

MINUTES

LEGISLATIVE EDUCATIONAL PLANNING COMMITTEE

July 23, 2001

Room 526-S—Statehouse

Members Present

Senator Dwayne Umbarger, Chair
Representative Jo Ann Pottorff, Vice Chair
Senator Christine Downey, Ranking Minority Member
Senator Lynn Jenkins
Senator Bob Lyon
Senator Lana Oleen
Senator John Vratil
Representative Barbara Ballard
Representative Lisa Benlon
Representative Bill Reardon
Representative Jonathan Wells

Members Absent

Representative Kathe Lloyd
Representative Ralph Tanner

Legislative Staff

Ben Barrett, Kansas Legislative Research Department
Carolyn Rampey, Kansas Legislative Research Department
Avis Swartzman, Office of the Revisor of Statutes
Renaë Jefferies, Office of the Revisor of Statutes

State Department of Education Staff

Dale Dennis, Deputy Commissioner, State Department of Education

Review of Draft of School Finance Study Request for Proposals (RFP)

The staff reviewed a draft of a proposed RFP in connection with the Committee's statutory responsibility to advise the Legislative Coordinating Council (LCC) on the selection of a consultant to conduct a professional evaluation of school district finance to determine the cost of a suitable education. (A copy of the final version of the RFP, which incorporates changes directed by the Committee, is Attachment 1.)

Changes made to the draft include the following:

- In section V, specify that 15.0 percent of the amount agreed upon for the project will be withheld for payment, pending acceptance of the study by the LCC and a determination that the contractor has complied with terms of the contract.
- In section VI, require the consultant to meet with the Committee three times during the course of the study, plus additional times at the discretion of the Committee. Payment for any additional meetings will be made by the LCC and will be on the basis of a predetermined per-meeting cost. (Change made upon the adoption of a motion by Senator Vratil, seconded by Representative Reardon.)
- Throughout the draft, change dates to reflect a more realistic timetable for completion of the study. The changes are necessitated by the fact that, partly due to a late start in appointing interim committees, it does not appear possible to complete a quality study by the statutory deadlines. (The statute requires that the formal submission of the report to the 2002 Legislature is to be on January 14, 2002, and that the report has to be submitted to the Committee three weeks before that, which would be December 24.)

The Committee directed the staff to submit portions of the proposed RFP regarding contract termination and the payment schedule to the Division of Accounts and Reports, State Department of Administration, and the full RFP to the Legislative Division of Post Audit for review and comments. The Committee agreed that staff should incorporate any suggested revisions into the draft unless they were major, in which case the Committee would be informed.

The matter of the inability of the consultants to complete a study by the statutory deadlines was discussed at length by the Committee. Staff from the Office of the Revisor of Statutes advised the Committee there is precedent for the Kansas Supreme Court to determine that statutory deadlines such as these are "directory" and not "mandatory" and that the Committee could proceed on that basis. The Committee resolved the matter by adopting a motion by Senator Vratil, seconded by Representative Benlon, directing Senator

Umbarger to write a letter to the LCC informing it that the statutory deadlines for submitting the final report cannot be met and requesting that the Committee Chair be authorized to set a more realistic deadline to be included in the RFP. (A copy of the letter subsequently sent by Senator Umbarger to the LCC is Attachment 2. The new project completion date is March 29, 2002.)

Dale Dennis asked the Committee to consider a list of items the State Board of Education believes should be included in a definition of “suitable” for purposes of the study (Attachment 3). The list is “outcomes” based and also includes a broader array of services and programs than the statutory list of required courses included in the RFP. For example, the State Board believes a definition of suitable education should make reference to caring, competent teachers, appropriate class size, and extended learning time. The Committee decided the State Board’s list should accompany copies of the RFP that are made available to consultants, but the list itself should not be part of the RFP. The Committee also noted that when consultants are interviewed, the Committee can discuss various components of a suitable education that are in addition to the statutory definitions that appear in the RFP.

Upon a motion by Senator Vratil, seconded by Representative Pottorff, the Committee approved the RFP, as revised, and with the understanding that Senator Umbarger would write to the LCC about extending the proposal deadline.

The new schedule, as contained in the revised RFP, is as follows:

August 2, 2001– Release date (publication in the *Kansas Register*).

August 30, 2001 – Deadline for seeking clarification on content of the RFP.

September 4, 2001 – Deadline for submission of RFP.

March 29, 2002 – Anticipated report completion date.

May 1, 2002 – Project completion date. (Consultant agrees to be available for six months after project completion date to meet with Committee.)

It is anticipated that the Committee will review bids at its September meeting and begin interviewing consultants in October. The consultant selected likely would meet with the Committee three times during the interim to discuss the status of the study.

Consideration of Interim Topics

The Committee reviewed a list of 13 items relating to education that were suggested for interim study (Attachment 4). Under the “traditional Legislative Educational Planning Committee charge” which includes items initiated by the Committee, members discussed adding a review of 2001 postsecondary legislation either pending or enacted and

continuation of the practice of holding a joint meeting with the State Board of Regents (the "Regents Roundtable").

Upon a motion by Representative Wells, seconded by Representative Benlon, the Committee voted to prioritize the Regents Roundtable and a review of 2001 postsecondary legislation and also to approve for study items 1, 3, 4, 5, 7, 8, 9, 10, 11, and 12 on the list. Upon a motion by Representative Ballard, seconded by Senator Oleen, the Committee added item 2 to the list.

The list of topics to be studied is the following:

- Postsecondary Education Planning (traditional topic)
 - Regents Roundtable
 - Review of 2001 postsecondary education legislation
- Free tuition assistance for National Guard soldiers at State Board of Regents institutions.
- State funding for educational programs provided by school districts at juvenile detention facilities.
- Early childhood initiative reports by the Department of Education on progress being made to develop a school readiness indicator for kindergarten entry and development of a goal for the percentage of students who enter kindergarten meeting the school readiness indicator and a goal for the percentage of students who do not need remediation based on the 4th and 5th grade assessment results.
- Role of vocational and technical education for the development of recommendations for adequate financial support of that sector of postsecondary education.
- Interaction of tuition rates, tuition as a percent of all operations funding, state financial support, and need-based student financial assistance for the various sectors of postsecondary education and development of benchmarks and guidelines to assist future legislatures with development of policies that enhance coordination and efficiency in all postsecondary education.
- Impact of the 2 for 1 state/tuition technology initiative and development of a multi-year strategy to support the technology needs of the state universities for FY 2002 and beyond.
- Alternative teacher certification.
- Charter school law.

- Special education funding—pupil driven alternatives.
- President Bush’s education proposal (S 1 and HR1), especially in the area of pupil assessments and how these relate to the state’s assessment program and those of school districts and school accreditation.

Topics listed above are in addition to the school finance study. In addition, under the traditional postsecondary planning topic, additional items for study could be added later.

Meeting Dates

The Committee agreed to the following interim schedule. (Room numbers have been added.)

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| August 6-7 | 526-S |
| August 27-28 | 519-S |
| September 10-11 | 519-S |
| October 1-2 | 519-S |
| October 24-25 | 519-S |
| November 13-14 | 526-S |
| December 10-11 | 519-S |

The meeting was adjourned.

Prepared by Carolyn Rampey

Approved by Committee on:

August 6, 2001

(date)