

Approved: BL 3/18/99  
Date

MINUTES OF THE SENATE EDUCATION COMMITTEE.

The meeting was called to order by Chairperson Senator Barbara Lawrence at 9:00 a.m. on March 4, 1999 in Room 123-S of the Capitol.

All members were present except: Senator Hensley  
Senator Lee

Committee staff present: Avis Swartzman - Revisor  
Ben Barrett - Legislative Research  
Jackie Breymeyer - Committee Secretary

Conferees appearing before the committee: Representative Aurand

Others attending: See Attached List

Chairperson Lawrence called the meeting to order and called for action on the minutes of February 9, 16, 17, 18, 22, and 23. **Senator Umbarger moved the approval of the minutes. Senator Downey gave a second to the motion. The motion carried.**

A memo from Dale Dennis, Deputy Commissioner of Education, (Attachment 1) was distributed which showed what would happen if the catastrophic threshold was lowered. This was information that had been requested by the committee.

One of the committee suggested that staff be asked to prepare a chart showing the fiscal changes that would result if the state picked up more of the match.

**HB 2046 - school districts; transportation of non-resident students**

Chairperson Lawrence called on the bill sponsor, Representative Aurand, to speak to the bill. (Attachment 2) He stated that through the years, with unification, consolidation and school closings, situations have arisen where children live in districts where the schools are farther away than a neighboring district's school. Families in this situation have always been able to attend a school outside their district with approval of that school, but unless the home school district allowed it, the receiving school could not send buses to the students' homes to pick them up.

Representative Aurand continued by saying in 1997 the Legislature enacted the current law that allows for students meeting certain criteria to be allowed to be picked up by the bus from the neighboring district. The 1997 legislature placed a two-year sunset on the bill which Representative Aurand says he doesn't particularly like, but will accept if that is what it will take to pass the bill.

Questions were asked of Representative Aurand about the number of students who are receiving these services. He stated that in speaking with Dale Dennis, KSDE and Mark Tallman, KASB, he would estimate that 80 to 85% of the students were attending these schools before the law change. He also stated that the provisions do not apply to pupils in Johnson, Sedgwick, Shawnee or Wyandotte Counties.

During discussion, comments were made about the sunset provision. It was the consensus of the committee that a sunset would make for a good information gathering to watch the numbers to see if any significant change was taking place. It would be a way of ensuring that it was not being abused in the area of aggressive recruitment for dollars from the receiving districts.

**Senator Emert moved to amend HB 2046 with a three-year sunset. Senator Kerr gave as second to the motion. The motion carried.**

Representative Sherry Weber arrived at the committee and asked permission to present testimony from the Mike Boeh family, who would like to see legislation passed that would address their unique family transportation situation. (Attachment 3)

CONTINUATION SHEET

MINUTES OF THE SENATE EDUCATION COMMITTEE, Room 123-S Statehouse, at 9:00 a.m. on March 4, 1999.

Discussion was held on the information provided by Representative Weber. It was commented that many times legislation will be hurt by trying to cover every unique situation that arises.

The Chairperson called for further discussion. As there were no further comments, she called for action on the bill.

**Senator Emert moved to pass HB 2046 favorably as amended. Senator Umbarger gave a second to the motion. The motion carried.**

The Chairperson invited Linda Holloway, Kansas State Department of Education to appear and speak about a press release involving Kansas fourth and fifth grade students. (Attachment 4) On the National Assessment of Educational Progress (NAEP) test, Kansas was one of only eight states which ranked significantly above the national average on both the fourth and eighth grade reading assessments. Thirty-nine states participated in the national test, which has been given for almost thirty years. This was the first time Kansas has participated in the test. About 1500 students per grade level were tested in February of this year and approximately 160 Kansas schools participated in the assessment.

Ms. Holloway was asked if the selection of the students to participate was done in accordance national sampling technique.

She responded that it was done using specific guidelines.

It was commented that the results came towards the end of that period where Kansas education was being guided somewhat by the state assessments in place at that time. The results are good; is there concern that there is a movement away from the assessments in place when these results were achieved to something some observers might see as less rigorous or demanding.

Ms. Holloway responded that the essay and performance portions are optional this year, but when the new assessments are in place, they will not be optional. One thing that she did find out was that the students were exposed to technical writing which they have not been exposed to before, but will be in the new assessments. The essay portions of the test were also much longer than what the students are used to. There are objective portions and essay portions; it is a very structured test.

Ms. Holloway was asked how the 1500 students were selected. She responded that she did not know; some of it is based on size of school and included some disabled students. As to the test cost, it did not cost the state anything per se, but the local districts had to bear the cost of the administration.

The question was asked what would be done with the test results. Ms. Holloway stated that as a further look is taken at the test results, there will be some things that will either confirm what is already seen or possibly a flag somewhere to take note of. One thing that did show up was that the girls outscored the boys fairly significantly. This is something to take a look at and possibly affect in some way.

Ms. Holloway was asked if the NAEP system allow any kind of international comparison. She replied that she has never seen it compared in that way. In response to another question, Ms. Holloway stated that they had asked for writing, but did not get enough participation to do it. There will be more information coming at the Board meeting. If the committee would like to have a copy of what the Board gets, she would be happy to furnish it to the committee.

The funding aspect of the test was discussed. Ms. Holloway said she does not know who paid for the scoring of the test. The comment was made that the \$600,000 figure was talked of in Ways and Means and the Education subcommittee. That figure with 1500 student participation seemed excessive. Another comment was made that if this is the cost, something should be done besides putting out a press release. There should be some follow up on the results. A final comment was made that we all know where the United States tends to rank internationally on many tests that we do not participate in. It casts a shadow over anything that is just a national comparison. We should look for ways to benchmark against the best.

The Chairperson, after giving the agenda for next week, adjourned the meeting.

# SENATE EDUCATION COMMITTEE GUEST LIST

DATE: March 4, 1999

NAME	REPRESENTING
Jacque Oakes	SQE
Wt. Wainman	Blue Valley USD 229
Linda Holloway	KSBE
Cora Finner	Intern for Rep. Clay Award
Roger Toelkes	Senator Huskey Office



**Kansas State Department of Education**

120 S.E. 10th Avenue  
Topeka, Kansas 66612-1182

February 23, 1999

To: Senate Education Committee  
  
From: Dale M. Dennis, Deputy  
Commissioner of Education  
  
Subject: Catastrophic Special Education State Aid

Listed below is a table which provides the estimated cost under current law compared to the estimated cost of students affected by decreasing the threshold to \$22,500 and \$20,000 for students eligible for catastrophic special education state aid.

	<u>Catastrophic State Aid Threshold Expenditure Per Student</u>	<u>Number of Students Above Threshold Amount</u>	<u>Estimated State Aid (@ 75% of Costs) Above Threshold Amount</u>
Current Law	\$ 25,000	45	\$ 1,200,000
Proposal No. 1	\$ 22,500	170	1,550,000
Proposal No. 2	20,000	300	1,900,000

These numbers are strictly an estimate only based upon selected telephone calls with some of the larger school districts.

We hope this information will be of assistance to you.

dd:sr:cat aid

*Senate Education  
Attachment 1  
3-4-99*

CLAY AURAND  
 REPRESENTATIVE, 109TH DISTRICT  
 SMITH, JEWELL AND PARTS OF  
 PHILLIPS, REPUBLIC, AND  
 OSBORNE COUNTIES



TOPEKA  
 HOUSE OF  
 REPRESENTATIVES

COMMITTEE ASSIGNMENTS  
 VICE CHAIR: TAXATION  
 AGRICULTURE  
 ENVIRONMENT  
 KANSAS 2000

## TESTIMONY ON HB2046

Chairman Lawrence and Members of the Education Committee:

I appreciate the opportunity to testify this morning on HB 2046.

Through the years unification, consolidation and the closing of attendance centers had led to the formation of districts that are large and often of bizarre shape and which do not take into account proximity of the school to the child's residence. This had led to many situations around the state where children are living in districts whose schools are substantially farther away than a neighboring district's school. Families who find themselves in this situation have always been able to go to the school outside their district with approval of that school, however, unless the students' home school district allowed it, the receiving school could not send buses to the students' homes to pick them up.

To remedy this situation the '97 Legislature enacted the current law that allows for students, meeting certain criteria, to be picked up by a bus from a neighboring district. This had led to many students for the first time in their lives to board a bus at their house and ride to their hometown to school. What a radical concept.

Kansas State Department of Education numbers show 698 students who are enrolled, attending, and receiving transportation services in accordance with the '97 law. In talking to Dale Dennis and Mark Tallman of KASB, and my own conversations with superintendents, I would estimate that at least 80 to 85% of these students were attending these schools before the law change. This law has been of great convenience for these families who no longer have to meet the bus twice a day or drop their children off at the district line as many of them previously did.

Removing the sunset that the '97 Legislature placed in the bill will simply allow for the continuation of a common sense law that is of great benefit to many families across the state.

Thank you and I would be happy to stand for questions.

*State Education  
 Attachment 2  
 3-4-99*



State Capital Bldg.  
Rep. Shari Weber  
Room 303 N  
Topeka, Kansas 66612  
Tel. 785) 296-7674

Feb. 19, 1999

In reference to Senate Bill #17 (Ten Mile Bus Law), the Mike Boeh (Bay) family of rural White City will give testimony to a unique loophole that needs to be addressed. Currently as parents of three school-age children, we feel that this bill is important. We can now choose a school closer to our home in these times of constant going.

We live in District #417, better known as Council Grove. It consists of three small rural elementary schools along with a K-8 school in Council Grove. These four schools then feed (bus) into the District high school in Council Grove. Because of USD reorganization, Wilsey elementary lost their 7<sup>th</sup> & 8<sup>th</sup> grades which are bused to Council Grove, 11 miles away. Dwight houses K-4 and the Alta Vista school has grades 5-8. Children are bused to their home attendance centers and then bused to their appropriate school within the district. Dwight is 7 miles from Alta Vista and 18 miles from Council Grove. Alta Vista is 15 miles from Council Grove.

The three schools that our children would have to attend are 5, 12 and 23 miles from our home. There are other families that live as far as 30 miles away from a district center and whose children are attending three different schools within the district. They also would be closer to an out-of-district school. This new transportation law permits families to choose another school district with transportation provided.

This district decision to split grades in different communities has forced us to find a better solution for our children. We wanted our children to be together in one school, instead of the possibility of three different locations, which would make it very difficult to function as a family unit.

This is why and how the Senate Bill #17 has helped our family to stay together in one school. There is a unique loophole, however, that needs to be adjusted to accommodate the family transportation needs. According to this law, not all of our children qualify for out-of-district busing. Our district, by law, has released

*Senate Education  
Attachment 3  
3-4-99*

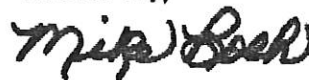
two of our children because White City (out-of-district) was closer than Alta Vista for grades 5-8(in district). But our third child was denied because he is closer to Dwight for grades K-4(in district) than White City (out-of-district).

Therefore, the White City (Dist.#481) bus was able to drive into our yard, to our front step and pick up our two children that qualified by law. The third child, not able to ride the same bus by law, is transported by a parent, following the bus out of our yard, to the nearest pick up point at the district boundary line which is two miles from our home. This is the loophole that is unique.

We feel this bill (Senate Bill #17) is needed by many families who live especially in rural areas, many miles from their district attendance center, but who reside closer to an out-of-district school. Because of our unique situation, we would like to see Senate Bill #17 be reworded to say that if one family member qualifies, then all family members would qualify for out-of-district transportation.

Thank you for allowing our family to express our concerns about the Senate Bill #17. We hope this loophole will be addressed and corrected, so that our needs as well as others, will be met, regardless of our choice of school district.

Sincerely,



The Mike Boeh Family



# Concurrent, Dual Credit Classes Approved Prairie Heights Official For AV/Dwight

Request by Kellie Boeh that her kindergarten child be picked up by the White City bus that will transport her other two children, a matter that was a tabled agenda item from the May school board meeting, was denied.

At the May meeting of the Board, Kellie Boeh was granted permission under the new "Ten Mile Bus Law" for the White City bus to pick up her two children that would otherwise have to attend the Alta Vista Middle School but tabled an additional request that the White City Bus also be permitted to pick up a 5-year-old son, who otherwise would be required to attend the Dwight school, which would be under the 10-mile option, in order to keep the family together.

Mrs Boeh was present Monday night with her kindergarten son and presented to the board members copies of a letter she had received from Board Member Colleen Anderson. Supt. Daryl Johnson objected, said the letter was not considered public information and requested that it be submitted in his office the next day.

Mrs. Boeh countered that she believed "You owe me a bit of time," and Chairman Charlie Aikens ruled in her favor. The six-page letter said, "We have, and will continue to have, bus service available for the families residing within the boundaries of the district. Participation in the use of the service is strongly encouraged.

"If the state had required the OPTION that they are allowing, I would heartily endorse allowing your youngest child to go with the siblings. The decision to request movement to another district is YOUR choice. As a resident of USD 417, you, not the board of education, have chosen to "split the family." If the state had REQUIRED the change, I want you to know that I would do all in my power to make it possible for the family unit to stay together."

Remainder of the letter dealt largely with intended program improvement and the hope that Mrs. Boeh would consider this "educational opportunity" more important to your children's education than the considerations you have mentioned in previous letters to the board."

Mrs. Boeh asked the board not to split her family, particularly when the family lives only one mile from the district border and the White City bus will be in her lane anyway. "I ask that you have a little heart," she said.

The superintendent stated he had conferred with the District's attorney and was advised that granting the request might cause "a can of worms" in the future if other such requests had to be considered. Chairman Aikens advised that the legal ramifications override "our personal feelings."

A 1997 Kansas law permits transportation for out-of-district students who live 10 miles or more from the school which they attend in the district in which they live and who live closer to the out-of-district school they want to go to. Kellie Boeh, resident of the Dwight area, was present to request that White City transportation be allowed to come into USD 417 to pick up two children, Preston and Whitney Boeh, who under the USD reorganization plan would otherwise attend Alta Vista Elementary at a greater distance, and this was approved.

She also asked that White City be allowed to pick up a kindergarten child who would not be automatically eligible under the law because his class would be at Dwight, which would be closer. She asked that this be granted on the basis of compassion for family.

The superintendent advised that this could open "a can of worms" around the borders, and concern was shown by board members what it might mean for attendance at high school, which would be at a greater distance for some than it would be

to White City. The matter was tabled until the next meeting to permit the district's attorney to be consulted.

*Council Grove Republican  
Council Grove, KS.*





**EMBARGOED UNTIL 11 AM CST, MARCH 4, 1999**

**Date:** March 4, 1999  
**Press Release:** State Results for National Assessment of Educational Progress (NAEP)  
**For More Information:** Cherie Mercer (785) 296-3996

**KANSAS RANKS HIGH IN NATIONAL TESTING DEBUT**

Kansas fourth and eighth grade students rank with the best on the National Assessment of Educational Progress (NAEP) results released Thursday by the United States Department of Education. "Kansas was one of only eight states which ranked significantly above the national average on both the fourth and eighth grade reading assessments, and we are very proud of our students and teachers for their efforts on this test," said State Board of Education Chair Linda Holloway on Thursday. Thirty-nine states participated in the national test, which has been given for almost thirty years. This was the first time Kansas participated.

Fourth grade Kansas students tied with two other states for the eighth highest scores. States ranking ahead of Kansas in grade 4 were Connecticut, Montana, New Hampshire, Maine, Massachusetts, Wisconsin, and Iowa. Kansas eighth graders ranked fifth in the nation,

behind only Maine, Connecticut, Montana, and Massachusetts. When statistical significance is considered, only one state, Connecticut, scored better than Kansas fourth graders, and only two states, Connecticut and Maine, scored higher than Kansas eighth graders. Minorities and economically disadvantaged students in Kansas scored significantly higher than their counterparts across the nation.

About 1500 students per grade level were tested in February, 1998. Approximately 160 Kansas schools participated in the assessment. Students with disabilities and with limited English proficiency were included in the random sample. Eleven states -- Alaska, North Dakota, South Dakota, Nebraska, Idaho, Michigan, Illinois, Indiana, Ohio, Pennsylvania, and New Jersey -- did not participate.

# **1998 NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS (NAEP)**

## **States Significantly Above National Average on Both Grade 4 and Grade 8 Reading Test**

Connecticut	Maine	Minnesota	Oklahoma
Kansas	Massachusetts	Montana	Wisconsin

### **Highest Grade 8 Scores**

Maine	273
Connecticut	272
Montana	270
Massachusetts	269
Kansas	268
Average/Nation	261
Range	233-273

### **Highest Grade 4 Scores**

Connecticut	232
Montana	226
New Hampshire	226
Maine	225
Massachusetts	225
Wisconsin	224
Iowa	223
Kansas	222
Colorado	222
Minnesota	222
Average/Nation	215
Range	178-232