

MINUTES OF THE SENATE EDUCATION COMMITTEE

The meeting was called to order by Chairman Jean Schodorf at 1:30 p.m. on February 22, 2011, in Room 152-S of the Capitol.

All members were present.

Committee staff present:

Sharon Wenger, Kansas Legislative Research Department  
Laura Younker, Kansas Legislative Research Department  
Jason Long, Office of the Revisor of Statutes  
Eunice Peters, Office of the Revisor of Statutes  
Dale Dennis, Deputy Commissioner, Kansas Department of Education  
Dorothy Gerhardt, Committee Assistant

Others attending:

See attached list.

**SB 51 - School districts; requiring only parental consent to dispense over-the-counter medication to students**

Jason Long, Office of the Revisor of Statutes, provided a brief review of **SB 51** which relates to the dispensing of over-the-counter medication. The bill would authorize a school district to adopt policies for dispensing of medication to students. It would allow the dispensing of over-the-counter medication in the recommended dosage provided the school has obtained written consent from the parent or legal guardian. He stated there was a testimony from the Board of Nursing that dispensing may not be the appropriate terminology, that "administration" or "administering" may be a more appropriate term to use.

A balloon amendment (Attachment 1) was offered by Senator Abrams. This balloon requires a school district adopt a policy regarding the distribution of over-the-counter medications and review such policy once every three years. Discussion followed regarding language in the amendment.

Senator Vratil made a motion to table **SB 51**, motion seconded by Senator Teichman. Motion failed on a vote of 5 yes votes, 6 no votes.

It was moved by Senator Hensley, seconded by Senator Schmidt that the committee recommend **SB 51** favorable for passage. After a brief discussion, the motion was withdrawn by Senator Hensley.

Additional discussion followed regarding the intent of the legislation as well as the balloon offered. It was moved by Senator Vratil, seconded by Senator Teichman, that the Chair be instructed to have **SB 51** Blessed. Motion carried on a voice vote.

**SB 19 - School districts; finance; KPERS weighting**

Senator Vratil made a motion to amend **SB 19** by making it effective only upon the appropriation of sufficient monies to equalize the LOB at 81.2%, or 100% of the law. Motion seconded by Senator Owens. Motion carried.

Senator Vratil made a motion to amend **SB 19** to add in the KPERS calculation, seconded by Senator Owens. Motion carried.

Senator King made a motion to amend **SB 19** to base the LOB off the actual BSAPP plus KPERS. Motion seconded by Senator Wagle. Motion failed on a voice vote.

Senator Vratil made a motion that the committee recommend **SB 19**, as amended, favorable for passage, seconded by Senator Owens. Motion failed on a voice vote.

**SB 57 - School districts; amendments to base state aid per pupil for local option budget purposes**

Senator Vratil next requested a discussion of **SB 57** which would remove the sunset date of June 30, 2012,

## CONTINUATION SHEET

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and in addition, would allow a school district to calculate its LOB based on a BSAPP of \$4,492 instead of \$4,433.

Senator Vratil made a motion to amend **SB 57** by raising the BSAPP to \$4,492 and removing the sunset. Motion seconded by Senator Teichman. Motion failed on a voice vote.

Senator Teichman made a motion to amend **SB 57** to remove the sunset and leave the BSAPP at \$4,433. Motion seconded by Senator Vratil. Motion failed.

The next meeting is scheduled for March 2, 2011.

The meeting was adjourned at 2:30 p.m.

## SENATE EDUCATION COMMITTEE GUEST LIST

DATE: February 22, 2011

[illegible]

SENATE BILL No. 51

By Senator Faust-Goudeau

1-25

Balloon Amendment

Prepared by: Jason B. Long

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Senate Education  
2-22-11  
Attachment 1

1 AN ACT concerning school districts; relating to the dispensing of  
2 medication.

3  
4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. (a) Any policy adopted by a school district regarding  
6 the dispensing of medication to students enrolled in such school district  
7 shall comply with the provisions of this section. Such policy shall  
8 provide that a student may be given over-the-counter medication in the  
9 recommended dosage provided that the school has obtained written  
10 consent from the parent or legal guardian of the student authorizing the  
11 dispensing of such medication to the student.

12 (b) Nothing in this section shall be construed to require a health care  
13 provider's written authorization prior to dispensing over-the-counter  
14 medication in accordance with subsection (a).

15 (c) Nothing in this section shall be construed to require a school  
16 nurse or other school employee to dispense over-the-counter medication  
17 other than as recommended on the label of the package containing such  
18 over-the-counter medication, or to dispense any prescription medication  
19 without first obtaining written authorization from a health care provider.

20 (d) The board of education of any school district that has adopted a  
21 policy subject to the provisions of this section, may adopt any additional  
22 policies pursuant to subsection (e) of K.S.A. 72-8205, and amendments  
23 thereto, which the board deems necessary to implement the requirements  
24 of this section.

25 (e) As used in this section:

26 (1) "Health care provider" means:

27 (A) A physician licensed to practice medicine and surgery;

28 (B) an advanced registered nurse practitioner issued a certificate of  
29 qualification pursuant to K.S.A. 65-1131, and amendments thereto, who  
30 has authority to prescribe drugs as provided by K.S.A. 65-1130, and  
31 amendments thereto;

32 (C) a physician assistant licensed pursuant to the physician assistant  
33 licensure act who has authority to prescribe drugs pursuant to a written  
34 protocol with a responsible physician under K.S.A. 65-28a08, and  
35 amendments thereto; or

All school districts shall adopt a policy regarding the distribution of over-the-counter medications to students enrolled in such school district.

or prohibit requiring

(e) Any policy adopted pursuant to this section shall be reviewed by the board of education of such school district at least once every three years. Upon completing its review, the board of education shall amend the policy, if necessary, and either adopt such policy, as amended or without amendment, or rescind such policy.

(f)

1 (D) a dentist licensed to practice dentistry.

2 (2) "Over-the-counter medication" means any drug available for  
3 purchase without a prescription.

4 (3) "School" means any public or accredited nonpublic school.

5 Sec. 2. This act shall take effect and be in force from and after its  
6 publication in the statute book.

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