

MINUTES OF THE SENATE EDUCATION COMMITTEE

The meeting was called to order by Chairman Jean Schodorf at 1:35 p.m. on January 25, 2007, in Room 123-S of the Capitol.

Committee members absent:

Committee staff present: Sharon Wenger, Kansas Legislative Research Department
Michele Alishahi, Kansas Legislative Research Department
Ashley Holm, Kansas Legislative Research Department
Theresa Kiernan, Revisor of Statutes
Shirley Higgins, Committee Secretary

Conferees appearing before the committee: Senator Phillip B. Journey
Mark Desetti, Kansas National Education Association
Mark Tallman, Kansas Association of School Boards

Senator Schodorf informed the Committee that State Treasurer Lynn Jenkins asked that she request the introduction of a bill concerning the Learning Quest program. To increase the incentive for families to save for their children's college education, the bill would double the deductions allowed for Learning Quest.

Senator Schodorf moved that the Learning Quest bill be introduced as requested by State Treasurer Jenkins, seconded by Senator Allen. The motion carried.

SB 70 – School districts; attendance of pupils residing outside the district

Theresa Kiernan, Revisor of Statutes Office, explained that **SB 70** was introduced by Senator Journey, and the intent of the bill was to make it easier for students to attend school in a district in which they do not reside. The receiving school must agree, but the bill would clarify that no agreement would be required for students to attend a school in a district in which they do not reside. She noted that a key provision of the bill repeals K.S.A. 72-1046b, and she distributed copies that statute. (Attachment 1) She explained that 72-1046b is a special provision that allows students who live more than ten miles from their school to attend a school that is closer to them but located in another district. But it does not apply to Shawnee, Sedgwick, Wyandotte, and Johnson counties. That provision would be repealed, and New Section 3 basically would reenact the provision without the limitation for the four large counties. She pointed out that subsection (d) on page three of the bill provides that students attending school in a receiving district shall be counted in the receiving school district "for the purpose of computations." However, current law provides that the students would be counted in the receiving district "except for the computation of the transportation weighting." She suggested that the bill be amended to include this phrase, which was mistakenly not included in the bill. With the clarifying amendment, the transportation dollars would not follow the student.

Senator Journey testified in support of **SB 70**. He pointed out that current state law allows two school districts to enter into an agreement, but if either district refuses the agreement, the student cannot attend school in the receiving district. He explained that the intent of the bill was to take the sending district out of the equation so that, if the receiving district is willing to accept the child, the child can go. He noted that allocation of state funds for the child would follow the child to the school district the child attends. He observed that the capabilities and programs in various school districts in the state are diverse. With passage of the bill, students would be allowed to attend the school they believe offers them the greatest opportunity for tailoring their education. In addition, the bill would foster more competition for students among the various public school districts. In conclusion, he argued that, since school districts are financed by taxpayer funds, taxpayers should have the opportunity to make the best choice they possibly can. (Attachment 2)

Mark Desetti, Kansas National Education Association, testified in opposition to **SB 70**. He commented that the current system for children to transfer between districts works and does not need to be fixed. He believed that the bill would open the system to abuse such as the recruitment of athletes for sports teams. (Attachment 3)

CONTINUATION SHEET

MINUTES OF THE Senate Education Committee at 1:35 p.m. on January 25, 2007, in Room 123-S of the Capitol.

Mark Tallman, Kansas Association of School Boards, presented testimony prepared by Patricia Baker, Deputy Executive Director/General Counsel for KASB. Ms. Baker's testimony noted that agreements among school districts for education of students are numerous and widespread, and ultimately, the local districts are in the best position to make these decisions. She also noted that over 16,500 students attended public schools other than their home districts in the 2005-2006 school year. In conclusion, she indicated that KASB would oppose the bill if it is interpreted to mean that a receiving school district could bus students from inside a sending school district without the latter's approval. (Attachment 4)

There being no others wishing to testify, the hearing on **SB 70** was closed.

Senator Vratil moved to recommend **SB 70** unfavorably for passage, seconded by Senator Goodwin.

Committee discussion followed, and it was the consensus of the Committee that more time should be allowed to consider the bill. Senator Vratil withdrew his motion, and Senator Goodwin withdrew her second.

Senator Schodorf opened a discussion on a previously heard bill, **SB 69** concerning cost of living and declining enrollment weightings. She informed the Committee that Senator Pine introduced a related bill, **SB 173**. Senator Pine explained that **SB 173** would remove the cost of living provision in **SB 69**, but it did not address declining enrollment. He said the bill would remove the requirement for another election for a school district that does not want to increase its LOB. Committee discussion followed regarding the intent and the effect of both bills.

Senator Vratil moved to amend **SB 69** to make the effective date "upon publication in the Kansas Register," seconded by Senator Teichman. The motion carried.

Senator Vratil moved to recommend **SB 69** favorably for passage as amended, seconded by Senator Goodwin.

Substitute motion by Senator Lee to recommend **SB 69** favorably for passage as moved by Senator Vratil with an additional amendment on page 3, line 11, "at least 25 percent or 20 mills, whichever is the lowest", seconded by Senator Teichman. The motion failed on a show of hands.

On a call for a vote on Senator Vratil's motion, the motion carried.

The meeting was adjourned at 2:35 p.m.

The next meeting is scheduled for January 29, 2007.

**SENATE EDUCATION COMMITTEE
GUEST LIST**

DATE: January 25, 2007

NAME	REPRESENTING
Bill Brady	SFFF
Scott Frank	LIEG Post Audit
Elaine Frisbie	Division of Budget
Adrienne Streckler	Sen. Lee Intern
Doris Wright Carroll	Flint Hills ^{Regional} Leadership Program
Brenda Jordan	Flinthills Regional Leadership Program
Pat Nelson	"
Angula Abts	"
Nikes Reecht	K 12 INC.
Bob Vanum	USD 229
Dodie Weiskar	USA
Bill Reardon	USD 500 (KCKs)
Val DeFuer	SQE
Charlotte Neugebauer	USD 259
Greg White	USD 259
Randy Mousley	USD 259
Verlean Brown	USD 259
Mark Desehti	KNEA

Statute Repealed in → SBT

72-8233. Interdistrict agreements for provision of educational programs authorized; conditions. (a) In accordance with the provisions of this section, the boards of education of any two or more unified school districts may make and enter into agreements providing for the attendance of pupils residing in one school district at school in kindergarten or any of the grades one through 12 maintained by any such other school district. The boards of education may also provide by agreement for the combination of enrollments for kindergarten or one or more grades, courses or units of instruction.

(b) Prior to entering into any agreement under authority of this section, the board of education shall adopt a resolution declaring that it has made a determination that such an agreement should be made and that the making and entering into of such an agreement would be in the best interests of the educational system of the school district. Any such agreement is subject to the following conditions:

(1) The agreement may be for any term not exceeding a term of five years.

(2) The agreement shall be subject to change or termination by the legislature.

(3) Within the limitations provided by law, the agreement may be changed or terminated by mutual agreement of the participating boards of education.

(4) The agreement shall make provision for transportation of pupils to and from the school attended on every school day, for payment or sharing of the costs and expenses of pupil attendance at school, and for the authority and responsibility of the participating boards of education.

(c) Provision by agreements entered into under authority of this section for the attendance of pupils at school in a school district of nonresidence of such pupils shall be deemed to be compliance with the kindergarten, grade, course and units of instruction requirements of law.

(d) The board of education of any school district which enters into an agreement under authority of this section for the attendance of pupils at school in another school district may discontinue kindergarten or any or all of the grades, courses and units of instruction specified in the agreement for attendance of pupils enrolled in kindergarten or any such grades, courses and units of instruction at school in such other school district. Upon discontinuing kindergarten or any grade, course or unit of instruction under authority of this subsection, the board of education may close any school building or buildings operated or used for attendance by pupils enrolled in such discontinued kindergarten, grades, courses or units of instruction. The closing of any school building under authority of this subsection shall require a majority vote of the members of the board of education and shall require no other procedure or approval.

(e) Pupils attending school in a school district of nonresidence of such pupils in accordance with an agreement made and entered into under authority of this section shall be counted as regularly enrolled in and attending school in the school district of residence of such pupils for the purpose of computations under the school district finance and quality performance act.

(f) Pupils who satisfactorily complete grade 12 while in attendance at school in a school district of nonresidence of such pupils in accordance with the provisions of an agreement entered into under authority of this section shall be certified as having graduated from the school district of residence of such pupils unless otherwise provided for by the agreement.

*Revisor of
Statutes*

*Senate Education Committee
1-25-07
Attachment 1*

72-1046b. Same; provision of transportation authorized; applicability; conditions. (a)

As used in this section:

(1) **"School district" means a school district organized and operating under the laws of this state and no part of which is located in Johnson county, Sedgwick county, Shawnee county, or Wyandotte county.**

(2) "Receiving school district" means a school district of nonresidence of a pupil.

(3) "Sending school district" means a school district of residence of a pupil.

(4) "Pupil" means a person who is enrolled and in attendance at school in a receiving school district and who (A) lives 10 or more miles from the attendance center the pupil would attend in a sending school district and nearer to an appropriate attendance center in a receiving school district or (B) is a member of the family of a pupil meeting the condition prescribed in subpart (A).

(5) "Member of the family" means a brother or sister of the whole or half blood or by adoption, a stepbrother or sister, and a foster brother or sister.

(b) The parent or legal guardian of any pupil may apply to the board of education of a sending school district on or before July 15 of the current school year for authority for such pupil to be furnished or provided transportation to school from the pupil's residence and from school to the pupil's residence by the receiving school district. The application shall be made upon forms prescribed by the state board of education.

(c) Upon receiving any application under this section, the board of education of a sending school district shall inquire of the receiving school district whether it is willing to furnish or provide transportation for the pupil named in the application. If the board of education of the sending school district determines that the receiving school district is willing to furnish or provide transportation for the pupil and the board of education of the sending school district and the board of education of the receiving school district agree that the pupil is a pupil as defined in subsection (a)(4)(A) or (B), the board of the sending school district shall issue an order authorizing the furnishing or provision of transportation by the receiving school district for the affected pupil to school from the pupil's residence and to the pupil's residence from school.

(d) **Pupils attending school in a receiving school district under the provisions of this section shall be counted as regularly enrolled in and attending school in the receiving school district for the purpose of computations, *except computation of transportation weighting*, under the school district finance and quality performance act and for the purposes of the statutory provisions contained in article 83 of chapter 72 of Kansas Statutes Annotated. No such pupil shall be charged for the costs of attendance at school in a receiving school district.**

SENATOR PHILLIP B. JOURNEY

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TOPEKA

SENATE CHAMBER

COMMITTEE ASSIGNMENTS

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HEALTH CARE STRATEGIES
JUDICIARY
PUBLIC HEALTH AND WELFARE
TRANSPORTATION
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OVERSIGHT (JOINT)
SOUTH CENTRAL DELEGATION, CHAIR

**Testimony in Support of Senate Bill 70
Before the Senate Education Committee on January 25th, 2007**

Madam Chair, members of the committee it is a privilege to be before your committee supporting Senate Bill 70. I want to thank the committee for its time and consideration involving this important matter.

Senate Bill 70 amends KSA 72-1046, 72-1046a, and 72-1046b. Section 1 of the legislation deletes and modifies KSA 72-1046, Subsection b by modifying that paragraph with the end result that any child with the agreement of the receiving school district may attend the contiguous school district when the child is not a resident of that school district. The child's family may not be charged tuition from the accepting district. The allocation of state funds for that child will follow the child to the school district the child attends.

Of the several pieces of legislation I initiated during the 2005-2006 Session, this was the very last one filed. There was insufficient time to run it out on the floor. I hope the committee's collective opinion discerns that my intent is appropriate. In reviewing the Director of the Budget's letter dated February 17th, 2006, he states, "The bill also provides for transportation of students to the receiving school district. The bill would require the parent or legal guardian to apply to the sending district before July 15 of the current school year to seek authority for the student to be furnished transportation to and from school and the student's residence. If the sending district determines that the receiving district is willing to furnish transportation for the student, the sending district must issue an order authorizing transportation." While I see no reason to object to the voluntary provision of transportation by the receiving district, it is not my intent in the drafting of Senate Bill 70 that the resident district incur any costs for transportation and should the receiving district not agree to transport the child to and from the school that it would solely be the responsibility of the parents of the child to provide such transportation.

The requirement that the application for acceptance of a nonresident student into a unified school district being required to be filed with that school district before July 15th, should give school districts sufficient time to determine if it is in their best interests and that of the student to accept that child for a particular school year. Parents should be given notice by August 1st each year of the intent of the receiving district so the parent will have time to deal with the consequences of rejection of the application. Budget Director Goossen states that this legislation would not affect the state budget regarding the cost of education. That would assume that the cost of educating an individual child does not vary between districts. We know that this is not the case. I would believe that it is likely the transfers could end up counterbalancing each other, expensive district

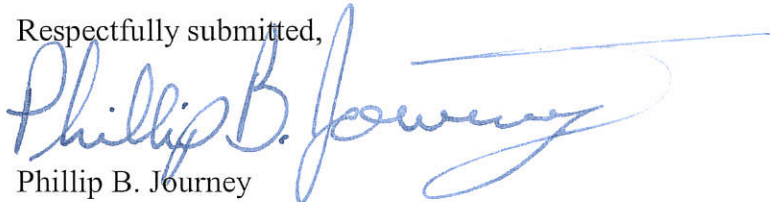
*Senate Education Committee
#-25-07
Attachment 2*

to a less expensive district and vice versa. I believe parents in this situation would not be required to make an economic decision except regarding the cost of transportation, and thus would be motivated to choose the school district which offers the most comprehensive education tailored to the individual child's needs and courses of desired study.

Such public school choice would offer parents a broad array of education options for their children. It would foster competition for students among the various public school districts and allow students to attend the school that they believe offers them the greatest opportunity for tailoring their education. It's important to note that this is not vouchers or tax credits, but simply a transfer between taxing entities of state aid. This is not a controversial school choice program resisted by so many involved in the education of our children, but simply a means of fostering competition between various public school districts that are financed by taxpayer funds. After all since tax payers are paying for it, shouldn't they have the opportunity to make the best choice they possibly can within the resources available in the state of Kansas.

I urge the committee to support Senate Bill 70.

Respectfully submitted,



Phillip B. Journey
Kansas Senator 26th District



Mark Desetti, Testimony
Senate Education Committee
January 25, 2006

Senate Bill 70

Madame Chair, members of the Committee, thank you for the opportunity to appear before you today to share our thoughts on Senate Bill 70.

We consider Senate Bill 70 to be a solution in search of a problem. The system we have in place today for children to transfer between districts is not broken and so does not need this fix.

Under law today, students may transfer between districts if there is an agreement between those districts which would specify the circumstances under which such transfers would be allowed. Two districts might have such an agreement if there is an academic program that exists in one school district that is not in the other – the International Baccalaureate Program for example. Agreements can cover students on the border where the school is closer in the neighboring district. Whatever the reason, districts can and do make such agreements.

The problem we see with SB 70 is that it opens this system to abuse.

Under SB 70 districts can cherry pick each other for a variety of reasons. Want a better football team? Recruit from your neighbor. Worried about your declining enrollment? Go next door. And for some people seeking transfers, it allows the worst reason of all: "I don't want my child with 'those kids.'"

We have a working system. There is no reason to fool with it. We urge you to reject SB 70.

*Senate Education Committee
1-25-07
Attachment 3*

KANSAS
ASSOCIATION



OF
SCHOOL
BOARDS

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Testimony on **SB 70**
before the
Senate Education Committee

by

Patricia Baker, Deputy Executive Director/General Counsel
Kansas Association of School Boards

January 25, 2007

Madam Chair, Members of the Committee:

Thank you, Madam Chair and Members of the Committee. On behalf of KASB members, I appear in qualified support of **SB 70**. The bill would clarify that students in Kansas public schools may attend school outside the district of residence if agreed to by the receiving district.

In the 2005-2006 school year, over 16,500 students attended public schools other than their home districts. Kansas students exercise a great deal of school choice. **SB 70** will allow continuation of those choices.

If **SB 70** is interpreted to mean that a receiving school district could bus students from inside a sending district without the latter's approval, KASB would oppose that portion of the law. Agreements among districts for education of students are numerous and widespread. Ultimately, those local district's are in the best position to make these decisions.

Thank you and I would be happy to answer any questions.

*Senate Education Committee
1-25-07
Attachment 4*