

MINUTES OF THE SENATE EDUCATION COMMITTEE

The meeting was called to order by Chairman Jean Schodorf at 1:40 p.m. on February 20, 2006, in Room 123-S of the Capitol.

Committee members absent:

Committee staff present: Deb Hollon, Kansas Legislative Research Department
Kathie Sparks, Kansas Legislative Research Department
Theresa Kiernan, Revisor of Statutes
Shirley Higgins, Committee Secretary

Conferees appearing before the committee: Mike Willome, Clerk, Wichita School Board
Jim Edwards, Kansas Association of School Boards

SB 485—Schools; student disciplinary hearing process appeals hearing

Mike Willome, Clerk, Wichita School Board, testified in support of **SB 485**. He noted that the bill included minor revisions to K.S.A. 72-8904, which requires that school boards hear an appeal within 20 calendar days after an appeal request is made and make a decision within five calendar days after the hearing. He explained that it is sometimes impossible to meet the statutory requirement when a board meets only once a month. In such cases, the board must hold a special meeting. The bill would allow the board to make an appeal decision at its next regularly scheduled meeting rather than holding a special board meeting. Mr. Willome called attention to an appeal scheduling example in his written testimony which illustrated the statutory time line issues for appeal requests for boards that meet once per month. (Attachment 1)

Jim Edwards, Kansas Association of School Boards (KASB), testified in support of **SB 485**. He noted that the bill would provide more flexibility in large districts where there is a possibility for a large number of student disciplinary hearings. (Attachment 2) In his closing remarks, Mr. Edwards informed the Committee that approximately 84 percent of the school districts in Kansas meet once a month.

There being no others wishing to testify, the hearing on **SB 485** was closed.

SCR 1618—Memorializing Congress on federal funding of education

Theresa Kiernan, Revisor of Statutes Office, explained that **SCR 1618** points out that Kansas, under the Quality Performance Accreditation System, has long pursued the goal of improving the academic performance of all students. It applauds the President and Congress for putting forth the same goals in the No Child Left Behind Act and emphasizing the urgency in improving the performance of students. It states that the No Child Left Behind Act has encouraged needed changes in public education and was initially accompanied with relatively large increases in federal funding for public elementary and secondary schools, but points out that, since that time, the federal government has decreased funding for No Child Left Behind by \$793,000,000 in 2006, reduced funding for postsecondary education by \$166,000,000, and decreased funding for programs that serve students with disabilities by \$21,000,000. The resolution memorializes Congress to make a commitment to improving the quality of education by increasing its funding for the No Child Left Behind Act, the Higher Education Act, and the Individuals with Disabilities Act. It also requests that the President, Congress, and the United States Department of Education grant waivers, exemptions, or whatever flexibility is needed regarding the requirements of the Act in any year that federal funding for public elementary and secondary education is decreased in order to prevent states from spending state and local resources on activities that have not proven effective in raising student achievement and which may not be a priority of an individual state.

Noting that he also was speaking on behalf of the Kansas National Education Association, Mr. Edwards testified in support of **SCR 1618**. He outlined President Bush's proposed budget for FY 2007 with regard to funding for Title I grants and the initiative to improve the nation's global competitiveness. In addition, he discussed the proposed elimination of 42 programs within the Department of Education. (Attachment 3)

There being no others wishing to testify, the hearing on **SCR 1618** was closed.

CONTINUATION SHEET

MINUTES OF THE Senate Education Committee at 1:40 p.m. on February 20, 2006, in Room 123-S of the Capitol.

Senator Steineger moved to recommend **SCR 1618** favorably for passage, seconded by Senator Teichman, the motion carried.

Senator Steineger moved to recommend **SB 485** favorably for passage, seconded by Senator Vratil, the motion carried.

Senator Schodorf opened discussions on the following previously heard bills: **SB 440**, which concerned qualifications for admission to state educational institutions; **SB 305**, which concerned the Kansas Comprehensive Grant Program (eligibility of students attending institutions accredited by the American Association of Bible Colleges); and **SB 375**, which concerned the retirement and disability benefits of employees of the State Board of Regents or institutions under the Board's management.

Senator Vratil moved to recommend **SB 440** favorably for passage, seconded by Senator Lee. The motion carried.

Senator Vratil moved to amend **SB 305** by adding a five-year sunset and to technically amend by including the school name, seconded by Senator Ostmeier. The motion carried.

Senator Teichman moved to recommend **SB 305** favorably for passage as amended, seconded by Senator Vratil. The motion carried.

Senator Schodorf requested that Ms. Kiernan review the intent of **SB 375**. Ms. Kiernan noted that the bill cured a conflict that occurred in the 2005 Legislative Session, and it provided that the Board of Regents would not be required to make employer contributions to (1) KPERS death and disability, (2) workers' compensation for employees on long-term disability (the workers do not qualify for the benefit), and (3) the reserve for vacation time.

Senator Teichman moved to recommend **SB 375** favorably for passage, seconded by Senator Apple. The motion carried.

The meeting was adjourned at 2:10 p.m.

The next meeting is scheduled for February 21, 2006.

Senate Bill 485
February 20, 2006

1. Why is this bill needed?

K.S.A. 72-8904 requires school boards to hear an appeal within 20 calendar days after the appeal request is made, and to make an appeal decision within 5 calendar days after the hearing. When a board meets only once a month, it is sometimes impossible to meet the statutory requirement. The only way to meet the requirements of the statute in such cases is to hold a special meeting. It is especially difficult to schedule special meetings during the December holidays and first week of January. The passage of Senate Bill 485 would eliminate the need for special meetings. A board would still be acting expeditiously in that decisions would still be made at the first available regularly scheduled board meeting.

2. What is the current system for parents during months in which there is one Board meeting?

The current system is that the parent/guardian is asked to sign a waiver of the statutory timeline. If the parent/guardian declines to sign the timeline waiver, the board needs to hold a special meeting to make the appeal decision. When asked to sign a timeline waiver, parents often do not understand the reason for the waiver, may sign it with some apprehension, or refuse to sign it. These issues will be resolved by Senate Bill 485.

3. How will the requirements of parents be changed by SB 485?

Under Senate Bill 485, the parent requirements will not be changed.

4. What does this bill do?

When a board meets once a month, the proposed revision gives a board the ability to make an appeal decision at its next regularly scheduled board meeting rather than hold a special board meeting.

5. How is the proposed revision beneficial?

It is beneficial in that it allows boards to meet timelines that might be impossible to meet otherwise.

*Mike Willome, Clerk
Wichita School Board*

*Senate Education Committee
2-20-06
Attachment 1*

December 2005

Appeal Scheduling Exam

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
			December 1	2	3
					4
					5
					6
					7
					8
			Parent delivers appeal request.	Day 1	Day 2
					9
					10
					11
					12
					13
					14
					15
					16
Day 4 6:00pm BOE Meeting	Day 5	Day 6	Day 7	Day 8	Day 9
					17
					18
					19
Day 11	Day 12	Day 13	Day 14	Day 15	Day 16
					20
					21
					22
					23
				First day of Winter Recess	Day 17
					24
					25
					26
					27
					28
					29
Day 18	Day 19	Day 20	Day 1 - Decision Notice	Day 2 - Decision Notice	Day 3 - Decision Notice
					30
					31

This example uses the current statutory timeline in K.S.A. 72-8904. An appeal request arrives on December 8, 2005. It is too late for the appeal hearing to be scheduled, for the parent to receive 5 days written notification for a hearing, and for the Board to make a decision at its regular meeting on December 12. The 20-day hearing timeline begins on December 9 and ends on December 28, which is during Winter Recess. The 5-day timeline for the Board's decision to be delivered to the parent ends on January 2, the last day of Winter Recess. The Board's next regular meeting is on January 9, 2006. The example above illustrates the statutory timeline issues for all appeal requests received from December 8-13, 2005. For boards that meet once per month, it applies for 3-6 days each month depending on the number of days in the month.

January 2006

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
					January 1, 2006
					Day 4 - Decision
					2
					3
					4
					5
					6
Day 5 - Decision due. Last day of Winter Recess					7
					8
					9
					10
					11
					12
6:00pm BOE Meeting					13
					14
					15
					16
					17
					18
					19
					20
					21
					22
					23
					24
					25
					26
					27
					28
					29
					30
					31

KANSAS
ASSOCIATION



OF
SCHOOL
BOARDS



1420 SW Arrowhead Road • Topeka, Kansas 66604-4024
785-273-3600

Testimony on **SB 485**
before the
Senate Education Committee

by

Jim Edwards, Governmental Relations Specialist
Kansas Association of School Boards

February 20, 2006

Chair Schodorf and Members of the Committee:

I thank you for allowing me the opportunity to appear as a proponent for **SB 485**, a measure which would provide more flexibility to school districts, especially larger districts, in the scheduling of student disciplinary hearings.

In large districts, where there is the possibility of a large number of hearings, it is important local boards be given more flexibility to schedule these hearings. As amended, **SB 485** would allow the board to render its decision not later than the next regularly-scheduled meeting of the board following the date of the conclusion of the hearing of the appeal by the hearing officer. The law, as now written, requires the decision to be made no later than five days after the hearing of the appeal.

Thank you for allowing me to appear on this important matter and I would respond to questions.

*Senate Education Committee
2-20-06
Attachment 2*

KANSAS
ASSOCIATION



OF
SCHOOL
BOARDS

1420 SW Arrowhead Road • Topeka, Kansas 66604-4024
785-273-3600

Testimony on **SCR 1618**
before the
Senate Education Committee

by

Jim Edwards, Governmental Relations Specialist
Kansas Association of School Boards

February 20, 2006

Chair Schodorf and Members of the Committee:

Thank you for allowing me the opportunity to appear as a proponent for **SCR 1618**, a measure that memorializes Congress to make serious commitments to increasing its funding of the No Child Left Behind Act, the Higher Education Act and the Individuals with Disabilities Act.

As noted in the concurrent resolution, the federal government has decreased funding for No Child Left Behind in FY 2006 by \$793,000,000, decreased funding for postsecondary education by \$166,000,000, and decreased funding for programs that serve students with disabilities by \$21,000,000. The following is what has been proposed for FY 2007 in President Bush's budget:

* **Title I:** The President's budget calls for just \$12.7 billion in funding for Title I grants for disadvantaged students, designating \$200 million in Title I funds to be used for schools in "restructuring" status under the No Child Left Behind Act. Under NCLB, Title I grants were authorized at \$25 billion for FY 07.

* **Initiative to improve the nation's global competitiveness:** The President's budget proposes \$380 million to improve math, science, and technology education in K-12 public schools. Overall, the American Competitiveness Initiative would be funded at \$5.9 billion, with \$4.6 billion targeted for research and development of tax incentives.

* **Proposed eliminations:** The President's budget proposed the elimination of \$1.3 billion to be derived, in part, from proposed eliminations of 42 programs within the Department of Education, which include education technology grants at \$272 million and vocational and technical education state grants, currently funded at \$1.2 billion.

The above listed budget items will likely expand the difference between what is needed and what is spent to help states and local schools in their education of America's future leaders.

I would be happy to stand for questions.

Senate Education Committee
2-20-06
Attachment 3