

MINUTES OF THE SENATE EDUCATION COMMITTEE.

The meeting was called to order by Chairperson Senator Dwayne Umbarger at 1:40 p.m. on February 5, 2003 in Room 123-S of the Capitol.

All members were present except: Senator Hensley (excused)

Committee staff present: Carolyn Rampey, Legislative Research
Kathie Sparks, Legislative Research
Theresa Kiernan, Revisor of Statutes
Judy Steinlicht, Secretary

Conferees appearing before the committee: Dale Dennis, Deputy Commissioner, State Board of Education

Others attending: See attached list

Bill Introductions

Senator Vratil made a motion to conceptually introduce a bill to renew the 20 mill levy for school funding which must be renewed every two years. This would also include the homestead exemption. Seconded by Senator Teichman. Motion Carried.

Senator Lee made motion to introduce a Senate Concurrent Resolution to have the State Board of Education members elected by local school boards. Seconded by Senator Emler. Motion Carried.

Senator Oleen made a motion to introduce a Senate Concurrent Resolution regarding the current method of electing the State Board of Education that it be on a non-partisan basis. Seconded by Senator Emler. Motion Carried.

Senator Salmans requested introduction of a bill that pertains to diversity in the instruction in education and provides for academic freedom of teachers. A motion was made by Senator Bunten to introduce the bill; seconded by Senator Emler. Motion carried.

Implementation of SB551 (2002) concerning school finance, consolidation, and reorganization of districts

Dale Dennis, Deputy Commissioner, State Board of Education, reviewed with the Committee the effects of what has happened since the adoption of **SB551**. Two districts are consolidating as of July 1, 2003; two other combinations of schools are voting on consolidation this spring; and they have had inquiries from five additional districts regarding consolidation.

Kansas currently has four superintendents that serve two school districts each; fifty-two superintendents that serve in multiply roles, and thirty-two attendance centers are currently being considered for closing during the 2003-04 school year. (Attachment 1)

SB117–Non renewal or termination of teacher’s contracts; hearing officers; compensation costs

Dale Dennis explained that the current law provides that hearing officers for a teachers due process hearing must be an attorney, that a list of nine officers be provided for a hearing and the law provides a payment limit of \$240 per day of actual hearing. A second list of nine must be provided if requested. Currently, the list only contains 15 attorneys. **SB117** would reduce the number of officers required from

CONTINUATION SHEET

MINUTES OF THE SENATE EDUCATION COMMITTEE at 1:40 p.m. on February 5, 2003 in Room 123-S of the Capitol.

nine to five and would eliminate the payment limitation to encourage more attorneys to serve. (Attachment 2)

Staff proposed an amendment to remove redundant language on page 2, lines 39,40, and 41. (Attachment 3)

Senator Vratil made a motion to amend SB117 as recommended by staff and that SB117 be recommended favorably for passage as amended. Seconded by Senator Teichman. Motion carried.

SB118–State Board of Education, rules & regulations, procedure for adoption

Dale Dennis explained that the law at this time provides that when the Board of Education adopts a change in rules and regulations, it is required to print the full text. **SB118** would allow a summary of the change to be printed. This bill would bring the State Board of Education back in line with all other state agencies. (Attachment 4)

A motion was made by Senator Downey to recommend favorably passage of SB118 as drafted. Seconded by Senator Emler. Motion carried.

SB119–State school for the deaf and state school for the blind; teacher requirements

Dale Dennis explained that **SB119** would make the laws governing teacher due process at the State School for the Deaf and the State School for the Blind the same as the laws that apply to all school districts. (Attachment 5)

Senator Teichman made a motion to recommend favorably passage of SB119; seconded by Senator Emler. Motion carried.

SB120–School district expenditures; bidding requirements; exception for expenditures for food and food stuffs

Dale Dennis explained that **SB120** is a clean-up bill on the school bid law so that the statute would account for all the various nutrition programs currently available to school districts. (Attachment 6)

Staff requested an amendment to remove the word “federal” from page one, Line 29. (Attachment 7)

Senator Vratil made a motion to amend SB120 as proposed by staff. Seconded by Senator Teichman. Motion carried.

A motion was made by Senator Vratil for a second amendment to SB120 to update the bid limitation by striking \$10,000 and increasing the amount to \$20,000 on line 15 of the bill. The bid limitation had not been updated since 1988. The motion was seconded by Senator Schodorf. Motion carried. Senator Bunten abstained.

Senator Schodorf made a motion to recommend SB120 favorable for passage as amended. Seconded by Senator Emler. Motion carried.

Meeting adjourned 2:30 p.m. The next meeting is scheduled for February 6, 2003 at 1:30 p.m. in Room 123S.

SENATE EDUCATION COMMITTEE GUEST LIST

DATE - 2/5/03

<u>NAME</u>	<u>REPRESENTING</u>
Clint Clarke	Legislative Post Audit
Kent Hupen	USA
Susan Larson	USA 244
John Bieker	Visitor -
Rod Bieker	KSDE
Jon Mackay	KSDE
Michael Hooper	Senator Lee
Tabitha Lampe	Senator Lee
Nicole Romine	GBBA
Mark Desetti	KWFA
Abby Felt	intern
Meredith Hauke	intern
Jr. Edwards	KASB
Jacques Dukes	SPE
Mrs. Koebel	KWCH
Bill Brady	SFFF
Steve Johnson	K.G.S.



Kansas State Department of Education

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

February 5, 2003

TO: Senate Education Committee

FROM: Dale M. Dennis, Deputy
Commissioner of Education

SUBJECT: School District Organization/Administration

This memorandum is written in response to your inquiry concerning a number of issues concerning school district organization/administration with our responses listed below.

Changes in the Organization Structure of School Districts -- The State Board of Education recently granted authority for Bazine and Ransom to a vote on the question of consolidation. The vote by school district patrons is scheduled for this spring. We have also received an application from the Herndon and Atwood boards of education for authority to consolidate with a vote by the patrons this spring.

U.S.D. #280, Morland, and U.S.D. #281, Hill City consolidated as of July 1, 2003. In addition, there are several other school districts whose boards of education are in the consolidation discussion stage. It appears that up to five additional districts have made inquiries of KSDE staff concerning consolidation. We anticipate the number will increase in the next few years as a result of local board initiatives and 2002 Senate Bill 551.

Superintendents Serving More Than One School District -- Kansas currently has four superintendents that serve two school districts each as follows.

#406 - Wathena and #486 - Elwood
#221 - North Central and #455 - Hillcrest
#425 - Highland and #433 - Midway
#278 - Jewell and #279 - Mankato

Superintendents Serving More Than One Position in USD -- According to reports filed in this office by local school districts, there are currently 52 superintendents that serve multiple roles in their respective school districts, i.e., elementary principal, secondary principal, etc.

School Districts Considering Closing Attendance Centers -- We conducted a survey during January, 2003, of all unified school districts asking them how many school attendance centers they may be considering closing during the 2003-04 school year.

School districts indicated that they are currently considering the closing of 32 attendance centers during the 2003-04 school year.

c:leg:SEC--2-5-03

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Senate Education
2-5-03
Attachment 1



Kansas State Department of Education

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

February 5, 2003

TO: Senate 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.

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Senate Education
2-5-03
Attachment 2

Proposed Amendment
SB 117

Senate Education
2-5-03
Attachment 3

and the commissioner shall generate a new list and distribute it to the parties in the same manner as the original list.

(e) In lieu of using the process provided in subsections (b) and (c), if the parties agree, they may make a request to the American Arbitration Association for an arbitrator to serve as the hearing officer. Any party desiring to use this alternative procedure shall so notify the other party in the notice required under subsection (a). If the parties agree to use this procedure, the parties shall make a joint request to the American Arbitration Association for a hearing officer within 10 days after the teacher files a request for a hearing. If the parties choose to use this procedure, the parties shall each pay one-half of the cost of the arbitrator and of the arbitrator's expenses.

(f) The commissioner of education shall compile and maintain a list of hearing officers comprised of residents of this state who are attorneys at law. Such list shall include a statement of the qualifications of each hearing officer.

(g) Attorneys interested in serving as hearing officers under the provisions of this act shall submit an application to the commissioner of education. The commissioner shall determine if the applicant is eligible to serve as a hearing officer pursuant to the provisions of subsection (h).

(h) An attorney shall be eligible for appointment to the list if the attorney has: (1) Completed a minimum of 10 hours of continuing legal education credit in the area of education law, due process, administrative law or employment law within the past five years; or (2) previously served as the chairperson of a due process hearing committee prior to the effective date of this act. An attorney shall not be eligible for appointment to the list if the attorney has been employed to represent a board or a teacher in a due process hearing within the past five years.

Sec. 2. K.S.A. 72-5440 is hereby amended to read as follows: 72-5440. (a) For appearing before the hearing officer at a hearing, witnesses who are subpoenaed shall receive \$5 per day and mileage at the rate prescribed under K.S.A. 75-3203, and amendments thereto, for miles actually traveled in going to and returning from attendance at the hearing. The fees and mileage for the attendance of witnesses shall be paid by the party calling the witness, except that fees and mileage of witnesses subpoenaed by the hearing officer shall be paid by the board. Witnesses voluntarily appearing before the hearing officer shall not receive fees or mileage for attendance at the hearing.

(b) The hearing officer shall be paid ~~\$240 per diem compensation, or a portion thereof, for each day of in-actual attendance at the hearing~~ and for any meeting held for the purpose of performing compensation for time spent in actual attendance at the hearing and for time spent in performance of the hearing officer's official duties. In addition to com-

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Kansas State Department of Education

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

February 5, 2003

TO: Senate 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.

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Senate Education
2-5-03
Attachment 4



Kansas State Department of Education

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

February 5, 2003

TO: Senate Education Committee
FROM: State Board of Education
SUBJECT: 2003 Senate Bill 119

Senate Bill 119 is a bill requested by the State Board of Education. The purpose of this bill is to make the laws governing teacher due process at the State School for the Deaf and the State School for the Blind the same as the laws that apply to school districts. The State Board believes it is appropriate that certified teachers at the two state schools be treated the same as certified teachers in school districts.

Division of Fiscal & Administrative Services

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*Senate Education
2-5-03
Attachment 5*



Kansas State Department of Education

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

February 5, 2003

TO: Senate Education Committee

FROM: Dale M. Dennis, Deputy
Commissioner of Education

SUBJECT: 2003 Senate Bill 120

Senate Bill 120 amends the school bid law to bring it into compliance with the intent of the original law.

Current law exempts from the bid law perishable foods and foodstuffs required for the operation of a school lunch program. Since this bill was drafted, there have been significant changes in federal law governing school nutrition programs.

Recently, the U.S. Department of Agriculture noted that the current state law needs to be modified to cover all applicable child nutrition programs. For example, currently there are five different programs including school breakfast, special milk, school lunch, child and adult day care, and snacks available for school districts to operate.

This bill is intended to simply update the statute so it accounts for the various nutrition programs currently available to school districts.

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Senate Education
2-5-03
Attachment 6

Proposed Amendment

Senate Education
2-5-03
Attachment 7

SENATE BILL No. 120

By Committee on Education

1-31

9 AN ACT concerning school districts; relating to certain expenditures;
10 amending K.S.A. 72-6760 and repealing the existing section.

11
12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. K.S.A. 72-6760 is hereby amended to read as follows: 72-
14 6760. (a) Except as provided by this section and K.S.A. 72-6760b, no
15 expenditure involving an amount greater than \$10,000 for construction,
16 reconstruction or remodeling or for the purchase of materials, goods or
17 wares shall be made by the board of education of any school district except
18 upon sealed proposals, and to the lowest responsible bidder.

19 (b) The provisions of subsection (a) do not apply to expenditures by
20 a board of education for the purchase of:

- 21 (1) Services;
- 22 (2) products required to be purchased under the provisions of K.S.A.
23 75-3317 through 75-3322, and amendments thereto;
- 24 (3) educational materials directly related to curriculum and secured
25 by copyright;
- 26 (4) motor fuels required to provide or furnish transportation;
- 27 (5) ~~perishable foods and foodstuffs required for operation of a school~~
28 ~~lunch program~~ *food and foodstuffs necessary for the implementation or*
29 *operation of any [federal] child nutrition program;*
- 30 (6) articles or products that are produced, manufactured or provided
31 by inmates under the prison-made goods act of Kansas;
- 32 (7) natural gas that will be consumed in buildings owned or operated
33 by the school district;
- 34 (8) materials, goods or wares required for reconstructing, remodel-
35 ing, repairing or equipping buildings when such purchase has been ne-
36 cessitated by the occurrence of a loss against which the board of education
37 has purchased property or casualty insurance; and
- 38 (9) materials, goods or wares which are purchased:
39 (A) From vendors who have entered into contracts with the state
40 vector of purchases pursuant to state purchasing statutes for purchases
41 state agencies; and
42 (B) under the same pricing provisions established in the state con-
43 tracts, subject to agreement of the vendor to honor the state contract

