

MINUTES OF THE HOUSE EDUCATION COMMITTEE

The meeting was called to order by Chairman Clay Aurand at 9:05 A.M. on March 26, 2008 in Room 313-S of the Capitol.

All members were present except:
Benjamin Hodge- 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

HB 2969: Virtual school act
SB 669: Virtual schools; funding; enrollment; administration

Chairman Aurand explained to Committee members the Subcommittee Report on Virtual Schools (Attachment 1 and 2)

Chairman Aurand moved to adopt the Subcommittee Report for SB 669. Representative Horst seconded the motion. The motion carried.

Representative Faber moved to pass out SB 669 favorably, as amended. Representative Horst seconded the motion. The motion carried.

SB 531: School finance; base state aid per pupil

Representative Faber moved to pass out SB 531 favorably for passage. The motion was seconded by Representative Otto. After a discussion among Committee members, Representative Faber withdrew the motion.

Representative Crow moved for an amendment, subject to Appropriations, which would take some of the \$31 million and, rather than on a per teacher basis, would distribute funds on the number of eligible students that are receiving Medicaid funding services. The motion was seconded by Representative Horst. (Attachment 3)

After a lengthy discussion among Committee members, Representative Spalding moved for a substitute motion to include in Representative Crow's amendment, in school year 2008-09 and each school year thereafter, any amount appropriated for state aid for special education and related services which exceeds the amount appropriated in the preceding school year, shall be distributed first to those school districts which received less than 92% of the amount of the district's actual cost of providing special education and related services during the previous school year and any amount remaining after making the distribution required shall be distributed to all school districts as described in the Medicaid Replacement State Aid section. Representative Colloton seconded the motion. The motion failed.

The Committee was referred back to Representative Crow's amendment. The amendment carried by show of hands, 14 - yes and 7 - no.

Chairman Aurand moved for an amendment to 1) add the contents of HB 2734 which would change current school consolidation law and would, as amended, guarantee combined general fund budgets in varying lengths to various-sized school districts desiring to consolidate, and 2) amend the bill by adding an option to school consolidation agreements requiring a dual majority of qualified electors voting in favor of consolidation. The motion was seconded by Representative Horst. It was requested that the motion be divided in to two parts. Both parts of the motion carried. (Attachment 4)

Representative Colloton moved for an amendment to SB 531 which would include the second count date, SB 459. The motion was seconded by Representative Spalding. The motion failed. (Attachment 5)

Representative Mah moved to pass out SB 531, as amended, favorably for passage. The motion was seconded by Representative Horst. The motion carried.

Chairman Aurand introduced his parents, Glen and Helen Aurand of Courtland, Kansas, who were visiting the Capitol.

Chairman Aurand thanked the staff and Committee members for their commitment and expertise these past two years.

The meeting was adjourned at 10:55 A.M. No further meetings are anticipated for this legislative session.

**Report of the House Education
Subcommittee on Virtual Schools
To the House Education Committee
2008 Kansas Legislature**

CHAIRPERSON: Representative Clay Aurand

OTHER MEMBERS: Representatives Ann Mah, Marc Rhoades, Sheryl Spalding, and Valdenia Winn

March 2008

House Education Committee
Date 3-26-08
Attachment # 1

Report of the House Education Subcommittee on Virtual Schools To the House Education Committee

CONCLUSIONS AND RECOMMENDATIONS

Chairperson Clay Aurand of the House Education Committee appointed a Subcommittee to study the issue of virtual schools and review Senate Bill 699. The recommendations presented below resulted from the Subcommittee's review.

- The funding formula for virtual schools would include the following components:
 - Base State Aid Per Pupil (BSAPP) plus 3.504 percent multiplied times the full-time equivalent enrollment in the virtual school;
 - Non-Proficient student weighting of 4.56 percent multiplied times the full-time equivalent enrollment of non-proficient at-risk pupils enrolled in an approved at-risk program at the virtual school; and
 - At-risk student weighting of 45.6 percent multiplied times the full-time equivalent enrollment of at-risk pupils enrolled in an approved at-risk program at the virtual school.
- Advanced placement course funding of 16.0 percent of the BSAPP would be paid to virtual schools for each pupil enrollment in an advanced placement course with the following exceptions regarding the enrolled pupil's resident school district.
 - The district does not offer advanced placement courses;
 - The district contains more than 200 square miles; and
 - The district has an enrollment of at least 260 pupils.
- Moneys received as virtual school state aid shall be deposited in a newly-created Virtual School Fund in the district containing the virtual school. Expenses of the virtual school shall be paid from this Fund.

- A pupil with an Individualized Education Plan (IEP) and attending a virtual school shall be counted as the proportion of one pupil (to the nearest 1/10) that the pupil's attendance at the non-virtual school bears to full-time attendance.

Proposed Legislation:

The Subcommittee recommends Senate Bill 669 be amended to include the Subcommittee recommendations.

Officials with the Department of Education estimated the impact of the Subcommittee recommendations would be expense neutral.

Corrected

**Report of the House Education
Subcommittee on Virtual Schools
To the House Education Committee
2008 Kansas Legislature**

CHAIRPERSON: Representative Clay Aurand

OTHER MEMBERS: Representatives Ann Mah, Marc Rhoades, Sheryl Spalding, and
Valdenia Winn

March 2008

House Education Committee
Date 3-26-08
Attachment # 2

Report of the House Education Subcommittee on Virtual Schools To the House Education Committee

CONCLUSIONS AND RECOMMENDATIONS

Chairperson Clay Aurand of the House Education Committee appointed a Subcommittee to study the issue of virtual schools and review Senate Bill ~~699~~⁶⁶⁹. The recommendations presented below resulted from the Subcommittee's review.

- The funding formula for virtual schools would include the following components:
 - Base State Aid Per Pupil (BSAPP) plus 3.504 percent multiplied times the full-time equivalent enrollment in the virtual school;
 - Non-Proficient student weighting of ~~4.58~~^{4.65} percent multiplied times the full-time equivalent enrollment of non-proficient at-risk pupils enrolled in an approved at-risk program at the virtual school; and
 - At-risk student weighting of 45.6 percent multiplied times the full-time equivalent enrollment of at-risk pupils enrolled in an approved at-risk program at the virtual school.
- Advanced placement course funding of 16.0 percent of the BSAPP would be paid to virtual schools for each pupil enrollment in an advanced placement course with the following exceptions regarding the enrolled pupil's resident school district.
 - The district does not offer advanced placement courses;
 - The district contains more than 200 square miles; and
 - The district has an enrollment of at least 260 pupils.
- Moneys received as virtual school state aid shall be deposited in a newly-created Virtual School Fund in the district containing the virtual school. Expenses of the virtual school shall be paid from this Fund.

Corrections
by Sharon
Wenger, 2 Legislative
Research
3/26/08

- A pupil with an Individualized Education Plan (IEP) and attending a virtual school shall be counted as the proportion of one pupil (to the nearest 1/10) that the pupil's attendance at the non-virtual school bears to full-time attendance.

Proposed Legislation:

The Subcommittee recommends Senate Bill 669 be amended to include the Subcommittee recommendations.

Officials with the Department of Education estimated the impact of the Subcommittee recommendations would be expense neutral.

On page 2, following line 31, by inserting:

"Sec. 2. (a) Words and phrases used in this section, shall have the meanings ascribed thereto in K.S.A. 72-962, and amendments thereto.

(b) Subject to the limitations of appropriations therefor, each school year the board of education of each school district which provides special education and related services to pupils who receive medicaid funding shall be entitled to medicaid replacement state aid. The amount of such state aid shall be computed by the state board as provided in this section. The state board shall:

(1) Determine the total full-time equivalent enrollment of exceptional children receiving special education and related services who are receiving medicaid funding in all school districts;

(2) determine the total amount of money appropriated for medicaid replacement state aid for all school districts;

(3) divide the amount determined under paragraph (2) by the amount determined under paragraph (1); and

(4) multiply the quotient determined under paragraph (3) by the total full-time equivalent enrollment of exceptional children receiving special education and related services who are receiving medicaid funding in each school district. The product is the amount of medicaid replacement state aid the district is entitled to receive.

(c) The state board shall make the distribution of moneys under this section prior to determining the amount of state aid to be distributed under K.S.A. 72-978, and amendments thereto.

(d) All amounts received by a school district under this section shall be deposited in the general fund of the district and shall be transferred to the special education fund of the district.

(e) The board of education of any district desiring to receive state aid pursuant to this section shall submit any documentation or information to the state board as it may request.

(f) The state board shall prescribe all forms necessary for reporting under this act.";

And by renumbering the remaining sections accordingly;

As Amended by House Committee

Session of 2008

HOUSE BILL No. 2734

By Representative Aurand

2-1

10 AN ACT concerning school districts; relating to school finance; relating
11 to consolidation; amending K.S.A. 2007 Supp. 72-6445a and repealing
12 the existing section.
13

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

15 Section 1. K.S.A. 2007 Supp. 72-6445a is hereby amended to read
16 as follows: 72-6445a. (a) (1) For the purposes of the school district
17 finance and quality performance act, and notwithstanding any provision
18 of the act to the contrary, state financial aid for any district formed by
19 consolidation in accordance with the statutory provisions contained in
20 article 87 of chapter 72 of Kansas Statutes Annotated shall be computed
21 by the state board of education as follows:

22 (1) (A) Determine the amount of state financial aid each of the for-
23 mer districts which comprise the consolidated district received in the
24 school year preceding the date the consolidation was completed;

25 (2) (B) add the amounts determined under *paragraph (A) of this*
26 *subsection (a)(1).* The sum is the state financial aid of the consolidated
27 district for the school year in which the consolidation is completed. For
28 the next succeeding two school years, the state financial aid shall be the
29 greater of: (1) (i) The amount received in the preceding school year; or
30 (ii) the amount the district would receive under the school district
31 finance and quality performance act prior to amendment by this section.

32 (2) (2) The provisions of this subsection (a)(2) shall apply only if a
33 school district is disorganized in accordance with article 73 of chapter 72
34 of the Kansas Statutes Annotated, and amendments thereto, and if all the
35 territory which comprised such disorganized district is attached to a single
36 school district.

37 For the purposes of the school district finance and quality performance
38 act, and notwithstanding any provision of the act to the contrary, state
39 financial aid for any school district to which this subsection applies, shall
40 be computed by the state board of education as follows:

41 (1) (A) Determine the amount of state financial aid each of the for-
42 mer districts which comprise the enlarged district received in the school
43 year preceding the date the ~~consolidation~~ *consolidation attachment* was completed;

House Education Committee
Date 3-26-08
Attachment # 4

1 ~~(2)~~ (B) add the amounts determined under ~~subsection (b)(1) para-~~
 2 ~~graph (A) of this subsection (a)(2)~~. The sum is the state financial aid of
 3 the district for the school year in which the attachment is completed. For
 4 the next succeeding two school years, the state financial aid shall be the
 5 greater of: ~~(1)~~ (i) The amount received in the preceding school year; or
 6 ~~(2)~~ (ii) the amount the district would receive under the school district
 7 finance and quality performance act prior to amendment by this section.

8 The provisions of this subsection (a)(2) shall apply to any school district
 9 to which all of the territory of a disorganized district has been attached
 10 pursuant to an order issued by the state board of education during school
 11 year 2002-2003, or any time thereafter, under article 73 of chapter 72 of
 12 the Kansas Statutes Annotated, and amendments thereto.

13 ~~(e)~~ (3) *Subject to the provisions of subsection (b), this section subsec-*
 14 *tion (a) shall apply to districts which have consolidated or disorganized*
 15 *on and after July 1, 2004.*

16 (b) (1) *For the purposes of the school district finance and quality*
 17 *performance act, and notwithstanding any provision of the act to the*
 18 *contrary, state financial aid for any district formed by consolidation in*
 19 *accordance with the statutory provisions contained in article 87 of chapter*
 20 *72 of the Kansas Statutes Annotated, and amendments thereto, shall be*
 21 *computed by the state board of education as follows:*

22 (A) *Determine the amount of state financial aid each of the former*
 23 *districts which comprise the consolidated district received in the school*
 24 *year preceding the date the consolidation was completed;*

25 ~~(B) add the amounts determined under paragraph (A) of this subsec-~~
 26 ~~tion (b)(1). The sum is the state financial aid of the consolidated district~~
 27 ~~for the school year in which the consolidation is completed. In the case of~~
 28 ~~school districts which have an enrollment of less than 150 pupils prior to~~
 29 ~~the consolidation, for the next succeeding two school years, the state fi-~~
 30 ~~ancial aid shall be the greater of: (i) The amount received in the preced-~~
 31 ~~ing school year; or (ii) the amount the district would receive under the~~
 32 ~~school district finance and quality performance act prior to amendment~~
 33 ~~by this section. In the case of school districts which have an enrollment~~
 34 ~~of more than 150 but less than 200 pupils prior to the consolidation, for~~
 35 ~~the next succeeding three school years, the state financial aid shall be the~~
 36 ~~greater of: (i) The amount received in the preceding school year; or (ii)~~
 37 ~~the amount the district would receive under the school district finance~~
 38 ~~and quality performance act prior to amendment by this section. In the~~
 39 ~~case of school districts which have an enrollment of 200 or more pupils~~
 40 ~~prior to the consolidation, for the next succeeding four school years, the~~
 41 ~~state financial aid shall be the greater of: (i) The amount received in the~~
 42 ~~preceding school year; or (ii) the amount the district would receive under~~
 43 ~~the school district finance and quality performance act prior to amend-~~

1 ~~ment by this section.~~

2 (B) add the amounts determined under paragraph (A) of this
3 subsection (b)(1). The sum is the state financial aid of the consol-
4 idated district for the school year in which the consolidation is
5 completed.

6 ~~If any of the school districts had an enrollment of less than 150
7 pupils on the day preceding the consolidation, the state financial
8 aid of the newly consolidated district for the school year following
9 the school year in which the consolidation was completed shall be
10 the greater of: (i) The amount received in the preceding school
11 year; or (ii) the amount the district would receive under the school
12 district finance and quality performance act prior to amendment
13 by this section.~~

Sec added

14 If all of the school districts had an enrollment of at least 150
15 pupils but any had less than 200 pupils on the day preceding the
16 consolidation, the state financial aid of the newly consolidated dis-
17 trict for the three school years following the school year in which
18 the consolidation was completed shall be the greater of: (i) The
19 amount received in the preceding school year; or (ii) the amount
20 the district would receive under the school district finance and
21 quality performance act prior to amendment by this section.

Insert

22 If all of the school districts had an enrollment of 200 or more
23 pupils prior to the consolidation, the state financial aid of the
24 newly consolidated district for the four school years following the
25 school year in which the consolidation was completed shall be the
26 greater of: (i) The amount received in the preceding school year;
27 or (ii) the amount the district would receive under the school dis-
28 trict finance and quality performance act prior to amendment by
29 this section.

30 (2) *The provisions of this subsection (b)(2) shall apply only if a school
31 district is disorganized in accordance with article 73 of chapter 72 of the
32 Kansas Statutes Annotated, and amendments thereto, and if all the ter-
33 ritory which comprised such disorganized district is attached to a single
34 school district.*

35 *For the purposes of the school district finance and quality performance
36 act, and notwithstanding any provision of the act to the contrary, state
37 financial aid for any school district to which this subsection applies, shall
38 be computed by the state board of education as follows:*

39 (A) *Determine the amount of state financial aid each of the former
40 districts which comprise the enlarged district received in the school year
41 preceding the date the attachment was completed;*

42 ~~(B) add the amounts determined under paragraph (A) of this subsec-
43 tion (b)(2). The sum is the state financial aid of the district for the school~~

Insert 1:

For school years 2008-2009 and 2009-2010, if any of the school districts had an enrollment of less than 150 pupils on the day preceding the attachment, the state financial aid of the enlarged district for the second and third school years following the school year in which the attachment was completed shall be the greater of: (i) The amount received in the preceding school year; or (ii) the amount the district would receive under the school district finance and quality performance act prior to amendment by this section.

For school years 2010-2011 and each school year thereafter, if any of the school districts had an enrollment of less than 150 pupils on the day preceding the attachment, the state financial aid of the enlarged district for the school year following the school year in which the attachment was completed shall be the greater of: (i) The amount received in the preceding school year; or (ii) the amount the district would receive under the school district finance and quality performance act prior to amendment by this section.

1 ~~year in which the attachment is completed. In the case of school districts~~
2 ~~which have an enrollment of less than 150 pupils prior to the attachment,~~
3 ~~for the next succeeding two school years, the state financial aid shall be~~
4 ~~the greater of: (i) The amount received in the preceding school year; or~~
5 ~~(ii) the amount the district would receive under the school district finance~~
6 ~~and quality performance act prior to amendment by this section. In the~~
7 ~~case of school districts which have an enrollment of more than 150 but~~
8 ~~less than 200 pupils prior to the attachment, for the next succeeding three~~
9 ~~school years, the state financial aid shall be the greater of: (i) The amount~~
10 ~~received in the preceding school year; or (ii) the amount the district would~~
11 ~~receive under the school district finance and quality performance act prior~~
12 ~~to amendment by this section. In the case of school districts which have~~
13 ~~an enrollment of 200 or more pupils prior to the attachment, for the next~~
14 ~~succeeding four school years, the state financial aid shall be the greater~~
15 ~~of: (i) The amount received in the preceding school year; or (ii) the amount~~
16 ~~the district would receive under the school district finance and quality~~
17 ~~performance act prior to amendment by this section.~~

18 **(B) add the amounts determined under paragraph (A) of this**
19 **subsection (b)(1). The sum is the state financial aid of the enlarged**
20 **district for the school year in which the attachment is completed.**

21 **If any of the school districts had an enrollment of less than 150**
22 **pupils on the day preceding the attachment, the state financial aid**
23 **of the enlarged district for the school year following the school**
24 **year in which the attachment was completed shall be the greater**
25 **of: (i) The amount received in the preceding school year; or (ii) the**
26 **amount the district would receive under the school district finance**
27 **and quality performance act prior to amendment by this section.**

28 **If all of the school districts had an enrollment of at least 150**
29 **pupils but any had less than 200 pupils on the day preceding the**
30 **attachment, the state financial aid of the enlarged district for the**
31 **three school years following the school year in which the attach-**
32 **ment was completed shall be the greater of: (i) The amount re-**
33 **ceived in the preceding school year; or (ii) the amount the district**
34 **would receive under the school district finance and quality per-**
35 **formance act prior to amendment by this section.**

36 **If all of the school districts had an enrollment of 200 or more**
37 **pupils prior to the attachment, the state financial aid of the en-**
38 **larged district for the four school years following the school year**
39 **in which the attachment was completed shall be the greater of: (i)**
40 **The amount received in the preceding school year; or (ii) the**
41 **amount the district would receive under the school district finance**
42 **and quality performance act prior to amendment by this section.**

43 *The provisions of this subsection (b)(2) shall apply to any school district*

1 to which all of the territory of a disorganized district has been attached
2 pursuant to an order issued by the state board of education during school
3 year 2008-2009, or any time thereafter, under article 73 of chapter 72 of
4 the Kansas Statutes Annotated, and amendments thereto.

5 (3) ~~The~~ provisions of this subsection (b) shall apply to districts which
6 have consolidated or disorganized on and after July 1, ~~2008~~ ~~2010~~

7 Sec. 2. K.S.A. 2007 Supp. 72-6445a is hereby repealed.

8 Sec. 3. This act shall take effect and be in force from and after its
9 publication in the statute book.

Exception otherwise
specifically
provided,

2008

See attached Ins 1 2

Insert 2:

Sec. K.S.A. 72-8702. ~~(a)~~ Any agreement entered into under authority of this act shall specify the following:

- ~~(a)~~ (1) The home county of the consolidated unified school district.
- ~~(b)~~ (2) The date of election for approval thereof.
- ~~(c)~~ (3) The method of election and voting plan.
- ~~(d)~~ (4) Describe member districts, if needed.
- ~~(e)~~ (5) Specify agreement as to the membership of a temporary board of education to serve until a board of education is elected as provided in this act.

(b) Any agreement entered into under the authority of K.S.A. 72-8701 et seq., and amendments thereto, may specify that the consolidation is not approved unless a majority of the qualified electors of each school district proposed to be consolidated vote in favor of the consolidation.

SENATE BILL No. 459

By Committee on Education

459PC.pdf

1-23

10 AN ACT concerning school districts; relating to school finance; amend-
11 ing K.S.A. 2007 Supp. 72-6448 and repealing the existing section.
12

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

14 Section 1. K.S.A. 2007 Supp. 72-6448 is hereby amended to read as
15 follows: 72-6448. (a) (1) *As used in this subsection, "pupil" shall have the*
16 *meaning ascribed thereto in K.S.A. 72-6407, and amendments thereto.*

17 (2) *If the number of pupils enrolled in a district on February 20, of*
18 *each school year has increased from the number of pupils enrolled in the*
19 *district on the preceding September 20, by ~~at least 25 pupils or by~~ a*
20 *number equal to 1% or more of the district's enrollment, the enrollment*
21 *of the district for such school year shall be determined on February 20.*

by at least 25 pupils or by

22 (3) *The state board shall compute the general fund budget of a school*
23 *district as follows:*

24 (A) *Compute the general fund budget of the district using the enroll-*
25 *ment of the district on February 20 of each school year;*

26 (B) *compute the general fund budget of the district using the enroll-*
27 *ment of the district on the preceding September 20 of such school year;*

28 (C) *subtract the amount determined under paragraph (B) from the*
29 *amount determined under paragraph (A);*

30 (D) *multiply the difference obtained under paragraph (C) by .50; and*

31 (E) *add the product obtained under paragraph (D) to the amount*
32 *determined under paragraph (B). The sum is the general fund budget of*
33 *the school district.*

34 (4) ~~*This section shall be subject to the provisions of subsection (b).*~~
35 ***[The provisions of this subsection shall take effect and be in force***
36 ***from and after July 1, 2009.]***

37 (b) (1) *As used in this ~~section~~ subsection, "pupil" means a person*
38 *who is a dependent of a full-time active duty member of the military*
39 *service or a dependent of a member of any of the United States military*
40 *reserve forces who has been ordered to active duty under section 12301,*
41 *12302 or 12304 of Title 10 of the United States Code, or ordered to full-*
42 *time active duty for a period of more than 30 consecutive days under*
43 *section 502(f) or 512 of Title 32 of the United States Code for the pur-*