

MINUTES OF THE SENATE COMMITTEE ON EDUCATION.

The meeting was called to order by Chairman Dwayne Umbarger at 1:40 p.m. on January 28, 2002 in Room 123-S of the Capitol.

All members were present except:

Committee staff present: Ben Barrett, Legislative Research
Carolyn Rampey, Legislative Research
Theresa Kiernan, Revisor of Statutes
Dale Dennis, Deputy Commissioner of Education
Judy Steinlicht, Secretary

Conferees appearing before the committee: Mark Tallman, KASB
Jim Edwards, Senior Vice President, KCCI
Craig Grant, KNEA

Others attending: See attached list.

Chairman Umbarger announced that all Committee members are invited to attend the House Education Meetings on January 29 and January 30 to listen to presentations by Dr. Steve Wyckoff of ESSDCAK and Milt Dougherty, Superintendent of Little River (USD 444) on Learning for the 21st Century.

SB166--Conferring power of local control on school district boards of education

Mark Tallman, KASB, spoke as a proponent on **SB166**. School boards currently can only take actions that are specifically authorized by law. Under this bill, school boards are authorized to "transact all school district business and adopt policies that the board deems appropriate to perform its constitutional duty to maintain, develop and operate local public schools." The bill specifies that it does not intend to relieve other units of government of duties and responsibilities provided by law. It would be similar to the powers of cities and counties often referred to as "home rule." It would provide schools with more flexibility in their operations. It would reduce the need for the Legislature to consider bills to authorize school boards to take "common sense" actions on a local level every year. If the Legislature believes school boards are doing something inappropriate, it can simple pass a law to stop that action. (Attachment 1)

Jim Edwards, KCCI, spoke as a proponent on **SB166**. Mr. Edwards simply stated that it does not make sense to make elected school boards go through the steps that they are sometimes required to do when they could deal with issues best on a local level. (Attachment 2)

Craig Grant, KNEA, spoke as an opponent on **SB166**. KNEA believes that the Legislature would not want to give up the authority to oversee school spending since the Legislature has control over funding of our schools. They are concerned that a few school districts may abuse the flexibility and authority this bill gives. For those few that would abuse the authority, KNEA believes the Legislature should keep the current practice. (Attachment 3)

After a short discussion, Chairman Umbarger called for a vote on the bill.

Senator Teichman made a motion to pass SB166 favorably out of the Committee. Seconded by Senator Corbin. After additional discussion, the Committee voted and the motion carried.

Senator Lee asked to share a first in the history of mankind with the Committee. Her son is an astrophysicist at the University of Chicago and with a team of five, they located an orphan afterglow. Her reason for sharing is that three from the team of five were educated in Kansas, two from Johnson County and one from Smith County and the wife of the fourth is from Kansas.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON EDUCATION at on January 2002 in Room 123-S of the Capitol.

Senator Oleen requested that the staff prepare for the Committee a review of the procedures involving the consolidation of school districts and a review of the report from last year.

Ben Barrett, at the request of the Committee, researched and found information in a House bill from 1999, **HB2303** with supporting material, that would help to define criteria for eligibility of the various categories of at-risk which are described in **SB79**. (Attachment 4)

Senator Oleen introduced five Girl Scouts visiting the Education Committee today.

The meeting adjourned at 2:13 pm.

SENATE EDUCATION COMMITTEE GUEST LIST

DATE - 1-28-02

<u>NAME</u>	<u>REPRESENTING</u>
Veronica Flower	
Diane Gierstad	Wichita Public Schools
Jim Youa Ply	ex -
Mark Tallman	KASB
(Amy Brunner)	KASB
Craig Grant	KNEA
MARK DESSETTI	KNEA
Jim Edwards	KOCI
Sheila Keshm	Community Colleges
Jacquie Jones	SQE
Bud Hauffman	TPS, USD 501
Donald Thomas	USA.
Bill Brady	Schools for Fair Funding
Bill Honeyill	Governor's office
Elaine Frisbie	Dir. of the Budget
Martin Hawver	Hawver's Capital Report

KANSAS
ASSOCIATION



OF
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1420 SW Arrowhead Road • Topeka, Kansas 66604-4024
785-273-3600

Testimony on
SB 166 – School Board Local Control
Before the
Senate Committee on Education

By
Mark Tallman, Assistant Executive Director/Advocacy

January 28, 2002

Mr. Chairman, Members of the Committee:

Thank you for the opportunity to appear today as a proponent of SB 166. This bill, which would broaden the authority of local school boards to take actions pursuant to their constitutional duties to operate public schools, was introduced at the request of KASB last session. It represents one of our Association's highest priority issues.

This bill also seems to have broad support from the Kansas Senate. You may recall that last session, this Committee amended the contents of this bill into another bill, SB 257. (SB 257 gave school boards the ability to delegate to the superintendent authority to make contracts under \$10,000.) That bill, including provisions of SB 166, passed the Senate 39-0. However, the House Education Committee did not have a hearing on SB 257, and the original contents of SB 257 were ultimately passed into a law in another bill, SB 161.

The purpose of SB 166 is to provide local school districts with authority similar, but not identical, to the powers of cities and counties often referred to as "home rule." The simplest way to explain the proposed change is that currently, school boards may only take actions that are specifically authorized by law. Under this bill, school boards are authorized to "transact all school district business and adopt policies that the board deems appropriate to perform its constitutional duty to maintain, develop and operate local public schools." (Sec. 1 (e) (1)) It also specifies that this bill does not intend to relieve other units of government of duties and responsibilities provided by law. (Sec. 1 (e) (2))

The Kansas Senate has passed this or similar legislation approximately four times in recent sessions; however, it has never been favorably recommended by a House committee. We hope you will continue to support this concept. We believe this measure would foster innovation and creativity on the part of local boards. It would provide schools with more flexibility in their operations. It would reduce the need for the Legislature to consider bills to authorize school boards to take "common sense" actions on a local level every year. Finally, it should be stressed that if the Legislature believes school boards are doing something inappropriate, it can simply pass a law to stop that action.

We urge you to recommend this bill favorably for passage. Thank you for your consideration.

Senate Education
1-28-02
Attachment 1

LEGISLATIVE TESTIMONY



The Unified Voice of Business

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SB 166

January 28, 2002

KANSAS CHAMBER OF COMMERCE AND INDUSTRY

Testimony Before the
Senate Education Committee

by

Jim Edwards
Senior Vice President

Senator Umbarger and members of the Committee:

Thank you for allowing me the opportunity to lend KCCI's support to the concept of providing local boards of education with the broader local control and self-governance when looking at new and innovative programs. This is the primary goal of SB 166.

The Kansas Chamber of Commerce and Industry (KCCI) is a statewide organization dedicated to the promotion of economic growth and job creation within Kansas, and to the protection and support of the private competitive enterprise system.

KCCI is comprised of more than 2,000 businesses which includes 200 local and regional chambers of commerce and trade organizations which represent over 161,000 business men and women. The organization represents both large and small employers in Kansas, with 48% of KCCI's members having less than 25 employees, and 78% having less than 100 employees. KCCI receives no government funding.

The KCCI Board of Directors establishes policies through the work of hundreds of the organization's members who make up its various committees. These policies are the guiding principles of the organization and translate into views such as those expressed here.

In these times of rapid change, local boards of education, since they are those closest to the opportunities present, are most often the best equipped to deal with issues as they arise. With this in

*Senate Education
1-28-02
Attachment 2*

It makes sense that these local boards be granted the authority necessary to address issues in a timely manner.

We are not asking for a wholesale abdication of power to local boards of education. As long as the state funds education, the legislature must stay involved. We are however asking that the legislature delegate the authority necessary which will permit local boards of education to address new and innovative programs without having to ask the legislature for specific authorization on each individual issue. Allowing them this operational freedom gives them the opportunity to function efficiently and expediently.

Thank you for allowing me to present this testimony. I would be pleased to answer any questions you might have.



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

Craig Grant Testimony
Senate Education Committee
January 28, 2002

Thank you, Mr. Chairman. I am Craig Grant and I represent Kansas NEA. I appreciate this opportunity to visit with the committee in opposition to SB 166, the bill that would confer home rule status on school boards.

This committee must believe that I am a "glutton for punishment" to testify on a bill that already passed out of this committee unanimously and passed the Senate 38-2. One would think that I would not want to subject myself to the continued hassles of testifying on a bill where the outcome is already known. I must just be a "mischief-maker" at heart.

I guess that this is what I will use as "this-year's term" for the home rule bill. "The Mischief-maker Bill" As we all know, the State Board of Education, through its self-executing authority, has control of accreditation and certification. This gives them curriculum control in some general ways as the board approves the testing program for our schools to be accredited. A local board of education can request waivers from rules and regulations of the state board. Very few, if any, do that.

As we also know, the legislature has control over the funding of our schools. It would make sense that the state has some control over what the local boards spend taxpayer money to do in the district. I do not believe that you want to give up that authority to oversee school spending.

This leaves little else for districts to have "home rule" over if this bill passes. Districts have had little trouble receiving permission from this legislature to do things that they ask to do. Districts do not hesitate currently to do things unless challenged by a patron, staff person, or the attorney for the district. Most often it is the attorney for the district who tries to do his/her job of warning the board when they cross the line.

What is left for boards to do that we believe should not be under the control of either the State Board or the legislature? Probably little "mischief" things. If the district does do some "mischief", then we will have to come to the legislature to pass a law telling the districts not to do that. The damage will be done.

We do not have specifics. We also do not believe most districts will enter into the "mischief-making" that this bill opens the potential for doing. For those few that would, we need to keep the present practice.

KNEA opposes SB 166. Thank you for listening to the "mischief-maker" and to the concerns of our teachers.

Senate Education
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Attachment 3
Web Page: www.knea.org

Summary of 1999 H.B. 2303

H.B. 2303 proposed to amend the School District Finance and Quality Performance Act to change the definition of the term "at-risk pupils" for purposes of entitlements under this law.

"At-risk pupils" are enrolled in a district which maintains an approved at-risk pupil assistance plan and are eligible for free meals under the National School Lunch Act or are characterized by any two or more of the following indicators:

- a high rate of absenteeism from school attendance;
- failure to achieve grade-level standards;
- failure in two or more subjects or courses of study;
- two or more credits behind other pupils in modal grade in the number of graduation credits attained;
- retention at grade level one or more times;
- below modal grade for pupils in the same age group;
- pregnancy or parenthood or both;
- repeated commission of any of the disciplinary infractions in the suspension and expulsion law, whether or not the conduct resulted in a suspension or expulsion from school;
- identified chemically or alcohol dependent; or
- identified juvenile offenders.

(Under current law "at-risk pupils" is defined as pupils who are eligible for free meals under the National School Lunch Act.)

Senate Education
1-28-02
Attachment 4

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Session of 1999

HOUSE BILL No. 2303**By Representatives Benlon, Bethell, Campbell, Crow, Empson, Flaharty, Franklin, Huff, Jenkins, Lightner, Stone, Storm, Toelkes, Tomlinson and Vining**

2-5

11 AN ACT concerning school district finance; revising the definition of at-
12 risk pupils; amending K.S.A. 1998 Supp. 72-6407 and repealing the
13 existing section.
14

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

16 Section 1. K.S.A. 1998 Supp. 72-6407 is hereby amended to read as
17 follows: 72-6407. (a) "Pupil" means any person who is regularly enrolled
18 in a district and attending kindergarten or any of the grades one through
19 12 maintained by the district or who is regularly enrolled in a district and
20 attending kindergarten or any of the grades one through 12 in another
21 district in accordance with an agreement entered into under authority of
22 K.S.A. 72-8233, and amendments thereto, or who is regularly enrolled in
23 a district and attending special education services provided for preschool-
24 aged exceptional children by the district. Except as otherwise provided
25 in this subsection, a pupil in attendance full time shall be counted as one
26 pupil. A pupil in attendance part time shall be counted as that proportion
27 of one pupil (to the nearest 1/10) that the pupil's attendance bears to full-
28 time attendance. A pupil attending kindergarten shall be counted as 1/2
29 pupil. A pupil enrolled in and attending an institution of postsecondary
30 education which is authorized under the laws of this state to award aca-
31 demic degrees shall be counted as one pupil if the pupil's postsecondary
32 education enrollment and attendance together with the pupil's attend-
33 ance in either of the grades 11 or 12 is at least 5/6 time, otherwise the
34 pupil shall be counted as that proportion of one pupil (to the nearest 1/10)
35 that the total time of the pupil's postsecondary education attendance and
36 attendance in grade 11 or 12, as applicable, bears to full-time attendance.

4-2

37 A pupil enrolled in and attending an area vocational school, area voca-
 38 tional-technical school or approved vocational education program shall be
 39 counted as one pupil if the pupil's vocational education enrollment and
 40 attendance together with the pupil's attendance in any of grades nine
 41 through 12 is at least 5/6 time, otherwise the pupil shall be counted as that
 42 proportion of one pupil (to the nearest 1/10) that the total time of the
 43 pupil's vocational education attendance and attendance in any of grades
 44 nine through 12 bears to full-time attendance. A pupil enrolled in a dis-
 45 trict and attending special education services, except special education
 46 services for preschool-aged exceptional children, provided for by the dis-
 47 trict shall be counted as one pupil. A pupil enrolled in a district and
 48 attending special education services for preschool-aged exceptional chil-
 49 dren provided for by the district shall be counted as 1/2 pupil. A preschool-
 50 aged at-risk pupil enrolled in a district and receiving services under an
 51 approved at-risk pupil assistance plan maintained by the district shall be
 52 counted as 1/2 pupil. A pupil in the custody of the secretary of social and
 53 rehabilitation services and enrolled in unified school district No. 259,
 54 Sedgwick county, Kansas, but housed, maintained, and receiving educa-
 55 tional services at the Judge James V. Riddel Boys Ranch, shall be counted
 56 as two pupils. A pupil residing at the Flint Hills job corps center shall not
 57 be counted. A pupil confined in and receiving educational services pro-
 58 vided for by a district at a juvenile detention facility shall not be counted.
 59 A pupil enrolled in a district but housed, maintained, and receiving ed-
 60 ucational services at a state institution shall not be counted.

61 (b) "Preschool-aged exceptional children" means exceptional chil-
 62 dren, except gifted children, who have attained the age of three years but
 63 are under the age of eligibility for attendance at kindergarten.

64 (c) "At-risk pupils" means pupils who are eligible for free meals un-
 65 der the national school lunch act and who are enrolled in a district which
 66 maintains an approved at-risk pupil assistance plan *and who are eligible*
 67 *for free meals under the national school lunch act or who are character-*
 68 *ized by any two or more of the following indicators: (1) A high rate of*
 69 *absenteeism from school attendance; (2) failure to achieve grade-level*
 70 *standards; (3) failure in two or more subjects or courses of study; (4) two*
 71 *or more credits behind other pupils in modal grade in the number of*
 72 *graduation credits attained; (5) retention at grade level one or more times;*
 73 *(6) below modal grade for pupils in the same age group; (7) pregnancy*
 74 *or parenthood or both; (8) repeated commission of any of the disciplinary*
 75 *infractions specified in K.S.A. 72-8901, and amendments thereto, whether*
 76 *or not such conduct resulted in a suspension or expulsion from school; (9)*
 77 *identified chemically or alcohol dependent; (10) identified juvenile*
 78 *offenders.*

79 (d) "Preschool-aged at-risk pupil" means an at-risk pupil who has
 80 attained the age of four years, is under the age of eligibility for attendance
 81 at kindergarten, and has been selected by the state board in accordance
 82 with guidelines consonant with guidelines governing the selection of pu-
 83 pils for participation in head start programs. The state board shall select
 84 not more than 1,350 preschool-aged at-risk pupils to be counted in any
 85 school year.

86 (e) "Enrollment" means, for districts scheduling the school days or

77 school hours of the school term on a trimestral or quarterly basis, the
78 number of pupils regularly enrolled in the district on September 20 plus
79 the number of pupils regularly enrolled in the district on February 20
80 less the number of pupils regularly enrolled on February 20 who were
81 counted in the enrollment of the district on September 20; and for dis-
82 tricts not hereinbefore specified, the number of pupils regularly enrolled
83 in the district on September 20. Notwithstanding the foregoing, if en-
84 rollment in a district in any school year has decreased from enrollment
85 in the preceding school year, enrollment of the district in the current
86 school year may be computed on the basis of enrollment in the preceding
87 school year.

88 (f) "Adjusted enrollment" means enrollment adjusted by adding at-
89 risk pupil weighting, program weighting, low enrollment weighting, if any,
90 correlation weighting, if any, school facilities weighting, if any, ancillary
91 school facilities weighting, if any, and transportation weighting to
92 enrollment.

93 (g) "At-risk pupil weighting" means an addend component assigned
94 to enrollment of districts on the basis of enrollment of at-risk pupils.

95 (h) "Program weighting" means an addend component assigned to
96 enrollment of districts on the basis of pupil attendance in educational
97 programs which differ in cost from regular educational programs.

98 (i) "Low enrollment weighting" means an addend component as-
99 signed to enrollment of districts having under 1,750 enrollment on the
100 basis of costs attributable to maintenance of educational programs by such
101 districts in comparison with costs attributable to maintenance of educa-
102 tional programs by districts having 1,750 or over enrollment.

103 (j) "School facilities weighting" means an addend component as-
104 signed to enrollment of districts on the basis of costs attributable to com-
105 mencing operation of new school facilities. School facilities weighting may
106 be assigned to enrollment of a district only if the district has adopted a
107 local option budget and budgeted therein the total amount authorized for
108 the school year. School facilities weighting may be assigned to enrollment
109 of the district only in the school year in which operation of a new school
110 facility is commenced and in the next succeeding school year.

111 (k) "Transportation weighting" means an addend component as-
112 signed to enrollment of districts on the basis of costs attributable to the
113 provision or furnishing of transportation.

114 (l) "Correlation weighting" means an addend component assigned to
115 enrollment of districts having 1,750 or over enrollment on the basis of
116 costs attributable to maintenance of educational programs by such dis-
117 tricts as a correlate to low enrollment weighting assigned to enrollment
118 of districts having under 1,750 enrollment.

119 (m) "Ancillary school facilities weighting" means an addend compo-
120 nent assigned to enrollment of districts to which the provisions of K.S.A.
121 1998 Supp. 72-6441, and amendments thereto, apply on the basis of costs
122 attributable to commencing operation of new school facilities. Ancillary
123 school facilities weighting may be assigned to enrollment of a district only
124 if the district has levied a tax under authority of K.S.A. 1998 Supp. 72-
125 6441, and amendments thereto, and remitted the proceeds from such tax
126 to the state treasurer. Ancillary school facilities weighting is in addition
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February 16, 1999

The Honorable Ralph Tanner, Chairperson
House Committee on Education
Statehouse, Room 426-S
Topeka, Kansas 66612

Dear Representative Tanner:

SUBJECT: Fiscal Note for HB 2303 by Representative
Benlon, et al.

In accordance with KSA 75-3715a, the following fiscal note
concerning HB 2303 is respectfully submitted to your committee.

HB 2303 would expand the definition of at-risk students
under the School District Finance and Quality Performance Act. The
current definition of at-risk includes students eligible for free
lunches under the National School Lunch Act. HB 2303 would add
students who can be characterized by at least two of ten indicators
listed in the bill. These indicators are tied to absenteeism,
behavioral problems, poor school performance, pregnancy and
parenthood, and chemical dependency.

Estimated State Fiscal Impact

FY 1999
SGF
FY 1999
All Funds
FY 2000
SGF

FY 2000
 All Funds
 Revenue
 --
 --
 --
 --
 Expenditure
 --
 --
 \$5,952,000
 \$5,952,000
 FTE Pos.
 --
 --
 --
 --

The Department of Education estimates that passage of HB 2303 would require additional expenditures of \$5,592,000 from the State General Fund for FY 2000. The estimate is based on an additional 20,000 students being identified as at-risk. The existing at-risk weight of 8.0 percent would be applied and then multiplied by the per pupil base state aid of \$3,720 (20,000 students X .08 X \$3,720). Any fiscal effect resulting from the passage of this bill is in addition to amounts included in The FY 2000 Governor's Budget Report.

Sincerely,

Duane A. Goossen
 Director of the Budget

cc: Dale Dennis, Education

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137 to assignment of school facilities weighting to enrollment of any district
138 eligible for such weighting.
139 Sec. 2. K.S.A. 1998 Supp. 72-6407 is hereby repealed.
140 Sec. 3. This act shall take effect and be in force from and after its
141 publication in the statute book.

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Page Last Modified Monday, January 14, 2002 10:47 AM

Approved: March 11, 1999

Date

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION.

The meeting was called to order by Chairperson Ralph Tanner at 9:00 a.m. on February 18, 1999 in Room 313-S of the Capitol.

All members were present except:

Committee staff present:

Ben Barrett, Legislative Research Department
Carolyn Rampey, Legislative Research Department
Avis Swartzman, Revisor of Statutes
Connie Burns, Committee Secretary

Conferes appearing before the committee:

Representative Lisa Benlon
Adam Benlon, Student Shawnee Mission Northwest
Becky Leever, Student Shawnee Mission Northwest
Evelyn Ewing
Geri Haskins
Stacey Farmer, KASB
Mark Desetti, KNEA
Jim Yonally, Shawnee Mission Public Schools
Rob Vancrum, Blue Valley USD #229/Wichita

Others attending: See attached list

Hearings on HB 2304 - High school students, community service class required for graduation were opened.

Representative Lisa Benlon appeared before the committee as the sponsor of the proposed bill. She explained that after talking about juvenile justice issues, that if there were more programs that involved students in their communities throughout the state, that turning the lives of some of these students around prior to spending large sums of money on them in the JJA system. The bill was introduced as a mandate. A two minute video was shown on the community service class at Shawnee Mission Northwest. (Attachment 1)

Adam Benlon and Becky Leever, students at Shawnee Mission Northwest, appeared as a proponents of the bill. The program began in 1991 with 17 students. There are five classes a day with full capacity for the 1998-1999. The classes visit nursing homes, rake leaves, have parties and dances for the elderly. They provide Thanksgiving dinner for Aids patients. They walk pets for those who can't get out. The students speak to civic groups about volunteering in the community. They feel this class has been extremely beneficial in their awareness to the community.

Evelyn Ewing, Volunteer Director for Lakeview Village, appeared as a proponent of the bill. She believes that there is wonderful magic between two generations. The elderly have become great mentors to these students. She always goes to the school and talks to the students and tells them that working with the elderly may not be for everyone, but to go where the students can make the most differences.

Geri Haskins, Chairman of Inter-generational Advisory Board, appeared as a proponent of the bill. She felt that this program was very beneficial to both generations. She knows the mandatory thing is going to be a problem, but feels that sometimes you have to use the mandatory to get the program started.

Stacey Farmer, KASB appeared as a opponent of the bill. KASB opposes the bill for two reasons. First, we believe that school boards, acting on behalf of their community, should determine curriculum and graduation requirements. This bill represents a state curriculum mandate. If community service is an appropriate requirements, it should be determined by the local school board, staff, site council and community. The second concern is related to the first, it represents an unfunded mandate. (Attachment 2)

Hearings on HB 2304 were closed.

Hearings on HB 2303 - School district finance, at-risk pupils, definition revised were opened.

Representative Lisa Benlon appeared before the committee as the sponsor of the bill. She stated that the bill is an attempt to correct what appears to be a flaw in the current statute definition of an "at risk" student. Current law defines "at risk" as any student who qualifies under the economic purview to receive a free lunch. (Attachment 3)

Mark Desetti appeared before the committee as a opponent of the bill. He felt that the State of Kansas has recognized the need to provide for the special needs of "at-risk" children. "At risk" has been defined as "eligible for free meals under the national school lunch act.". This bill recognizes that socio-economic status is not the only indicator of difficulty in school. (Attachment 4)

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION, Room 313-S Statehouse, at 9:00 a.m. on February 18, 1999.

Mark Tallman submitted written testimony on this bill. KASB stated that it is appropriate to use free meal eligibility, which is based on family income, as a factor for at-risk funding. There are clearly factors other than poverty which can put a child at risk of academic failure. KASB believes the list of additional factors proposed in this bill are appropriate criteria. (Attachment 5)

Jim Yonally appeared as a proponent on the bill. He stated that there exists some correlation between poverty and success in school, but to use that as the sole criteria is inappropriate, and he hopes that this will change by passing this bill. (Attachment 6)

Bob Vancrum appeared as a proponent on the bill. He stated that from a rational standpoint and fairness, the definition should be revised to more closely align with the children who are to be served. Of course, the next reality is that the amount of reimbursement must also be brought in line with the actual additional expenditure required. (Attachment 7)

The hearings on HB 2303 were closed.

The meeting was adjourned at 10:55 a.m.

The next meeting will be February 19, 1999.

4-9



TOPEKA

HOUSE OF

REPRESENTATIVES

**Testimony in support of HB 2303
before the House Education Committee
February 18, 1999**

COMMITTEE ASSIGNMENTS
CHAIRMAN GOVERNMENTAL ORGANIZATION
AND ELECTIONS
MEMBER EDUCATION
ENVIRONMENT
FEDERAL AND STATE AFFAIRS

LIS L. BENLON
REPRESENTATIVE, 17TH DISTRICT
REPRESENTING PORTIONS OF
SHAWNEE AND LENEXA
7303 EARNSHAW
SHAWNEE, KANSAS 66216
TOPEKA (785) 296-7152
SHAWNEE (913) 268-4326

Chairman Tanner and Committee Members,

House Bill 2303 is an attempt to correct what I believe to be a flaw in the current statute definition of an "at risk" student. Current law defines "at risk" as any student who qualifies under the economic pervue to receive a free lunch.

While I will agree that those who are financially challenged may fit into a lifestyle that may make them at risk, that alone should not be the sole determination.

HB2303 instead, touches on issues which I believe are truly at risk. HB2303 will allow the current law to stay, but I am adding to that definition. If you pass this bill, an at risk student will then be defined as one who is characterized by any two or more of the following indicators:

- . a high rate of absenteeism from school attendance
- . failure to achieve grade-level standards
- . failure in two or more subjects or courses of study
- . two or more credits behind other pupils in modal grade in the number of graduation credits attained
- . retention at grade level one or more times
- . below modal grade for pupils in the same age group
- . pregnancy or parenthood or both
- . repeated dommission of any of the disciplinary infractions
- . identified chemically or alcohol dependent
- . identified juvenile offenders

I know some of the above indicators may be objective and some may be subjective, but I believe the above items truly may identify those "at risk" behaviors in students.

Mr. Chairman, I will stand for questions.

HOUSE EDUCATION
Attachment 3
2-18-99

Mark Desetti Testimony Before
House Education Committee
Thursday, February 18, 1999

Thank you Mister Chairman and members of the Committee. I am Mark Desetti and I represent Kansas NEA. I appreciate this chance to visit with the committee about House Bill 2303, a bill revising the definition of "at-risk students."

For many years now the State of Kansas has recognized the need to provide for the special needs of "at-risk" children. "At risk" has been defined as "eligible for free meals under the national school lunch act." House Bill 2303 recognizes that socio-economic status is not the only indicator of difficulty in school. The ten indicators in House Bill 2303 all point to classroom performance or factors that do or may prevent a child from attending school, thus affecting classroom performance. These students certainly should qualify as "at risk."

The standards Kansas has set for students guide us in providing a world-class education to all students. Whenever students are unable to fully participate in classroom instruction, their ability to achieve world-class standards is jeopardized. We owe it to all Kansans to identify those students at risk of falling behind and to provide the resources to put them back on track.

We would urge that you pass House Bill 2303 favorably for passage.

HOUSE EDUCATION
Attachment 4
2-18-99

SAS
ASSOCIATION



OF
SCHOOL
BOARDS

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TO: House Committee on Education
FROM: Mark Tallman, Assistant Executive Director for Advocacy
DATE: February 18, 1999

RE: Testimony on H.B. 2303

Mr. Chairman, Members of the Committee:

KASB appreciates the opportunity to testify in support of H.B. 2303, which would expand the reasons for counting a student for at-risk weighting. This would, in turn, increase funding for school districts to operate at-risk pupil assistance programs.

Most student performance measures show a large and disturbing disparity between students eligible for free meals and students who do not qualify for such support. We therefore believe that it is appropriate to use free meal eligibility, which is based on family income, as a factor for at-risk funding. But there are clearly factors other than poverty which can put a child at risk of academic failure. We believe the list of additional factors proposed in this bill are appropriate criteria.

School districts are committed to raising academic performance for all students. Addressing the needs of children identified in this bill will take additional resources. H.B. 2303 would help provide those resources.

Since 1992, student performance measures in Kansas show sustained improvement. The next challenge is reaching students at risk. We believe a greater investment in programs to assist those children will pay back the state many times over.

Thank you for your consideration.

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4-12

TESTIMONY BEFORE THE HOUSE COMMITTEE
ON EDUCATION

Mister Chairman, and members of the committee, I am Jim Yonally, representing the Shawnee Mission School District. I appreciate the opportunity to appear today in support of ~~HB-2203~~
2303

Some of my colleagues will vouch for the fact that we have opposed the singular definition of an "at risk" student as one who is entitled to receive a free lunch, since the opening discussions of this school finance plan in 1992. To indicate that all poor students are at risk of being successful in the school setting is being terribly unfair to the ability and dedicated spirit of those children. Likewise, to suggest that students who are above the poverty level used to determine eligibility for a free lunch, are immune from being at risk is being equally unfair and unrealistic.

We have never challenged that some studies may have suggested that there exists some correlation between poverty and success in school, but to use that as the sole criteria is inappropriate, and I hope that you will change that by passing this bill. I would also, admonish you that you should properly fund this change when it come time to make the appropriation. The change in this bill will cause a shift of funds, if the legislature doesn't fully fund the program.

I would be happy to attempt to answer any questions.

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4-13
25 x 11

House Education Committee
Representative Tanner, chairman

Testimony on H.B. 2303

Submitted by Bob Vancrum
Government Affairs Specialist
Blue Valley Schools

February 18, 1999

Mr. Chairman, members of the committee:

Thank you for the opportunity to appear in support of H.B. 2303, a bill that would amend the definition of at-risk students in the school finance act. I represent Blue Valley Schools, USD 229. I am joined in this testimony today by the Wichita Public Schools.

This issue has been on our legislative platform for several years. The issue is how to define those students who are "at-risk" of academic failure, thus needing special services and attention in order to succeed in school.

We know that the current definition, restricted to students who qualify for free lunch under the federal program, is a convenient short cut to determine the total number of students eligible, but is not in line with the number of students served or who is served. I am certain it is easier to audit and administer for the state department of education. But this formula is wrong.

There is no doubt some students on free lunch are not "at-risk" -- and many who are *not* on free lunch are truly "at-risk" of failing academically. The lives of these students are scarred, often times by situations beyond their control. Sexual abuse, drug abuse, alcohol abuse all contribute to a student's inability to concentrate on schoolwork. Broken homes, being uprooted and moved across the state or just the city can contribute to a child falling behind academically.

From a rational standpoint and fairness, the definition should be revised to more closely align with the children who are to be served. Of course, the next reality is that the amount of reimbursement must also be brought in line with the actual additional expenditure required.

The Governor's proposal to increase the at-risk weighting from 8% to 9% will be a welcome help to those districts with high concentrations of these students. But either percentage is simply not adequate to meet the real needs that teachers see every day.

The at-risk weighting raises only \$297.60 per student for the entire school year. \$297.60 will not buy the additional teacher time required, let alone supplemental materials. Students who have academic deficits need more to catch up with their peers. Teachers can bridge that gap, but it takes time. For students who do not learn the material (or were not in school to learn) teaching the subject using new instructional strategies can be done, but all those efforts take teacher time which has a cost. The at-risk dollars districts receive does not cover the cost of providing special attention for all the students who have academic deficiencies. But the weighting amount is an issue for another day.

Let us first focus on serving the actual children at risk with actual dollars, not an artificial formula. I would ask your favorable support of H.B. 2303.

Thank you, Mr. Chairman and members of the committee, for hearing our concerns.



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Introduction

The purpose of the Kansas At-Risk Pupil Assistance program is to provide opportunities and services to at-risk students to increase their academic achievement. As part of the school finance formula, weighted enrollment funds, based on free lunch eligibility, are available to all districts for implementing programs and services for at-risk students.

Definition and Identification of At-Risk Students

Though "free lunch" eligibility is the method for identifying students for accessing funds, a district must develop a program which serves students identified as at-risk using the following definition: At-risk student means any student who is not completing the requirements necessary for promotion to grade level, grade-to-grade promotion or graduation from high school. An at-risk student's educational attainment is below the level that is appropriate for students of his or her age and/or grade level. An at-risk student is a potential drop-out. The definition of at-risk student does not include any student determined to be an exceptional child under the provisions of the Special Education for Exceptional Children Act.

At-risk students might be characterized by any of the following indicators:

- Failure to achieve grade-level standards.
- Failure in two or more subjects or courses of study.
- Two or more credits behind in the number of graduation credits attained.
- Retention at grade level one or more times.
- Significantly behind in meeting Quality Performance Accreditation (QPA) outcomes.

Districts determine criteria used to identify those students who are eligible to participate in the at-risk programs. Districts should document the criteria and selection of at-risk students and maintain this information either at the district or building level.

Suggested objective criteria could include, but are not limited to, the following:

- State assessments (Communications, Mathematics).
- District and/or building level criterion-referenced assessments.
- Performance-based (alternative) assessments.
- Norm-referenced, standardized tests.
- Records of academic performance such as grades or mastery of district outcomes.
- Other assessment instruments related to academic performance.

To Access Dollars for At-Risk Pupils Using the At-Risk Weighted Enrollment Count

The district shall count all students enrolled in the district on the official state enrollment date, who are eligible for free lunches under the National School Lunch Act. This does not include students eligible for reduced lunches.

AND

The district shall complete the At-Risk Pupil Assistance part of the Local Consolidated Plan and have it approved by the Kansas State Department of Education.

To calculate total state At-Risk funding for the official state enrollment date, enter the estimated number of students in the district who will qualify on the official state enrollment date for free lunch under the National School Lunch Program in the formula below:

SAMPLE

Number of At-Risk Students			Round to nearest tenth		General State Aid Per Pupil Amount		Total State Funding for At-Risk Program
27	X	.05	1.4	X	\$3,648	=	\$5,107

- Final funding will be based on the official state enrollment count.
- Districts may have one or more programs funded with weighted enrollment at-risk dollars.
- Districts must be able to verify that the dollars accessed through the at-risk weighted enrollment count are actually spent on students identified as being at-risk as indicated by the criteria maintained by the district.

Budget

The district shall provide an explanation of the expenditures of the at-risk funds generated by the free lunch count. A line item budget from included with the consolidated plan shall be completed.

Please note: Districts must be able to verify that the at-risk dollars actually funded services and activities for at-risk students. It is recommended that separate accounting procedures be established for the expenditures of the at-risk funds.

Building administrators, such as principals and assistant principals, may not receive any at-risk funds as part of their salaries for administering the at-risk program unless it is for work outside the contract day or year. For example, if an at-risk Saturday program is started and one of the principals agrees to oversee it, the principal could receive at-risk funds for the Saturdays worked. Documentation such as time and effort logs would need to be maintained.

Districts may hire at-risk coordinators to oversee the program, if there are enough resources and documentation of time and effort is maintained.

Equipment expenditures may be no more than twenty-five (25) percent of the total at-risk allocation. Any equipment purchased with at-risk funds must have prior approval from KSDE staff. Districts must be able to verify that any equipment purchased with at-risk funds is being used by at-risk students.

At-risk funds must be expended by June 30 of each year. There is no carryover of state At-Risk dollars.

Focus for At-Risk Pupil Assistance Plans

The focus of any at-risk program shall be to provide opportunities and services for at-risk students to increase their academic achievement. These opportunities and services are to be above and beyond the services which a district is offering the general student population.

Support services, such as counselors and social workers, in and of themselves are not sufficient for approval as an at-risk program. The program design shall determine whether or not any support services are needed and/or are appropriate. If the at-risk program is such that support services are needed, then only the time spent working with at-risk students such as time and effort log would also be necessary for any support services which are partially funded with at-risk dollars.

If any at-risk funds are to be used for staff development activities, the activities must relate to the at-risk component of the consolidated plan. An at-risk program of just staff development in and of itself is not appropriate. There must be a component of the plan which provides direct services to students.

Examples of possible at-risk programs are the following:

- Extended school year programs either before or after the regular school term.
- Extended day programs.
- Alternative schools.
- Dropout prevention programs.
- Tutorial programs.
- Accelerated learning programs.