

Approved: 2-21-2000
Date

MINUTES OF THE SENATE EDUCATION COMMITTEE.

The meeting was called to order by Chairperson Senator Barbara Lawrence at 9:00 a.m. on February 14, 2000 in Room 123-S of the Capitol.

All members were present except: Senators Bleeker and Downey - Excused

Committee staff present: Avis Swatzman, Revisor of Statutes
Ben Barrett, Legislative Research Department
Jackie Breymeyer, Committee Secretary

Conferees appearing before the committee: Patricia E. Baker, Deputy Executive Director/ General Counsel, Kansas Association of School Boards

Others attending: See Attached List

The Chairperson called the meeting to order and stated the committee would continue the hearing on:
SB 432 - school districts; employment of personnel

The Chairperson stated no final action would be taken since Senator Vratil had some changes to make to the bill.

Patricia E. Baker, KASB, appeared to give testimony in support of the bill. (Attachment 1) She stated the bill would be a piece of the process to ensure school safety. The association had an amendment that she presented that would assist school districts in those situations where a hiring decision must be made prior to the receipt of the report called for in the law. She referred to the balloon, line 14, where the word, "may" would replace "shall" and after the period on line 37 insert, "If an applicant has been employed prior to the district receiving a report substantiating that the employee has been convicted as specified in this section, the employee may be terminated without further proceedings and without reference to any other laws or contractual arrangements."

Ms. Baker stated that the proposed amendments by the Kansas Bureau of Investigation give her some concern.

One of the committee questioned changing the word "shall" to "may". It is his understanding that the FBI will not do the background check unless required.

Discussion centered on jobs associated with schools; asking people to pay \$40 for a background check who have lived in the community many years.

The question was asked regarding how the bill came about and why it was needed. The response was that with the job market being full, it is hard to fill jobs. People are literally walking in off the streets and applying for jobs. The school district has no idea what the backgrounds of these people are.

The comment was made that there should be concern about things other than convictions. Diversion agreements oftentimes show leniency where the party has been guilty.

A further response was that the bill is seen as a piece whereby schools are helped in providing a safe environment for children; it is not a cure all for every problem.

Ms. Baker was asked if due process entered into the balloon amendment. She drew attention to 72-1397 in the bill and what it entailed, but stated she did not know whether a person would still be entitled to a due process meeting; that was why the additional language in the balloon was added.

The Vice Chairperson asked for clarification of the "may" or "shall" issue. The Chairperson stated that she would call the KBI and get that answer clarified.

CONTINUATION SHEET

MINUTES OF THE SENATE EDUCATION COMMITTEE, Room 123-S Statehouse, at 9:00 a.m. on February 14, 2000.

The Chairperson stated that the bill would be taken up again later in the week and turned the committee's attention to: **SB 381 - professional service scholarships** and called for discussion. Testimony on the bill was held last week, but there had not been time for discussion.

The Chairperson read the Minority Fellowship language submitted by the Board of Regents to the committee. The Board requested the language be inserted into the bill.

Senator Oleen moved to amend **SB 381** with the language submitted by the Board of Regents. Vice Chairperson Langworthy gave a second to the motion. The motion carried.

It was added that the Board of Regents has the ability to receive private dollars; it will work for this program as well.

Senator Oleen moved to recommend **SB 381** favorably for passage as amended. Vice Chairperson Langworthy gave a second to the motion.

In discussion it was questioned why the buyout was being cheapened.

One of the committee replied when working with various concerned persons and the Board of Regents, there was the feeling that the alignment was punitive in nature and there should be fluctuation with the demand. That is the piece that ties to the interest rate, making it so that it would still be heftier than getting a guaranteed student loan.

It was commented that Kansas had a great deal of difficulty keeping doctors in the areas of the state they were supposed to go to until the stipend was raised. It also made it punitive to buy out. It was at that point that things changed as very few bought out. This questions the wisdom of making it easier to buy out. If what is wanted is more people taking advantage of the program and then not doing what the program was designed to address, then that is what the provision will do. What is needed is a stiff penalty to keep people from using the program and then not fulfilling it.

Continuing with his comments, the committee member stated the reason doctors were being used as an example is because there has been a longer history with that program. There had been a period when there were many buy outs, but now there are not many buy outs. The thing that changed this was raising the stipend and made it very punitive for persons to buy out.

The response to that was that discretion is being given to the Regents and to the advisory board. If there was a problem, it could be revisited. If that is of great concern to the committee the motion could be amended. Through study and the work done in good faith the last couple of years, this particular disincentive tied to the federal rate was reasonable.

A discussion centered around interest rates on commercial and guaranteed student loans. The language on page 5 of the bill prompted the remark that the student was probably getting a very good rate when compared with commercial.

The comment was made that this summer the committee did accept the recommendations on the rate that is in the bill. If the committee wants to look at a higher rate, that is something to consider.

Senator Emert made a substitute motion to restore the previous language contained in the bill. Senator Kerr gave a second to the motion.

Discussion found the committee undecided on whether to have uniformity of rates for all the different scholarships, as some did not have the same rates. It was decided that there was not enough information to take final action on the bill, although the consensus was that all the programs are designed for getting people into underserved areas, with the exception of ROTC. Staff was asked to obtain information.

The Chairperson stated the bill will be taken up again later in the week and adjourned the meeting.

