

MINUTES OF THE HOUSE EDUCATION COMMITTEE

The meeting was called to order by Chairman Kathe Decker at 9:00 A.M. on March 11, 2005 in Room 313-S of the Capitol.

All members were present.

Committee staff present:

Kathie Sparks, Kansas Legislative Research
Theresa Kiernan, Office of the Revisor of Statutes
Art Griggs, Office of the Revisor of Statutes
Dana Wurdeman, Committee Secretary

SB 48 - concerning schools and school districts; relating to contracts.

Supplemental Note - SB 48 would place in statute the policy of the State of Kansas that a school board's actions relating to a contract are the sole responsibility of the district. Contracts entered into by any representative of the school board, officer, or employee would carry the same provision. Finally, the bill would prohibit the use of language in the contracts that would indemnify or hold harmless other parties against damages, injury, or death resulting from the action of any party to a contract other than the school board or district. All contracts of a school board or district inconsistent with this bill would be void and unenforceable.

A motion was made by Rep. Horst and seconded by Rep. Storm to move SB 48 out of Committee.

Representative Horst made a motion that would extend the same authority to our community colleges and technical schools. The motion was seconded by Representative Craft. (Attachment 1). The motion passed on a voice vote.

Chairman Decker explained that this amendment would be a parallel provision at their statute areas.

The motion to move SB 48 out of Committee passed on a voice vote.

SB 49 - concerning schools and school district; relating to contracts.

Supplemental Note - SB 49 would create a new provision in state law with regard to contracts entered into by any unified school district in Kansas. The provision would state that it is the policy of the State of Kansas that all contracts entered into by a local school board will be governed by and interpreted in accordance with the laws of the Sate of Kansas. Contracts entered into by any officers or employees acting on behalf of the school board would carry the same provision. The local board, or any officer or employee acting on the board's behalf, would have no power to enter into a contract which provides that the contract must be governed by or interpreted in accordance with laws of any other state. Contracts not consistent with the provisions of this bill would be void and unenforceable.

Representative Horst moved that SB 49 be amended into SB 48. The motion was seconded by Representative Storm and passed on a voice vote.

Representative DeCastro made a motion to amend the provisions of what is currently SB 49 to also extend that policy to include technical schools and community colleges. The motion was seconded by Representative Storm and passed on a voice vote.

A proposed amendment by Representative Loyd for a parallel provision for community colleges and technical colleges was explained . (Attachment 2).

Motion was made by Representative Horst to make this an amendment. The motion was seconded by Representative Storm and passed on a voice vote.

CONTINUATION SHEET

MINUTES OF THE House Education Committee at 9:00 A.M. on March 11, 2005 in Room 313-S of the Capitol.

Representative Miller moved that **SB 48** be passed favorably as amended. It was seconded by Representative Horst and passed on a voice vote.

SB 154 - an act relating to food and beverages available to students in Kansas school districts.

A motion was made by Representative Horst and seconded by Representative Crow to work **SB 154**.

Representative Crow explained her amendment to **SB 154**. (Attachment 3).

Representative Crow moved to make this amendment to **SB 154**. The motion was seconded by Representative Colloton and passed on a voice vote.

A motion was made by Representative Horst to move **SB 154** favorably amended. Representative Colloton seconded the motion which carried on a voice vote.

Representative Phelps voiced opposition to passage of **SB 154**.

HB 2331 - concerning school districts; relating to the provision of special education and related services.

Kathie Sparks offered explanation to the Committee on how **HB 2331** would amend state law. (Attachment 4).

A motion to work **HB 2331** was made by Representative Decker and seconded by Representative Horst.

Representative Horst offered technical corrections she wished made to **HB 2331**. (Attachment 5).

Representative Mah requested an amendment be made to **HB 2331** by deleting the word “to” on page 11, line 28.

A motion was made by Representative Mah and seconded by Representative Huebert that this amendment be included in Representative Horst’s technical corrections to **HB 2331** and passed. The motion to amend passed by a voice vote.

HB 2247 - concerning school records of certain pupils; relating to the transfer thereof; imposing duties upon the Secretary of the Department of Social and Rehabilitation Services.

Representative Horst asked that a conceptual amendment be considered regarding lines 27 and 28 of **HB 2247**, a bill that is now in the Senate. Her request was in regard to, “Such school records shall be transferred at the same time that those pupils, who are in the custody of the Juvenile Justice Authority or the Department of Corrections, are transferred or as soon as possible thereafter.” She asked that this be copied from **HB 2247** and inserted into **HB 2331** on page 24, line 3 (g) (1).

A motion was made by Representative Horst and seconded by Representative Decker that these amendments be made to **HB 2331**, The motion carried on a voice vote.

Representative Storm moved that an amendment be made on page 22 of **HB 2331** by reinstating lines 12 through 19 and deleting lines 20 through 26. The motion was seconded by Representative Crow and passed on a voice vote.

CONTINUATION SHEET

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A motion was made by Representative Storm and seconded by Representative Miller that **HB 2331** be passed favorably as amended..

Representative Otto made the motion that the words “gifted children” be deleted from **HB 2331** on page 1, like 28, section (g). The motion was seconded by Representative Powers and failed on a voice vote.

It was moved by Representative DeCastro and seconded by Representative Colloton that an amendment be made on page 2, line 10 to **HB 2331** that would add a period following the word “parent” and on lines 10 and 11 on the same page, to delete the words “if the foster parent has been appointed the education advocate of an exceptional child.”. Representative DeCastro then withdrew her amendment.

A question was called to pass **HB 2331**. The motion to pass the bill favorably as amended passed on a voice vote.

The meeting was adjourned at 10:30 a.m. The next meeting of the full committee is scheduled for Monday, March 14, 2005.