

## MINUTES OF THE SENATE EDUCATION COMMITTEE

The meeting was called to order by Chairman Jean Schodorf at 1:30 p.m. on January 27, 2005, in Room 123-S of the Capitol.

Committee members absent:

Committee staff present: Carolyn Rampey, Kansas Legislative Research Department  
Kathie Sparks, Kansas Legislative Research Department  
Theresa Kiernan, Revisor of Statutes  
Shirley Higgins, Committee Secretary

Conferees appearing before the committee: Mark Tallman, Kansas Association of School Boards  
Dale Dennis, Deputy Commissioner, State Department of Education

Mark Tallman, Kansas Association of School Boards requested the introduction of two bills. The first bill concerned alternative teacher certification. The second bill concerned the teacher due process system. (Attachment 1)

Senator McGinn moved to introduce both of the bills, seconded by Senator Apple. The motion carried.

Senator Schodorf called the Committee's attention to copies of an article entitled, "A Suitable Education," which was prepared by a professor, John E. Cleek, Ph.D., at the request of Senator Apple. (Attachment 2) Senator Schodorf read the last two paragraphs of Dr. Cleek's definition at the January 26 meeting.

Senator Schodorf noted that several requests had been made for information on the actual cost for educating children in Kansas schools. In response, Dale Dennis, Deputy Commissioner, State Department of Education, prepared a report summarizing the results of the Department's recent survey of 55 school districts on the cost of providing a suitable education. The districts were asked (1) what the per pupil cost would be for the district to educate a "normal/regular" student, (2) what the additional per pupil cost for an at-risk student would be, and (3) what the additional per pupil cost for a bilingual student would be.

Mr. Dennis distributed copies of the following: the school finance survey form sent to the school districts, the definition of "at-risk" and "bilingual education" used for the project, the definition of "suitable education" used for the project, a list of programs and services that are part of the suitable education definition, tables showing the low, median, and high amounts for different enrollment categories, and charts showing the cost of enrollments which would be helpful in analyzing the information. (Attachment 3) He noted that the Department surveyed a cross section of school districts by geographical area and by size. Each district was told to come up with the cost to meet the definition in their district and that base was not the issue. He commended the school districts surveyed for their effort and timely response. After discussing the data in the three sections of the handout, he informed the Committee that another survey of pupil cost for bilingual students would be necessary to get a more accurate view of the issue. In addition, he confirmed that relating the cost per pupil to the school finance formula was not the purpose or intent of the survey.

Mr. Dennis distributed copies of a list of unaudited state and federal education mandates which was requested at the January 26 meeting. (Attachment 4)

Senator Steineger moved to approve the minutes of the January 25 meeting, seconded by Senator Apple. The motion carried.

The meeting was adjourned at 2:20 p.m.

The next meeting is scheduled for January 31, 2005.

**SENATE EDUCATION COMMITTEE  
GUEST LIST**

DATE: January 27, 2005

NAME	REPRESENTING
William E. Richards, Sr.	TOPEKA NAACP
Jessica L. Cafferata	Kearney & Associates
Jaclyn Kettler	Sen. Steineger - Intern
Quinton McElhanev	Sen. Steineger - Intern
RUSSELL MILLS	GACHES
TERRY HARDEN	KANSAS FARM BUREAU
Anna Millheim	Senator Petersen
Debbie Meador	Kansas Livestock Assoc.
Ashley Sherard	Lenexa Chamber
ALAN COBB	AFP-KS
Carol Johnson	<sup>KDEA</sup> USD 241 Shaw Springs, KS
Bob Harder	United Methodists - KS
Christy Lewin	Kansas NEA
MARK DEBETTI	KNEA
Jim Edwards	KASB
Mandy Miller	Senator Schmidt
Val DeFever	SQE
Susan Cranston	KNEA
Kim Rehner	KNEA





KANSAS  
ASSOCIATION



OF  
SCHOOL  
BOARDS

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

TO: Members of the Senate Education Committee  
FROM: Mark Tallman, Assistant Executive Director/Advocacy  
DATE: January 26, 2005  
  
RE: Bill Introductions

KASB would request that the committee introduce the following bills:

First, a bill to create a system of alternative certification that would give local boards more flexibility in hiring employees who can demonstrate competency without completing all traditional certification requirements.

Second, a bill that would reduce the time and expense of the current teacher due process system while continuing to protect the teacher against arbitrary and capricious action by local boards. Our particular concern at this point is the need to allow boards to make "reductions in force" as enrollments decline and schools must be reorganized.

We hope you will agree to introduce these bills and allow for a discussion of these issues at an appropriate time.

*Senate Education Committee  
1-27-05  
Attachment 1*

## A Suitable Education

John E. Cleek, Ph.D.

*A school is a building with four walls and roof on it with the future inside.*

*"If you expect a nation both ignorant and free, you expect what never was and never will be." Thomas Jefferson*

*"What the best and wisest parent wants for his own child, that must the community want for all its children." John Dewey*

*(b) The legislature shall make suitable provision for finance of the educational interests of the state.  
(Article 6, § 6: Finance, Constitution of the State of Kansas.)*

Surely the people of Kansas could not have anticipated how much effort would be expended to define the simple mandate directing the legislature to make suitable provision for financing the educational interests of the state. Rather than searching for a definition that can be used to support increased funding or defend the status quo, why not ask what the framers of the constitution intended.

Is it not plausible to assume that the framers had in mind a level of finance that would provide for an education suitable to the environment for which the students are being prepared? I think it is. A suitable education in 1861 when Kansas was admitted to the Union would be radically different from a suitable education in 1961 when the era of space exploration was beginning. And a suitable education at the beginning of the 21<sup>st</sup> century must prepare our children for meeting the challenges of the brave new world of the information age – an age in which the jobs that most of the children in our schools today will hold in the future have not yet even been invented.

More than ever before in history, the words of the poet, W. B. Yeats, ring true, "Education is not the filling of a pail, but the lighting of a fire." If we only equip our children with the tools they need to prepare them for the world of 2005, we will not have provided them with a suitable education for the world in which their lives will be lived.

From the days of the one room school house on the prairies of Kansas to the virtual classrooms connecting the schools of Kansas via the information superhighway, Kansas has consistently ranked among the leading states in the nation in the quality of education we offer to our children as measured by all of the recognized standardized tests. This performance is even more remarkable when you consider that we rank no better than the lowest quartile in the funding of our schools.

So, why not just rest on our laurels and assume that our teachers and administrators will continue to produce more bang for the educational buck than other states. For one thing, the competitive environment for teachers and administrators is becoming more challenging with every passing day. Our schools are finding it more and more difficult to find young teachers to replace those who are retiring. Our schools are finding it

more and more difficult to retain young teachers losing a third of the new recruits within their first five years in the classroom.

But there are more storm clouds on the horizon that we ignore at our peril. The demographics of our state are drastically different than they have been in the past. The good news reflected in the averages belie the bad news revealed by looking at the performance of subgroups, such as minority students, students from non-English speaking backgrounds, and students in small, rural schools operating without the resources for fully staffed schools. Governor Sebelius spoke for all of us when she said, "A quality education should not be an accident of geography, but a right of birth ..."(January 12, 2004)

Any solution to the funding of our schools must be a good deal for all of our children or it will not be a good deal for any of them. Whether a child is born in Liberal or Leavenworth, Colby or Coffeyville, they have the right to expect their schools to provide them an education suitable to the challenges of the 21<sup>st</sup> century.

A part of the genius of America is that we have always risen to the challenge and we dare not fail the new challenges of the information age. When the class of 2005 walks proudly across the stage to receive their diplomas, they must be prepared to enter college, technical school, or perform effectively on the job. They must also be prepared to take their place as leaders in society and protect our democracy against all threats.



## Division of Fiscal and Administrative Services

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January 26, 2005

FROM: Dale M. Dennis, Deputy  
Commissioner of Education

SUBJECT: Survey on Education Costs

As a result of the Supreme Court opinion on the Kansas school finance law, the State Department of Education was requested to survey a cross-section of school districts with the following questions.

1. What would be the PER PUPIL COST for your school district to educate a "normal/regular student?"
2. What is the **additional per pupil cost for an at-risk student?**
3. What is the **additional per pupil cost for a bilingual student?**

We provided definitions for an at-risk student (current law), a bilingual student (current law), and suitable education which was the same used in the Augenblick & Myers study approved by the Legislative Educational Planning Committee and the Legislative Coordinating Council. We also requested that the school districts exclude state special education, at-risk, bilingual, and transportation aid in computing the cost of educating a student with no exceptionalities. They assumed that No Child Left Behind remains in place and is a part of suitable.

Responses were received from all 55 school districts surveyed. Some districts did not have bilingual students. This information was reflected in their responses. Anytime you conduct a survey of this nature, you will have some outliers both on the high and low sides. That is to be expected. We have tried to account for that when we set up our line of best fit.

We have prepared tables which shows the low, median, and high amounts for different enrollment categories and charts showing the cost of enrollments which will be helpful in analyzing this information.

h:leg:Survey--Cost of Education

Senate Education Committee  
1-27-05  
Attachment 3

# SCHOOL FINANCE SURVEY

As a result of the recent Supreme Court opinion on the Kansas school finance formula, we have been requested to collect specific data concerning the costs of education for the 2005-06 school year.

**Please calculate your estimated education costs as requested below and return to my office by Friday, January 21, 2005. We are also requesting that you include your working papers used in determining your estimated education costs.**

USD No. \_\_\_\_\_  
USD Name \_\_\_\_\_  
Person Completing Request \_\_\_\_\_  
Telephone Number \_\_\_\_\_

1. What would be the PER PUPIL COST for your school district to educate a “normal/regular student?”

Please use the attached definitions of suitable education (including graduation requirements) in making your estimates and exclude students identified as special education, at-risk, and bilingual. Do not include any transportation costs in your calculation. Also, please assume that No Child Left Behind remains in place.

\$ \_\_\_\_\_ Est. cost of educating a normal/regular student

2. What is the **additional per pupil cost for an at-risk student**? Please use the attached at-risk definition in making your estimates.

\$ \_\_\_\_\_ Est. additional cost of educating an at-risk student

3. What is the **additional per pupil cost for a bilingual student**? Please use the attached bilingual definition in making your estimates.

\$ \_\_\_\_\_ Est. additional cost of educating a bilingual student



## **AT-RISK DEFINITION**

Kansas statutes define at-risk as the number of students eligible for free lunches. Even though the students eligible for free lunch determines the amount of money eligible for at-risk students, all students who meet the definition of at-risk would be eligible to receive benefits.

An at-risk student is defined as a student who meets one or more of the following:

A student who is not meeting the requirements necessary for promotion to the next grade level or graduation from high school.

A student whose education attainment is below other students of their age or grade level.

A student who is a potential dropout.

A student who is failing two or more courses of study.

A student who has been retained.

A student who is not reading on grade level.

This definition does not include a student who has been identified for special education services under Individuals with Disabilities Education Act (IDEA).

## **BILINGUAL EDUCATION DEFINITION**

A student whose primary language is other than English and, based on an English proficiency assessment, scored below "proficient" in any of the domains of speaking, listening, reading, and writing.

**Listed below is the definition of SUITABLE EDUCATION to be used for this project.**

**72-1101. Required subjects in elementary schools.** Every accredited elementary school shall teach reading, writing, arithmetic, geography, spelling, English grammar and composition, history of the United States and of the State of Kansas, civil government and the duties of citizenship, health and hygiene, together with such other subjects as the State Board may determine. The State board shall be responsible for the selection of subject matter within the several fields of instruction and for its organization into courses of study and instruction for the guidance of teachers, principals and superintendents.

**72-1103. Required courses of instruction; graduation requirements.** All accredited schools, public, private or parochial, shall provide and give a complete course of instruction to all pupils, in civil government, and United States history, and in patriotism and the duties of a citizen, suitable to the elementary grades; in addition thereto, all accredited high schools, public, private or parochial, shall give a course of instruction concerning the government and institutions of the United States, and particularly of the Constitution of the United States; and no student who has not taken and satisfactorily passed such course shall be certified as having completed the course requirements necessary for graduation from high school.

**72-1117. Kansas history and government, required courses; duties of State Board.** (a) The State Board of Education shall provide for a course of instruction in Kansas history and government, which shall be required for all students graduating from an accredited high school in this state. (b) The State Board of Education shall prescribe the school year, not later than the 1990-91 school year, in which the requirement of subsection (a) shall become applicable and may provide for such waivers from the requirement as the Board deems appropriate.

Qualified Admissions  
Precollege Curriculum

4 units of English  
3 units of Math  
  
3 units of Natural Science  
3 units of Social Studies  
1 unit of Computer Technology  
2 units of Foreign Language (preferred)  
1 unit of Fine or Performing Arts (preferred)

State Scholarship Program  
Precollege Curriculum

4 units of English/Language Arts  
3 units of Natural Science  
(1 each of Biology, Chemistry, and Physics)  
4 units of Math  
3 units of Social Studies  
1 unit of Computer Technology  
2 units of Foreign Language

**HIGH SCHOOL GRADUATION REQUIREMENTS**

Four units of English language arts  
Three units of history and government  
Three units of science  
Three units of mathematics  
One unit of physical education  
One unit of fine arts  
Six units of elective courses

ADDITIONAL PROGRAMS AND SERVICES THAT ARE PART OF SUITABLE  
EDUCATION DEFINITION

Student and staff safety  
Early childhood programs  
Extended learning time  
Alternative schools  
Technical education\*  
Technology training  
Library media services  
Foreign language  
Fine arts  
Nursing and counseling services  
Activities programs  
Student transportation  
Qualified teacher in each classroom

\*We assume technical education includes business, vocational agriculture, family consumer science, etc.

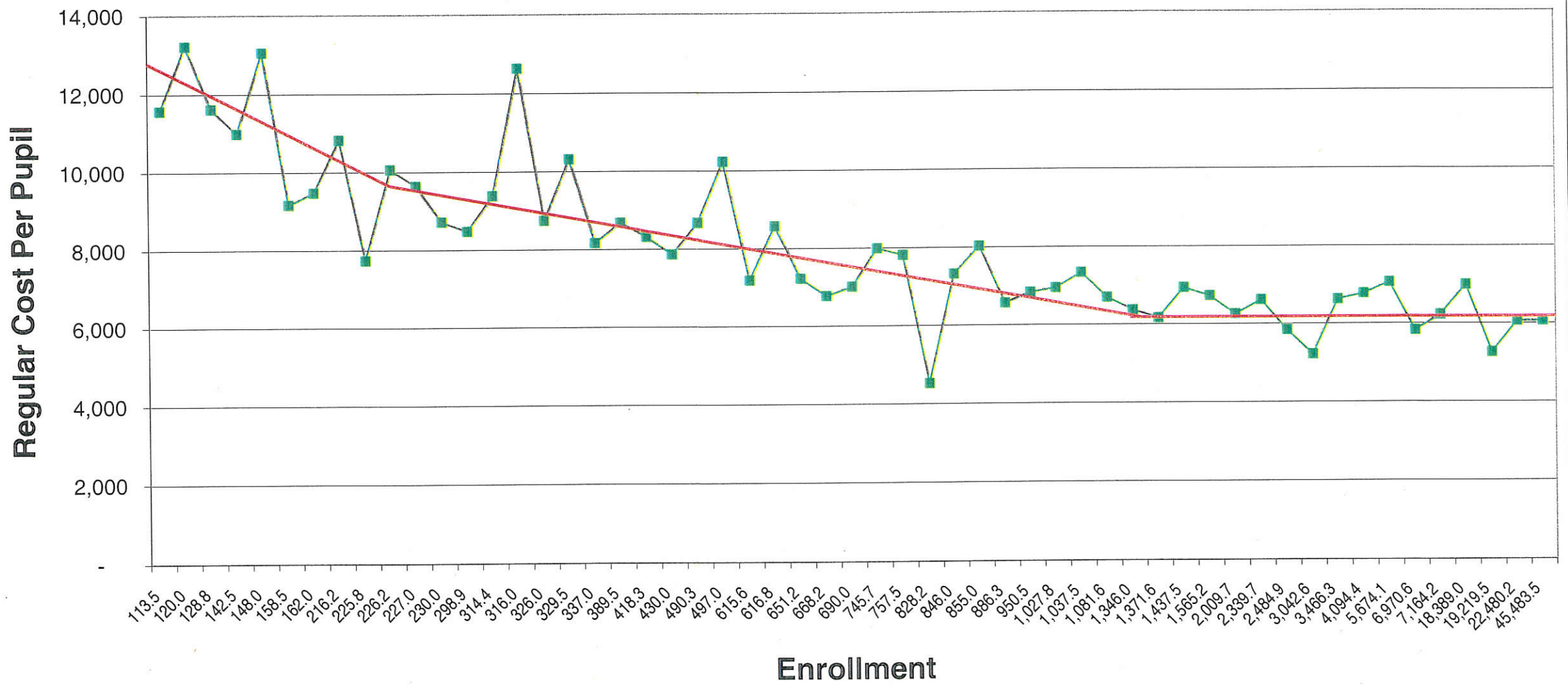
COST OF EDUCATING A STUDENT  
WITH NO EXCEPTIONALITIES



2005-06 Estimated Cost  
 For Educating A Child With No Exceptionalities  
 By Enrollment Category

Enrollment Category	Regular Student Cost Per Pupil			
	Low	Median	High	# USDs
100-199.9	9,162	11,570	13,219	7
200-299.9	7,732	9,175	10,824	6
300-399.9	8,164	9,063	12,633	6
400-499.9	7,859	8,496	10,233	4
500-699.9	6,774	7,185	8,575	5
700-899.9	4,520	6,894	9,475	6
900-1,099.9	6,699	6,894	7,336	4
1,100-1,499.9	6,167	6,366	6,939	3
1,500-4,999.9	5,213	6,615	6,775	7
5,000-9,999.9	5,826	6,226	7,064	3
10,000 - above	5,258	6,057	6,990	4

# REGULAR STUDENT COST PER PUPIL



ADDITIONAL COST OF EDUCATING

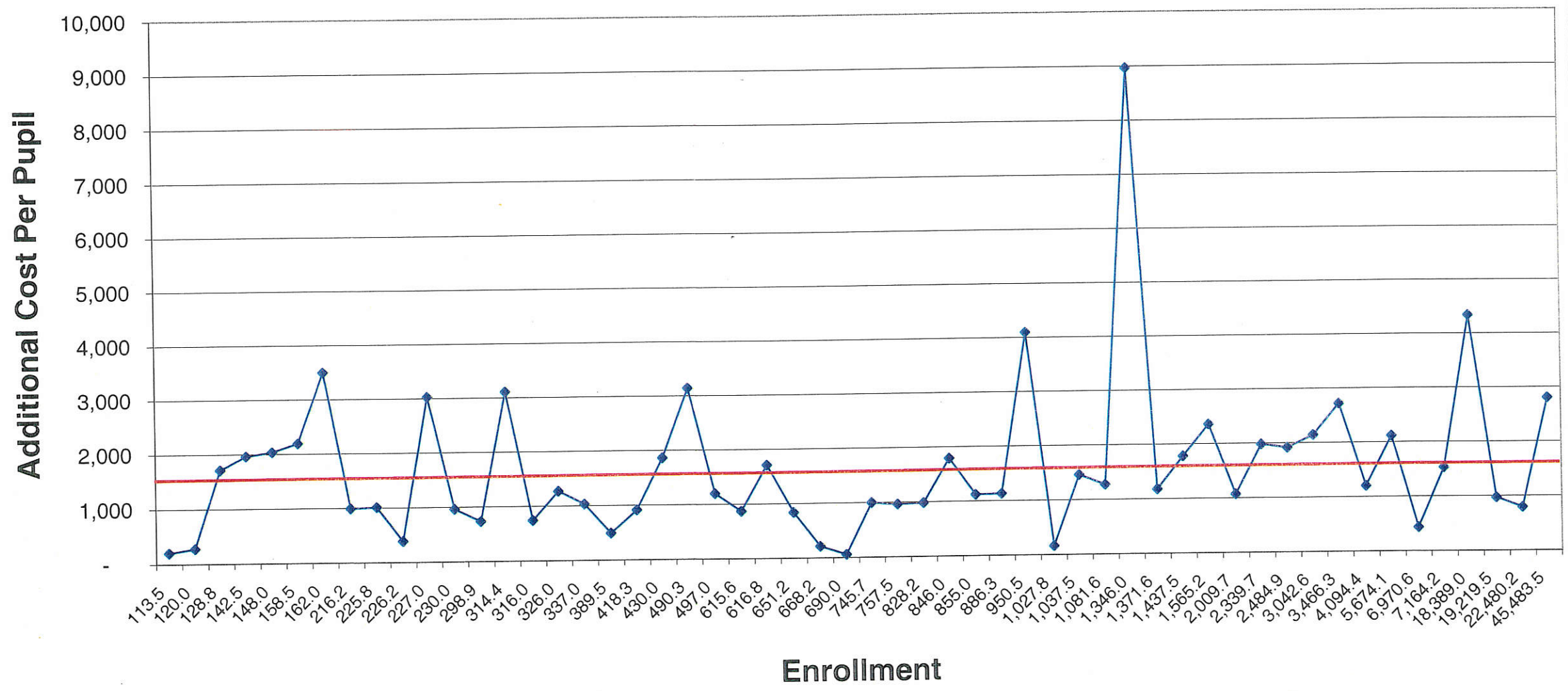
AN AT-RISK STUDENT  
(Current Law)

2005-06 Estimated Additional Cost  
For Educating An At Risk Child  
By Enrollment Category

Enrollment Category	Additional At Risk Cost Per Pupil			
	Low	Median	High	#USDs
100-199.9	204	1,966	3,500	7
200-299.9	387	980	3,026	6
300-399.9	495	1,331	3,112	5
400-499.9	915	1,530	3,142	4
500-699.9	60	838	1,710	5
700-899.9	966	1,059	1,790	6
900-1,099.9	164	1,366	4,095	4
1,100-1,499.9	1,177	1,780	8,969	3
1,500-4,999.9	1,070	1,985	2,719	7
5,000-9,999.9	433	1,528	2,119	3
10,000 - above	794	1,890	4,340	4



### ADDITIONAL AT RISK COST PER PUPIL



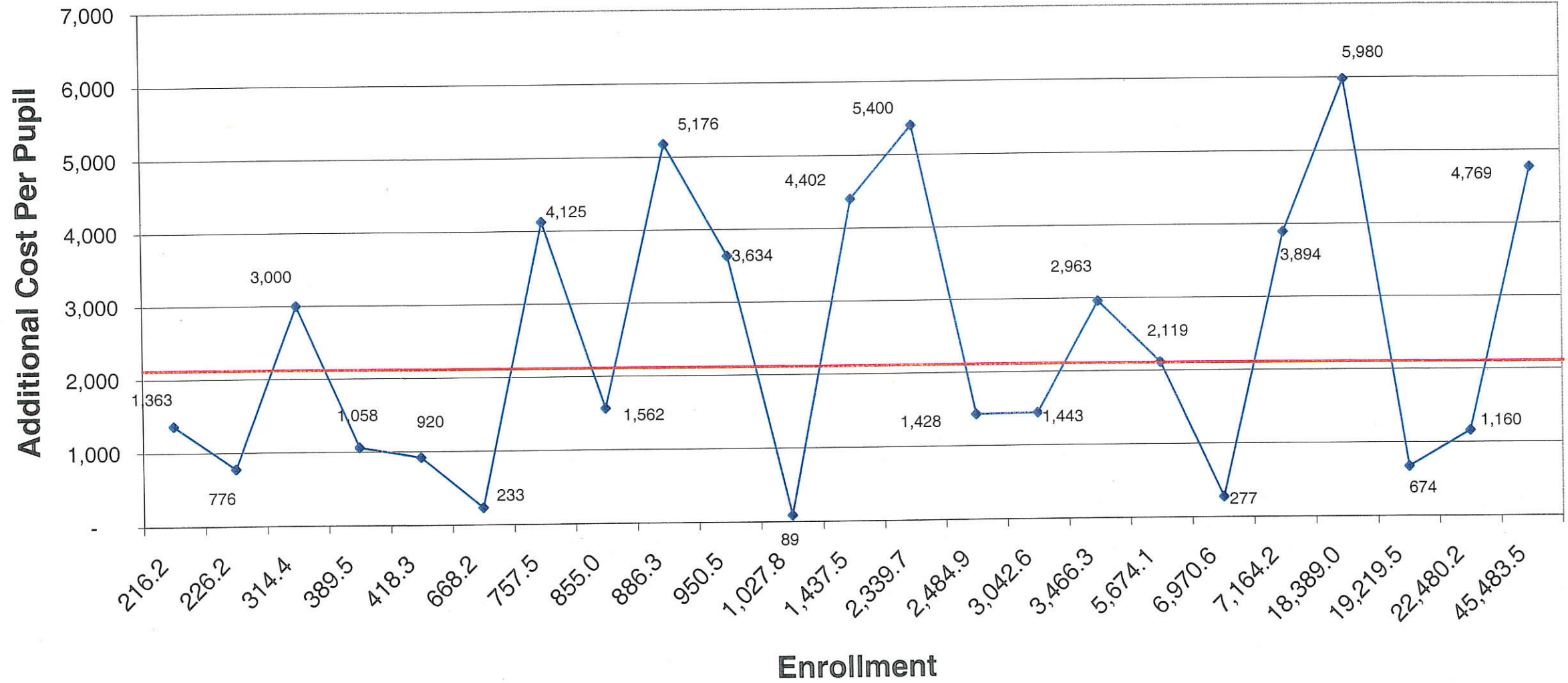
ADDITIONAL COST OF EDUCATING

A BILINGUAL STUDENT  
(Current Law)

2005-06 Estimated Additional Cost  
For Educating A Bilingual Child  
By Enrollment Category

Enrollment Category	Additional Bilingual Cost Per Pupil			
	Low	Median	High	#USDs
100-199.9	0	0	0	0
200-299.9	776	1,070	1,363	2
300-399.9	1,058	2,029	3,000	2
400-499.9	920	920	920	1
500-699.9	233	233	233	1
700-899.9	1,562	3,621	5,176	3
900-1,099.9	89	1,862	3,634	2
1,100-1,499.9	4,402	4,402	4,402	1
1,500-4,999.9	1,428	2,890	5,400	4
5,000-9,999.9	277	2,097	3,894	3
10,000 - above	674	3,146	5,980	4

### ADDITIONAL BILINGUAL COST PER PUPIL







## Division of Fiscal and Administrative Services

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January 26, 2005

TO: Senate Education Committee

FROM: Dale M. Dennis, Deputy  
Commissioner of Education

SUBJECT: Mandated Programs

Attached is a list of the state and federal education mandates which may be helpful in your discussions.

Hh:leg:SEC--Mandates

*Senate Education Committee  
1-27-05  
Attachment 4*

UNAUDITED  
STATE AND FEDERAL MANDATES

S--State Programs      F--Federal Programs      B--Both State and Federal Programs

(30) Units of credit (grades 9-12) (S)  
 Age discrimination in employment act (B)  
 Appointment of Superintendent (S)  
 Appointment of Clerk (S)  
 Appointment of Treasurer (S)  
 Appointment of Principal (B)  
 Approval of Claims (S)  
 Asbestos (tightening of EPA regulations) (F)  
 Bid law (S)  
 Bilingual education (F)  
 Boiler inspections (S)  
 Budget limitations (general fund and supp. general fund) (S)  
 Budgeting process (S)  
 Cash basis law (S)  
 Child health assessment (S)  
 Closing of attendance centers (S)  
 Commercial driver's license (B)  
 Competitive bidding for goods, materials, wares, and construction (S)  
 Competitive bidding for food service procurement (S)  
 Compulsory school attendance law (S)  
 Continuing contract law (S)  
 Deductions from compensations (B)  
 Drug Education (F)  
 Due process for teachers (S)  
 Employee Tax Withholding (B)  
 Environmental Safety Requirements (i.e., blood born and air born pathogens) (F)  
 Equal pay act - discrimination in pay, etc., based on sex (F)  
 Equal employment opportunity (B)  
 Exceeding bond limitation (S)  
 Extraordinary Programs (S)  
 Family education rights and privacy act (F)  
 Filing of selected reports (S)  
 Fire Marshal inspections (S)  
 Flying state and national flags (B)  
 Food service inspections (S)  
 Free and reduced price meals (F)  
 Free textbooks (S)  
 Gifted education (S)  
 Graduation requirements (S)  
 Hazardous communications rule (F)  
 Health and safety standards (B)  
 Health inspections (S)  
 Hearing screening for students (S)  
 Immunizations (S)  
 Independent school audits (S)  
 Inservice education plan (S)  
 Interlocal cooperation agreements (S)

Kansas open records act (S)  
Kansas Public Employee Retirement System (S)  
Lessons on U.S. Constitution every September 17 - *add*  
Lettering on school vehicles (S)  
Licensed teachers (S)  
Local wellness policy required for all schools participating in  
National School Lunch Program (F)  
Mandated transportation for students over 2.5 miles (S)  
Mill levy limitations (S)  
Minimum wage law (B)  
Minimum required number of grades (grades K-12) (S)  
Negotiations law (S)  
No Child Left Behind (including highly qualified teachers and  
student proficiency on assessments) (F)  
Notification of student test scores (S)  
Open meetings law (S)  
Patriotic observances (S)  
Personal financial literacy programs (S)  
Precertification testing (S)  
Prechool Programs (S)  
Professional standards advisory board (S)  
Professional teaching practices commission (S)  
Protective eyeglasses for students (B)  
Public notices (S)  
Record retention (S)  
Required subjects in elementary schools (S)  
Right of privacy act (nondisclosure of personally identifiable  
information) (S)  
School breakfast program (B)  
School bus driver qualifications (B)  
School district elections (S)  
School employee health certificates (B)  
School term requirements (S)  
Section 504 of the Rehabilitation Act (F)  
Security of deposit (S)  
Sickle cell anemia information (S)  
Smoking policy (S)  
Social security payment and withholding (B)  
Special assessments (S)  
Special education (B)  
Special education cooperative agreements--formation and withdrawing from (S)  
Special education due process (B)  
State advisory council for special education (B)  
State income tax withholding (S)  
Student suspension and expulsion (S)  
Supplemental contracts (S)  
Surety bonds for school officials (S)  
Teacher due process (S)  
Teacher evaluations (S)  
Title IX discrimination based on sex in federally assisted programs (F)  
Title VI civil rights act 1964--non-discrimination (F)

Tornado and fire drills (S)  
Tuition to an area vocational-technical school (S)  
Underground storage (F)  
Unemployment insurance (B)  
Use of driver education cars (S)  
Vision screening for students (S)  
Workmen's compensation (S)