

MINUTES OF THE SENATE EDUCATION COMMITTEE

The meeting was called to order by Chairman Jean Schodorf at 1:35 p.m. on February 1, 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 Ruth Teichman

SB 153 – School districts in Stafford County; sharing of assessed valuation of certain property

Theresa Kiernan, Revisor of Statutes, explained that **SB 153** was similar to two bills which were enacted last year but it applied only to three school districts in Stafford County. The bill would divide the assessed valuation of a biodiesel plant between the districts when distributing state financial aid and for the purpose of levying school taxes in those districts.

Senator Ruth Teichman testified in support of **SB 153**. She explained that the Superintendent of Stafford approached her with the idea of presenting a bill that would work for Stafford County similar to 2006 **HB 2634** which allowed school districts in Haskell County to share assessed valuation of a proposed ethanol plant and the assessed valuation if a racetrack gaming facility or lottery gaming facility were ever located in that county. She noted that a biodiesel plant had not yet been built in Stafford County, but preliminary filings to establish the plant have been completed, and officials are in the process of finding investors to build the plant. She explained that the intent of the bill was to bring more cooperation between the three school districts as they work together for the benefit of all children in Stafford County. (Attachment 1)

Senator Schodorf called the Committee's attention to written testimony in support of **SB 153** submitted by Mark Desetti, Kansas National Education Association. (Attachment 2) With this, the hearing on **SB 153** was closed.

Senator Schodorf opened committee discussion on the following previously heard bills: **SB 95** concerning pupils housed at residential treatment facilities or juvenile detention facilities, **SB 61** concerning the state prescribed LOB percentage and election when required, **SB 109** concerning the month in which school districts can begin to compensate teachers, and **SB 68** which would make the non-proficient pupil weighting permanent. Theresa Kiernan, Revisor of Statutes, briefly reviewed each bill.

Senator Vratil moved to recommend **SB 95** favorably for passage, seconded by Senator Pine. The motion carried.

Senator Allen moved to recommend **SB 61** favorably for passage, seconded by Senator Vratil. The motion carried on a show of hands with Senator Lee voting "No."

Senator Ostmeyer moved to amend **SB 109** on page 1, lines 18 and 19, by inserting a period after "month" on line 18 and striking the remaining language on lines 18 and 19, seconded by Senator Teichman. The motion carried.

Senator Ostmeyer moved to recommend **SB 109** favorably for passage as amended, seconded by Senator Teichman. The motion carried.

Ms. Kiernan reviewed two suggested amendments to **SB 68** discussed at the hearing on the bill. The first amendment on line 36 would correct the reference to "paragraph (1)" to "paragraph (a)." The second amendment on line 40 would change the effective date to publication in the Kansas Register. Ms. Kiernan

CONTINUATION SHEET

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also explained that a conforming amendment was needed in the definition section in subsection (s) concerning "high density at-risk pupil weighting" and subsection (t) concerning the definition of "non-proficient pupil" as shown on page three of her handout. (Attachment 3)

Senator Vratil moved to amend **SB 68** on page 1, line 36, by striking (1) and inserting (a), on page 1, line 40, by striking "statute book" and inserting "Kansas Register", and by inserting the conforming amendments as explained by Ms. Kiernan, seconded by Senator Allen. The motion carried.

Senator Lee moved to amend **SB 68** on page 1, line 30, by inserting a two year sunset (June 30, 2009) in accordance with the recommendation by the At-Risk Council to allow time for continued study, seconded by Senator McGinn.

Substitute motion by Senator Vratil to recommend **SB 68** favorably as amended, seconded by Senator Allen. The motion carried.

The Committee's attention was returned to **SB 153**.

Senator Vratil moved to recommend **SB 153** favorably for passage, seconded by Senator Pine. The motion carried.

The Committee's attention was turned to the minutes of the January 24, 25, and 29 meetings.

Senator Allen moved to approve the minutes of the January 24, 25, and 29 meetings, seconded by Senator Teichman. The motion carried.

The meeting was adjourned at 2:10 p.m.

The next meeting is scheduled for February 5, 2007.

STATE OF KANSAS



TOPEKA

SENATE CHAMBER

COMMITTEE ASSIGNMENTS

CHAIR: FINANCIAL INSTITUTIONS AND INSURANCE
MEMBER: EDUCATION
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LEGISLATIVE EDUCATIONAL PLANNING COMMITTEE

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Madame Chairman and members of the Committee

Thank you for giving me the opportunity to visit with you about SB153 which relates to assessed valuations and school districts.

This bill came about as a result of HB 2634 that was passed by the legislature last year. That bill allowed the school districts in Haskell County to share and share alike in the assessed valuation of a proposed Ethanol Plant. The bill also allowed four school districts in Cherokee County to share equally in the assessed valuation if a racetrack gaming facility or a lottery gaming facility were to be located in that county.

The Superintendent of Stafford approached me with the idea of presenting a bill that would work for Stafford County schools along the lines of HB 2634. Stafford County is in the process of establishing a Biodiesel Plant near the town of St. John. The Stafford Superintendent took the idea to the other two superintendents in the county this summer and it has been a topic in their monthly meetings since that time. There was a consensus among them that this would be a workable idea.

Stafford County is a rural county just west of Reno County with an estimated population of around 5,000. There are three school districts in the county serving five towns – Stafford USD 349, St. John USD 350 and Macksville USD 351. Since the early nineties these school districts have cooperated with one another to share resources, staff and equipment to the benefit of all. As pointed out earlier, the superintendents hold monthly meetings to work together on the needs of all students. But like many rural schools, funding is their biggest problem. Sharing in the taxes of the proposed plant will help continue the cooperative efforts among these schools and could be the first step that will eventually lead them to some form of consolidation. The goal of the superintendents is what is best for all kids, not just what is best for only a few.

You may question why, if this plant has not been built yet, would I come to you with the bill at this time. The biodiesel plant is in the process of finding investors to build the plant. The preliminary filings to establish the plant have been completed. The company that has been formed is not at liberty at this time to reveal much more than it will happen when the funding has been secured and they are close to accomplishing that goal. The exact location of the plant can not be revealed at this time due to an agreement in the way the company was set up. But rumor would put the plant just south of St. John by the railroad tracks. The why now – if the other two school districts wait until the plant is built, the likely hood of St. John agreeing to sharing the revenues would be less likely. The intent of this bill is to bring more cooperation among the three school districts as they strive to work together for the benefit of all the children in Stafford County.

Thank you for your consideration of SB 153.

Senate Education Committee
2-1-07
Attachment 1



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

Mark Desetti, Written Testimony
Senate Education Committee
February 1, 2006

Senate Bill 153

Madame Chair, members of the Committee, thank you for the opportunity to share our thoughts on Senate Bill 153.

Senate Bill 153 allows the school districts in Stafford County to merge their properties for the purpose of valuation and to divide the resulting funding accordingly. It is similar to a bill passed last year for Satanta and Sublette.

As you consider the fate of small schools and small school districts, it is important to find ways to encourage the merging of resources and cooperation among neighboring districts.

This bill allows the three school districts in Stafford County to begin a greater level of cooperation. Who knows what might ultimately come of this? When school districts begin to share resources and cooperate in financial decisions they might find themselves willing to try even more.

Since these three districts have chosen to try this, we think it appropriate that the legislature encourage them.

We urge this committee to pass Senate Bill 153.

*Senate Education Committee
2-1-07
Attachment 2*

Proposed Amendment to Senate Bill No. 68

On page 1, following line 12, by inserting:

“Section 1. K.S.A. 2006 Supp. 72-6407 (a) (1) "Pupil" means any person who is regularly enrolled in a district and attending kindergarten or any of the grades one through 12 maintained by the district or who is regularly enrolled in a district and attending kindergarten or any of the grades one through 12 in another district in accordance with an agreement entered into under authority of K.S.A. 72-8233, and amendments thereto, or who is regularly enrolled in a district and attending special education services provided for preschool-aged exceptional children by the district.

(2) Except as otherwise provided in paragraph (3) of this subsection, a pupil in attendance full time shall be counted as one pupil. A pupil in attendance part time shall be counted as that proportion of one pupil (to the nearest 1/10) that the pupil's attendance bears to full-time attendance. A pupil attending kindergarten shall be counted as pupil. A pupil enrolled in and attending an institution of postsecondary education which is authorized under the laws of this state to award academic degrees shall be counted as one pupil if the pupil's postsecondary education enrollment and attendance together with the pupil's attendance in either of the grades 11 or 12 is at least 5/6 time, otherwise the pupil shall be counted as that proportion of one pupil (to the nearest 1/10) that the total time of the pupil's postsecondary education attendance and attendance in grade 11 or 12, as applicable, bears to full-time attendance. A pupil enrolled in and attending an area vocational school, area vocational-technical school or approved vocational education program shall be counted as one pupil if the pupil's vocational education enrollment and attendance together with the pupil's attendance in any of grades nine through 12 is at least 5/6 time, otherwise the pupil shall be counted as that proportion of one pupil (to the nearest 1/10) that the total time of the pupil's vocational education attendance and attendance in any of grades nine through 12 bears to full-time attendance. A pupil enrolled in a district and attending special education and related services, except special education and related services for preschool-aged exceptional children, provided for by the district shall be counted as one pupil. A pupil enrolled in a district and attending special education and related services for preschool-aged exceptional children provided for by the district shall be counted as ½ pupil. A preschool-aged at-risk pupil enrolled in a district and receiving services under an approved at-risk pupil assistance plan maintained by the district shall be counted as ½ pupil. A pupil in the custody of the secretary of social and rehabilitation services and enrolled in unified school district No. 259, Sedgwick county, Kansas, but housed, maintained, and receiving educational services at the Judge James V. Riddel Boys Ranch, shall be counted as two pupils.

(3) A pupil residing at the Flint Hills job corps center shall not be counted. A pupil confined in and receiving educational services provided for by a district at a juvenile detention facility shall not be counted. A pupil enrolled in a district but housed, maintained, and receiving educational services at a state institution shall not be counted. A pupil enrolled in a virtual school in a district but who is not a resident of the state of Kansas shall not be counted.

(b) "Preschool-aged exceptional children" means exceptional children, 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 under 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 pupils for participation in head start programs.

*Senate Education Committee
2-1-07
Attachment 3*

(e) "Enrollment" means: (1) (A) Subject to the provisions of paragraph (1)(B), 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 districts not specified in this paragraph (1), the number of pupils regularly enrolled in the district on September 20; (B) a pupil who is a foreign exchange student shall not be counted unless such student is regularly enrolled in the district on September 20 and attending kindergarten or any of the grades one through 12 maintained by the district for at least one semester or two quarters or the equivalent thereof;

(2) if enrollment in a district in any school year has decreased from enrollment in the preceding school year, enrollment of the district in the current school year means whichever is the greater of (A) enrollment in the preceding school year minus enrollment in such school year of preschool-aged at-risk pupils, if any such pupils were enrolled, plus enrollment in the current school year of preschool-aged at-risk pupils, if any such pupils are enrolled, or (B) the sum of enrollment in the current school year of preschool-aged at-risk pupils, if any such pupils are enrolled and the average (mean) of the sum of (i) enrollment of the district in the current school year minus enrollment in such school year of preschool-aged at-risk pupils, if any such pupils are enrolled and (ii) enrollment in the preceding school year minus enrollment in such school year of preschool-aged at-risk pupils, if any such pupils were enrolled and (iii) enrollment in the school year next preceding the preceding school year minus enrollment in such school year of preschool-aged at-risk pupils, if any such pupils were enrolled; or

(3) the number of pupils as determined under K.S.A. 72-6447 or K.S.A. 2006 Supp. 72-6448, and amendments thereto.

(f) "Adjusted enrollment" means enrollment adjusted by adding at-risk pupil weighting, program weighting, low enrollment weighting, if any, density at-risk weighting, if any, nonproficient pupil weighting, if any, high enrollment weighting, if any, declining enrollment weighting, if any, school facilities weighting, if any, ancillary school facilities weighting, if any, cost of living weighting, if any, special education and related services weighting, and transportation weighting to enrollment.

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

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

(i) "Low enrollment weighting" means an addend component assigned to enrollment of districts pursuant to K.S.A. 72-6412, and amendments thereto, on the basis of costs attributable to maintenance of educational programs by such districts in comparison with costs attributable to maintenance of educational programs by districts having to which high enrollment weighting is assigned pursuant to K.S.A. 2006 Supp. 72-6442b, and amendments thereto.

(j) "School facilities weighting" means an addend component assigned to enrollment of districts on the basis of costs attributable to commencing operation of new school facilities.

(k) "Transportation weighting" means an addend component assigned to enrollment of districts on the basis of costs attributable to the provision or furnishing of transportation.

(l) "Cost of living weighting" means an addend component assigned to enrollment of districts to which the provisions of K.S.A. 2006 Supp. 72-6449, and amendments thereto, apply on the basis of costs attributable to the cost of living in the district.

(m) "Ancillary school facilities weighting" means an addend component assigned to enrollment of districts to which the provisions of K.S.A. 72-6441, and amendments thereto, apply on the basis of costs attributable to commencing operation of new school facilities. Ancillary school facilities weighting may be assigned to enrollment of a district only if the district has levied a tax under authority of K.S.A. 72-6441, and amendments thereto, and remitted the proceeds from such tax to the state treasurer. Ancillary school

facilities weighting is in addition to assignment of school facilities weighting to enrollment of any district eligible for such weighting.

(n) "Juvenile detention facility" means: (1) Any secure public or private facility which is used for the lawful custody of accused or adjudicated juvenile offenders and which shall not be a jail;

(2) any level VI treatment facility licensed by the Kansas department of health and environment which is a psychiatric residential treatment facility for individuals under the age of 21 which conforms with the regulations of the centers for medicare/medicaid services and the joint commission on accreditation of health care organizations governing such facilities; and

(3) the Forbes Juvenile Attention Facility, the Sappa Valley Youth Ranch of Oberlin, Salvation Army/Koch Center Youth Services, the Clarence M. Kelley Youth Center, the Clarence M. Kelley Transitional Living Center, Trego County Secure Care Center, St. Francis Academy at Atchison, St. Francis Academy at Ellsworth, St. Francis Academy at Salina, St. Francis Center at Salina, King's Achievement Center, and Liberty Juvenile Services and Treatment.

(o) "Special education and related services weighting" means an addend component assigned to enrollment of districts on the basis of costs attributable to provision of special education and related services for pupils determined to be exceptional children.

(p) "Virtual school" means any kindergarten or grades one through 12 course offered for credit that uses distance-learning technologies which predominantly use internet-based methods to deliver instruction and for which the course content is available on an "anytime, anyplace" basis, but the instruction occurs asynchronously with the teacher and pupil in separate locations, not necessarily located within a local education agency.

(q) "Declining enrollment weighting" means an addend component assigned to enrollment of districts to which the provisions of K.S.A. 2006 Supp. 72-6451, and amendments thereto, apply on the basis of reduced revenues attributable to the declining enrollment of the district.

(r) "High enrollment weighting" means an addend component assigned to enrollment of districts pursuant to K.S.A. 2006 Supp. 72-6442b, and amendments thereto, on the basis of costs attributable to maintenance of educational programs by such districts as a correlate to low enrollment weighting assigned to enrollment of districts pursuant to K.S.A. 72-6412, and amendments thereto.

(s) "High density at-risk pupil weighting" means an addend component assigned to enrollment of districts to which the provisions of ~~section 5*~~ K.S.A. 2006 Supp. 72-6455, and amendments thereto, apply.

(t) "Nonproficient pupil" means a pupil who is not eligible for free meals under the national school lunch act and who has scored less than proficient on the mathematics or reading state assessment during the preceding school year ~~2004-2005~~ and who is enrolled in a district which maintains an approved proficiency assistance plan. x

(u) "Nonproficient pupil weighting" means an addend component assigned to enrollment of districts on the basis of enrollment of nonproficient pupils pursuant to K.S.A. 2006 Supp. 72-6454, and amendments thereto."

Renumber sections

Title and Repealer changes