

MINUTES OF THE SENATE EDUCATION COMMITTEE

The meeting was called to order by Chairman Jean Schodorf at 1:35 p.m. on January 26, 2005, in Room 123-S of the Capitol.

Committee members absent:

Committee staff present: Carolyn Rampey, Kansas Legislative Research Department
Theresa Kiernan, Revisor of Statutes
Shirley Higgins, Committee Secretary

Conferees appearing before the committee: Reginald L. Robinson, President, Kansas Board of Regents

SB 9 – Community Colleges; contracts with institutions located in another state

Carolyn Rampey, Kansas Legislative Research Department, informed the Committee that **SB 9** would repeal a section in the community college statute which imposes limits on with whom a community college can contract. Currently, contracts can be made only with institutions which are located in contiguous states. The bill would give Kansas community colleges the ability to enter into contractual agreements with any institution outside Kansas.

Reginald L. Robinson, Kansas Board of Regents, testified in support of **SB 9**. He explained that, in addition to limiting the ability of Kansas' 19 community colleges to partnerships, contracts, and agreements with educational institutions within the state and surrounding states, K.S.A. 71-202 also limits the ability to partner with private institutions to offer programs in only the healing arts or medical skills. He noted that technology has evolved since the statute was enacted in 1972 to an extent which allows relationships between institutions to be built regardless of geographic location. He listed several advantages to be gained by repealing K.S.A. 71-202, and he summarized problems community colleges currently have with the limitations imposed by the statute. In conclusion, he pointed out that staff research found no evidence of comparable restrictions placed upon other sectors of post secondary education in Kansas. (Attachment 1)

There being no others wishing to testify, Senator Schodorf closed the hearing on **SB 9** and opened committee discussion on school finance.

Senator Apple asked how the cost analysis for a suitable education has been addressed in the past. Senator Vratil answered, "Up to this point in time, the Legislature has done very little formal cost analysis." He went on to say that the Augenblick and Myers study addressed cost analysis, and Legislative Post Audit occasionally does an audit involving cost analysis for schools. He noted that the Legislature has done informal cost analysis during discussions and sharing of opinions from time to time which may or may not have any basis in fact. Senator Lee commented that the historical reason for very little legislative cost analysis is because Kansas has always had a tradition of local control with regard to public education. She noted, "We assumed, because the boards were elected locally, they were respected for the decisions they made for spending local dollars."

Senator Teichman noted that it has been suggested that administrative costs be combined at the superintendent level and, in addition, that superintendents take on various jobs in the school district. She suggested that it would be advantageous if superintendents who have been through that process were invited to discuss the process with the Committee. Senator Lee commented that it would be interesting to look at data on dollars spent on administration versus dollars spent on classrooms. Dale Dennis, Deputy Commissioner, Department of Education, informed the Committee that a one page summary of operating expenses per pupil for every school district, including school administration expense, can be found on a Department web site. In addition, the page compares the state average to each school district. He noted that, since the Department developed the web site, there have been 4,000 hits on the site, which is www.ksde.org. Carolyn Rampey, Legislative Research Department, informed the Committee that the Department would present a report on its recent survey of approximately 50 school districts asking what the cost of providing a suitable education was for the district. Senator Vratil commented, "Recent statistics from the National Center for Education indicate that about 61% of operating expenses given directly to the classroom in Kansas makes us comparable or, in fact, better than the states that surround Kansas." He commented further, "This puts Kansas in a very good light in terms of dollars to the classroom. However, I always take with a grain of salt any studies of that sort because the

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results of the study absolutely depend on how you define certain expenditures, and you can skew those expenditures wildly, depending upon how you account for and define various expenditures. So the first question we all need to ask is, how do you define dollars going into the classroom, because some states include dollars that are spent on nurses, counselors, and librarians as classroom expenses. Other states do not define them or account for them that way. And so, only if you know how those terms are defined do you really determine if the study is valid or not.”

Senator Goodwin noted that many teachers have expressed their concern to her about the high cost of health insurance for teachers. She asked if would be possible to offset insurance costs at the state level against teacher salary bases. Senator Schodorf commented that there were pilot programs included specifically for insurance in some of the education plans proposed last year; however, no education plan passed. Mr. Dennis reported that approximately 10 school districts do not offer health insurance because the price became too high, and they dropped it. He noted that some large school districts have a better insurance plan than the state or they are self-insured; therefore, they are not interested in participating in the state health insurance plan. One of the incentive plans discussed for those districts was to reimburse them a certain amount per month per each employee who participates.

Senator Steineger requested that Mr. Dennis prepare a list of state and federal education mandates. Mr. Dennis agreed to provide a list of the mandates of which the Department is aware.

Senator McGinn began a discussion regarding a concrete definition of a “suitable education.” Senator Vratil commented, “None of us knows the definition of a suitable education because the Legislature has never defined it in application to all school districts. We came up with a definition three or four years ago for purposes of the Augenblick and Myers study, but that definition doesn’t apply to any school districts in the state. It was to be used exclusively for the Augenblick and Myers study.” Senator Steineger commented, “This whole thing about trying to establish what is suitable and what it costs is a moving target. Suitability is going to change over time. If we put it in law, it will just change within ten years. And cost never stays the same. So this extreme focus on trying to nail down cost to the penny is at some point a waste of time. We need to get a general idea, but trying to get it down to the penny or the dollar, we’ll never get it.” Senator Vratil agreed that quality education is an every changing target because the world around us continues to change constantly. He observed, “I do not see that as a reason for failing to determine the nature and extent of the education we want to provide to our children. It’s not like the Legislature never changes any laws. and every year we change laws that pertain to education. I don’t see a setting in stone a definition of a suitable education, but I do see us putting it in the statute and changing it perhaps every year.” Senator McGinn agreed with the sentiments of Senators Vratil and Steineger. In her opinion, the Legislature should come to a general consensus of what a suitable education is so that the definition of “suitability” is not used as an excuse for not talking about funding for education. Senator Goodwin pointed out that the Supreme Court decision says, “We note the issue of suitability is not stagnant but requires constant monitoring.” She noted, “I would put funding in that same category.” Senator Ostmeyer commented, “I look at suitability as a fairness issue between large schools and small schools.” Senator Pine added, “We need a long-term vision, and we must have a means to justify what we have done. I don’t feel like were starting without anything go from. We’ve got something that’s working pretty well in our schools. We need to figure out what it’s costing us to do that, where the money is being spent, and how we can make that better.”

Senator Schodorf noted that the definition of suitability was adopted for the study, but the Supreme Court took the definition as one approved by the Legislature. She went on to say that Senator Apple requested that a professor, John E. Cleek, Ph.D., prepare an essay on his interpretation of a suitable education. She read the last two paragraphs. In summary, Dr. Cleek said all children have the right to expect their schools to provide them an education suitable to the challenges of the 21st century and that graduating students must be prepared to enter college, technical school, or perform effectively on the job in addition to being prepared to take their place as leaders in society.

Senator Teichman moved to approve the minutes of the January 13, 18, 19, 20, and 24 meetings, seconded by Senator Steineger. The motion carried.

The meeting was adjourned at 2:30 p.m. The next meeting is scheduled for January 27, 2005.

**SENATE EDUCATION COMMITTEE
GUEST LIST**

DATE: January 26, 2005

NAME	REPRESENTING
<i>Linda Deason</i>	<i>Budget</i>
Elaine Frisbie	Div. of the Budget
Pam, Benwetter	USD 501
<i>J. Lipton</i>	"
Diane Gjerstad	Wichita Public Schools
<i>Russell Mills</i>	<i>GACHES</i>
Paula Kapka	Intern (Wysong)
BILL REARDON	K.C.K USD 500
Jim Edwards	KASB
<i>June Roe</i>	KACCT
<i>Val deFever</i>	<i>SQE</i>
<i>Amy George</i>	USD 233
BILL Brady	SFFF
Mark Tallman	KASB
MARK DEBETTI	KNEA
<i>Annie Tietze</i>	KNEA; A+W #437
<i>Michelle Kiehl</i>	KNEA; SFT #434 dist.
JACK WILLIAMSON	KNEA
<i>Richard Simonop</i>	<i>Kennedy & Assoc</i>
Debbie Meador	RLA



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Testimony on SB 9 Senate Education Committee

January 26, 2005

Reginald L. Robinson
President and CEO

Good afternoon Madam Chair and members of the committee. My name is Reggie Robinson and I am the President and CEO of the Kansas Board of Regents. I am here on behalf of the Kansas Board of Regents in support of SB 9.

General Overview

K.S.A. 71-202 was enacted by the Kansas Legislature in 1972, and it limits the ability of the 19 Kansas community colleges to enter into partnerships with other educational institutions to those within the state and those in states adjoining Kansas. It also limits the ability of Kansas community colleges to partner with private institutions to offer programs in only the healing arts or medical skills. The Kansas postsecondary education system strives to bring the most up-to-date and high-demand programs to the citizens of Kansas. Availability of and access to these programs could be enhanced by allowing the 19 Kansas community colleges to enter into agreements with other organizations and educational institutions outside the state to provide instruction and training in a more timely and cost-effective manner.

Several considerations lead us to support repealing K.S.A. 71-202:

- Since 1972, technology has evolved to an extent which allows relationships between institutions to be built regardless of geographic location. The ease by which communications can occur with existing and emerging technology no longer precludes “long distance partnerships.”
- With the advent of distance education, especially via the internet, geographic limitations in education have been lifted providing access to more diverse educational offerings.
- The Kansas Board of Regents is supportive of collaboration between and among organizations of higher education. This is evidenced by recent policy decisions concerning collaborative degrees and programs.

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Attachment 1

A number of advantages are to be gained for Kansans by repealing K.S.A. 71-202:

- Improved access to high-demand programs that have an established track record of excellence. This also reduces the need for duplication of high-demand programs.
- Cost savings for the institutions that desire to provide the high-demand, high-cost programs. Sharing resources so that no one institution bears the entire cost of offering these programs is an ultimate benefit. Institutions will be allowed to share the expense of these programs while jointly ensuring the highest standards of quality are being met.
- Collaboration allows institutions to share the cost of faculty that are trained in a specialized area, especially where there are low numbers of available faculty.
- Students will be allowed to receive their certificate or degree from their home state.

Problems with K.S.A. 71-202 include:

- In 1998, one of our community colleges wished to partner with North Central Technical College in Wausau, Wisconsin to offer an Associate of Applied Science degree in Dental Hygiene. Our college could not afford to develop and operate the program alone on its own. K.S.A. 71-202 prevented Colby Community College from directly contracting with North Central Technical College; therefore, North Central Technical College requested and received degree-granting authority from the Kansas Board of Regents for Western Kansas. The problem is Kansas students want a Kansas degree but are restricted to earning a Wisconsin degree.
- Last spring, another community college wished to partner with another institution outside the State of Kansas to deliver higher level, more in-depth technology courses and certificates than the college was able to provide on its own. The college did not wish to duplicate and offer all of the courses or certificates due to the cost prohibitive nature of the program. The potential agreement was for online courses and certificates and included revenue sharing. K.S.A. 71-202 prevented our community college from contracting with the outside institution to offer the courses and certificates to Kansas students.
- Later this year, we expect another community college to submit a request to offer an Associate of Applied Science degree in Dental Hygiene with North Central Technical College in Wisconsin. Our community college does not have the resources to cover the expense of developing and offering a complete Dental Hygiene program. K.S.A. 71-202 prevents our community college from contracting directly with North Central Technical College in Wisconsin. Again, Kansas students would receive a Wisconsin degree and not a Kansas degree.

In summary, the Kansas Board of Regents supports the repeal of K.S.A. 71-202. Repealing K.S.A. 71-202 will provide the State's community colleges the opportunity to enter into agreements with other institutions and organizations to better serve the needs of the citizens of Kansas. Staff research found no evidence of comparable restrictions placed upon other sectors of postsecondary education in Kansas.

Thank you for the opportunity to comment. I will be happy to answer any questions.