

Approved: 3/25/93  
Date

## MINUTES OF THE SENATE COMMITTEE ON EDUCATION

The meeting was called to order by Chairperson Dave Kerr at 1:30 p.m. on March 23, 1993 in Room 123-S of the Capitol.

All members were present.

Committee staff present: Ben Barrett, Legislative Research Department  
Avis Swartzman, Revisor of Statutes  
LaVonne Mumert, Committee Secretary

Conferees appearing before the committee: None

Others attending: See attached list

The Committee was provided with a copy of a letter from Larry Clark, Superintendent of Burlington Unified School District (Attachment 1).

HCR 5019 - Encouraging postsecondary education institutions to implement sexual assault awareness programs

Senator Emert made a motion to amend HCR 5019 by deleting lines 25-27, on page one, and by changing line 28, on page one, to read "Whereas, of all crimes,". Senator Langworthy seconded the motion, and the motion carried.

Senator Langworthy made a motion to further amend HCR 5019 by adding "college and university" before the word "campuses" on line 29, page one. Senator Jones seconded the motion, and the motion carried.

Senator Langworthy made a motion that HCR 5019, as amended, be recommended favorably for adoption. Senator Jones seconded the motion, and the motion carried.

Sub. for H 2011 by Committee on Education--Task force on structure, mission and funding of community colleges and the Kansas postsecondary vocational and technical training system

Senator Langworthy made a motion that Sub. for HB 2011 be amended by returning the bill to its original form as introduced by the Legislative Educational Planning Committee. Senator Oleen seconded the motion. After discussion, the motion failed.

Senator Emert made a motion that Sub. for HB 2011 be amended as follows: by deleting "structure, mission and" on one 8, page one; by deleting "structure, mission and" on line 15, page one; by deleting "structure, mission and" on line 12, page two; and by deleting "structural soundness, appropriateness of mission, and adequate and" on lines 18-19, page two. Senator Frahm seconded the motion, and the motion carried.

Senator Oleen made a motion that Sub. for HB 2011, as amended, be recommended favorably for passage. Senator Frahm seconded the motion, and the motion carried.

SB 75 - Teachers, nonrenewal or termination of contracts, professional improvement policies

There was discussion of a draft amendment to SB 75 (Attachment 2). Chairman Kerr said the possible amendment would narrow the scope of the review of the hearing officer and provide that the court review look beyond the decision of the hearing officer and also consider the facts of the case. Chairman Kerr said that he intends to request an interim study focusing on teacher improvement, in-service training, etc.

Senator Downey made a motion that the Committee recommend SB 75 be referred to interim study. The Chair

## CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON EDUCATION, Room 123-S Statehouse, at 1:30 p.m. on March 23, 1993.

ruled the motion out of order as SB 75 was brought up for Committee discussion only and not action.

The meeting was adjourned at 2:15 p.m. The next meeting of the Committee is scheduled for Thursday, March 25, 1993.

SENATE EDUCATION COMMITTEE

TIME: 1:30 PLACE: 123-S DATE: 3/23/93

GUEST LIST

<u>NAME</u>	<u>ADDRESS</u>	<u>ORGANIZATION</u>
Miep Boyd	Topeka	Protein Soc. Jones
Barbara Cole	Topeka	KNEA
Cindy Kelly	Topeka	KASB
Piña Enriquez	TOPEKA	WASHBURN UNIVERSITY
Vi Newfeldt	Sumner	USD 448
Dorie Swisher	Sumner	USD 448
Ralph Vogel	Sumner	USD 448
Richard Erickson	Sumner	USD 448
Elmer Cochran	Sumner	USD 448
Dave DeBue	Topeka	KCOVE
Kenda Battlett	Leavenworth	CWA of KS
Marek Strachan	Shabeta	
Cindy O'Hell	Independence	Fuhr

MAR 22



# BURLINGTON UNIFIED SCHOOL DISTRICT NO. 244

District Office  
200 SOUTH SIXTH  
BURLINGTON, KANSAS 66839  
316-364-8478

*Copy for Committee  
on Tues.*

March 18, 1993

Senator Dave Kerr  
State Capitol, Room 120-S  
Topeka, KS 66612-1504

Dear Senator Kerr:

I apologize for the delay in responding to your letter dated February 17. I had good intentions in writing up my thoughts on burdensome paperwork, but have not taken the time. I do appreciate your patience and interest in my thoughts. I also want to thank you for putting me on your newsletter mailing list. Your comments have helped to keep me up to date on legislative matters.

There are two reports we send to KSDE annually: Superintendent's Organizational Report (October) and the Annual Statistical Report (August). After reviewing both documents I was surprised to find there are few requests for accreditation materials. Most all of the requests are for statistical data. I don't see the need to annually send information such as: number of attendance centers, number of hours school was in session, calendar dates, special education coop status since these things don't change much from year to year. I don't like requests for salary, transportation, enrollments and personnel but I do understand the need to gather the information. I am a Dale Dennis supporter. I realize Dale uses this information often, so I am willing to smile and send it in. I don't know what information the KSDE Commissioner had in mind to delete when we were told QPA reporting would not increase paperwork. I do know that with QPA our district is completing and sending more information requests to Topeka.

Dave, thanks for your attention and concern. If I do find something more specific, I will let you know.

Sincerely,

Larry Clark

LC:nb

*Sen. Education  
Attachment 1*

Section 1. K.S.A. 72-5442 is hereby amended as follows:

(a) The hearing officer may:

~~(a)~~(1) Administer oaths:

~~(b)~~(2) issue subpoenas for the attendance and testimony of witnesses and the production of books, papers and documents relating to any matter under investigation;

~~(c)~~(3) authorize depositions to be taken;

~~(d)~~(4) receive evidence and limit lines of questioning and testimony which are repetitive, cumulative or irrelevant;

~~(e)~~(5) call and examine witnesses and introduce into the record documentary and other evidence;

~~(f)~~(6) regulate the course of the hearing and dispose of procedural requests, motions and similar matters; and

~~(g)~~(7) take any other action necessary to make the hearing accord with administrative due process.

(b) Based on the evidence presented at the hearing, the hearing officer shall determine if there is good cause for the nonrenewal or termination of the teacher. The hearing officer

shall not substitute his or her judgment for that of the board, but shall determine if the board acted in good faith in setting its standards for teacher conduct or performance, and presented sufficient evidence to show that the teacher failed to meet those standards. In cases involving reduction in force, the hearing officer shall determine if the board acted in good faith in deciding to reduce force and in determining which teacher(s) to nonrenew.

(c) Hearings under this section shall not be bound by rules of evidence whether statutory, common law or adopted by the rules of court, except that, the burden of proof shall initially rest upon the board in all instances other than when the allegation is that the teacher's contract has been terminated or nonrenewed by reason of the teacher having exercised a constitutional right. All relevant evidence shall be admissible, except that the hearing officer, in the hearing officer's discretion, may exclude any evidence if the hearing officer believes that

the probative value of such evidence is substantially outweighed by the fact that its admission will necessitate undue consumption of time.

Section 2. K.S.A. 72-5443 is hereby amended as follows: (a)

Unless otherwise agreed to by both the board and the teacher, the hearing officer shall render a written opinion not later than 30 days after the close of the hearing, setting forth the hearing officer's findings of fact and determination of the issues. The decision of the hearing officer shall be submitted to the teacher and to the board.

(b) The decision of the hearing officer shall be final, subject to appeal to the district court by either party ~~as provided in K.S.A. 60-2101, and amendments thereto.~~ as provided in this section.

(c) The board or the teacher may obtain a review of the decision of the hearing officer in the district court, in the judicial district where the principal offices of the board are located, by filing in such court a petition praying that the decision of the hearing officer be modified or set aside. Such petition shall be filed within 30 days after the date of the



hearing officer's decision and thereupon the party filing the petition shall file the record in the proceeding with the court.

The court shall hear the appeal by trial de novo, without a jury, and the court may, in its discretion, permit either party to submit additional evidence on any issue. After the hearing, the court may affirm, set aside, or modify, in whole or in part, the decision of the hearing officer, or the court may remand the proceedings to the hearing officer for further disposition in accordance with the order of the court.

The jurisdiction of the district court shall be exclusive and its final order or decree shall be subject to review in the same manner as other appeals from the district court in civil cases.