	Norton Comm Sch					3
212	Northern Valley	1	2	2	1	
217	Rolla	29	31	37	29	16
218	Elkhart	9	19	5	33	42
221	North Central	6	5	7	7	6
223	Barnes			2	2	2
230	Spring Hill		28	3		3
232	De Soto		5	1	1	
233	Olathe					1
234	Fort Scott	10	11	11	14	14
237	Smith Center	2	2	5	3	6
242	Weskan	20	25	24	25	22
246	Northeast	7	5	5	5	4
249	Frontenac	16	19	13	21	21
250	Pittsburg	8	9	12	8	7
255	South Barber	9	13	14	27	10
285	Cedar Vale				1	
286	Chautauqua Co Comm	2	4	74	3	7
289	Wellsville	1	1	1		
294	Oberlin	10	10	12	11	11
295	Prairie Heights			1		
297	St Francis Comm Sch	3	3		3	3
300	Comanche County	1	1	1	2	2
317	Herndon	5	10	20	10	7
318	Atwood			2	2	2
324	Clifton-Clyde					1
333	Concordia		1			
339	Jefferson Co North		2	2	2	2
344	Pleasanton	13	18	15	9	10
346	Jayhawk	1	1	1	1	
352	Goodland		4	1		2
356	Conway Springs				1	
360	Caldwell	9	9	9	10	9
361	Anthony-Harper	5	8	7	9	16
362	Prairie View	21	19	6		1
364	Marysville	1	1	1		
374	Sublette	1	1			
377	Atchison Co Comm Sch		1			
401	Chase-Raymond	1				
404	Riverton	42	45	36	40	37
406	Wathena	14	17	17	13	13
409	Atchison Public Sch	3	5	4	2	4
415	Hiawatha	1				
416	Louisburg	29	12	12	15	14
418	McPherson		1			
425	Highland	2	3	3	3	4
427	Republic County	13	14	17	15	12
429	Troy Public Schools	1	2	2	2	2

433	Midway Schools					1
436	Caney Valley	16	21	20	14	17
441	Sabetha		1	6	3	3
445	Coffeyville	9	12	5	3	7
455	Hillcrest Rural Sch	3		3	4	1
457	Garden City			2	2	1
465	Winfield	2	1	1		
469	Lansing	1				
470	Arkansas City	5	7	16	21	16
471	Dexter			2	2	2
480	Liberal	13	17	15	16	7
483	Kismet-Plains			2		
486	Elwood	78	60	43	32	
488	Axtell	11	6	6	5	4
491	Eudora	2	2			
493	Columbus	8	5	5	7	3
495	Ft. Larned				1	
497	Lawrence	1	1			
499	Galena	46	42	34	34	26
500	Kansas City		2	1		1
505	Cheptopa	12	12	12	15	14
506	Labette County	20	20	21	25	22
508	Baxter Springs	29	26	31	31	28
509	South Haven	24	21	20	21	24
512	Shawnee Mission Pub			3	3	
	Total:	614	675	681	627	551





March 17, 2003

Dr. Andy Tompkins, Commissioner of Education  
Kansas State Department of Education  
120 SE 10<sup>th</sup> Avenue  
Topeka, Kansas 66612-1182

Dear Commissioner Tompkins:

The House Committee on Education is requesting that your Department establish a working group to determine the willingness and the ability of border states (Colorado, Nebraska, Missouri, and Oklahoma) to enter into reciprocal agreements to educate children not residing in school districts in the receiving state. The group should prepare a report for the Committee on the current statutes of each state with regard to entering into such reciprocal agreements as well as the willingness of the other states to pursue such agreements.

*impact their*  
It is the suggestion of the Committee that during your discussions, you inform the other states that the Kansas Legislature is considering HB 2194 and *how* what the ramifications of such a bill would be on these states. The Committee also requests that the staff from Kansas Legislative Research Department be assigned to your working group and that the Legislative Chairs of the Education committees also should be invited to attend these meetings. Finally, the Committee understands that a small fiscal note will be attached to this request and the amount of funding required should be reported to the Committee prior to the closing of the 2003 Legislative Session.

Thank you in advance for your cooperation with this matter.

Sincerely,

Representative Kathe Decker  
Chair, House Education Committee

cc: Dale Dennis, Deputy Commissioner of Education  
Alan Conroy, Director, Kansas Legislative  
Research Department

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House Education Committee  
Date: 3/18/03  
Attachment # 8