

MINUTES OF THE SENATE COMMITTEE ON EDUCATION.

The meeting was called to order by Chairperson Umbarger at 1:10 p.m. on February 13, 2001 in Room 123-S of the Capitol.

All members were present except:

Committee staff present: Ben Barrett, Legislative Research
Avis Swartzman, Revisor of Statutes
Judy Steinlicht, Secretary

Conferees appearing before the committee: Senator Dave Jackson
Charles Yunker, State Adjutant, American Legion
Ralph Snyder, Retired, American Legion
Gary Slimmer, Adjunct Professor, Washburn University
Michael Byington, Envision
Sharon Zoellner, USD 232, Desoto
Mark Tallman, KASB
Linda Baker, USD 501
Helen Ljungdahl, School Board, USD 437
Ben Barrett, Legislative Research Department

Others attending: See attached list

SB163--Instruction program on flag use, display and etiquette.

Senator Dave Jackson said a few words about **SB163** which is the flag etiquette bill and introduced proponents of the bill, Mr. Charles Yunkers, Ralph Snyder and Gary Slimmer. Mr. Yunker's remarks are included in ([Attachment 1](#)), Mr. Snyder's remarks are included in ([Attachment 2](#)) and Mr. Slimmer's remarks are in ([Attachment 3](#)).

Senator Teichman made a motion to pass **SB163** favorable out of the Committee. Seconded by Senator Vratil. Motion carried.

SB157--School districts, use of credit or debit cards for payment of tuition, fees, charges
SB158--School districts, authorize use of credit or debit cards by officers and employees
SB161--School districts, policies relating to the use of credit or debit cards

Mr. Michael Byington, Envision, gave testimony in support of **SB158** and **SB161**. ([Attachment 4](#)) Mr. Byington offered an amendment which is stated on page 2 of his testimony.

Next, Sharon Zoellner, USD 232, Desoto, spokesperson for several others in the audience, Jenni Newell, Blue Valley School District, Eric Hansen, Gardner-Edgerton Schools, John Chapman, Piper Schools, Gary George from Olathe Schools, and Bill Frick from Shawnee Mission Schools, gave testimony in support of **SB161**. ([Attachment 5](#))

Mark Tallman, KASB, stated he was in support of **SB157**, **SB158**, and **SB161**. ([Attachment 6](#)) Mark was asked to address the amendment that was presented by Mr. Byington. Mark believed that the requests in the amendment were already addressed in the bill. Ms. Zoellner concurred with Mr. Tallman that the amendment was not needed. The Committee asked if credit card use was prohibited in schools and it was explained that presently the current Kansas statutes do not mention credit cards or debit cards, and that the basic law of the state is that school districts have only those powers that are specifically provided to them by statutes or reasonably implied by statutes. The purpose of this bill is to give specific authority for the use credit cards. Many schools are already using credit cards, so the bill is to legitimize that use. The staff was asked for a comment on the amendment offered by Mr. Byington. The staff concurred that the amendment was not needed.

CONTINUATION SHEET

February 13, 2001

Chairman Umbarger called to the attention of the Committee the written testimony before them from Charles Hensen supporting **SB157**. ([Attachment 7](#))

Senator Vratil distributed a balloon form of **SB161** with some amendments that he intends to offer at the appropriate time, one which would delete from the bill the requirement of a special fund. ([Attachment 8](#))

One member of the Committee was concerned about misuse of credit cards in schools and wants an opportunity to get more information from her school board. If the credit card bill was not paid on time, late charge and interest could be very expensive or the card could be used for inappropriate things. She believes the rules in the bill regarding use of the credit card would have to be very specific. Chairman Umbarger stated that the bill would be voted on at a later date and there would be time to study the bill and gather the desired information.

SB248--School districts, membership on boards of education

Linda Baker is teacher in USD 501, Topeka, and until last year was a member of the Board of Education in her district. She was forced to resign from the Board of Education as a result of court action. She wants legislator's to amend **SB 248** to include professional and classified school employees to stand for election and serve on their employing school board. Her testimony is in ([Attachment 9](#)).

Helen Ljungdahl offered testimony in favor of **SB248**. She was a part time employee of USD 437 as a school bus driver. She was strictly an hourly employee who received no benefits and sees no reason why her position was a threat to the school board. She is a very involved patron in the district, the parent of two children. She did volunteer work, PTO, as well as many other groups and projects. She was urged to run for the school board by other patrons. It is difficult to get people to run for these positions because of the time involved. An election is coming up for three positions and two incumbents are unopposed. Asked the question directly, she does feel that teachers should not serve on the school board because she could guide curriculum and guide other decisions.

Mark Tallman offered testimony as an opponent to **SB248**. His testimony on this bill is included in ([Attachment 6](#)) above. Discussion brought up the question of why school boards different from hospital boards. It is a requirement that physician be represented on the hospital board. Instead of thinking that a teacher would be biased or prejudiced, why couldn't this be exchanged for knowledge or expertise. Mark states the problem is how can an employee of a school district serving on the school board be treated, supervised and disciplined in the same way as all other employees when that individual sits on the board and evaluates the superintendent, evaluates the process, and has access to all of the other employees records. The Supreme Court says this is a fairly settled matter of law that this is inappropriate, one person cannot be a supervisor and a supervisee.

SB257--School districts, board delegation of power to enter certain contracts to superintendents

Mark Tallman gave testimony in support of **SB257**. Mark's testimony is included in ([Attachment 6](#)).

Senator Vratil explained that currently under state law, only a Board of Education can enter into a contract on behalf of the school district regardless of the size of it. If the contract was \$20, it would have to be considered and approved by the Board of Education and signed by the president. The purpose of **SB257** is to allow the board to delegate that authority on contracts up to a maximum of \$10,000.

Senator Oleen moved that contents of **SB166** be amended into **SB257** and report the bill favorably. Motion was seconded by Senator Vratil. Question was asked what **SB166** does. It was explained that **SB166** grants school districts powers to take reasonable and necessary actions to fulfill their mission unless specifically prohibited by state law. Now the law says they can't do anything unless the legislature says they can. After motion was discussed, the Committee passed **SB257** as amended.

Pre-School Programs

Ben Barrett presented an overview of pre-school programs. ([Attachment 10](#)) The Committee would like

CONTINUATION SHEET

February 13, 2001

to know what plans are for the \$2 million dollars that was taken out of the Children's Initiative Fund. The Committee would like to know the results of the Ways and Means report on children's funding.

Meeting adjourned at 2:20 p.m. Next meeting is scheduled for February 14 at 1:00 p.m.