

MINUTES OF THE HOUSE EDUCATION COMMITTEE

The meeting was called to order by Chairman Clay Aurand at 9:05 A.M. on March 13, 2008 in Room 313-S of the Capitol.

All members were present.

Committee staff present:

Theresa Kiernan, Office of Revisor of Statutes  
Dianne Rosell, Office of Revisor of Statutes  
Dale Dennis, Kansas State Department of Education  
Martha Dorsey, Kansas Legislative Research Department  
Sharon Wenger, Kansas Legislative Research Department  
Janet Henning, Committee Assistant

Conferees appearing before the committee:

Senator John Vratil  
Senator Karin Brownlee  
Phillip Cosby, National Coalition for the Protection of Children & Families  
Kim Borchers, parent  
Kathy Cook, Kansas Families for Education  
Mark Tallman, Kansas Association of School Boards  
Mark Desetti, Kansas National Education Association  
Connie Owen, parent, Overland Park/Olathe  
Written testimony - Tim and Janet Harmon  
Written testimony - Jim Adler  
Written testimony - Kevin Gilmore  
Written testimony - Josh Anderson, 2007 Kansas Teacher of the Year  
Written testimony - Katie Montgomery & teachers from Piper Teacher Association

**SB 492: Teachers; licensure; disqualification for issuance or nonrenewal DUI offenses; conspiracy; out of state and federal offenses.**

Theresa Kiernan, Senior Assistant Revisor, Office of the Revisor of Statutes, gave an overview and explanation of **SB 492** to Committee members.

Senator John Vratil spoke to Committee members in support of the original portion of **SB 492**. Senator Vratil explained to Committee members of legislature (**SB 35**) which was passed during the 2007 legislative session and which was intended to add strength to penalties for persons convicted of “driving under the influence”. As a result of **SB 35**, an individual who receives one DUI at some point in their life cannot obtain a license to teach. **SB 492** would remove this restriction.

Committee members were advised by Senator Vratil that he opposed the amendment attached to **SB 492** and to carefully look at the consequences of the attachment. (Attachment #1)

Senator Karin Brownlee spoke to Committee members in support of the amendment attached to **SB 492**. Senator Brownlee advised the amendment relates to obscene material which could be used in K-12 classrooms. The intent of the amendment is to have a review of the material by a body which would set the community standard for obscenity in that locale. (Attachment #2)

Written testimony from Tim and Janet Harmon was also presented to the Committee by Senator Brownlee. (Attachment #3)

Phillip Cosby, Executive Director, National Coalition for the Protection of Children and Families, spoke to Committee members in support of the amendment attached to **SB 492**. Mr. Cosby stated the bill does not seek to amend the promotion of obscenity to a minor statute. It provides for a review of potentially obscene materials at the local school board level and allows a measure of decency or “community standard” as allowed by the US Supreme Court 1973 “miller” decision which is echoed in the Kansas obscenity statute. (Attachment #4)

Kim Borchers, parent and former corporate business woman, appeared before Committee members in support of **SB 492** as amended. (Attachment #5)

Written testimony was received from James “Jim” Adler in support of **SB 492** as amended. (Attachment #6)

Written testimony was received from Kevin Gilmore in support of **SB 492** as amended. (Attachment #7)

Connie Owen, a parent, appeared before Committee members in opposition to **SB 492** as amended. Ms. Owen told Committee members this bill would cause a serious chilling effect in our schools, restricting the depth and

CONTINUATION SHEET

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breadth of educational opportunities. (Attachment #8)

Kathy Cook, Executive Director, Kansas Families for Education, spoke to Committee members in opposition of **SB 492** as amended. Ms. Cook advised this legislation, as amended, would restrict the ability of educators using their professional judgment in selecting classroom materials. (Attachment #9)

Mark Tallman, Kansas Association of School Boards, spoke to Committee members in opposition of **SB 492** as amended. (Attachment #10)

Mark Desetti, Kansas National Education Association, spoke to Committee members in opposition of **SB 492** as amended. (Attachment #11)

Written testimony was received from John Anderson, 2007 Kansas Teacher of the Year, in opposition of **SB 492** as amended. (Attachment #12)

Written testimony was received from Katie Montgomery and teachers of Piper, USD #203, in opposition of **SB 492** as amended. (Attachment #13)

A question and answer session followed the presentations.

Chairman Aurand closed the hearing on **SB 492**.

**SB 507: METS education innovation council; members; duties.**

Chairman Aurand reminded the Committee of the motion made by Representative Horst on March 11, 2008 to pass out **SB 507**, favorably, with technical amendments, for passage. The motion was seconded by Representative Spalding. After a brief discussion by Committee members, Representative Mah moved to make a substitute motion to table SB 507. The motion was seconded by Representative Crow. The motion to table carried.

**SB 404: Kansas academy of mathematics and science; admission of nonresidents; fees and tuition; attendance and qualified admissions, exceptions.**

Written material entitled "Getting to College Early" was distributed to Committee members by Representative Spalding. (Attachment #14)

Chairman Aurand moved for an amendment to SB 404 which would be for the student who attends KAMS, the student's residential district should send not only the Base State Aid per Pupil attributable to that student to KAMS but all the weightings attributable to that student should go from the school district to KAMS as well. The motion was seconded by Representative Colloton. The motion passed with a show of hands: 9 - yes and 8 - no.

Representative Storm made a motion to clarify that the enrollment and at-risk weightings attributable to the student going to KAMS would be sent to KAMS along with the Base State Aid Per Pupil. The motion was seconded by Representative Colloton. The motion carried.

Because of time, the Chairman suspended the Committee's action on **SB 404** and stated this would be resumed at a later date.

The meeting was adjourned at 11:00 A.M. The next meeting is scheduled for March 18, 2008.