

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION K-12.

The meeting was called to order by Chairperson Kathe Decker at 9:00 a.m. on February 24, 2003 in Room 313-S of the Capitol.

All members were present except: Representative Barbieri-Lightner - Absent
Representative DeCastro - Excused Absence
Representative Winn - Excused Absence

Committee staff present: Carolyn Rampey, Legislative Research Department
Kathie Sparks, Legislative Research Department
Jill Wolters, Office of the Revisor of Statutes
Ann Deitcher, Committee Secretary

Conferees appearing before the committee: Representative Eric Carter
Representative Ward Loyd

HB 2363 - relating to age of eligibility for school attendance.

The Chair introduced Representative Carter who spoke as a proponent on **HB 2363**. (Attachment 1).

A question and answer session followed the Representative's testimony.

HB 2346 - Relating to classroom enhancements.

The Chair informed the committee that due to car trouble, one of the conferees on **HB 2346** would be unable to testify at this time. Therefore, the hearing on this bill would be postponed until the following day.

HB 2339 - Relating to school attendance.

Representative Loyd addressed the committee in support of **HB 2339**. (Attachment 2).

A question and answer session followed the Representative's testimony.

The meeting was adjourned at 10:35 a.m. The next meeting is scheduled for Tuesday, February 25.

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Monday, February 24, 2003

House Education Committee
 The Honorable Representative Kathe Decker
 Capitol, Rm. 303-N, Topeka, KS 66612

Re: **Testimony before the House Education Committee
 in Support of House Bill 2363**

Dear Committee Members:

A. *The Problem*

Current law, K.S.A. 72-1107, appears to set August 31st as the cut-off date by which a child must turn five and six in order to attend Kindergarten and 1st Grade, respectively. As each of us has undoubtedly observed in conversing with parents and constituents, this cut-off date occasionally precludes bright, advanced children from beginning their education when their young minds are ready merely because their birthdays fall a few days or weeks on the “wrong” side of the cut-off date.

Although studies repeatedly demonstrate the positive, long-term impact of early learning on brain development and future academic performance, many children are nonetheless prohibited from obtaining the educational experience they need and for which they are ready. A rather unsettling fact is that most parents are not able afford the costly, “high-powered” pre-K schools that children of well-to-do parents attend. In other words, if you have an advanced or gifted child and you are wealthy, your child’s educational needs will be met, but if you’re not ... your child’s mind will stagnate for another calendar year. Hopefully everyone on this Committee will agree that this discrepancy in early educational opportunity is unacceptable.

While the wording of the statute itself is not clear, it is nonetheless uniformly interpreted as providing a firm cut-off date of Aug. 31st rather than a non-exclusive element of eligibility. K.S.A. 72-1107 provides, in relevant part, that “... any child is eligible to attend kindergarten ... if ... the child will attain the age of five years on or before August 31 of the school year.”¹ This begs the question, “does that mean that a child is *not* eligible if that condition is not met?” While there exists no case law on point, there is an Attorney General Opinion² that was provided in response to Rep. Crow’s question regarding

¹ See § 1(a) [elementary school] and (c) [Kindergarten].

² See A.G. Opinion No. 97-82

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the eligibility of students coming from out-of-state private schools. While not intended to address the underlying question of age eligibility, the Opinion does nonetheless contain dicta indicating that a child “must attain the age of six years prior to August 31 of the school year in which the child is enrolling in order to be eligible to enter and attend the elementary grades”, and elsewhere in the Opinion refers to the “minimum age requirement established in K.S.A. 1996 Supp. 72-1107”. Even in the absence of this Opinion, it appears that this is how not only public but also private, parochial, and non-denominational schools interpret the law as they are universally unwilling to risk their accreditation.

B. Possible Solutions to the Problem and Problems with Each

- Amend the cut-off date of August 31st to a later date, such as October 31st. This, however, would almost certainly carry with it a sizeable fiscal note. Just as importantly, it would not address the arbitrariness associated with any fixed cut-off date – there would still be a child who was not ready to attend but was attending, and a child who was ready to attend but was prohibited from doing so.
- Eliminate the cut-off date for eligibility altogether. This would likely create numerous instances where Kindergartens were being used as state-funded daycare, and young, ill-prepared children would be slowing the progress of the balance of the class.
- Have a different cut-off date for girls than boys. While this would address the fact that, on the whole, girls are more mature at a young age than boys, it would almost certainly be deemed to be violative of the U.S. and Kansas Constitutions.

C. Proffered Solution of HB 2363

House Bill 2363 preserves the utility of a cut-off date for purposes of eligibility for attendance while simultaneously presenting a solution to its rigid application. This solution can best be described as matching a school’s discretion with parental choice. Subsection 1(e) essentially provides that, if a child’s parents believe their child is ready, and if the school concurs, that their child may attend school. This measure places parents in charge of their children’s education by acknowledging that 165 legislators in Topeka are not well-positioned to ascertain the precise educational needs of each and every individual child. Most importantly, it represents a significant step towards the academic environment we wish to be able to someday provide ... an academic experience tailored to fit the individual needs of each child, rather than a “one-size-fits-all” approach to schooling.

I appreciate your time and consideration, and would further appreciate your agreeing to work this bill prior to turn-around so bright minds need not idle for a calendar year.

Respectfully yours,



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COMMITTEES

CHAIR: CORRECTIONS & JUVENILE JUSTICE

MEMBER: JUDICIARY

RULES AND JOURNAL

TESTIMONY IN SUPPORT OF HOUSE BILL 2339
February 24, 2003

Chairperson Kathe Decker, and
Honorable Committee Members

House Bill 2339 proposes to amend K.S.A. 72-1111, the compulsory school attendance law, to require that the age of school attendance be lowered by one year in age, so as to require that all children be required to attend kindergarten.

In this regard, it is possible that the age limit on page 1, at line 16, may need to be amended to change from seven to six.

With all we have learned in recent years from research regarding the brain, and know today about its development, there can be no question that much of our emphasis should be placed on early childhood education for all our children. The sooner scientific data can be applied in the educational setting, the sooner both our children and our society will reap the benefit.

This is not just about insuring the earliest possible educational benefit for all children. It is also about avoiding educational detriment to children in the classroom which results from being placed in an environment in the first grade where they compete for attention with chil-

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dren who have never before been in school – pre-school, kindergarten, or otherwise.

A great number of these children have no idea how to behave in a structured environment such as a classroom. As a result, all of the teacher's attention must be devoted to these needy children – assuming you have a good teacher, as the majority of ours in Kansas are, who recognizes not only the inexperience of a child and are empathetic and driven enough to devote the energies to insuring any such child does not fail. When that happens, the rest of the children in that classroom lose the attention, direction and education they should be receiving.

I address you not as one who has any special knowledge in this area. Rather, I my remarks are those of a grandfather. I have listened to my daughter recount the frustrations of her daughter's teachers as they worked with their class during the first half of the first grade year. There was no criticism of children, mind you. The frustration expressed was the recognition of the special needs of those children in the class who had not before been in school, and the great concern on the part of the teacher that they would not be able to devote the fully measure of time necessary to bring these children to the level they needed to be to maximize their capability.

I cannot know if I am on the right tract with this bill. But, it seems to me there is no reason these children should not be in school at least at the kindergarten level. The compulsory school attendance law was first enacted in 1874. While I do not know when kindergarten attendance was first permitted, times have changed since that became law, and there ought to be debate anew on this policy.

Madam Chairman, and Committee members, thank you for considering this issue.