

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION K-12.

The meeting was called to order by Chairperson Ralph Tanner at 9:00 a.m. on February 27, 2002 in Room 313-S of the Capitol.

Committee staff present: Ben Barrett, Legislative Research Department  
Carolyn Rampey, Legislative Research Department  
Jill Wolters, Revisor of Statutes  
Ann Deitcher, Committee Secretary

Conferees appearing before the committee:

The Chair reminded the Committee this was the last meeting before "turn-around time" and there were bills to be reported on and marked up.

Ben Barrett gave a summary of the bills that were worked by the Sub-Committee on boundaries. (Attachment 1).

Representative Mason, Chairman of the Sub-Committee, explained that the elements of **HB 2952** were incorporated into **HB 2668**. A balloon amendment was offered. (Attachment 2).

**HB 2951 - Concerning schools; relating to the closing of school buildings; grants to communities.**

It was moved by Representative Mason and seconded by Representative Peterson that **HB 2951** be passed favorably.

Representative Faber offered a substitute motion that was seconded by Representative Horst. (Attachment 3) The motion failed on a voice vote.

A motion was made by Representative Reardon and seconded by Representative Phelps that **HB 2951** be amended by deleting the words "or business" on page 3, lines 26 and 27. The motion passed on a voice vote.

**HB 2951** was favorably passed as amended.

**HB 2953 - Concerning schools; relating to transfer of school district territory.**

It was moved by Representative Mason to pass **HB 2953** favorably. The motion passed by a voice vote.

**HB 2668 - Concerning certain school districts; relating to the computation of state financial aid.**

Jill Wolters explained the proposed amendments to **HB 2668**. (Attachment 2).

It was moved by Representative Mason and seconded by Representative Morrison that **HB 2668** be amended. The motion passed on a voice vote.

Representative Mason made the motion that was seconded by Representative Gordon to pass **HB 2668** as amended. The motion passed on a voice vote.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION K-12 at on February 27, 2002 in Room 313-S of the Capitol.

**HB 2976 - Dissolving existing unified school districts; establishing county school districts; terminating certain administrator contracts; relating to continuing teacher contracts and assigning responsibility therefor; providing for continued payment of bonded indebtedness.**

A motion was made by Representative Mason and seconded by Representative Lloyd that a request be made for an interim study to be done on **HB 2976**. The motion passed on a voice vote.

The Chair asked Ben Barrett to compile a letter making this request to Speaker Kent Glasscock, Chairman, Legislative Coordinating Council.

Mark DeSetti of the KNEA gave written testimony in regard to the House Bills on the Sub-Committee report. (Attachment 4).

The meeting was adjourned at 10:50 a.m. The next meeting is scheduled for Thursday, March 7, 2002.

**REPORT OF SUBCOMMITTEE ON SCHOOL DISTRICT ORGANIZATION  
TO  
HOUSE COMMITTEE ON EDUCATION**

**Members**

**Representative Bill Mason, Chairman  
Representative Marti Crow  
Representative Ralph Ostmeyer  
Representative Ethel Peterson  
Representative Dan Williams**

**Meetings**

The Subcommittee met on February 20 and 21 to conduct its business.

**Activity**

Among other things, the Subcommittee engaged in dialogue with superintendents from Elkhart, Hugoton, Sedan, and Ashland on school district organization issues. Mainly, though, the Subcommittee reviewed and discussed the merits of seven bills which were introduced by the Committee on Education at the request of Representative Mason. The Subcommittee also considered the content of HB 2668, which concerns funding for the surviving school district in the case of disorganization of a district and its attachment to another district.

- **HB 2951.** The State Board of Education would establish a program to provide transition assistance to communities in which a school building is being closed. If the building is to be maintained as a community center or business, the community could apply to the State Board of Education for a grant of up to \$50,000, which must be matched by community funds.
- **HB 2952.** Under current law, when a new school district is formed by consolidation, the district is entitled for the first two school years to an amount of State Financial Aid equal to the amount to which the districts were entitled in the year before consolidation. An amendment increases the term of this entitlement from two years to four years.
- **HB 2953.** When the State Board of Education is considering a transfer of territory proposal, the Board would be required to consider the following criteria: city boundaries and the area within three miles surrounding any

House Education Committee

Date: \_\_\_\_\_

Attachment # \_\_\_\_\_

city with more than one district in the area; available capacity of districts involved in the transfer to serve existing or additional students; condition and age of buildings and physical plant; overall costs, including renovation of existing buildings versus construction; cost of busing; food service; administration and teachers; areas of interest, including access and distances for parents to travel to participate in student activities; matters of commerce, including regular shopping areas, meeting places, community activities, and youth activities; districts that are landlocked with changing demographics that cause declining enrollment; and effect on students living in the area. Under current law, items the State Board must consider are not enumerated.

- **HB 2954.** A school district could not initiate a capital improvement project of \$1.0 million or more without first presenting the proposal to the Joint Committee on State Building Construction. (The Subcommittee considered, but did not adopt, an amendment intended to deny a school district's participation in the state's bond and interest aid program if the Joint Committee on State Building Construction disapproves the project).
- **HB 2974.** The bill would amend the school finance law such that the lower of the low enrollment weighting or the correlation weighting in the district of enrollment or the district of residence would apply in determining the portion of a school district's State Financial Aid that is attributable to nonresident Kansas pupil enrollment in a school district.
- **HB 2975.** The bill authorizes the State Board of Education to enter into reciprocal agreements with other states relative to pupil attendance in schools across state lines. Also, out-of-state pupils would not be included in a school district's enrollment under the school finance law.
- **HB 2976.** The bill creates countywide school districts in all counties except Johnson, Sedgwick, and Wyandotte where the current districts would remain intact.

In connection with HB 2952, the Committee also considered HB 2668, which is summarized in Attachment 1.

## Action

The Committee took the following action:

- HB 2951 and 2953 are recommended to the House Committee on Education for favorable action.

- It was agreed that the subject addressed in HB 2952 should be incorporated into HB 2668 and that some additional amendments should be made. HB 2668, with the proposed amendments, is recommended to the House Committee on Education for favorable action (a summary of HB 2668, which incorporates the proposed amendments is included as Attachment 1).
- An interim study is recommended for the purpose of preparing a plan pertaining to school district organization to be submitted to the 2003 Legislature. Such a study should include committee meetings at various locations throughout the state for the purpose of gathering first-hand information regarding this matter.

# ATTACHMENT 1

## HB 2668 with Amendments Recommended by the Subcommittee

### Summary

HB 2668 would provide, effective commencing with the 2001-02 school year and until July 1, 2005, that when a school district is enlarged due to disorganization of one district and its attachment to the enlarged district or due to the consolidation of school districts, the successor school district will be entitled to State Financial Aid (school district general fund budget) in the current school year equal to the State Financial Aid of the districts as they were defined in the year preceding the disorganization and attachment and for the next four school years. When school district disorganization and attachment or consolidation occurs after July 1, 2005, the successor school district will be entitled to State Financial Aid, as described above, for the current year and for the next three school years. In the case of disorganization and attachment, the provisions of the bill would apply only when all of the territory of the district being disorganized is attached to one other district.

### Background

Under the current law, State Financial Aid is provided on the basis of the amount received by the school districts in the previous year only when school districts merge through consolidation. HB 2952 proposed to extend the period for which such aid is provided from two years (current law) to three years. HB 2668 was designed to extend the same concept to school districts which are disorganized and attached to another school district under KSA 72-7301, as amended. This was devised, in part, to apply to Moreland and Hill City where, commencing in the 2002-03 school year, Hill City is the surviving school district.

The Subcommittee supported extension of the current law to districts formed by disorganization and attachment and to increase the financial incentive for doing so.

HOUSE BILL No. 2668

By Committee on Education

1-23

House Education Committee  
Date: 2/27/02  
Attachment # 2-1

9 AN ACT concerning certain school districts; relating to the computation  
10 of state financial aid; amending K.S.A. 2001 Supp. 72-6445 and re-  
11 pealing the existing section.  
12

13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 2001 Supp. 72-6445 is hereby amended to read as  
15 follows: 72-6445. (a) For the purposes of the school district finance and  
16 quality performance act, and notwithstanding any provision of the act to  
17 the contrary, state financial aid for any district formed by consolidation  
18 in accordance with the statutory provisions contained in article 87 of chap-  
19 ter 72 of Kansas Statutes Annotated shall be computed by the state board  
20 of education as follows:

21 ~~(a)~~ (1) Determine the amount in the school year preceding the school  
22 year in which the consolidation is effectuated of the state financial aid of  
23 each of the former districts of which the consolidated district is composed;  
24 ~~(b)~~ (2) add the amounts determined under ~~(a)~~ subsection (a)(1). The  
25 sum is the state financial aid of the consolidated district for the school  
26 year in which the consolidation is effectuated and for the next ~~succeeding~~  
27 school ~~year~~.

28 (b) *The provisions of this subsection shall apply only if a school dis-*  
29 *trict is disorganized in accordance with ~~K.S.A. 72-7301, and amendments~~*  
30 *thereto, and if all the territory which comprised such disorganized district*  
31 *is attached to one school district.*

32 *For the purposes of the school district finance and quality performance*  
33 *act, and notwithstanding any provision of the act to the contrary, state*  
34 *financial aid for any district to which territory has been attached in ac-*  
35 *cordance with ~~K.S.A. 72-7301, and amendments thereto~~, shall be com-*  
36 *puted by the state board of education as follows:*

37 (1) *Determine the amount in the school year preceding the school year*  
38 *in which the attachment of territory is effectuated of the state financial*  
39 *aid of each of the former districts of which the enlarged district is*  
40 *composed;*

41 (2) *add the amounts determined under subsection (b)(1). The sum is*  
42 *the state financial aid of the district for the school year in which the*  
43 *attachment is effectuated and for the next ~~succeeding~~ school ~~year~~.*

If the consolidation is effectuated prior to July 1, 2005,

four  
years. If the consolidation is effectuated on or after July 1,  
2005, the sum is the state financial aid of the consolidated  
district for the school year in which the consolidation is  
effectuated and for the next three years.

the statutory provisions contained in article 73 of chapter 72 of  
the Kansas Statutes Annotated, and amendments thereto

If the attachment is effectuated prior to July 1, 2005,

four  
years. If the attachment is effectuated on or after July 1, 2005,  
the sum is the state financial aid of the district for the school  
year in which the attachment is effectuated and for the next  
three years.

- 1     Sec. 2. K.S.A. 2001 Supp. 72-6445 is hereby repealed.
- 2     Sec. 3. This act shall take effect and be in force from and after its
- 3     publication in the statute book.



## House Bill No. 2951

By Committee on Education

2-14

PROPOSED AMENDMENT  
Representative Faber  
February 26, 2002

House Education Committee

Date: 2/27/02

Attachment # 3-1

9 AN ACT concerning schools; relating to the closing of school buildings;  
10 grants to communities; amending K.S.A. 72-8213 and repealing the  
11 existing section.  
12

13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 72-8213 is hereby amended to read as follows: 72-  
15 8213. (a) As used in this act, the term "school building" means any build-  
16 ing or structure operated or used for pupil attendance purposes by the  
17 board of education of a unified school district and the word "enrollment"  
18 has the meaning ascribed thereto in the school district equalization act.

19 (b) (1) Subject to provision (2) of this subsection, the board of edu-  
20 cation of a unified school district shall not close any school building except  
21 as provided in this section.

22 (2) The provisions of this section shall be deemed alternative to the  
23 provisions of K.S.A. 72-8233, and amendments thereto, and no procedure  
24 or authorization under such statute shall be limited by the provisions of  
25 this section. Nothing in this section shall operate or be construed so as  
26 to abrogate, limit, or affect in any way the provisions of any law admin-  
27 istered by the state fire marshal or any rules and regulations adopted  
28 pursuant to any such law.

29 (c) (1) The provisions of this subsection apply to unified school dis-  
30 tricts with under 1,600 enrollment.

31 (2) The board shall not close any school building that is being oper-  
32 ated on the effective date of this act unless and until the board has  
33 adopted and implemented a plan for closing such school building. A plan  
34 for closing a school building shall contain procedures in conformity with  
35 the provisions of this subsection.

36 (3) A plan for closing a school building may be adopted and imple-  
37 mented by a board upon a finding by the board that the school building  
38 should be closed in order to enhance the quality of education and improve  
39 the school system of the unified school district.

40 (4) A plan for closing a school building shall contain the following  
41 procedures:

42 (A) The board of education shall adopt a resolution stating its inten-  
43 tion to close the affected school building. Such resolution shall include

3-2-01

1 which has failed to receive accreditation by the state board of education.  
2 The closing of any school building under this subsection shall require a  
3 majority vote of the members of the board of education and shall require  
4 no other procedure or approval.

5 (f) If any territory has been or is hereafter attached or transferred to  
6 any unified school district, any school building in the territory so attached  
7 or transferred may be closed by the board of education upon majority  
8 vote of the members of the board of education and shall require no other  
9 procedure or approval.

10 (g) Nothing in this section shall be deemed to restrict or limit the  
11 authority of any board to change the use of any school building, so long  
12 as such school building is operated or used for pupil attendance purposes.

13 (h) Whenever a unified school district, by election, has been author-  
14 ized to issue general obligation bonds to construct and equip a school  
15 building to meet the needs of the entire unified school district, the board  
16 of education of such district may close and discontinue the use of any  
17 other one or more school buildings within such district if the school build-  
18 ing so constructed adequately serves, directly or indirectly, the educa-  
19 tional needs theretofore served by the school building or buildings closed.  
20 The closing of any school building under this subsection shall require a  
21 majority vote of the members of the board of education and shall require  
22 no other procedure or approval.

23 (i) *Subject to appropriations therefor, the state board of education*  
24 *shall establish a program to provide communities where a school building*  
25 *is being closed assistance in the transition of such closure. If the building*  
26 *is going to be maintained by the community as a community center or*  
27 *business, the community may apply to the state board for a grant of up*  
28 *to \$50,000. The community shall be required to have matching funds.*

The provisions of this subsection shall apply to  
any school building closure which occurred on or  
after July 1, 2001.

29 Sec. 2. K.S.A. 72-8213 is hereby repealed.

30 Sec. 3. This act shall take effect and be in force from and after its  
31 publication in the statute book.



KANSAS NATIONAL EDUCATION ASSOCIATION / 715 SW 10TH AVENUE / TOPEKA, KANSAS 66612-1686

Mark Desetti testimony  
House Education Committee  
Wednesday, February 27, 2002

Thank you Mister Chairman and members of the Committee for allowing me to submit written testimony on the deliberations of the Subcommittee on District Boundaries. I am Mark Desetti and I represent Kansas NEA.

We at KNEA believe that the subcommittee has taken a careful look at how to encourage school districts to take actions that will, in the long run, benefit both the students and the community.

HB 2668, joined with HB 2952, encourages school districts to really think about the benefits of both consolidation and reorganization. Should they decide to move in that direction, the financial incentives in this bill will go a long way to ensuring that programs do not suffer during the transition. In addition, the criteria now listed in HB 2953 will guide discussions as school districts consider consolidation or reorganization. Hopefully, you will help communities consider all the pros and cons as they debate these issues.

Finally, HB 2951 goes a long way in helping preserve community. Where people are worried about the impact of a possible school closing, the grants in this bill will give them hope that the sense of community created by their school can be continued. It is certainly a good idea to furnish assistance in the preservation of community.

We applaud the efforts of the subcommittee and hope you will consider their recommendations favorably.

House Education Committee

Date: 2/27/02

Attachment # 4