		1988		22,	February	Approved.	
Date			e	Date		Approved .	

MINUTES OF THE _SE	ENATE COMMIT	TTEE ON	EDUCATI	ON	•
The meeting was called to	o order by	Senator	Joseph C. Chairperson		at
1:30 xxxx./p.m. on _	Thursday,	February 18	, 1988	in room 123-S	_ of the Capitol.
All members were present	except:				

Committee staff present:

Mr. Ben Barrett, Legislative Research Department Ms. Avis Swartzman, Legislative Revisor's Office

Mrs. Millie Randell, Secretary

Conferees appearing before the committee:

Proponents:

Senator Bob Frey, Sponsor of SB 577

Dr. Richard E. Branstrator, Superintendent, USD 443, Dodge City

Mr. Gay Dahn, President, Dodge City Community College

Mr. David DePue, Executive Director, Kansas Council on Vocational Education

Dr. W. Merle Hill, Executive Director, Kansas Association of Community Colleges

Opponents:

Mr. Harry L. Falgren, Director, Kansas City Area Vocational Technical School

SB 393 - Concerning fire safety and prevention; relating to the construction of school buildings (Ways and Means)

Proponents:

Senator Gus Bogina

Mr. David Watkins, City Administrator, City of Lenexa

Mr. Jeff Hudson, President, Fire Marshals Association of Kansas

Ms. Linda Pruitt, Executive Director, Lenexa Chamber of Commerce

Mr. E. A. Mosher, Executive Director, League of Kansas Municipalities

Mr. Kenneth Hobbs, Fire Chief, City of Lenexa

Opponents:

Mr. John Koepke, Executive Director, Kansas Association of School Boards

After calling the meeting to order, the Chair recognized <u>Senator Bob Frey</u>, who told the Committee that he had sponsored SB 577 as the result of a request made by the administration of the Dodge City Community College and USD 443, Dodge City. He said that the vocational technical school and community college administration had reached an agreement to transfer some of the vocational education programs from the area vocational technical school to the college and would like to accomplish this transfer by amending present law. He further stated that the proposed changes are enthusiastically supported by both the vocational technical school and the community college.

Dr. Richard Branstrator, Superintendent, Dodge City USD 443, affirmed that the board of his district and the Dodge City Community College Board of Trustees are in unanimous agreement in requesting SB 577 which would enable USD 443 to transfer post high school vocational education programs to Dodge City Community College. Dr. Branstrator further testified that combining all post high school programs and moving them to the college will improve the quality of education at all levels by eliminating duplication and competition for post high school programs and students; it will allow both institutions to narrow their focuses, and it will improve the image of vocational education in their service area. (Attachment 1)

CONTINUATION SHEET

MINUTES OF THE _	SENATE	COMMITTEE ON	EDUCA	TION	
room 123-S, Stateho	ouse, at <u>1:30</u>		Thursday,	February 18	, 19 <u>88</u>

Mr. Gay Dahn, Dodge City Community College president, described SB 577 as enabling legislation to transfer all postsecondary vocational education within a community so that it is under one institution. Mr. Dahn, however, noted that it could work a financial burden on the local tax structure due to the inequitable method of funding the two types of institutions. (Attachment 2)

Mr. David DePue, Executive Director of Kansas Council on Vocational Education, explained that there are various approaches that vocational technical schools might take to improve their services to a community whether by merging or by improved cooperation. Senate Bill 577, he said, is one approach the vocational technical schools might take in order to improve their service within a community. However, he added, what is good for one community may not be the best method for another community.

Dr. W. Merle Hill, Executive Director, Kansas Association of Community Colleges, testified that he supports the concept contained in SB 577.

The director of the Kansas City Area Vocational Technical School, Mr. Harry L. Falgren, had some concerns regarding SB 577, and these are expressed in his testimony found in Attachment 3. Mr. Falgren said he believed the present system for operating vocational technical schools has been satisfactory, and he does not think the Dodge City area should be treated differently from the other districts. Current procedures, he said, adequately provide for the funding of postsecondary vocational education. Mr. Falgren said he did not feel SB 577 was needed.

The Chair recognized <u>Senator Gus Bogina</u>, who explained that <u>SB 393</u> had been introduced last year and that the bill had been held over by the Chairman at his request. Senator Bogina said that when a city or community uses a more stringent building code than that required by state statute, he felt that the more stringent code should apply. Senator Bogina made reference to a school building being built in Lenexa wherein the community would like the more stringent building code, which is used in the construction of privately-owned buildings, to supersede the state code.

The City Administrator of Lenexa, <u>Mr. David Watkins</u>, stated that the Attorney General ruled in 1986 that a local school building being constructed was not subject to the city's adoption of building codes but rather to the state's adoption of building codes. (<u>Attachment 4</u>) Mr. Watkins maintained that it is only fair to have all buildings being constructed in the city subject to the same building code.

 $\underline{\text{Mr. Jeff Hudson,}}$ President, Fire Marshals Association of Kansas, stated his reasons for support of SB 393 in his testimony found in Attachment 5.

The Executive Director of the Lenexa Chamber of Commerce, <u>Ms. Linda Pruitt</u>, also told the Committee that her community would like a new elementary school being built to have the same standards of construction as those that are used for all privately-owned buildings in Lenexa. (<u>Attachment 6</u>)

Mr. E. A. Mosher, Executive Director of the Kansas League of Kansas Municipalities, testified that the State Legislative Committee of the League has reviewed the provisions of SB 393 and supports the bill as being consistent with the League's convention policy objectives. (Attachment 7)

Mr. Kenneth Hobbs, Fire Chief of the City of Lenexa, also supported SB 393 and felt the local codes should prevail in the construction of new school buildings.

The Executive Director of the Kansas Association of School Boards, $\underline{\text{Mr. John}}$ $\underline{\text{Koepke}}$, stated that the Delegate Assembly of his organization had adopted a resolution which states that the Association believes that school facilities built in Kansas should only have to meet and comply with the statewide

CONTINUATION SHEET

MINUTES OF THE	SENATE	COMMITTEE ON .	EDUCATION.	
room 123-S Statel	nouse, at 1:30	3.2 n./p.m. on	Thursday, February 18	, 1988

standards involving construction codes. Mr. Koepke stated that the present building code for school buildings, as mandated by the state legislature, has been in existence for the last 100 years, and he does not feel that exceptions should be made. Mr. Koepke indicated that if a more stringent code should be adopted for one district, then perhaps the state code should be updated to include all school districts. (Attachment 8)

The Chairman announced that the testimony on SB 393 was concluded and that SB 393 would be taken under advisement.

When the Chairman called for approval of the minutes, <u>Senator Langworthy</u> moved that minutes of the Committee meeting of February 16 be approved. <u>Senator Allen seconded the motion</u>, and the minutes were approved.

At the request of John and Dorothy Dunn, Winchester, Kansas, proponents of SB 179, safety belts on school buses, copies of two letters received by the Chairman, one from Mr. and Mrs. Dunn and a copy of one received by the Dunns from the National Highway Traffic Safety Administration, were passed out to Committee members.

The Chairman adjourned the meeting.

SENATE EDUCATION COMMITTEE

TIME: 1:30	p.m.	PLACE:	123-S	DATE: Thursday,	February	18,	1988
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GUEST LIST

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DICK BRANSTRATOR		US.D. 443

SENATE EDUCATION COMMITTEE

	SENATE EDUCATION	COMMITTEE		
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INDA PRUITT	11900 W87 # St. P.	KWY, LENEXA	LENEXA - CHAMBER. OF C	MMERCE
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Bodge City Unified School District Number 443

Dr. Richard E. Branstrator Superintendent

February 17, 1988

TO:

Senate Education Committee

State of Kansas

FROM:

Dr. Richard Branstrator, Superintendent

Dodge City U.S.D. No. 443

Gay Dahn, President

Dodge City Community College

RE:

Senate Bill No. 577

The Board of Education of Unified School District 443 and the Dodge City Community College Board of Trustees respectfully request the Senate Education Committee to recommend Senate Bill No. 577 to the full Senate for passage. This legislation will enable U.S.D. 443 to transfer post high school vocational education programs to Dodge City Community College.

Please note that this request has the unanimous support of the respective governing boards. Recommendation number 2.4 of the Kansas Council on Vocational Education, 1987, recommends "merge postsecondary programs into community college districts (where appropriate)...."

This same issue was addressed by Merle Hill in a memo to representative groups of the Kansas Association of Community Colleges. Mr. Hill summarized a study conducted by Dr. Charles Krider which stated in part:

- 1. Separate secondary vocational-technical education from post-secondary by "spinning off" the secondary element back to the unified school districts.
- 2. "Incorporate" the vocational-technical schools with community colleges located within the same county or service area.

Our request is further supported by the State Board of Education's "position statement" adopted April 15, 1987 which states that a function of Kansas high schools is to provide "basic education in preparation for entry into vocational education at the postsecondary level." The Board also stated that Kansas community colleges should provide "courses, associate degree programs, certificates, and other vocational/technical training designed to prepare persons for work, to advance in a current occupation, or to retrain for new occupations."

Senate Education Committee February 17, 1988 Page 2

It is our position that approval of this request will improve the educational delivery system in our service areas. Merging post high school programs with community college programs has been reviewed, studied and proposed by various legislative and educational groups for several years. We are committed to making this proposal a reality.

Thank you for your attention to this request and for your continued commitment to the young people of Kansas.

Presentation Made in Support of Senate Bill No. 577 To Senate Education Committee

Gay Dahn, President Dodge City Community College Dodge City, KS

February 18, 1988

Section 2

Over the past twenty years, inumerable studies have been made concerning the structure and governance of vocational education in Kansas. Most of these studies recognized the link between area vocational schools and community colleges. In the most definitive study of economic development ever made within the state of Kansas - the Redwood Report - it is recognized that the state must rely upon its community colleges to provide many of the adult education and training programs for new and developing industries. By its very nature, the community college is the institution which can be most responsive to the changing needs of industry.

It has been more than adequately pointed out that there in combining all post secondary advantages are many vocational education within community under a institution. Senate Bill No. 577 enables school boards and boards of trustees to make this transfer. There are adequate safeguards by the State Board of Education to ensure that the high standards and quality built into these programs are not lost. I applaud this concept with no reservation.

On the other hand, local communities cannot afford to affect such transfer, no matter how laudible, if it works a financial burden on the local tax structure. This is entirely possible, due to the inequitable method of funding of the two types of institutions. The level of state funding for the AVTS has been approximately 85% of the direct costs, with the student paying the remaining 15% in the form of

tuition. At the community college, the level of state funding has been at about the 20-25% level, with the local ad valorem taxes making up approximately 50%.

For Dodge City Community College, for example those sources of revenue in 1986-87 were:

County taxes - 49.9%

Unencumbered cash balance - 23.3%

State support - 14.5%

Tuition - 6.8%

Out-county tuition - 2.4%

Student fees - .8%

Other (including interest) - 2.3%

Section 2, Provision (2)

In looking at some actual comparisons between the funding at the two schools, the following is a review of what transferring the postsecondary vocational programs from the Southwest Kansas Area Vocational Technical School to Dodge City Community College.

VOCATIONAL PROGRAM FUNDING SWKAVTS-DCCC

Present - 1987-1988 (To USD #443)

Post-Secondary Categorical Aid 126,000 Post-Secondary Aid 316,000 Total 442,000

*There are approximately 138FTE post-secondary students in SWKAVTS.

*There are 14 DCCC FTE enrolled at SWKAVTS.

*The increased enrollment anticipated is 124.

*57.5% of the post-secondary students are out-district.

*Out-district reimbursement - \$85.375/Cr. Hr.

*In-district reimbursement - \$39.375/Cr. Hr.

1.5:1 FUNDING

Out-district 57.5% of 124 = 71.3 71.3 @ 42 Hrs. @ 85.375 = \$225,664.00

In-district 42.5% of 124 = 52.7 52.7 @ 42 Hrs. @ 39.375 = \$87,152.00

Total 255,664.00 + 87, 152.00 = \$342,815.00

2:1 FUNDING (Additional) 138 @ 42 Hrs. @ 13.125 = \$76,073.00

Total State Reimbursement \$\frac{418,888.00}{}

As you can see from the above, while the 2:1 ratio for differential funding as found in the bill, will not offset all the inequity in the state's share of reimbursement, it will alleviate much of it. In a recent conversation with Mr. Perent Verl Defer from Dale Dennis's office at the Kansas State Department of Education, he estimated that the fiscal impact of this bill, insofar as State reimbursement is concerned, would be to lessen the state support of these programs by approximately \$20,000. This compares very closely to our above estimate of \$24,000 shortfall.

In closing, I want to emphasize that, while we in Dodge City are totally convinced that this is the way for our two institutions to proceed, no one should view this legislation as threatening. We are not advocating that such mergers be mandatory, we are merely asking that you provide the mechanism to make it possible to provide the highest quality of post secondary vocational education possible for our constituents.

Dodge City Community College Dodge City Unified School District No. 443

Joint Statement on Post High School Vocational and Adult Education Programs

The Board of Directors of Unified School District 443 and the Board of Trustees for Dodge City Community College are committed to quality education in Southwest Kansas. Together, these boards are responsible for pre-school programs, special education programs, K-12 public education, vocational education, adult education, two-year college programs leading to Associate Degrees and coordination of baccalaureate and graduate school programs with Fort Hays State University. These educational programs are important to the quality of life and economic growth in the entire area. Both the Southwest Kansas Area Vocational Technical School and Dodge City Community College are accredited by the Kansas State Department of Education and by the North Central Accrediting Associations. This accreditation reflects the stated commitment to providing quality education to our constituents.

For the past three years, a joint committee of the College and District 443 has studied and evaluated vocational programs to eliminate duplication of adult and post high school vocational programs and to provide advance college placement for high school students. This effort has improved education in Southwest Kansas.

As this committee faced the various issues surrounding articulation of post high school and adult education programs with college programs, concern surfaced regarding governance of these programs which involved two boards and administrative staffs. Based on this concern, the committee has focused its attention on studying ways to place all post high school and adult education programs under one board. In January, 1988, the articulation committee recommended to the respective boards that all post high school vocational programs and adult education programs be transferred to the community college. This recommendation was based on the following factors:

- 1. The major thrust for education in District 443 is focused on pre-school through senior high school education.
- 2. District 443 has a staff educated to meet the unique needs of K-12 students.
- 3. Dodge City Community College has a staff educated to meet the needs of post high school students.
- 4. Placing all post high school programs at the community college will neduce the range of preparation required of 443 staff members.
- 5. Placing all post high school programs at the community college will give students the benefit of a staff trained to meet the unique needs of adults.

Page 2

- 6. Placing all post high school programs at the community college will reduce some space duplication.
- 7. Post high school programs offered on the college campus will have greater appeal to young adults. The AVTS is viewed by many students as an extension of the high school.
- 8. Community college post high school programs will be converted to college credit hours resulting in an improved image for vocational education.
- 9. The merger of postsecondary programs into community college districts was a major recommendation of the State Council for Vocational Education.

It is our belief that combining all post high school programs and moving them to the college will improve the quality of education at all levels by eliminating duplication and competition for post high school programs and students. Such a move will also allow both institutions to narrow their focus and concentrate on the needs of students in the areas where they have the greatest expertise. We further believe that this proposal, when implemented, will improve the image of vocational education in our service area.

Presentation by
Harry L. Falgren, Kansas City
before the
Senate Education Committee
February 18, 1988
SB 577

I am here today to comment on Senate Bill 577 and my concerns about the possibility of allowing school districts and community colleges of participating in the Area Vocational Technical School system in Kansas and not being required to meet the requirements of that system.

In order to be an Area Vocational Technical School, the state Board of Education must approve the plan. Under the bill they only need to be notified.

The whole concept of Area Vocational Technical Schools was developed to enable schools to provide high cost vocational programs to both secondary and post secondary students. That system has worked extremely well in most locations around the State. I don't think we should change that concept.

I have no objection to allowing the community colleges to offer post secondary vocational education. I don't believe that a school district should be forced to operate an AVTS.

I do believe that the current procedures and laws that are in place adequately provide for the funding of post secondary vocational education.

I can envision some possible long range problems if this bill is passed.

TESTIMONTY IN SUPPORT OF

SB 393

February 18, 1988

EDUCATION COMMITTEE

I am David Watkins, City Administrator of Lenexa. Lenexa is one of the fastest growing communities in the Kansas City metropolitan area, attaining a population of over 31,000 at the end of 1987 (local estimate). In addition, Lenexa has experienced tremendous growth in all facets of building construction, having issued permits for over 100 million dollars of construction in both 1986 and 1987

One of the obvious concerns of a growing city is the proper construction of buildings in the community from a public safety standpoint. Lenexa has adopted rigid building codes to adequately safeguard the health, safety, and welfare of our inhabitants as well as minimizing the potential of fire loss in the community.

In recognition of local self-determination in providing rigid code enforcement on all buildings constructed in Lenexa, the City of Lenexa's Governing Body strongly supports the passage of SB 393 which would allow a city to adopt tougher building code standards than the state requires for the construction of public buildings which fall under the jurisdiction of the state building codes, specifically public school buildings.

Lenexa has adopted the 1985 Uniform Building Code and the 1985 NFPA Life Safety code. The State Attorney General ruled in 1986 that a local school building being constructed was not subject to the city's adoption of these codes, but rather to the state's adoption. The passage of the bill would allow the local jurisdiction to apply its own codes as opposed to having the state of Kansas enforce its codes in the city limits of Lenexa. The issue is a basic one: Should a city have the right to apply its own building codes to a public school being constructed within its own city limits according to the same code being applied to every other building being constructed within the city? Is it our contention that it seems only fair to have every building being constructed to be subject to the same code.

The City of Lenexa has solicited the support of the League of Kansas Municipalities (Policy Statement), Kansas State Fire Marshal's Association, Johnson County Fire Chiefs Association, Johnson County Fire Prevention Committee, and the City of Overland Park.

Thank you for your attention.

Fire Marshals



Association of Kansas

February 18, 1988

Mr. Chairman, members of the Senate Education Committee:

My name is Jeff Hudson, I am before you today, as president, representing the Fire Marshals Association of Kansas.

I am very proud to serve this association, whose members include fire chiefs, fire marshals, fire inspectors and others who are genuinely interested in the prevention of fires, and safety of life.

The Fire Marshals Association of Kansas was conceived in the late 1970's by a hand full of Fire Prevention officers and has grown to a current membership of over seventy-five (75) persons representing various counties, cities, towns and municipalities throughout the state of Kansas.

The goals and objectives of the Fire Marshals Association is to increase the knowledge of Fire Prevention officers throughout the state so they, in turn, may increase their performance. Other goals and objectives are to increase the level of safety in all buildings, located in the State of Kansas.

This brings me to the reason I am here today.

Members of the Senate Education Committee, Cont'd. February 18, 1988

The Fire Marshals Association of Kansas would like to express
to you, the Senate Education Committee, our full support of the concept of

Senate Bill No. 393.

The Fire Marshals Association of Kansas feels it is of vital importance that a minimum standard be set for the construction and maintenance of school buildings in our state. We further feel it vitally important that cities or counties wherein these buildings might be built, have the means to apply a more stringent standard or standards as adopted by those cities or counties. We feel this necessary so that school buildings built in these cities or counties may be built and maintained to the same degree of safety as all other buildings in those cities and counties.

On behalf of the Fire Marshals Association, I would like to thank you for this time to address you and express our views on Senate Bill No. 393.

Respectfully,

FIRE MARSHALS ASSOCIATION OF KANSAS

Jeff Hudson, President

Linda Pruitt, Executive P ector Lenexa Chamber of Commerc 11900 W. 87th St. Pkwy., Suite 115 Lenexa, Kansas 66215 (913) 888-1414

TESTIMONY SUPPORTING SENATE BILL 393

I am Linda Pruitt, Executive Director of the Lenexa Chamber of Commerce.

Our Chamber has studied Senate Bill 393 and taken a formal position supporting its passage. We feel it is illogical that there are two sets of building standards in the community: one for privately owned buildings and another for public buildings. It has been our experience in Lenexa that the standards for public buildings are less comprehensive than those to which our builders must adhere. The appearance and reality of this is hypocritical and unfair to our builders and developers. If the public sector is to have the responsibility of enforcing a community's building standards, then its public buildings should set an example to others by likewise complying with these same community standards.

Within the past year our community constructed a desparately needed elementary school that the Chamber and entire community worked hard to bring about. Unfortunately, this school, which is now occupied by 584 of our children, was not constructed to our community's standards. Subsequently, because of our rapid growth of 5 new residents per day, we will be constructing a new elementary school which the voters have approved. We as the business community, and most certainly the parents, sincerely hope that this school will be built using the same standards of construction which are used in all of our privately owned buildings.

We ask your approval of Senate Bill 393.



PUBLISHERS OF KANSAS GOVERNMENT JOURNAL/112 WEST SEVENTH ST., TOPEKA, KANSAS 66603/AREA 913-354-9565

RE: SB 393--Codes Applicable to School Buildings Within Cities

TO: Senate Committee on Education FROM: E.A. Mosher, Executive Director

DATE: February 18, 1988

The League is in support of the concept of SB 393. Our convention-adopted Statement of Municipal Policy provides: "We support legislation to provide for the application and enforcement of ordinances such as building codes, fire codes and subdivision regulations to buildings and improvements proposed to be constructed by governmental entities within cities." The State Legislative Committee of the League has reviewed the provisions of SB 393, and supports the the bill as being consistent with our convention policy objectives.

We do respect the concept of comity in intergovernmental relations. We do not take lightly the idea that the elected governing body of a city should be able to force an elected board of education to take some certain action. On the other hand, it is the city that is primarily held responsible for the public safety of people, including children, who utilize facilities open to the public, including fire prevention and fire protection.

I do not know of any intent to impose extraordinary construction standards, and unnecessary expenses, on local boards of education. However, the existence of double standards at the local level causes some problems. It is difficult to defend construction standards and requirements that are applicable to private buildings but not equally applicable to a public building, including an attendance center.



5401 S. W. 7th Avenue Topeka, Kansas 66606 913-273-3600

TESTIMONY ON S.B. 393

before the
Senate Education Committee

bу

John W. Koepke, Executive Director Kansas Association of School Boards

February 18, 1988

Mr. Chairman and members of the committee, we appreciate the opportunity to testify today on behalf of the 302 members of the Kansas Association of School Boards. The Delegate Assembly of the Kansas Association of School Boards adopted the following resolution at its meeting held December 5, 1987:

School Building Construction Codes

KASB believes that school facilities built in Kansas should only have to meet and comply with statewide standards involving construction codes.