

MINUTES OF THE HOUSE EDUCATION COMMITTEE

The meeting was called to order by Chairman Clay Aurand at 9:05 A.M. on March 18, 2008 in Room 313-S of the Capitol.

All members were present except:  
Benjamin Hodge- absent  
Steve Huebert- absent

Committee staff present:  
Theresa Kiernan, Office of Revisor of Statutes  
Dianne Rosell, Office of Revisor of Statutes  
Dale Dennis, Kansas State Department of Education  
Martha Dorsey, Kansas Legislative Research Department  
Sharon Wenger, Kansas Legislative Research Department  
Janet Henning, Committee Assistant

**SB 404: Kansas academy of mathematics and science; admission of nonresidents; fees and tuition; attendance and qualified admissions, exceptions**

Chairman Aurand reminded the Committee of previous discussions and amendments regarding **SB 404**.

A balloon amendment was distributed to Committee members with regard to the amendments by Chairman Aurand and Representative Storm that were already adopted. (Attachment 1)

Representative Colloton moved for an amendment to SB 404 which would eliminate the foreign or out-of-state student and admission of students would be limited to Kansas students. Representative Mah seconded the motion. The motion passed with a show of hands, yes - 12 and no - 9. Representative Otto requested his 'no' vote be recorded for the record. (Attachment 2)

A lengthy discussion among Committee members occurred regarding this bill.

Representative Colloton moved to strike the wording for the LOB portion (page 7, line 5), "plus the percentage of local option budget, adopted by the board of education of the school district in which the pupil is enrolled". The motion was seconded by Representative Mah. The motion failed with a show of hands, yes - 7 and no - 14.

Theresa Kiernan, Senior Assistant Revisor, Office of the Revisor of Statutes, advised of a technical amendment which was clarifying the compulsory attendance position on page 2. Chairman Aurand stated that, without objection, the correction should be drafted.

Representative Otto moved to strip the state general funds out of this bill and if they want to go forward, as originally drafted, to get grants. The motion was seconded by Representative Powers. The motion failed by show of hands.

Representative Spalding gave an explanation of material handed entitled "Getting to College Early". (Attachment 3)

Representative Horst moved to pass out SB 404 favorably as amended. The motion was seconded by Representative Spalding. The motion carried by a show of hands, yes - 14 and no - 3. Representative Otto requested his vote of "no" be recorded for the record.

**SB 426: School districts; enrollment and general fund budget in certain districts affected by disasters.**

Representative Hill advised Committee members of the report on Sub-Committee on school finance for school districts facing disasters. The Sub-Committee recommends that **HB 2776** be combined with **SB 426**. The Sub-Committee also recommended that the Legislative Educational Planning Committee (LEPC) review State law related to how disasters and declining enrollment affect school district funding and consider legislative changes that could provide assistance with future disasters and declining enrollment, regardless of the cause. (Attachment 4 and 5)

The Chairman adjourned the meeting at 10:20 A.M. The next meeting is scheduled for March 19, 2008.

*[As Amended by Senate Committee of the Whole]*

*As Amended by Senate Committee*

*Session of 2008*

**SENATE BILL No. 404**

By Legislative Educational Planning Committee

1-3

12 AN ACT concerning the Kansas academy of mathematics and science;  
13 relating to ~~students~~ **pupils** admitted thereto; relating to fees and tui-  
14 tion; amending K.S.A. 2007 Supp. 72-1111, 72-9711, 72-9712 and 72-  
15 9713 and repealing the existing sections.

16

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

18 Section 1. K.S.A. 2007 Supp. 72-1111 is hereby amended to read as  
19 follows: 72-1111. (a) Subject to the other provisions of this section, every  
20 parent or person acting as parent in the state of Kansas, who has control  
21 over or charge of any child who has reached the age of seven years and  
22 is under the age of 18 years and has not attained a high school diploma  
23 or a general educational development (GED) credential, shall require  
24 such child to be regularly enrolled in and attend continuously each school  
25 year (1) a public school for the duration of the school term provided for  
26 in K.S.A. 72-1106, and amendments thereto, or (2) a private, denomi-  
27 national or parochial school taught by a competent instructor for a period  
28 of time which is substantially equivalent to the period of time public  
29 school is maintained in the school district in which the private, denomi-  
30 national or parochial school is located. If the child is 16 or 17 years of  
31 age, the parent or person acting as parent, by written consent, or the  
32 court, pursuant to a court order, may allow the child to be exempt from  
33 the compulsory attendance requirements of this section.

34 (b) If the child is 16 or 17 years of age, the child shall be exempt  
35 from the compulsory attendance requirements of this section if: (1) The  
36 child is regularly enrolled in and attending a program recognized by the  
37 local board of education as an approved alternative educational program;  
38 or; (2) the child and the parent or person acting as parent attend a final  
39 counseling session conducted by the school during which a disclaimer to  
40 encourage the child to remain in school or to pursue educational alter-  
41 natives is presented to and signed by the child and the parent or person  
42 acting as parent. The disclaimer shall include information regarding the  
43 academic skills that the child has not yet achieved, the difference in future

House Education Committee  
Date: 3-18-08  
Attachment # 1

1 earning power between a high school graduate and a high school drop  
 2 out, and a listing of educational alternatives that are available for the child;  
 3 ~~or~~; or (3) the child is regularly enrolled in a school as required by sub-  
 4 section (a) and is concurrently enrolled in a postsecondary educational  
 5 institution, as defined by K.S.A. 74-3201b, and amendments thereto. The  
 6 provisions of this clause (3) shall be applicable to children from and after  
 7 July 1, 1997 and shall relate back to such date.

8 (c) Any child who is under the age of seven years, but who is enrolled  
 9 in school, is subject to the compulsory attendance requirements of this  
 10 section. Any such child may be withdrawn from enrollment in school at  
 11 any time by a parent or person acting as parent of the child and thereupon  
 12 the child shall be exempt from the compulsory attendance requirements  
 13 of this section until the child reaches the age of seven years or is re-  
 14 enrolled in school.

15 (d) Any child who is determined to be an exceptional child, except  
 16 for an exceptional child who is determined to be a gifted child, under the  
 17 provisions of the special education for exceptional children act is subject  
 18 to the compulsory attendance requirements of such act and is exempt  
 19 from the compulsory attendance requirements of this section. \_\_\_\_\_ and is attending

20 (e) *Any child who has been admitted to the Kansas academy of math-*  
 21 *ematics and science, as provided in K.S.A. 72-9711 et seq., and amend-*  
 22 *ments thereto, is exempt from the compulsory attendance requirements of*  
 23 *this section.*

24 ~~(e)~~ (f) No child attending public school in this state shall be required  
 25 to participate in any activity which is contrary to the religious teachings  
 26 of the child if a written statement signed by one of the parents or a person  
 27 acting as parent of the child is filed with the proper authorities of the  
 28 school attended requesting that the child not be required to participate  
 29 in such activities and stating the reason for the request.

30 ~~(f)~~ (g) When a recognized church or religious denomination that ob-  
 31 jects to a regular public high school education provides, offers and  
 32 teaches, either individually or in cooperation with another recognized  
 33 church or religious denomination, a regularly supervised program of in-  
 34 struction, which is approved by the state board of education, for children  
 35 of compulsory school attendance age who have successfully completed  
 36 the eighth grade, participation in such a program of instruction by any  
 37 such children whose parents or persons acting as parents are members  
 38 of the sponsoring church or religious denomination shall be regarded as  
 39 acceptable school attendance within the meaning of this act. Approval of  
 40 such programs shall be granted by the state board of education, for two-  
 41 year periods, upon application from recognized churches and religious  
 42 denominations, under the following conditions:

43 (1) Each participating child shall be engaged, during each day on

1-3

1 which attendance is legally required in the public schools in the school  
2 district in which the child resides, in at least five hours of learning activ-  
3 ities appropriate to the adult occupation that the child is likely to assume  
4 in later years;

5 (2) acceptable learning activities, for the purposes of this subsection,  
6 shall include parent (or person acting as parent) supervised projects in  
7 agriculture and homemaking, work-study programs in cooperation with  
8 local business and industry, and correspondence courses from schools  
9 accredited by the national home study council, recognized by the United  
10 States office of education as the competent accrediting agency for private  
11 home study schools;

12 (3) at least 15 hours per week of classroom work under the supervi-  
13 sion of an instructor shall be provided, at which time students shall be  
14 required to file written reports of the learning activities they have pursued  
15 since the time of the last class meeting, indicating the length of time spent  
16 on each one, and the instructor shall examine and evaluate such reports,  
17 approve plans for further learning activities, and provide necessary as-  
18 signments and instruction;

19 (4) regular attendance reports shall be filed as required by law, and  
20 students shall be reported as absent for each school day on which they  
21 have not completed the prescribed minimum of five hours of learning  
22 activities;

23 (5) the instructor shall keep complete records concerning instruction  
24 provided, assignments made, and work pursued by the students, and these  
25 records shall be filed on the first day of each month with the state board  
26 of education and the board of education of the school district in which  
27 the child resides;

28 (6) the instructor shall be capable of performing competently the  
29 functions entrusted thereto; *and*

30 (7) in applying for approval under this subsection a recognized church  
31 or religious denomination shall certify its objection to a regular public  
32 high school education and shall specify, in such detail as the state board  
33 of education may reasonably require, the program of instruction that it  
34 intends to provide and no such program shall be approved unless it fully  
35 complies with standards therefor which shall be specified by the state  
36 board of education;

37 ~~(8)~~ If the sponsors of an instructional program approved under this  
38 subsection fail to comply at any time with the provisions of this subsection,  
39 the state board of education shall rescind, after a written warning has  
40 been served and a period of three weeks allowed for compliance, approval  
41 of the programs, even though the two-year approval period has not  
42 elapsed, and thereupon children attending such program shall be admit-  
43 ted to a high school of the school district.



1 ~~(g)~~ (h) As used in this section:

2 (1) “Parent” and “person acting as parent” have the meanings re-

3 spectively ascribed thereto in K.S.A. 72-1046, and amendments thereto.  
4 (2) “Regularly enrolled” means enrolled in five or more hours of in-

5 struction each school day. For the purposes of subsection (b)(3), hours  
6 of instruction received at a postsecondary educational institution shall be  
7 counted.

8 Sec. 2. K.S.A. 2007 Supp. 72-9711 is hereby amended to read as  
9 follows: 72-9711. As used in this act:

10 (a) “Kansas academy of mathematics and science” or “KAMS”  
11 means: (1) An accelerated residential, or on-line distance learning pro-  
12 gram for Kansas high school-age pupils who are academically talented in  
13 science and mathematics; and (2) a rigorous, two-year program of college  
14 coursework tailored to individual abilities and taught by the faculty of a  
15 postsecondary educational institution designated by the board. The pur-  
16 pose of KAMS is to provide an opportunity for academically talented  
17 pupils to work in a community of peers and to earn simultaneously college  
18 credits and a high school diploma. The state board of regents shall de-  
19 termine whether KAMS is a residential program, a distance learning pro-  
20 gram or a combination of on-line and in person course work, seminars  
21 and learning activities.

22 (b) “Academically talented pupil” *or pupil* means a pupil who: (1) Is  
23 a Kansas resident, (2) is eligible for enrollment in the 11th grade or equiv-  
24 alent; ~~(3)~~ (2) has completed at least two years of high school with dis-  
25 tinction in mathematics or science by the end of 10th grade; ~~(4)~~ (3) has  
26 achieved minimum composite scores of 23 on the ACT or 1100 on the  
27 SAT; and ~~(5)~~ (4) demonstrates the maturity and capacity to benefit from  
28 the KAMS experience.

29 (c) “Postsecondary educational institution” has the meaning ascribed  
30 thereto in K.S.A. 74-3201b, and amendments thereto.

31 (d) “Board” means the state board of regents.

32 ~~Sec. 3. K.S.A. 2007 Supp. 72-9712 is hereby amended to read as~~  
33 ~~follows: 72-9712. (a) The state board of regents shall adopt any rules and~~  
34 ~~regulations necessary for the administration of the provisions of this act~~  
35 ~~and, subject to appropriations therefore, shall:~~

36 ~~—(1) Provide for establishment and operation of the Kansas academy~~  
37 ~~of mathematics and science program by a postsecondary educational in-~~  
38 ~~stitution designated by the board;~~

39 ~~—(2) establish guidelines and procedures for operation of KAMS and~~  
40 ~~for selection of academically talented pupils who apply for admission to~~  
41 ~~KAMS;~~

42 ~~—(3) prescribe the curriculum of KAMS, including coursework in~~  
43 ~~mathematics through calculus II, chemistry, biology, physics, computer~~

1 science, English and history. The course of study for KAMS pupils shall  
2 be subject to the approval of the state board of education and shall be  
3 designed to meet both the high school graduation requirements and the  
4 requirements for an associate of arts or an associate of science degree.  
5 The state assessment scores of students in KAMS shall be included in the  
6 state assessment scores of the school district which the student last at-  
7 tended but nothing herein shall preclude the use of such assessments by  
8 KAMS. *Students admitted to KAMS shall not be subject to the require-*  
9 *ments of K.S.A. 76-717, and amendments thereto.*

10 —(4) Nothing herein shall be construed to require the admittance to  
11 KAMS of a gifted student or the inclusion of KAMS admittance as a part  
12 of a student's IEP. Admittance to KAMS shall be determined solely pur-  
13 suant to rules and regulations of the state board of regents.

14 —(5) Establish *tuition and fees* for students attending the KAMS pro-  
15 gram. *Such For students who are enrolled in a Kansas school district,*  
16 *such tuition and fees shall be paid by the school district where the student*  
17 *is enrolled but shall not exceed the base state aid per pupil. For students*  
18 *who are not enrolled in a Kansas school district, such tuition and fees*  
19 *shall be paid by the student.*

20 —(b) The guidelines and procedures for the operation of KAMS shall  
21 address:

22 —(1) Selection and admission of academically talented pupils on the  
23 basis of mathematics or science career interests, standardized tests scores,  
24 transcripts, teacher evaluations, essays, family commitment, personal in-  
25 terviews and other such factors as the board identifies;

26 —(2) selection of faculty and faculty qualifications;

27 —(3) research, laboratory and field trip activities;

28 —(4) extracurricular activities;

29 —(5) college and career counseling services;

30 —(6) college credit to be awarded;

31 —(7) preparation and utilization of manuals to be provided to high  
32 school counselors for use in advising academically talented pupils;

33 —(8) computers and software needed;

34 —(9) ways and means of encouraging and facilitating parental involve-  
35 ment in KAMS; and

36 —(10) manner and method of publicizing KAMS and acquainting aca-  
37 demically talented pupils and their parents with the benefits to be gained  
38 by attending KAMS.

39 —(c) The procedure for selecting academically talented pupils for ad-  
40 mission to KAMS shall provide for admission of 20 students selected on  
41 a congressional district basis with no more than five pupils from each of  
42 the four congressional districts and 20 other pupils selected on a statewide  
43 basis. The board of regents shall have the authority to expand the number

1 of students but, ~~and to authorize admission of nonresidents and inter-~~  
 2 ~~national students as well as additional Kansas residents.~~ Any such expan-  
 3 ~~sion of the number of Kansas residents shall maintain the same propor-~~  
 4 ~~tions as provided above for congressional districts and selections on a~~  
 5 ~~statewide basis. At least two-thirds of the total number of students enrolled~~  
 6 ~~in KAMS shall be Kansas residents.~~ The selection criteria and programs  
 7 for KAMS may include advance placement courses offered over the KAN-  
 8 ED network for pupils in grades 9 through 12.

9 —(d) The board shall have authority to aid regent institutions in devel-  
 10 oping short-term summer academies and shall include in its budget re-  
 11 quest funds for operating such academies. The governor shall include  
 12 funding therefor in the governor's budget report. Such summer acade-  
 13 mies may be residential or use the KAN-ED system.

14 **Sec. 3. K.S.A. 2007 Supp. 72-9712 is hereby amended to read**  
 15 **as follows: 72-9712. (a) The state board of regents shall adopt any**  
 16 **rules and regulations necessary for the administration of the pro-**  
 17 **visions of this act and, subject to appropriations therefore, shall:**

18 **(1) Provide for establishment and operation of the Kansas acad-**  
 19 **emy of mathematics and science program by a postsecondary edu-**  
 20 **ca-tional institution designated by the board;**

21 **(2) establish guidelines and procedures for operation of KAMS**  
 22 **and for selection of academically talented pupils who apply for ad-**  
 23 **mission to KAMS;**

24 **(3) prescribe the curriculum of KAMS, including coursework in**  
 25 **mathematics through calculus II, chemistry, biology, physics, com-**  
 26 **puter science, English and history. The course of study for KAMS**  
 27 **pupils shall be subject to the approval of the state board of edu-**  
 28 **ca-tion and shall be designed to meet both the high school graduation**  
 29 **requirements and the requirements for an associate of arts or an**  
 30 **associate of science degree. The state assessment scores of students**  
 31 **academically talented pupils in KAMS shall be included in the state**  
 32 **assessment scores of the school district which the student such pupil**  
 33 **last attended but nothing herein shall preclude the use of such as-**  
 34 **sessments by KAMS. Solely for the purpose of admission to KAMS, an**  
 35 **academically talented pupil shall not be required to comply with the**  
 36 **requirements of K.S.A. 76-717, and amendments thereto. \_\_\_\_\_; and**

37 **(4) ~~Nothing herein shall be construed to require the admittance~~**  
 38 **~~to KAMS of a gifted student pupil or the inclusion of KAMS admit-~~**  
 39 **~~tance as a part of a student's gifted pupil's IEP. Admittance to KAMS~~**  
 40 **~~shall be determined solely pursuant to rules and regulations of the~~**  
 41 **~~state board of regents.~~**

42 **(5) [(4)] Establish fees for students tuition and fees for academically \_\_\_\_\_ establish**  
 43 **talented pupils attending the KAMS program. Such fees For academi-**

1 *cally talented pupils who are enrolled in a Kansas school district, such*  
 2 *tuition and fees, other than those fees which are regularly charged to high*  
 3 *school pupils, shall be paid by the school district where the student*  
 4 *such pupil is enrolled but shall not exceed the base state aid per*  
 5 *pupil. All academically talented pupils shall be responsible for the pay-*  
 6 *ment of any fees regularly charged to other pupils enrolled in high school.*  
 7 *Tuition and fees charged to pupils who are not enrolled in a Kansas school*  
 8 *district may exceed the amount of base state aid per pupil. Academically*  
 9 *talented pupils who are not enrolled in a Kansas school district shall be*  
 10 *responsible for the payment of all tuition and fees.*

11 **(b) The guidelines and procedures for the operation of KAMS**  
 12 **shall address:**

13 **(1) Selection and admission of academically talented pupils on**  
 14 **the basis of mathematics or science career interests, standardized**  
 15 **tests scores, transcripts, teacher evaluations, essays, family com-**  
 16 **mitment, personal interviews and other such factors as the board**  
 17 **identifies;**

18 **(2) selection of faculty and faculty qualifications;**

19 **(3) research, laboratory and field trip activities;**

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21 **(5) college and career counseling services;**

22 **(6) college credit to be awarded;**

23 **(7) preparation and utilization of manuals to be provided to**  
 24 **high school counselors for use in advising academically talented**  
 25 **pupils;**

26 **(8) computers and software needed;**

27 **(9) ways and means of encouraging and facilitating parental in-**  
 28 **volvement in KAMS; and**

29 **(10) manner and method of publicizing KAMS and acquainting**  
 30 **academically talented pupils and their parents with the benefits to**  
 31 **be gained by attending KAMS.**

32 **(c) The procedure for selecting academically talented pupils for**  
 33 **admission to KAMS shall provide for admission of 20 students aca-**  
 34 **demically talented pupils selected on a congressional district basis**  
 35 **with no more than five pupils from each of the four congressional**  
 36 **districts and 20 other academically talented pupils selected on a state-**  
 37 **wide basis. If there are fewer than five academically talented pupils who**  
 38 **apply for admission to KAMS from any one of the four congressional**  
 39 **districts, academically talented pupils applying from the other Kansas**  
 40 **congressional districts may be substituted therefore, but congressional dis-**  
 41 **trict balance shall be maintained to the extent possible. The board of**  
 42 **regents shall have the authority to expand the number of students**  
 43 **but any such expansion academically talented pupils and to authorize**

an amount equal to base state aid per pupil plus any amount attributable low enrollment pupil weighting, high enrollment pupil weighting, at-risk pupil weighting and high density at-risk pupil weighting plus the percentage of local option budget, adopted by the board of education of the school district in which the pupil is enrolled, which are attributable to the pupil.

charged to pupils who are enrolled in a Kansas school district

6-1

1 admission of nonresident academically talented pupils and international  
2 academically talented pupils as well as additional Kansas residents. Any  
3 such expansion of the number of Kansas residents **shall maintain the**  
4 **same proportions as provided above for congressional districts and**  
5 **selections on a statewide basis.** At least two-thirds of the total number  
6 of academically talented pupils enrolled in KAMS shall be Kansas resi-  
7 dents. **The selection criteria and programs for KAMS may include**  
8 **advance placement courses offered over the KAN-ED network for**  
9 **pupils in grades 9 through 12.**

10 [Admittance to KAMS shall be determined solely pursuant to  
11 rules and regulations of the state board of regents. Nothing in this  
12 section shall be construed to require the admittance of a gifted pupil  
13 to KAMS or the inclusion of KAMS admittance as a part of a gifted  
14 pupil's IEP.]

15 (d) **The board shall have authority to aid regent institutions in**  
16 **developing short-term summer academies and shall include in its**  
17 **budget request funds for operating such academies. The governor**  
18 **shall include funding therefor in the governor's budget report. Such**  
19 **summer academies may be residential or use the KAN-ED system.**

20 Sec. 4. K.S.A. 2007 Supp. 72-9713 is hereby amended to read as  
21 follows: 72-9713. ~~Except as otherwise provided in subsection (a)(5) of~~  
22 ~~K.S.A. 72-9712, and amendments thereto,~~ academically talented pupils  
23 shall be admitted to KAMS without charge for tuition, fees and books,  
24 ~~except those fees regularly charged to public high school students.~~ If the  
25 program is structured as a residential program, ~~students~~ **academically**  
26 **talented pupils** shall be responsible for room and board charges. Aca-  
27 demically talented pupils who demonstrate financial need may be pro-  
28 vided room and board without charge.

29 Sec. 5. K.S.A. 2007 Supp. 72-1111, 72-9711, 72-9712 and 72-9713  
30 are hereby repealed.

31 Sec. 6. This act shall take effect and be in force from and after its  
32 publication in the statute book.

*[As Amended by Senate Committee of the Whole]*

*As Amended by Senate Committee*

Session of 2008

**SENATE BILL No. 404**

By Legislative Educational Planning Committee

1-3

12 AN ACT concerning the Kansas academy of mathematics and science;  
13 relating to ~~students~~ **pupils** admitted thereto; relating to fees and tui-  
14 tion; amending K.S.A. 2007 Supp. 72-1111, 72-9711, 72-9712 and 72-  
15 9713 and repealing the existing sections.

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

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19 follows: 72-1111. (a) Subject to the other provisions of this section, every  
20 parent or person acting as parent in the state of Kansas, who has control  
21 over or charge of any child who has reached the age of seven years and  
22 is under the age of 18 years and has not attained a high school diploma  
23 or a general educational development (GED) credential, shall require  
24 such child to be regularly enrolled in and attend continuously each school  
25 year (1) a public school for the duration of the school term provided for  
26 in K.S.A. 72-1106, and amendments thereto, or (2) a private, denomi-  
27 national or parochial school taught by a competent instructor for a period  
28 of time which is substantially equivalent to the period of time public  
29 school is maintained in the school district in which the private, denomi-  
30 national or parochial school is located. If the child is 16 or 17 years of  
31 age, the parent or person acting as parent, by written consent, or the  
32 court, pursuant to a court order, may allow the child to be exempt from  
33 the compulsory attendance requirements of this section.

34 (b) If the child is 16 or 17 years of age, the child shall be exempt  
35 from the compulsory attendance requirements of this section if: (1) The  
36 child is regularly enrolled in and attending a program recognized by the  
37 local board of education as an approved alternative educational program;  
38 or; (2) the child and the parent or person acting as parent attend a final  
39 counseling session conducted by the school during which a disclaimer to  
40 encourage the child to remain in school or to pursue educational alter-  
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43 academic skills that the child has not yet achieved, the difference in future

House Education Committee  
Date: 3-13-08  
Attachment # 2



1 earning power between a high school graduate and a high school drop  
2 out, and a listing of educational alternatives that are available for the child;  
3 ~~or~~; or (3) the child is regularly enrolled in a school as required by sub-  
4 section (a) and is concurrently enrolled in a postsecondary educational  
5 institution, as defined by K.S.A. 74-3201b, and amendments thereto. The  
6 provisions of this clause (3) shall be applicable to children from and after  
7 July 1, 1997 and shall relate back to such date.

8 (c) Any child who is under the age of seven years, but who is enrolled  
9 in school, is subject to the compulsory attendance requirements of this  
10 section. Any such child may be withdrawn from enrollment in school at  
11 any time by a parent or person acting as parent of the child and thereupon  
12 the child shall be exempt from the compulsory attendance requirements  
13 of this section until the child reaches the age of seven years or is re-  
14 enrolled in school.

15 (d) Any child who is determined to be an exceptional child, except  
16 for an exceptional child who is determined to be a gifted child, under the  
17 provisions of the special education for exceptional children act is subject  
18 to the compulsory attendance requirements of such act and is exempt  
19 from the compulsory attendance requirements of this section.

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21 *ematics and science, as provided in K.S.A. 72-9711 et seq., and amend-*  
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25 to participate in any activity which is contrary to the religious teachings  
26 of the child if a written statement signed by one of the parents or a person  
27 acting as parent of the child is filed with the proper authorities of the  
28 school attended requesting that the child not be required to participate  
29 in such activities and stating the reason for the request.

30 ~~(f)~~ (g) When a recognized church or religious denomination that ob-  
31 jects to a regular public high school education provides, offers and  
32 teaches, either individually or in cooperation with another recognized  
33 church or religious denomination, a regularly supervised program of in-  
34 struction, which is approved by the state board of education, for children  
35 of compulsory school attendance age who have successfully completed  
36 the eighth grade, participation in such a program of instruction by any  
37 such children whose parents or persons acting as parents are members  
38 of the sponsoring church or religious denomination shall be regarded as  
39 acceptable school attendance within the meaning of this act. Approval of  
40 such programs shall be granted by the state board of education, for two-  
41 year periods, upon application from recognized churches and religious  
42 denominations, under the following conditions:

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4 in later years;
- 5 (2) acceptable learning activities, for the purposes of this subsection,  
6 shall include parent (or person acting as parent) supervised projects in  
7 agriculture and homemaking, work-study programs in cooperation with  
8 local business and industry, and correspondence courses from schools  
9 accredited by the national home study council, recognized by the United  
10 States office of education as the competent accrediting agency for private  
11 home study schools;
- 12 (3) at least 15 hours per week of classroom work under the supervi-  
13 sion of an instructor shall be provided, at which time students shall be  
14 required to file written reports of the learning activities they have pursued  
15 since the time of the last class meeting, indicating the length of time spent  
16 on each one, and the instructor shall examine and evaluate such reports,  
17 approve plans for further learning activities, and provide necessary as-  
18 signments and instruction;
- 19 (4) regular attendance reports shall be filed as required by law, and  
20 students shall be reported as absent for each school day on which they  
21 have not completed the prescribed minimum of five hours of learning  
22 activities;
- 23 (5) the instructor shall keep complete records concerning instruction  
24 provided, assignments made, and work pursued by the students, and these  
25 records shall be filed on the first day of each month with the state board  
26 of education and the board of education of the school district in which  
27 the child resides;
- 28 (6) the instructor shall be capable of performing competently the  
29 functions entrusted thereto; *and*
- 30 (7) in applying for approval under this subsection a recognized church  
31 or religious denomination shall certify its objection to a regular public  
32 high school education and shall specify, in such detail as the state board  
33 of education may reasonably require, the program of instruction that it  
34 intends to provide and no such program shall be approved unless it fully  
35 complies with standards therefor which shall be specified by the state  
36 board of education;
- 37 ~~(8)~~ If the sponsors of an instructional program approved under this  
38 subsection fail to comply at any time with the provisions of this subsection,  
39 the state board of education shall rescind, after a written warning has  
40 been served and a period of three weeks allowed for compliance, approval  
41 of the programs, even though the two-year approval period has not  
42 elapsed, and thereupon children attending such program shall be admit-  
43 ted to a high school of the school district.

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1 ~~(g)~~ (h) As used in this section:

2 (1) “Parent” and “person acting as parent” have the meanings re-  
3 spectively ascribed thereto in K.S.A. 72-1046, and amendments thereto.

4 (2) “Regularly enrolled” means enrolled in five or more hours of in-  
5 struction each school day. For the purposes of subsection (b)(3), hours  
6 of instruction received at a postsecondary educational institution shall be  
7 counted.

8 Sec. 2. K.S.A. 2007 Supp. 72-9711 is hereby amended to read as  
9 follows: 72-9711. As used in this act:

10 (a) “Kansas academy of mathematics and science” or “KAMS”  
11 means: (1) An accelerated residential, or on-line distance learning pro-  
12 gram for Kansas high school-age pupils who are academically talented in  
13 science and mathematics; and (2) a rigorous, two-year program of college  
14 coursework tailored to individual abilities and taught by the faculty of a  
15 postsecondary educational institution designated by the board. The pur-  
16 pose of KAMS is to provide an opportunity for academically talented  
17 pupils to work in a community of peers and to earn simultaneously college  
18 credits and a high school diploma. The state board of regents shall de-  
19 termine whether KAMS is a residential program, a distance learning pro-  
20 gram or a combination of on-line and in person course work, seminars  
21 and learning activities.

22 (b) “Academically talented pupil” or *pupil* means a pupil who: (1) Is  
23 a Kansas resident; (2) is eligible for enrollment in the 11th grade or equiv-  
24 alent; (3) (2) has completed at least two years of high school with dis-  
25 tinction in mathematics or science by the end of 10th grade; (4) (3) has  
26 achieved minimum composite scores of 23 on the ACT or 1100 on the  
27 SAT; and (5) (4) demonstrates the maturity and capacity to benefit from  
28 the KAMS experience.

29 (c) “Postsecondary educational institution” has the meaning ascribed  
30 thereto in K.S.A. 74-3201b, and amendments thereto.

31 (d) “Board” means the state board of regents.

32 Sec. 3. K.S.A. 2007 Supp. 72-9712 is hereby amended to read as  
33 follows: 72-9712. (a) The state board of regents shall adopt any rules and  
34 regulations necessary for the administration of the provisions of this act  
35 and, subject to appropriations therefore, shall:

36 —(1) Provide for establishment and operation of the Kansas academy  
37 of mathematics and science program by a postsecondary educational in-  
38 stitution designated by the board;

39 —(2) establish guidelines and procedures for operation of KAMS and  
40 for selection of academically talented pupils who apply for admission to  
41 KAMS;

42 —(3) prescribe the curriculum of KAMS, including coursework in  
43 mathematics through calculus II, chemistry, biology, physics, computer

— a resident of the state of Kansas; (2) is  
[Renumber clauses]

1 science, English and history. The course of study for KAMS pupils shall  
2 be subject to the approval of the state board of education and shall be  
3 designed to meet both the high school graduation requirements and the  
4 requirements for an associate of arts or an associate of science degree.  
5 The state assessment scores of students in KAMS shall be included in the  
6 state assessment scores of the school district which the student last at-  
7 tended but nothing herein shall preclude the use of such assessments by  
8 KAMS. *Students admitted to KAMS shall not be subject to the require-*  
9 *ments of K.S.A. 76-717, and amendments thereto.*

10 —(4) Nothing herein shall be construed to require the admittance to  
11 KAMS of a gifted student or the inclusion of KAMS admittance as a part  
12 of a student's IEP. Admittance to KAMS shall be determined solely pur-  
13 suant to rules and regulations of the state board of regents.

14 —(5) Establish *tuition and fees* for students attending the KAMS pro-  
15 gram. *Such For students who are enrolled in a Kansas school district,*  
16 *such tuition and fees shall be paid by the school district where the student*  
17 *is enrolled but shall not exceed the base state aid per pupil. For students*  
18 *who are not enrolled in a Kansas school district, such tuition and fees*  
19 *shall be paid by the student.*

20 —(b) The guidelines and procedures for the operation of KAMS shall  
21 address:

22 —(1) Selection and admission of academically talented pupils on the  
23 basis of mathematics or science career interests, standardized tests scores,  
24 transcripts, teacher evaluations, essays, family commitment, personal in-  
25 terviews and other such factors as the board identifies;

26 —(2) selection of faculty and faculty qualifications;

27 —(3) research, laboratory and field trip activities;

28 —(4) extracurricular activities;

29 —(5) college and career counseling services;

30 —(6) college credit to be awarded;

31 —(7) preparation and utilization of manuals to be provided to high  
32 school counselors for use in advising academically talented pupils;

33 —(8) computers and software needed;

34 —(9) ways and means of encouraging and facilitating parental involve-  
35 ment in KAMS; and

36 —(10) manner and method of publicizing KAMS and acquainting aca-  
37 demically talented pupils and their parents with the benefits to be gained  
38 by attending KAMS.

39 —(c) The procedure for selecting academically talented pupils for ad-  
40 mission to KAMS shall provide for admission of 20 students selected on  
41 a congressional district basis with no more than five pupils from each of  
42 the four congressional districts and 20 other pupils selected on a statewide  
43 basis. The board of regents shall have the authority to expand the number

1-5

1 of students but, ~~and to authorize admission of nonresidents and inter-~~  
2 ~~national students as well as additional Kansas residents.~~ Any such expan-  
3 ~~sion of the number of Kansas residents~~ shall maintain the same propor-  
4 ~~tions as provided above for congressional districts and selections on a~~  
5 ~~statewide basis. At least two-thirds of the total number of students enrolled~~  
6 ~~in KAMS shall be Kansas residents.~~ The selection criteria and programs  
7 for KAMS may include advance placement courses offered over the KAN-  
8 ED network for pupils in grades 9 through 12.

9 —(d) The board shall have authority to aid regent institutions in devel-  
10 ~~oping short-term summer academics and shall include in its budget re-~~  
11 ~~quest funds for operating such academics. The governor shall include~~  
12 ~~funding therefor in the governor's budget report. Such summer acade-~~  
13 ~~mies may be residential or use the KAN-ED system.~~

14 **Sec. 3. K.S.A. 2007 Supp. 72-9712 is hereby amended to read**  
15 **as follows: 72-9712. (a) The state board of regents shall adopt any**  
16 **rules and regulations necessary for the administration of the pro-**  
17 **visions of this act and, subject to appropriations therefore, shall:**

18 **(1) Provide for establishment and operation of the Kansas acad-**  
19 **emy of mathematics and science program by a postsecondary edu-**  
20 **cational institution designated by the board;**

21 **(2) establish guidelines and procedures for operation of KAMS**  
22 **and for selection of academically talented pupils who apply for ad-**  
23 **mission to KAMS;**

24 **(3) prescribe the curriculum of KAMS, including coursework in**  
25 **mathematics through calculus II, chemistry, biology, physics, com-**  
26 **puter science, English and history. The course of study for KAMS**  
27 **pupils shall be subject to the approval of the state board of edu-**  
28 **cation and shall be designed to meet both the high school graduation**  
29 **requirements and the requirements for an associate of arts or an**  
30 **associate of science degree. The state assessment scores of students**  
31 **academically talented pupils in KAMS shall be included in the state**  
32 **assessment scores of the school district which the student such pupil**  
33 **last attended but nothing herein shall preclude the use of such as-**  
34 **essments by KAMS. Solely for the purpose of admission to KAMS, an**  
35 **academically talented pupil shall not be required to comply with the**  
36 **requirements of K.S.A. 76-717, and amendments thereto.**

37 **(4) Nothing herein shall be construed to require the admittance**  
38 **to KAMS of a gifted student pupil or the inclusion of KAMS admit-**  
39 **tance as a part of a student's gifted pupil's IEP. Admittance to KAMS**  
40 **shall be determined solely pursuant to rules and regulations of the**  
41 **state board of regents.**

42 **(5) [(4)] Establish fees for students tuition and fees for academically**  
43 **talented pupils attending the KAMS program. Such fees For academi-**

1 cally talented pupils who are enrolled in a Kansas school district, such  
2 tuition and fees, other than those fees which are regularly charged to high  
3 school pupils, **shall be paid by the school district where the student**  
4 **such pupil is enrolled but shall not exceed the base state aid per**  
5 **pupil.** All academically talented pupils shall be responsible for the pay-  
6 ment of any fees regularly charged to other pupils enrolled in high school.  
7 Tuition and fees charged to pupils who are not enrolled in a Kansas school  
8 district may exceed the amount of base state aid per pupil. Academically  
9 talented pupils who are not enrolled in a Kansas school district shall be  
10 responsible for the payment of all tuition and fees.

11 **(b) The guidelines and procedures for the operation of KAMS**  
12 **shall address:**

13 **(1) Selection and admission of academically talented pupils on**  
14 **the basis of mathematics or science career interests, standardized**  
15 **tests scores, transcripts, teacher evaluations, essays, family com-**  
16 **mitment, personal interviews and other such factors as the board**  
17 **identifies;**

18 **(2) selection of faculty and faculty qualifications;**

19 **(3) research, laboratory and field trip activities;**

20 **(4) extracurricular activities;**

21 **(5) college and career counseling services;**

22 **(6) college credit to be awarded;**

23 **(7) preparation and utilization of manuals to be provided to**  
24 **high school counselors for use in advising academically talented**  
25 **pupils;**

26 **(8) computers and software needed;**

27 **(9) ways and means of encouraging and facilitating parental in-**  
28 **volvement in KAMS; and**

29 **(10) manner and method of publicizing KAMS and acquainting**  
30 **academically talented pupils and their parents with the benefits to**  
31 **be gained by attending KAMS.**

32 **(c) The procedure for selecting academically talented pupils for**  
33 **admission to KAMS shall provide for admission of 20 students aca-**  
34 **demically talented pupils selected on a congressional district basis**  
35 **with no more than five pupils from each of the four congressional**  
36 **districts and 20 other academically talented pupils selected on a state-**  
37 **wide basis.** If there are fewer than five academically talented pupils who  
38 apply for admission to KAMS from any one of the four congressional  
39 districts, academically talented pupils applying from the other Kansas  
40 congressional districts may be substituted therefore, but congressional dis-  
41 trict balance shall be maintained to the extent possible. **The board of**  
42 **regents shall have the authority to expand the number of students**  
43 ~~but any such expansion academically talented pupils and to authorize~~

2-7



1 ~~admission of nonresident academically talented pupils and international~~  
 2 ~~academically talented pupils as well as additional Kansas residents. Any~~  
 3 ~~such expansion of the number of Kansas residents shall maintain the~~ pupils  
 4 ~~same proportions as provided above for congressional districts and~~  
 5 ~~selections on a statewide basis. At least two thirds of the total number~~  
 6 ~~of academically talented pupils enrolled in KAMS shall be Kansas resi-~~  
 7 ~~dents. The selection criteria and programs for KAMS may include~~  
 8 ~~advance placement courses offered over the KAN-ED network for~~  
 9 ~~pupils in grades 9 through 12.~~

10 [Admittance to KAMS shall be determined solely pursuant to  
 11 rules and regulations of the state board of regents. Nothing in this  
 12 section shall be construed to require the admittance of a gifted pupil  
 13 to KAMS or the inclusion of KAMS admittance as a part of a gifted  
 14 pupil's IEP.]

15 (d) The board shall have authority to aid regent institutions in  
 16 developing short-term summer academies and shall include in its  
 17 budget request funds for operating such academies. The governor  
 18 shall include funding therefor in the governor's budget report. Such  
 19 summer academies may be residential or use the KAN-ED system.

20 Sec. 4. K.S.A. 2007 Supp. 72-9713 is hereby amended to read as  
 21 follows: 72-9713. ~~Except as otherwise provided in subsection (a)(5) of~~  
 22 ~~K.S.A. 72-9712, and amendments thereto, academically talented pupils~~  
 23 ~~shall be admitted to KAMS without charge for tuition, fees and books,~~  
 24 ~~except those fees regularly charged to public high school students.~~ If the  
 25 program is structured as a residential program, ~~students~~ **academically**  
 26 **talented pupils** shall be responsible for room and board charges. Aca-  
 27 demically talented pupils who demonstrate financial need may be pro-  
 28 vided room and board without charge.

29 Sec. 5. K.S.A. 2007 Supp. 72-1111, 72-9711, 72-9712 and 72-9713  
 30 are hereby repealed.

31 Sec. 6. This act shall take effect and be in force from and after its  
 32 publication in the statute book.

# Getting to College Early

Sometimes the best place for an advanced high school student is a university. Although it might sound like a radical solution, it's been going on in this country since the early days of our nation.

In fact, throughout American history, highly capable students have started college ahead of time. The products of the one-room schoolhouse often ended up at Harvard and Yale before the age of eighteen.

Despite the long history of the practice, early entrance to college is still controversial. At the same time, researchers say it is becoming more common.

The reason for early entrance to college is the same as it always was—mastery of the high school curriculum—and, sometimes, boredom with the local high school environment. A highly capable student may be thirsting for academic challenges not available.

Such a student may have been waiting years for a challenging curriculum, and by high school it simply may be time to move forward.

## It's Not Just for Geniuses

Early entrants who are profiled by the media tend to be the rare students who start college at remarkably young ages. However, there is a tremendous variety in the age, ability, emotional maturity, and family background of early entrants. Many early entrants are only a year or two younger than other freshmen.

"There's been too much attention to the few kids who are in college at 10," says Professor Julian Stanley of Johns Hopkins University, who has worked with thousands of students who enter college early, mostly in the age range of 15-17.

It doesn't always seem like such an extreme move to the early entrants themselves. Some students, especially those who have been accelerated by whole grade or by subject, have already spent their final year in high school in the same classroom with college-bound seniors. These students come to college with the same knowledge as regular-aged college-bound freshmen.

Other early entrants to college have been to college before. They have lived away from home as part of summer college programs and already have experience taking college courses with older students. They may have spent significant time on local community college campuses, and they're often more familiar with a college environment than other first-year students.

These early forays into college life—summer courses or community college classes—may be enough for some academically advanced high school students. For others, it is a taste of something they cannot resist. Those students decide that instead of a course here or there, they would like to enroll in college full-time.

But not every early entrant has had the opportunity to get a taste of college. Some enter college out of frustration with their options, or more accurately, the lack of options. They have very different needs from the early entrants who have had years of summer school and community college experiences.

## Choices for Early Entrants

Early entrants' experiences can vary. They can live in a dorm or live at home and commute to college. They can choose a highly selective college, or a local community college with an open-door admissions policy.

Students can even enroll in a college with special programs for early entrants. These programs offer ad-

ditional support and a group of peers going through a similar experience. Sometimes, special dorm arrangements and scholarships are available.

The Texas Academy of Mathematics and Science (TAMS) at the University of North Texas enrolls 200 tenth-graders each year. TAMS grants high-school diplomas to students while they simultaneously complete their last two years of high school and the first two years of college.

The University of Washington has a long and successful history of early-entrance programs with a special Transition School to smooth the passage from school to college. The Bard High School Early College program is another successful program and is free to New York City residents.

Mary Baldwin College sponsors the early entrance Program for the Exceptionally Gifted (PEG), and the State University of West Georgia sponsors the Advanced Academy of Georgia.

Early entrants should take a careful look around at their choices. They may even be able to stay in high school with their friends and attend a local college at the same time. In fact, it's possible to finish high school and college simultaneously, earning two diplomas at once.

As options like summer school and whole-grade acceleration become more common, it's likely that more students will enter college earlier. These students will simply exhaust what high schools have to offer a little faster than their peers.

It's possible, too, that American high schools will offer more challenges in the near future. As the Advanced Placement (AP) program expands, and as other accelerated options become more available (e.g., highly selective state-supported high schools), more students may find appropriate challenges in high school.

A listing of selected early-entrance programs is found in Appendix F.

## Social Concerns

It would be unrealistic to expect that every early entrant would experience a problem-free transition from high school to college. Even regular-age students often have academic and social difficulties that cause problems in college adjustment.

The spotlight shines a little harsher on younger students. Despite some difficulties with being younger, such as not being of legal driving age until a year or two later than classmates, the vast majority of early entrants to college are happy with their experiences.

Most of the research on early enrollment shows positive outcomes, but not every early entrant adjusts well.

So far, the research has not yet painted the clear, compelling picture of success that some parents feel they need in order to be comfortable with an early-entrance decision. Dr. Julian Stanley sees it as an individual portrait versus a group picture.

"There is evidence that some individual students who entered college at younger-than-typical ages have had difficulty adjusting," Stanley says. "There's no way to know for sure what would have happened to these kids if they had started college later."

"Clearly, the research on groups of early entrants, whether they were regularly admitted college students or participants in an early college program, strongly suggests that many of them were highly successful academically without experiencing social or emotional difficulties," says Stanley.

## Getting a Head Start

Everyone can agree that entering college earlier can result in fewer total years spent in school. This has its advantages.

"I am excited that I do have an extra year to figure out what's actually going on when I graduate," says Alexis Hanson of Hudson, Iowa, who entered college early. "Maybe I'll take a year off between college and graduate school, and I feel like I don't have to get into it right away."

Some professions, like medicine, require a time investment of eight years or more after the undergraduate degree. By accelerating, early entrants to college can enter professional life earlier. For some people, that extra time can make balancing family and job obligations a little easier.

Getting a head start can also mean an opportunity to explore personal interests. Many accelerated students who finish college at twenty can work abroad, take a temporary job outside their usual field, have

time to play, and still be on track with their careers. Some accelerated students, interviewed years later, say their favorite part of the experience was that extra time away from the traditional path.

While the public perception is that early entrants lose out on the special time of high school, the reality is that they may gain a slice of time just for their personal and professional exploration. That, former early entrants say, may be the best education.

## An Early College Entrant Speaks

James Edel grew up in Chicago, Illinois, and is the first student from his high school to graduate a year ahead of time and enter college. He is enrolled in the National Academy of Arts, Sciences, and Engineering (NAASE), the early-entrance program at The University of Iowa, where he's an English and philosophy major.

### Why did you decide to leave high school early?

I had senioritis when I was a sophomore. If I had stayed for senior year, I wouldn't have done anything. I would have stagnated. School was so easy, and we never got to choose our classes. I was just looking to get out of high school in all kinds of ways.

### How did you find out about NAASE?

So oddly, I got one of the pamphlets in the mail, and I was the only person in my high school who got it.

### How did people at your high school react?

When I first approached my counselor about this, the first thing she said was, "Well, you know you're not going to graduate." No one had ever left our school early to go to college because no one had heard of it.

My leaving early definitely opened doors and a lot of kids said they would have wanted to do it, too. Now, I know of kids who did skip.

When I told people I was leaving, I got a lot of strange looks. It wasn't that I was in a rush to grow up, but I ended up growing up a lot sooner.

### Was your age a problem in college?

For the most part, it's a novelty. People find it interesting. And it's hard to explain, so I don't even try. It confused a lot of people that I was at The University of Iowa for a year and then went back to graduate high school.

After I was no longer 17, age didn't matter at all. And I like college a whole lot.

## Executive Summary

### *A Nation Deceived: How Schools Hold Back America's Brightest Students*

America's schools routinely avoid academic acceleration, the easiest and most effective way to help highly capable students. While the popular perception is that a child who skips a grade will be socially stunted, fifty years of research shows that moving bright students ahead often makes them happy.

Acceleration means moving through the traditional curriculum at rates faster than typical. The 18 forms of acceleration include grade-skipping, early-entrance to school, and Advanced Placement (AP) courses. It is appropriate educational planning. It means matching the level and complexity of the curriculum with the readiness and motivation of the student.

Students who are moved ahead tend to be more ambitious, and they earn graduate degrees at higher rates than other students. Interviewed years later, an overwhelming majority of accelerated students say that acceleration was an excellent experience for them.

Accelerated students feel academically challenged and socially accepted, and they do not fall prey to the boredom that plagues many highly capable students who are forced to follow the curriculum for their age-peers.

For the first time, this compelling research is available to the public in a bold new initiative to get these findings into the hands of parents, teachers, and principals. The report is available at no cost to schools, the media, and parents requesting copies.

You'll find information about entering school early, skipping grades in elementary school, the Advanced Placement program, and starting college ahead of time. You'll read the comments of accelerated students, Deans of Colleges of Education, a school superintendent, and a school board member. Every sentence in this volume is culled from the research of America's leading education experts. If you'd like more research information, see Volume II of this report.

With all this research evidence, why haven't schools, parents, and teachers accepted the idea of acceleration? *A Nation Deceived* presents these reasons for why schools hold back America's brightest kids:

- Limited familiarity with the research on acceleration
- Philosophy that children must be kept with their age group
- Belief that acceleration hurries children out of childhood
- Fear that acceleration hurts children socially
- Political concerns about equity
- Worry that other students will be offended if one child is accelerated.

This report shows that these reasons are simply not supported by research. By distributing thousands of copies and launching a public-awareness campaign, the *Nation Deceived* report provides teachers and parents the knowledge, support, and confidence to consider acceleration.

The cost of the report, both online and print, has been covered by the John Templeton Foundation. *A Nation Deceived* hopes to change the conversation about educating bright children in America. A website [www.nationdeceived.org](http://www.nationdeceived.org) has been established to encourage dialogue across the nation.

We invite you to learn more about why acceleration is so important for America's children. For further information and to download the report go to [www.nationdeceived.org](http://www.nationdeceived.org). This interactive website also allows you to give your opinion on the report.

*The Connie Belin & Jacqueline N. Blank International Center for Gifted Education and Talent Development  
College of Education, The University of Iowa  
600 Blank Honors Center  
Iowa City, Iowa 52242-0454  
800.336.6463  
<http://www.education.uiowa.edu/belinblank>*

# Report of the House Education Subcommittee on School Finance for School Districts Facing Disasters to the House Education Committee

**CHAIRPERSON:** Representative Don Hill

**OTHER MEMBERS:** Representatives Barbara Craft, Owen Donohoe, Shirley Palmer,  
and Eber Phelps

*March 2008*

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House Education Committee  
Date 3-18-08  
Attachment # 4



# House Education Subcommittee on School Finance for School Districts Facing Disasters

## REPORT

### CONCLUSIONS AND RECOMMENDATIONS

The Subcommittee recommends that 2008 HB 2776, which would guarantee USD 253 Emporia 98.0 percent of the adjusted enrollment in the 2007 – 2008 school year when calculating the district’s general fund budget for the 2008 – 2009 school year, be combined with Senate Bill 426 which would establish procedures that address declining school district enrollment as a result of a qualified disaster.

The major difference in this recommendation and current law is that the recommendation ensures a guaranteed base that includes some weightings, current law does not include weightings.

The Subcommittee recommends that the Legislative Educational Planning Committee review State law related to how disasters and declining enrollment affect school district funding and consider legislative changes that could provide assistance with future disasters and declining enrollment, regardless of the cause.

### BACKGROUND

Representative Clay Aurand, Chairperson of the House Education Committee, requested the House Education Committee form a subcommittee to study issues related to legislation presented in 2008 designed to ensure school districts that have faced

disaster, whether natural or economic, will not immediately be adversely affected because of declining enrollment and subsequent declining funding.

Theresa Kiernan, Senior Assistant Revisor of Statutes, compared current law with SB 426.

Senate Bill 426	K.S.A. 72-6447
Applies to USDs 101 Erie, 257 Iola, 367 Osawatomie, 422 Greensburg, 445 Coffeyville, 446 Independence, 461 Neodesha, and 484 Fredonia	Applies to any school district suffering a disaster.
Requires a declaration of disaster under federal and state law.	No disaster declaration required.
Requires a loss in enrollment of at least 25 pupils or at least 2.0 percent of the district’s enrollment because of the loss of housing caused by the disaster.	Requires a loss in enrollment as a result of the disaster.
Disaster is defined as the occurrence of widespread or severe damage, injury, or loss of life or property resulting from any natural or manmade cause.	Disaster is the occurrence of widespread or severe damage, injury, or loss of life or property resulting from flood, earthquake, tornado, wind, storm, drought, blight, or infestation.
Districts could receive prior year base funding, including some weightings.	Districts could receive prior year base funding, without weightings.

Chairperson Hill discussed the economic disaster facing school districts around Emporia due to the closing of the Tyson plant. He explained to Subcommittee members that on January 25, 2008, the largest employer in the Emporia area, Tyson, announced it was shutting down the slaughter operation in Emporia. No one in Emporia had any warning of this event. The total number of workers affected is estimated at 2,000, over 10 percent of the Emporia area workforce. Superintendent John Heim of USD 253 Emporia told House Education Committee members that 1,200 of the school district's 4,809 students had one or both parents employed by Tyson.

Subcommittee members recalled testimony given to House Education Committee members in February 2008 from USDs 422 Greensburg, 367 Osawatomie, 445 Coffeyville, 446 Independence, 484 Fredonia, and 461 Neodesha showing in graphic detail the devastation wrecked by a tornado in Greensburg and flooding in other school districts. Of these districts, enrollment has been most drastically reduced in Greensburg with a nearly 30.0 percent decline over the past two-year period.

Representatives of the Kansas National Education Association, Kansas Association of School Boards, and Schools for Fair Funding presented testimony regarding the issue. Department of Education officials indicated that Kansas was one of the most generous states in the country in guaranteeing adequate school funding to school districts facing disasters.

Subcommittee members reviewed data comparing enrollment counts for every school district in 2005 with 2007 full-time equivalent enrollment counts. Members noted that some of the districts experiencing the largest enrollment declines had not faced a natural or economic disaster, rather enrollment declines resulted from a variety of changes including, for example, districts contracting with other districts to provide middle school and general population declines in rural areas.

Members also reviewed employment data from the Kansas Department of Labor discussing changes in employment by county over time as a possible method to define economic disasters.

After two subcommittee meetings, members developed the recommendations presented earlier in this report.

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SENATE BILL No. 426

By Committee on Education

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House Education Committee  
Date 2-18-08  
Attachment # 5

9 AN ACT concerning school districts; relating to enrollment; amending  
10 K.S.A. 2007 Supp. 72-6407 and repealing the existing section.

11  
12 *Be it enacted by the Legislature of the State of Kansas:*

13 ~~New Section 1.~~ (a) As used in this section:

14 (1) Words and phrases used in this section shall have the meanings  
15 ascribed thereto by K.S.A. 72-6407, and amendments thereto, except as  
16 provided by paragraphs (2), (3) and (4).

17 (2) "School district" means U.S.D. No. 101, Erie, U.S.D. No. 257,  
18 Iola, U.S.D. No. 367, Osawatomie, U.S.D. No. 422, Greensburg, U.S.D.  
19 No. 445, Coffeyville, U.S.D. No. 446, Independence, U.S.D. No. 461,  
20 Neodesha and U.S.D. No. 484, Fredonia.

21 (3) "Disaster" means the occurrence of widespread or severe damage,  
22 injury or loss of life or property resulting from any natural or man-  
23 made cause including, but not limited to, fire, flood, earthquake, tornado,  
24 wind, storm, drought, epidemics, air contamination, blight, infestation or  
25 explosion and as a result of such disaster.

26 (4) "Base school year" means school year 2006-2007.

27 (b) The provisions of this section shall apply to any school district in  
28 which: (1) A disaster has occurred and which is located in an area in which  
29 the governor has issued a proclamation declaring a state of disaster emer-  
30 gency pursuant to K.S.A. 48-924, and amendments thereto, and the pres-  
31 ident of the United States, pursuant to the federal Robert T. Stafford  
32 disaster relief and emergency assistance act and the federal disaster relief  
33 and emergency assistance amendments of 1988, has declared a major  
34 disaster to exist; and (2) as a result of the destruction or damage to housing  
35 caused by such disaster the enrollment of the district declined by at least  
36 25 pupils or by a number equal to 2% or more of the district's enrollment.

37 (c) When computing the general fund budget of a school district for  
38 the second, third and fourth school years following the base school year,  
39 the enrollment of the school district shall be the greater of:

40 (1) The enrollment of the district as defined by subsection (e) of  
41 K.S.A. 72-6407, and amendments thereto; or

42 (2) the enrollment of the school district in the base school year less  
43 any enrollment attributable to the special education weighting, school

New Section 1. (a) As used in this section:

(1) Words and phrases used in this section shall have the meanings ascribed thereto by K.S.A. 72-6407, and amendments thereto, except as provided by this subsection.

(2) "School district" means U.S.D. No. 253, Emporia.

(3) "Base school year" means the school year 2007-2008.

(b) When computing the general fund budget of the school district for school year 2008-2009, the adjusted enrollment of the school district shall be the greater of:

(1) The adjusted enrollment of the district as defined by K.S.A. 72-6407, and amendments thereto; or

(2) Ninety-eight percent of the adjusted enrollment of the school district in the base school year.

Sec. 2.

adjusted

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1 facilities weighting, ancillary school facilities weighting, cost of living  
2 weighting and preschool-aged at-risk pupils in the base school year; plus  
3 any enrollment attributable to the special education weighting, school  
4 facilities weighting, ancillary school facilities weighting, cost of living  
5 weighting and preschool-aged at-risk pupils in the current school year.

adjusted

Sec. 3.

6 (d) Districts desiring to determine enrollment under this section shall  
7 submit any documentation or information required by the state board.

8 ~~Sec. 2.~~ K.S.A. 2007 Supp. 72-6407 is hereby amended to read as  
9 follows: 72-6407. (a) (1) "Pupil" means any person who is regularly en-  
10 rolled in a district and attending kindergarten or any of the grades one  
11 through 12 maintained by the district or who is regularly enrolled in a  
12 district and attending kindergarten or any of the grades one through 12  
13 in another district in accordance with an agreement entered into under  
14 authority of K.S.A. 72-8233, and amendments thereto, or who is regularly  
15 enrolled in a district and attending special education services provided  
16 for preschool-aged exceptional children by the district.

17 (2) Except as otherwise provided in paragraph (3) of this subsection,  
18 a pupil in attendance full time shall be counted as one pupil. A pupil in  
19 attendance part time shall be counted as that proportion of one pupil (to  
20 the nearest 1/10) that the pupil's attendance bears to full-time attendance.  
21 A pupil attending kindergarten shall be counted as 1/2 pupil. A pupil en-  
22 rolled in and attending an institution of postsecondary education which  
23 is authorized under the laws of this state to award academic degrees shall  
24 be counted as one pupil if the pupil's postsecondary education enrollment  
25 and attendance together with the pupil's attendance in either of the  
26 grades 11 or 12 is at least 5/6 time, otherwise the pupil shall be counted  
27 as that proportion of one pupil (to the nearest 1/10) that the total time of  
28 the pupil's postsecondary education attendance and attendance in grade  
29 11 or 12, as applicable, bears to full-time attendance. A pupil enrolled in  
30 and attending an area vocational school, area vocational-technical school  
31 or approved vocational education program shall be counted as one pupil  
32 if the pupil's vocational education enrollment and attendance together  
33 with the pupil's attendance in any of grades nine through 12 is at least 5/6  
34 time, otherwise the pupil shall be counted as that proportion of one pupil  
35 (to the nearest 1/10) that the total time of the pupil's vocational education  
36 attendance and attendance in any of grades nine through 12 bears to full-  
37 time attendance. A pupil enrolled in a district and attending special ed-  
38 ucation and related services, except special education and related services  
39 for preschool-aged exceptional children, provided for by the district shall  
40 be counted as one pupil. A pupil enrolled in a district and attending  
41 special education and related services for preschool-aged exceptional chil-  
42 dren provided for by the district shall be counted as 1/2 pupil. A preschool-  
43 aged at-risk pupil enrolled in a district and receiving services under an

1 approved at-risk pupil assistance plan maintained by the district shall be  
2 counted as ½ pupil. A pupil in the custody of the secretary of social and  
3 rehabilitation services or in the custody of the commissioner of juvenile  
4 justice and enrolled in unified school district No. 259, Sedgwick county,  
5 Kansas, but housed, maintained, and receiving educational services at the  
6 Judge James V. Riddel Boys Ranch, shall be counted as two pupils.

7 (3) A pupil residing at the Flint Hills job corps center shall not be  
8 counted. A pupil confined in and receiving educational services provided  
9 for by a district at a juvenile detention facility shall not be counted. A  
10 pupil enrolled in a district but housed, maintained, and receiving edu-  
11 cational services at a state institution shall not be counted. A pupil en-  
12 rolled in a virtual school in a district but who is not a resident of the state  
13 of Kansas shall not be counted.

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

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

20 (d) "Preschool-aged at-risk pupil" means an at-risk pupil who has  
21 attained the age of four years, is under the age of eligibility for attendance  
22 at kindergarten, and has been selected by the state board in accordance  
23 with guidelines consonant with guidelines governing the selection of pu-  
24 pils for participation in head start programs.

25 (e) "Enrollment" means: (1) (A) Subject to the provisions of para-  
26 graph (1)(B), for districts scheduling the school days or school hours of  
27 the school term on a trimestral or quarterly basis, the number of pupils  
28 regularly enrolled in the district on September 20 plus the number of  
29 pupils regularly enrolled in the district on February 20 less the number  
30 of pupils regularly enrolled on February 20 who were counted in the  
31 enrollment of the district on September 20; and for districts not specified  
32 in this paragraph (1), the number of pupils regularly enrolled in the dis-  
33 trict on September 20; (B) a pupil who is a foreign exchange student shall  
34 not be counted unless such student is regularly enrolled in the district on  
35 September 20 and attending kindergarten or any of the grades one  
36 through 12 maintained by the district for at least one semester or two  
37 quarters or the equivalent thereof;

38 (2) if enrollment in a district in any school year has decreased from  
39 enrollment in the preceding school year, enrollment of the district in the  
40 current school year means whichever is the greater of (A) enrollment in  
41 the preceding school year minus enrollment in such school year of pre-  
42 school-aged at-risk pupils, if any such pupils were enrolled, plus enroll-  
43 ment in the current school year of preschool-aged at-risk pupils, if any

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1 such pupils are enrolled, or (B) the sum of enrollment in the current  
 2 school year of preschool-aged at-risk pupils, if any such pupils are enrolled  
 3 and the average (mean) of the sum of (i) enrollment of the district in the  
 4 current school year minus enrollment in such school year of preschool-  
 5 aged at-risk pupils, if any such pupils are enrolled and (ii) enrollment in  
 6 the preceding school year minus enrollment in such school year of pre-  
 7 school-aged at-risk pupils, if any such pupils were enrolled and (iii) en-  
 8 rollment in the school year next preceding the preceding school year  
 9 minus enrollment in such school year of preschool-aged at-risk pupils, if  
 10 any such pupils were enrolled; or

11 (3) the number of pupils as determined under K.S.A. 72-6447 ~~or~~ \_\_\_\_\_ or  
 12 K.S.A. 2007 Supp. 72-6448 ~~or section 1~~, and amendments thereto.

13 (f) "Adjusted enrollment" means enrollment adjusted by adding at-  
 14 risk pupil weighting, program weighting, low enrollment weighting, if any, : (1)  
 15 density at-risk weighting, if any, nonproficient pupil weighting, if any, high  
 16 enrollment weighting, if any, declining enrollment weighting, if any,  
 17 school facilities weighting, if any, ancillary school facilities weighting, if  
 18 any, cost of living weighting, if any, special education and related services  
 19 weighting, and transportation weighting to enrollment. \_\_\_\_\_ ; or (2) adjusted enrollment as determined under

section 1 or 2, and amendments thereto

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

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

25 (i) "Low enrollment weighting" means an addend component as-  
 26 signed to enrollment of districts pursuant to K.S.A. 72-6412, and amend-  
 27 ments thereto, on the basis of costs attributable to maintenance of edu-  
 28 cational programs by such districts in comparison with costs attributable  
 29 to maintenance of educational programs by districts having to which high  
 30 enrollment weighting is assigned pursuant to K.S.A. 2007 Supp. 72-  
 31 6442b, and amendments thereto.

32 (j) "School facilities weighting" means an addend component as-  
 33 signed to enrollment of districts on the basis of costs attributable to com-  
 34 mencing operation of new school facilities.

35 (k) "Transportation weighting" means an addend component as-  
 36 signed to enrollment of districts on the basis of costs attributable to the  
 37 provision or furnishing of transportation.

38 (l) "Cost of living weighting" means an addend component assigned  
 39 to enrollment of districts to which the provisions of K.S.A. 2007 Supp.  
 40 72-6449, and amendments thereto, apply on the basis of costs attributable  
 41 to the cost of living in the district.

42 (m) "Ancillary school facilities weighting" means an addend compo-  
 43 nent assigned to enrollment of districts to which the provisions of K.S.A.



1 72-6441, and amendments thereto, apply on the basis of costs attributable  
2 to commencing operation of new school facilities. Ancillary school facil-  
3 ities weighting may be assigned to enrollment of a district only if the  
4 district has levied a tax under authority of K.S.A. 72-6441, and amend-  
5 ments thereto, and remitted the proceeds from such tax to the state trea-  
6 surer. Ancillary school facilities weighting is in addition to assignment of  
7 school facilities weighting to enrollment of any district eligible for such  
8 weighting.

9 (n) "Juvenile detention facility" has the meaning ascribed thereto by  
10 72-8187, and amendments thereto.

11 (o) "Special education and related services weighting" means an ad-  
12 dendum component assigned to enrollment of districts on the basis of costs  
13 attributable to provision of special education and related services for pu-  
14 pils determined to be exceptional children.

15 (p) "Virtual school" means any kindergarten or grades one through  
16 12 course offered for credit that uses distance-learning technologies  
17 which predominantly use internet-based methods to deliver instruction  
18 and for which the course content is available on an "anytime, anyplace"  
19 basis, but the instruction occurs asynchronously with the teacher and  
20 pupil in separate locations, not necessarily located within a local education  
21 agency.

22 (q) "Declining enrollment weighting" means an addendum component  
23 assigned to enrollment of districts to which the provisions of K.S.A. 2007  
24 Supp. 72-6451, and amendments thereto, apply on the basis of reduced  
25 revenues attributable to the declining enrollment of the district.

26 (r) "High enrollment weighting" means an addendum component as-  
27 signed to enrollment of districts pursuant to K.S.A. 2007 Supp. 72-6442b,  
28 and amendments thereto, on the basis of costs attributable to mainte-  
29 nance of educational programs by such districts as a correlate to low  
30 enrollment weighting assigned to enrollment of districts pursuant to  
31 K.S.A. 72-6412, and amendments thereto.

32 (s) "High density at-risk pupil weighting" means an addendum compo-  
33 nent assigned to enrollment of districts to which the provisions of K.S.A.  
34 2007 Supp. 72-6455, and amendments thereto, apply.

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

40 (u) "Nonproficient pupil weighting" means an addendum component  
41 assigned to enrollment of districts on the basis of enrollment of nonprof-  
42 icient pupils pursuant to K.S.A. 2007 Supp. 72-6454, and amendments  
43 thereto.

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- 1 (v) "Psychiatric residential treatment facility" has the meaning as-
- 2 cribed thereto by K.S.A. 72-8187, and amendments thereto.
- 3 Sec. 3. K.S.A. 2007 Supp. 72-6407 is hereby repealed.
- 4 Sec. 4. This act shall take effect and be in force from and after its
- 5 publication in the statute book.

Renumber sections

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