

MINUTES OF THE HOUSE EDUCATION COMMITTEE

The meeting was called to order by Chairperson Kathe Decker at 9:00 a.m. on February 13, 2004 in Room 313-S of the Capitol.

All members were present except:

Representative Carol Edward Beggs- excused
Representative Valdenia Winn- excused

Committee staff present:

Kathie Sparks Legislative Research Department
Art Griggs, Office of the Revisor of Statues
Ann Deitcher, Secretary

Conferees appearing before the committee:

HB 2592 - relating to transfer of territory between districts.

A motion was made by Representative Morrison and seconded by Representative Craft to look at **HB 2592**. The motion carried on a voice vote.

Art Griggs explained the replacement of language in **HB 2592**. (Attachment 1).

Following a brief discussion, Representative DeCastro moved and Representative Johnson seconded the motion that **substitute HB 2592** be moved favorably out of Committee. The motion carried on a voice vote.

HB 2558 - concerning charter schools; relating to establishment thereof.

It was moved by Representative Hutchins and seconded by Representative DeCastro to work **substitute HB 2558**. The motion carried on a voice vote.

The Chair reminded the Committee that **HB 2558** had been reviewed by a Sub-Committee. The Sub-Committee report offered some suggestions and it would be the pleasure of the full Committee as to whether they would adopt the original bill or add some of the changes.

Representative Hutchins moved and Representative DeCastro seconded that **HB 2558** be moved favorably out of Committee. The motion passed on a voice vote.

HB 2631 - concerning state financial aid for certain education purposes relating to pupils not living in Kansas.

It was moved by Representative Mason and seconded by Representative Hutchins that **HB 2631** be worked as a Committee bill. The motion carried on a voice vote.

A balloon amendment was distributed. (Attachment 2).

Representative Morrison made the motion that was seconded by Representative Horst that the Committee accept the balloon amendment to **HB 2631** to work. The motion carried on a voice vote.

Following discussion on the balloon amendment a vote was called for.

It was moved by Representative Storm and seconded by Representative Reardon to include the words "Kansas" before "income taxes" in lines 2 and 3 of (4) in the balloon amendment to **HB 2631**. The motion failed on a show of hands.

CONTINUATION SHEET

MINUTES OF THE HOUSE EDUCATION COMMITTEE at 9:00 a.m. on February 13, 2004 in Room 313-S of the Capitol.

A motion was made by Representative Holland and seconded by Representative Reardon to amend the balloon amendment to **HB 2631** by deleting the word "child" in line 1 of (4) as well as adding the word Kansas" before the words "income tax" in lines 2 and 3 of the same section. The motion failed.

It was moved by Representative Mason and seconded by Representative DeCastro that the **HB 2631** be moved out of Committee in it's original form, without amendments. The motion carried on a show of hands.

The meeting was adjourned at 10:55. The next meeting is scheduled for Monday, February 16, 2004.

To replace HB 2592

HOUSE BILL No. _____

AN ACT concerning school districts; relating to the transfer of territory between districts; requiring mediation.

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

Section 1. (a) The state board, in accordance with this section, shall implement procedures to allow districts to discuss any proposal for the transfer of territory pursuant to K.S.A. 72-7101 *et seq.*, and amendments thereto, through a mediation process.

(b) The procedures implemented by the state board shall ensure that any mediation is conducted by a qualified and impartial mediator who is trained in effective mediation techniques. The state board shall maintain a list of individuals who are qualified mediators.

(c) Any district proposing a transfer of territory shall first seek an agreement to transfer the territory. If an agreement is not obtained, the proposal for the transfer shall be abandoned or the district seeking the transfer shall file a written request with the state board for the appointment of a mediator.

(d) When a request to appoint a mediator is received, the state board shall appoint a mediator and shall notify the school districts of the appointment of the mediator.

(e) Each session in the mediation process shall be scheduled in a timely manner and shall be held in a location that is convenient to the districts. Each district involved in a proposed transfer of territory shall be required to participate in at least one mediation session. The district requesting the transfer shall bear the cost of the mediation process.

(f) If mediation fails to result in an agreement between the districts, a petition for transfer of territory may be submitted to the state board pursuant to K.S.A. 72-7108, and amendments thereto.

Section 2. This act shall take effect and be in force from and after its publication in the statute book.

House Education Committee

Date: 2/13/04

Attachment # 1

1 district and attending special education and related services, except special
 2 education and related services for preschool-aged exceptional children,
 3 provided for by the district shall be counted as one pupil. A pupil enrolled
 4 in a district and attending special education and related services for pre-
 5 school-aged exceptional children provided for by the district shall be
 6 counted as 1/2 pupil. A preschool-aged at-risk pupil enrolled in a district
 7 and receiving services under an approved at-risk pupil assistance plan
 8 maintained by the district shall be counted as 1/2 pupil. A pupil in the
 9 custody of the secretary of social and rehabilitation services and enrolled
 10 in unified school district No. 259, Sedgwick county, Kansas, but housed,
 11 maintained, and receiving educational services at the Judge James V. Rid-
 12 del Boys Ranch, shall be counted as two pupils. A pupil residing at the
 13 Flint Hills job corps center shall not be counted. A pupil confined in and
 14 receiving educational services provided for by a district at a juvenile de-
 15 tention facility shall not be counted. A pupil enrolled in a district but
 16 housed, maintained, and receiving educational services at a state institu-
 17 tion shall not be counted. ~~A pupil enrolled in any school district in this~~
 18 *state who does not live in Kansas shall not be counted as a pupil for state*
 19 *financial aid under the school district finance and quality performance*
 20 *act.*

From and after July 1, 2005, a

unless: (1) The child lives within five miles
 of the state line; (2) the child lives 25 or
 more miles from the nearest public school the
 child could attend in the state where the
 child lives; (3) the child or a parent or
 guardian of the child owns real property in
 Kansas that is subject to property taxation;
 (4) the child or a parent or guardian has
 paid income taxes in the prior year or is
 having income taxes withheld in the current
 year; (5) the school board has determined
 that the Kansas school is located in an area
 that is the closest community of involvement
 for the child; or (6) the child was enrolled
 in a Kansas public school on September 20,
 2003

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

(c) "At-risk pupils" means pupils who are eligible for free meals un-
 der the national school lunch act and who are enrolled in a district which
 maintains an approved at-risk pupil assistance plan.

(d) "Preschool-aged at-risk pupil" means an at-risk pupil who has
 attained the age of four years, is under the age of eligibility for attendance
 at kindergarten, and has been selected by the state board in accordance
 with guidelines consonant with guidelines governing the selection of pu-
 pils for participation in head start programs. The state board shall select
 not more than 5,500 preschool-aged at-risk pupils to be counted in any
 school year.

(e) "Enrollment" means: (1) For districts scheduling the school days
 or school hours of the school term on a trimestral or quarterly basis, the
 number of pupils regularly enrolled in the district on September 20 plus
 the number of pupils regularly enrolled in the district on February 20
 less the number of pupils regularly enrolled on February 20 who were
 counted in the enrollment of the district on September 20; and for dis-
 tricts not specified in this clause (1), the number of pupils regularly en-
 rolled in the district on September 20; (2) if enrollment in a district in
 school year has decreased from enrollment in the preceding school
 year, enrollment of the district in the current school year means which-