

MINUTES OF THE SENATE EDUCATION COMMITTEE

The meeting was called to order by Chairman Jean Schodorf at 1:35 p.m. on February 18, 2008, in Room 123-S of the Capitol.

Committee members absent: Anthony Hensley

Committee staff present: Sharon Wenger, Kansas Legislative Research Department
Carol Toland, Kansas Legislative Research Department
Theresa Kiernan, Revisor of Statutes Office
Matt Todd, Revisor of Statutes Office
Shirley Higgins, Committee Secretary

Conferees appearing before the committee: Senator John Vratil
Tom Krebs, Kansas Association of School Boards
Bob Vancrum, Blue Valley U.S.D. 229
Senator Vicki Schmidt
Cindy Kelly, Kansas Association of School Boards
Sheila Frahm, Kansas Association of Community College Trustees

SB 459 – School districts; school finance; second count date for enrollment

Theresa Kiernan, Revisor of Statutes Office, explained that **SB 459** amends the provision that currently gives certain school districts with military students a second count date under certain conditions. The bill would expand that provision to all school districts that meet the threshold requirements, which would be an increase of 25 pupils or 1 percent of the enrollment. If districts have this increase over their September 20 count date, they would be allowed to have a second count date on February 20. The bill also provides a formula for determining the general fund budget for these districts. She noted that the fiscal note on the bill is approximately \$2.5 million.

Senator John Vratil testified in support of **SB 459**. He reminded the Committee that the Legislature adopted the second count date two years ago to benefit school districts that are in close proximity to military bases. Specifically, the count was created to help school districts that receive an influx of students who are the dependents of active duty military personnel. Last year, this provision was extended for two more years. After this legislation passed last year, it occurred to him that there might be a number of school districts in the state which are not experiencing an influx of students who are military dependents but still have a significant growth in enrollment over the school year. The bill levels the playing field for all Kansas school districts. It would provide 50 percent of state aid for those school districts which have an enrollment increase of at least 25 students or 1 percent of their enrollment on September 20. (Attachment 1) In conclusion, Senator Vratil called attention to a handout prepared by the State Department of Education which included a spreadsheet showing all the school districts that might qualify for this additional state aid. (Attachment 2) He commented that there were more school districts which might benefit from the provisions in the bill than he had anticipated. He emphasized that no district would lose money as a result of the bill.

Tom Krebs, Kansas Association of School Boards, testified in support of **SB 459**. After this issue passed the Senate last session, the KASB Legislative Committee recommended support of the concept in a resolution concerning school finance that was adopted by the KASB Delegate Assembly. (Attachment 3)

Bob Vancrum, representing Blue Valley U.S.D. 229, testified in support of **SB 459**. He noted that, through the last decade, the Blue Valley district grew each year by more students than the total enrollment of the average Kansas school district, but the growth has slowed considerably, in part, because of the housing slump. However, Blue Valley has a continuing problem with the budgetary lids and head count mechanics that may have made sense as a temporary measure in 1992 legislation but makes no sense today. He pointed out that the bill would be helpful to Blue Valley should the district once again see the rapid growth of the '90s. (Attachment 4)

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MINUTES OF THE Senate Education Committee at 1:30 p.m. on February 18, 2008, in Room 123-S of the Capitol.

Senator Schodorf called attention to written testimony in support of **SB 459** submitted by Dr. Gary George on behalf of Olathe Unified School District 233. (Attachment 5)

There being no others wishing to testify, the hearing on **SB 459** was closed.

SB 470– School districts; school safety violations

Theresa Kiernan, Revisor of Statutes Office, explained that **SB 470** would modify **SB 129** which passed last year as amended to include a provision that requires the superintendent of a school district to report a student's expulsion to the appropriate law enforcement agency within 10 days. Following receipt of the notice, the law enforcement agency is required to investigate the matter and give written notice to the Division of Motor Vehicles within 10 days of receipt of the notification from the superintendent. She further explained, that the notification requirement inadvertently created a violation of the federal Family Educational Rights and Privacy Act (FERPA), which provides that a student's suspension or expulsion is part of the student's record and, therefore, cannot be shared without the student's or the student's parents' permission. The new section in **SB 470** is similar to the language in **SB 129** before it was amended.

Senator Vicki Schmidt testified in support of **SB 470**. She explained that she was contacted by a former police chief last fall about a problem with reporting from the schools, and she sought an opinion from the Attorney General. A copy of the Attorney General's opinion was attached to her written testimony. After the opinion was issued, it was determined that a change in the law would be required to comply with FERPA. She then requested the Revisor of Statutes to draft a new bill. (Attachment 6)

Senator John Vratil testified in support of **SB 470**. He explained that the type of school safety violations that could lead to a student's suspension or expulsion included possession of a weapon, controlled substance or illegal drugs at school or at a school-supervised activity or engaging in behavior on school property or at a school-supervised activity which resulted in or was substantially likely to result in serious bodily injury to others. He followed with a summary of the provisions in **SB 129** as amended and passed in the 2007 session, pointing out that the bill overlooked the protections granted to student records under FERPA. He explained that, under FERPA, the superintendent can report the act that led to the student's suspension or expulsion but not the punishment. In conclusion, he explained that the language in **SB 470** would also ensure that the student receives a full investigation into the circumstances surrounding the student's suspension or expulsion before a driver's license is revoked. (Attachment 7)

Cynthia Kelly, an attorney for the Kansas Association of School Boards, testified in support of **SB 470**. She noted that reporting a student's suspension or expulsion to the Division of Motor Vehicles under current law requires a school administrator to either obtain consent or violate FERPA. The bill would allow reporting of observed misconduct to law enforcement at the time it occurred, not from viewing a student's record showing that the student was suspended or expelled from school. Thus, school officials would be in compliance with both FERPA and state law. (Attachment 8)

There being no others wishing to testify, the hearing on **SB 470** was closed.

Senator Teichman moved to recommend SB 459 favorably for passage, seconded by Senator Vratil. The motion carried.

Senator Vratil moved to recommend SB 470 favorably for passage, seconded by Senator Steineger. The motion carried.

Senator Schodorf opened a discussion on a previously heard bill, **SB 437** concerning ROTC service scholarships.

Sheila Frahm, representing the Kansas Association of Community College Trustees, reminded the Committee that **SB 437** would allow the State Board of Regents to give ROTC college scholarships to community colleges. She then called attention to a proposed amendment which would create a pilot for the colleges that are already working with schools or planning to work with schools. (Attachment 9) She noted that a

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memorandum of agreement between the ROTC institution and the community college would be required. She explained that the pilot would create no fiscal note as it would use available dollars. On or before January 2011, the Board would be required to submit a report to the Legislature concerning the scholarships awarded under the pilot.

Senator Ostmeyer moved to amend SB 437 as proposed by Sheila Frahm, seconded by Senator Pine. The motion carried.

Senator Schodorf discussed **HB 2609** introduced by Representative Mario Goico in the 2007 legislative session to establish a military service scholarship program for veterans of Iraq and Afghanistan to be administered by the Board of Regents. (Attachment 10) The bill did not pass; however, a proviso in the 2007 appropriations bill included \$250,000.00 in scholarships for veterans of Iraq and Afghanistan. *The FY 2009 Governor's Budget Report* includes \$500,000.00 in scholarships from the State General Fund for these veterans. Senator Schodorf felt that the scholarships should be included in a statute; therefore, she suggested that **SB 437** be amended to include scholarships for veterans of Iraq and Afghanistan.

Senator Vratil moved to amend SB 437 as suggested by Senator Schodorf, seconded by Senator McGinn. The motion carried.

Senator Teichman moved to recommend SB 437 favorably for passage as amended, seconded by Senator Apple. The motion carried.

Senator Schodorf called the Committee's attention to the minutes of the February 5, 6, and 7 meetings.

Senator Vratil moved to approve the minutes of the February 5, 6, and 7 meetings, seconded by Senator McGinn. The motion carried.

The meeting was adjourned at 2:30 p.m.

The next meeting is scheduled for February 19, 2008.

SENATE EDUCATION COMMITTEE
GUEST LIST

DATE: 2/18/07

NAME	REPRESENTING
Mark Deseth	KNEA
Bill Brady	STFF
Cindy Kelly	KASB
Tom Kutz	"
Doug Mays	Taylor Public Schools
Bill Reardon	USD 500 (KCK)
Effie Swanson	Sen Derek Schmidt
Brenda Heafey	Post Audit
Crystal Coffman	Mi Co. 4-H
Ronni Hart	Mi Co. 4-H
Scott Dehn	Mi Co. 9-H
Kristen Fisher	Mi Co. 4-H
Amber Schroeder	Mi Co 4H
Misty Lethchen	mi Co. 4-H
Shula Farnow	KACCT
Bob Vancuren	Blue Valley USD 229

State of Kansas

JOHN VRATIL
SENATOR, ELEVENTH DISTRICT
JOHNSON COUNTY
LEGISLATIVE HOTLINE
1-800-432-3924



COMMITTEE ASSIGNMENTS
CHAIR: JUDICIARY
VICE CHAIR: EDUCATION
MEMBER: FEDERAL AND STATE AFFAIRS
ORGANIZATION, CALENDAR
AND RULES
SENTENCING COMMISSION
INTERSTATE COOPERATION

Vice President Kansas Senate

Testimony Presented to
The Senate Education Committee
By Senator John Vratil
February 18, 2008
Concerning Senate Bill 459

Good Afternoon. Thank you for the opportunity to appear before the Senate Education Committee in support of Senate Bill (SB) 459.

Last year, House Bill (HB) 2159 was signed into law. The provisions contained in HB 2159 enabled school districts to conduct a second count of students on February 20, 2008, and February 20, 2009. The purpose of the second count is to allow a school district to report the new count if the district experiences an increase of at least 25 students over the number of students counted during the preceding count held on September 20 of the school year or an increase equal to 1% or more of the district's September 20 enrollment. The second count date was created to help districts better serve students who are part of the unexpected increase in a school district's enrollment. Specifically, the count was created to help school districts that receive an influx of students who are the dependents of full-time active members of the military or dependents of military reserve deployed for at least 30 consecutive days.

It occurred to me that a second count date helped the school districts that experienced unexpected growth as a result of the influx of the dependents of military personnel; the same logic can be applied to other fast growing school districts across Kansas. Some of the fast growing districts experience growth larger than experienced by a school district receiving the dependent children of military personnel.

The language in SB 459 just levels the playing field for all Kansas school districts. It provides those districts with the same opportunity to benefit from a second count conducted on February 20 of each school year.

I ask that you support SB 459.

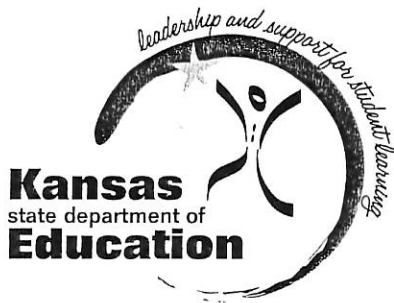
A handwritten signature in blue ink that reads "John Vratil".

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Senate Education Committee
2-18-08
Attachment 1



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January 24, 2008

TO: Senator John Vratil
FROM: Dale M. Dennis, Deputy
Commissioner of Education
SUBJECT: Second Count Date

Attached is a computer printout (SF8012) which provides an indication of the additional funding that school districts would receive if there was a second enrollment count on February 20. The increased FTE enrollment would be counted at .5 as provided in Senate bill 459.

The computer printout does not take into account different weighting factors; however, we will make an effort to estimate these additional weightings for this fiscal note.

There are 1,317.0 students in school districts that would qualify for additional funding under the criteria that school districts must have—25 FTE or one percent increase in enrollment.

We estimate the cost of Senate Bill 459 to be approximately \$2,468,294 (1,317.0 FTE - 389 (50% of estimated military count) x .5 x \$4,433 (BSAPP) x 1.20 (estimated weighting factors)).

The computer printout does not take into account any reductions in military students that are already being funded since that number is unknown.

COLUMN EXPLANATION

- | | | |
|--------|------|--|
| Column | 1 -- | September 20, 2007 FTE enrollment |
| | 2 -- | Increased enrollment between September 20, 2007 and January 18, 2008 |
| | 3 -- | Additional FTE that would qualify under Senate Bill 459 |
| | 4 -- | Estimated state aid increases (Does not take into account reduction for military students already being counted. In other words, school districts that increase due to military students are not identified at this time so this column could be slightly high.) |

			Col 1	Col 2	Col 3	Col 4
			9/20/2007	Increased FTE	Additional	Estimated State
			Declining	9/20/07 to	FTE due to	Aid Increase
USD No.	County Name	USD Name	Enr Provision	1/18/08	2nd Count Date	(col 4 / 2 X \$4,433)
101	Neosho	Erie-St. Paul	709.0	11.0	11.0	24,382
102	Gray	Cimarron-Ensign	650.2	7.0	7.0	15,516
103	Cheyenne	Cheylin	145.0	0.0	0.0	0
105	Rawlins	Rawlins County	326.0	4.0	4.0	8,866
106	Ness	Western Plains	182.0	0.0	0.0	0
107	Jewell	Rock Hills	309.0	0.0	0.0	0
108	Washington	Washington County	435.5	4.0	0.0	0
109	Republic	Republic County	516.7	0.0	0.0	0
200	Greeley	Greeley County	235.9	0.0	0.0	0
202	Wyandotte	Turner	3,724.2	0.0	0.0	0
203	Wyandotte	Piper	1,529.0	24.5	24.5	54,304
204	Wyandotte	Bonner Springs	2,357.9	0.0	0.0	0
205	Butler	Leon	668.6	10.0	10.0	22,165
206	Butler	Remington-Whitewater	537.0	13.0	13.0	28,815
207	Leavenworth	Ft. Leavenworth	1,756.9	3.0	0.0	0
208	Trego	WaKeeney	401.0	3.0	0.0	0
209	Stevens	Moscow	207.3	0.0	0.0	0
210	Stevens	Hugoton	971.9	5.0	0.0	0
211	Norton	Norton	664.6	0.0	0.0	0
212	Norton	Northern Valley	201.5	8.0	8.0	17,732
213	Norton	West Solomon	50.2	1.0	1.0	2,217
214	Grant	Ulysses	1,605.1	0.0	0.0	0
215	Kearny	Lakin	616.2	0.0	0.0	0
216	Kearny	Deerfield	306.7	0.0	0.0	0
217	Morton	Rolla	204.0	0.0	0.0	0
218	Morton	Elkhart	660.0	17.0	17.0	37,681
219	Clark	Minneola	277.0	0.0	0.0	0
220	Clark	Ashland	222.0	8.0	8.0	17,732
223	Washington	Barnes	364.6	8.0	8.0	17,732
224	Washington	Clifton-Clyde	306.3	0.0	0.0	0
225	Meade	Fowler	183.0	0.0	0.0	0
226	Meade	Meade	476.5	0.0	0.0	0
227	Hodgeman	Jetmore	285.7	7.0	7.0	15,516
228	Hodgeman	Hanston	75.0	0.0	0.0	0
229	Johnson	Blue Valley	19,823.8	49.0	49.0	108,609
230	Johnson	Spring Hill	1,789.5	12.5	0.0	0
231	Johnson	Gardner-Edgerton	4,130.3	15.0	0.0	0
232	Johnson	DeSoto	5,706.9	0.0	0.0	0
233	Johnson	Olathe	24,768.7	76.5	76.5	169,562
234	Bourbon	Ft. Scott	1,897.4	15.0	0.0	0
235	Bourbon	Uniontown	463.0	0.0	0.0	0
237	Smith	Smith Center	473.0	45.0	45.0	99,743
238	Smith	West Smith Co.	170.3	3.0	3.0	6,650
239	Ottawa	North Ottawa Co.	590.2	11.0	11.0	24,382
240	Ottawa	Twin Valley	620.5	6.0	0.0	0
241	Wallace	Wallace	212.5	0.0	0.0	0
242	Wallace	Weskan	121.0	0.0	0.0	0
243	Coffey	Lebo-Waverly	564.0	6.0	6.0	13,299
244	Coffey	Burlington	827.0	0.0	0.0	0
245	Coffey	LeRoy-Gridley	272.5	0.0	0.0	0
246	Crawford	Northeast	568.1	0.0	0.0	0
247	Crawford	Cherokee	800.0	12.0	12.0	26,598
248	Crawford	Girard	1,021.3	0.0	0.0	0
249	Crawford	Frontenac	791.0	8.0	8.0	17,732
250	Crawford	Pittsburg	2,571.5	69.5	69.5	154,047
251	Lyon	North Lyon Co.	561.0	0.0	0.0	0

			Col 1	Col 2	Col 3	Col 4
			9/20/2007	Increased FTE	Additional	Estimated State
			Declining	9/20/07 to	FTE due to	Aid Increase
USD No.	County Name	USD Name	Enr Provision	1/18/08	2nd Count Date	(col 4 / 2 X \$4,433)
252	Lyon	Southern Lyon Co.	558.3	0.0	0.0	0
253	Lyon	Emporia	4,538.0	50.0	50.0	110,825
254	Barber	Barber Co.	551.7	0.0	0.0	0
255	Barber	South Barber Co.	229.3	0.0	0.0	0
256	Allen	Marmaton Valley	344.0	0.0	0.0	0
257	Allen	Iola	1,426.6	0.0	0.0	0
258	Allen	Humboldt	504.5	4.0	0.0	0
259	Sedgwick	Wichita	44,509.4	0.0	0.0	0
260	Sedgwick	Derby	6,356.8	45.0	45.0	99,743
261	Sedgwick	Haysville	4,508.2	0.0	0.0	0
262	Sedgwick	Valley Center	2,523.2	12.0	0.0	0
263	Sedgwick	Mulvane	1,833.3	6.0	0.0	0
264	Sedgwick	Clearwater	1,275.6	0.0	0.0	0
265	Sedgwick	Goddard	4,693.3	0.0	0.0	0
266	Sedgwick	Maize	6,201.0	25.0	25.0	55,413
267	Sedgwick	Renwick	1,961.8	0.0	0.0	0
268	Sedgwick	Cheney	768.8	2.7	0.0	0
269	Rooks	Palco	156.0	0.0	0.0	0
270	Rooks	Plainville	390.8	6.0	6.0	13,299
271	Rooks	Stockton	324.5	0.0	0.0	0
272	Mitchell	Waconda	373.3	0.0	0.0	0
273	Mitchell	Beloit	716.2	6.0	0.0	0
274	Logan	Oakley	409.5	0.0	0.0	0
275	Logan	Triplains	87.9	9.0	9.0	19,949
279	Jewell	Jewell	128.2	0.0	0.0	0
281	Graham	Hill City	394.2	1.0	0.0	0
282	Elk	West Elk	371.7	22.5	22.5	49,871
283	Elk	Elk Valley	197.5	0.0	0.0	0
284	Chase	Chase County	448.2	0.0	0.0	0
285	Chautauqua	Cedar Vale	146.8	0.0	0.0	0
286	Chautauqua	Chautauqua	393.7	0.0	0.0	0
287	Franklin	West Franklin	841.0	0.0	0.0	0
288	Franklin	Central Heights	583.8	0.0	0.0	0
289	Franklin	Wellsville	828.5	18.0	18.0	39,897
290	Franklin	Ottawa	2,396.7	0.0	0.0	0
291	Gove	Grinnell	115.9	2.0	2.0	4,433
292	Gove	Grainfield	144.5	0.0	0.0	0
293	Gove	Quinter	314.7	0.0	0.0	0
294	Decatur	Oberlin	410.5	0.0	0.0	0
297	Cheyenne	St. Francis	314.5	2.0	0.0	0
298	Lincoln	Lincoln	343.9	0.0	0.0	0
299	Lincoln	Sylvan Grove	153.0	0.0	0.0	0
300	Comanche	Comanche County	319.7	0.0	0.0	0
303	Ness	Ness City	276.7	5.0	5.0	11,083
305	Saline	Salina	7,084.7	0.0	0.0	0
306	Saline	Southeast of Saline	703.1	0.0	0.0	0
307	Saline	Ell-Saline	458.2	0.0	0.0	0
308	Reno	Hutchinson	4,500.7	0.0	0.0	0
309	Reno	Nickerson	1,158.7	0.0	0.0	0
310	Reno	Fairfield	354.8	0.0	0.0	0
311	Reno	Pretty Prairie	286.7	0.0	0.0	0
312	Reno	Haven	1,065.7	19.0	19.0	42,114
313	Reno	Buhler	2,182.0	0.0	0.0	0
314	Thomas	Brewster	110.4	0.0	0.0	0
315	Thomas	Colby	970.7	0.0	0.0	0
316	Thomas	Golden Plains	183.6	2.0	2.0	4,433

			Col 1	Col 2	Col 3	Col 4
			9/20/2007	Increased FTE	Additional	Estimated State
			Declining	9/20/07 to	FTE due to	Aid Increase
USD No.	County Name	USD Name	Enr Provision	1/18/08	2nd Count Date	(col 4 / 2 X \$4,433)
320	Pottawatomie	Wamego	1,310.7	0.0	0.0	0
321	Pottawatomie	Kaw Valley	1,108.0	0.0	0.0	0
322	Pottawatomie	Onaga	353.7	0.0	0.0	0
323	Pottawatomie	Westmoreland	821.0	0.0	0.0	0
324	Phillips	Eastern Heights	129.2	1.5	1.5	3,325
325	Phillips	Phillipsburg	637.0	0.0	0.0	0
326	Phillips	Logan	179.0	0.0	0.0	0
327	Ellsworth	Ellsworth	585.3	6.5	6.5	14,407
328	Ellsworth	Lorraine	479.6	5.0	5.0	11,083
329	Wabaunsee	Alma	490.2	0.0	0.0	0
330	Wabaunsee	Wabaunsee East	511.1	2.5	0.0	0
331	Kingman	Kingman	1,064.4	6.0	0.0	0
332	Kingman	Cunningham	193.3	10.0	10.0	22,165
333	Cloud	Concordia	1,055.6	0.0	0.0	0
334	Cloud	Southern Cloud	245.5	3.0	3.0	6,650
335	Jackson	North Jackson	402.3	1.0	0.0	0
336	Jackson	Holton	1,099.1	4.0	0.0	0
337	Jackson	Mayetta	953.0	0.0	0.0	0
338	Jefferson	Valley Halls	419.6	2.0	0.0	0
339	Jefferson	Jefferson County	493.5	0.0	0.0	0
340	Jefferson	Jefferson West	926.2	0.0	0.0	0
341	Jefferson	Oskaloosa	564.7	14.0	14.0	31,031
342	Jefferson	McLouth	528.7	0.0	0.0	0
343	Jefferson	Perry	941.8	11.8	11.8	26,155
344	Linn	Pleasanton	379.0	0.0	0.0	0
345	Shawnee	Seaman	3,413.2	0.0	0.0	0
346	Linn	Jayhawk	541.3	1.5	0.0	0
347	Edwards	Kinsely-Offlerle	325.5	0.0	0.0	0
348	Douglas	Baldwin City	1,327.9	0.0	0.0	0
349	Stafford	Stafford	289.3	3.0	3.0	6,650
350	Stafford	St. John-Hudson	395.6	0.0	0.0	0
351	Stafford	Macksville	304.0	0.0	0.0	0
352	Sherman	Goodland	939.3	0.0	0.0	0
353	Sumner	Wellington	1,636.5	35.0	35.0	77,578
354	Barton	Clafin	269.8	0.0	0.0	0
355	Barton	Ellinwood	452.0	0.0	0.0	0
356	Sumner	Conway Springs	566.7	7.0	7.0	15,516
357	Sumner	Belle Plaine	727.5	0.0	0.0	0
358	Sumner	Oxford	384.5	0.0	0.0	0
359	Sumner	Argonia	198.0	4.0	4.0	8,866
360	Sumner	Caldwell	249.5	0.0	0.0	0
361	Harper	Anthony-Harper	827.8	0.0	0.0	0
362	Linn	Prairie View	976.7	0.0	0.0	0
363	Finney	Holcomb	839.4	0.0	0.0	0
364	Marshall	Marysville	741.6	0.0	0.0	0
365	Anderson	Garnett	1,130.7	0.0	0.0	0
366	Woodson	Woodson	422.7	0.0	0.0	0
367	Miami	Osawatomie	1,165.5	11.5	0.0	0
368	Miami	Paola	2,067.4	24.0	24.0	53,196
369	Harvey	Burrton	249.3	0.0	0.0	0
371	Gray	Montezuma	249.6	0.0	0.0	0
372	Shawnee	Silver Lake	706.4	11.0	11.0	24,382
373	Harvey	Newton	3,434.3	0.0	0.0	0
374	Haskell	Sublette	488.2	0.0	0.0	0
375	Butler	Circle	1,593.2	0.0	0.0	0
376	Rice	Sterling	543.1	7.0	7.0	15,516

			Col 1	Col 2	Col 3	Col 4
			9/20/2007 Declining Enr Provision	Increased FTE 9/20/07 to 1/18/08	Additional FTE due to 2nd Count Date	Estimated State Aid Increase (col 4 / 2 X \$4,433)
USD No.	County Name	USD Name				
377	Atchison	Atchison County	695.7	0.0	0.0	0
378	Riley	Riley County	657.0	0.0	0.0	0
379	Clay	Clay Center	1,357.6	0.0	0.0	0
380	Marshall	Vermillion	527.0	1.0	0.0	0
381	Ford	Spearville	349.0	2.0	0.0	0
382	Pratt	Pratt	1,171.1	0.0	0.0	0
383	Riley	Manhattan	5,457.3	42.5	42.5	94,201
384	Riley	Blue Valley	208.4	5.0	5.0	11,083
385	Butler	Andover	4,276.8	31.0	31.0	68,712
386	Greenwood	Madison-Virgil	240.5	0.0	0.0	0
387	Wilson	Altoona-Midway	251.0	0.0	0.0	0
388	Ellis	Ellis	371.7	10.0	10.0	22,165
389	Greenwood	Eureka	614.9	0.0	0.0	0
390	Greenwood	Hamilton	100.0	0.0	0.0	0
392	Osborne	Osborne	340.8	0.0	0.0	0
393	Dickinson	Solomon	416.5	9.0	9.0	19,949
394	Butler	Rose Hill	1,706.9	8.0	0.0	0
395	Rush	LaCrosse	305.9	0.0	0.0	0
396	Butler	Douglass	817.8	0.0	0.0	0
397	Marion	Centre	263.8	0.0	0.0	0
398	Marion	Peabody-Burns	374.9	0.0	0.0	0
399	Russell	Paradise	152.0	0.0	0.0	0
400	McPherson	Smoky Valley	1,005.0	0.0	0.0	0
401	Rice	Chase	150.0	1.0	0.0	0
402	Butler	Augusta	2,153.3	12.2	0.0	0
403	Rush	Otis-Bison	206.4	1.5	0.0	0
404	Cherokee	Riverton	875.5	0.0	0.0	0
405	Rice	Lyons	797.6	0.0	0.0	0
406	Doniphan	Wathena	403.5	14.0	14.0	31,031
407	Russell	Russell	983.3	23.0	23.0	50,980
408	Marion	Marion	624.4	0.0	0.0	0
409	Atchison	Atchison	1,567.1	15.0	0.0	0
410	Marion	Durham-Hills	644.3	5.5	0.0	0
411	Marion	Goessel	262.8	0.0	0.0	0
412	Sheridan	Hoxie	302.5	7.0	7.0	15,516
413	Neosho	Chanute	1,816.7	0.5	0.0	0
415	Brown	Hiawatha	892.9	0.0	0.0	0
416	Miami	Louisburg	1,627.7	0.0	0.0	0
417	Morris	Morris County	821.8	0.5	0.0	0
418	McPherson	McPherson	2,368.4	4.0	0.0	0
419	McPherson	Canton-Galva	418.5	6.0	6.0	13,299
420	Osage	Osage City	699.7	0.0	0.0	0
421	Osage	Lyndon	462.0	0.0	0.0	0
422	Kiowa	Greensburg	277.5	3.0	3.0	6,650
423	McPherson	Moundridge	447.5	0.0	0.0	0
424	Kiowa	Mullinville	158.5	25.0	25.0	55,413
425	Doniphan	Highland	236.3	0.0	0.0	0
426	Republic	Pike Valley	251.0	1.0	0.0	0
428	Barton	Great Bend	2,988.5	0.0	0.0	0
429	Doniphan	Troy	379.5	3.0	0.0	0
430	Brown	Brown County	649.5	11.0	11.0	24,382
431	Barton	Hoisington	603.1	6.5	6.5	14,407
432	Ellis	Victoria	258.9	4.0	4.0	8,866
433	Doniphan	Midway	190.0	0.0	0.0	0
434	Osage	Santa Fe	1,164.3	0.0	0.0	0
435	Dickinson	Abilene	1,575.4	0.0	0.0	0

			Col 1	Col 2	Col 3	Col 4
			9/20/2007 Declining	Increased FTE 9/20/07 to 1/18/08	Additional FTE due to 2nd Count Date	Estimated State Aid Increase (col 4 / 2 X \$4,433)
USD No.	County Name	USD Name	Enr Provision			
436	Montgomery	Caney	787.9	0.0	0.0	0
437	Shawnee	Auburn Washburn	5,282.4	5.0	0.0	0
438	Pratt	Skyline	370.3	0.0	0.0	0
439	Harvey	Sedgwick	529.5	0.0	0.0	0
440	Harvey	Halstead	765.2	0.0	0.0	0
441	Nemaha	Sabetha	928.0	7.0	0.0	0
442	Nemaha	Nemaha Valley	498.1	0.0	0.0	0
443	Ford	Dodge City	5,465.7	0.0	0.0	0
444	Rice	Little River	305.2	0.0	0.0	0
445	Montgomery	Coffeyville	1,808.3	0.0	0.0	0
446	Montgomery	Independence	1,862.2	0.0	0.0	0
447	Montgomery	Cherryvale	899.2	33.0	33.0	73,145
448	McPherson	Inman	415.9	2.0	0.0	0
449	Leavenworth	Easton	681.9	1.0	0.0	0
450	Shawnee	Shawnee Heights	3,437.7	0.0	0.0	0
451	Nemaha	B & B	210.5	0.0	0.0	0
452	Stanton	Stanton County	437.8	4.0	0.0	0
453	Leavenworth	Leavenworth	3,907.5	7.0	0.0	0
454	Osage	Burlingame	330.5	0.0	0.0	0
456	Osage	Marais Des Cygnes	289.0	0.0	0.0	0
457	Finney	Garden City	6,743.6	0.0	0.0	0
458	Leavenworth	Basehor-Linwood	2,113.5	0.0	0.0	0
459	Ford	Bucklin	235.9	12.5	12.5	27,706
460	Harvey	Hesston	801.1	5.5	0.0	0
461	Wilson	Neodesha	764.3	0.0	0.0	0
462	Cowley	Central	348.5	6.0	6.0	13,299
463	Cowley	Udall	396.5	0.0	0.0	0
464	Leavenworth	Tonganoxie	1,743.2	13.0	0.0	0
465	Cowley	Winfield	2,390.9	0.0	0.0	0
466	Scott	Scott County	863.5	0.0	0.0	0
467	Wichita	Leoti	449.4	0.0	0.0	0
468	Lane	Healy	94.5	7.0	7.0	15,516
469	Leavenworth	Lansing	2,311.6	15.0	0.0	0
470	Cowley	Arkansas City	2,714.6	0.0	0.0	0
471	Cowley	Dexter	207.9	3.0	3.0	6,650
473	Dickinson	Chapman	944.6	0.0	0.0	0
474	Kiowa	Haviland	155.6	3.5	3.5	7,758
475	Geary	Junction City	6,631.9	0.0	0.0	0
476	Gray	Copeland	127.2	2.0	2.0	4,433
477	Gray	Ingalls	250.5	0.0	0.0	0
479	Anderson	Crest	237.8	0.0	0.0	0
480	Seward	Liberal	4,249.8	0.0	0.0	0
481	Dickinson	Rural Vista	426.7	0.0	0.0	0
482	Lane	Dighton	247.9	4.0	4.0	8,866
483	Seward	Kismet-Plains	686.5	0.0	0.0	0
484	Wilson	Fredonia	755.0	2.0	0.0	0
486	Doniphan	Elwood	318.8	0.0	0.0	0
487	Dickinson	Herington	507.8	0.0	0.0	0
488	Marshall	Axtell	297.8	1.5	0.0	0
489	Ellis	Hays	2,816.6	0.0	0.0	0
490	Butler	El Dorado	2,059.0	59.8	59.8	132,547
491	Douglas	Eudora	1,362.9	0.8	0.0	0
492	Butler	Flinthills	316.3	6.0	6.0	13,299
493	Cherokee	Columbus	1,143.5	8.0	0.0	0
494	Hamilton	Syracuse	453.0	0.0	0.0	0
495	Pawnee	Ft. Larned	888.7	0.0	0.0	0

			Col 1	Col 2	Col 3	Col 4
			9/20/2007	Increased FTE	Additional	Estimated State
			Declining	9/20/07 to	FTE due to	Aid Increase
USD No.	County Name	USD Name	Enr Provision	1/18/08	2nd Count Date	(col 4 / 2 X \$4,433)
496	Pawnee	Pawnee Heights	162.4	4.0	4.0	8,866
497	Douglas	Lawrence	10,276.6	0.0	0.0	0
498	Marshall	Valley Heights	382.0	0.5	0.0	0
499	Cherokee	Galena	725.7	0.0	0.0	0
500	Wyandotte	Kansas City	18,315.3	82.6	82.6	183,083
501	Shawnee	Topeka	12,625.9	134.8	134.8	298,784
502	Edwards	Lewis	115.5	0.5	0.0	0
503	Labette	Parsons	1,405.6	6.0	0.0	0
504	Labette	Oswego	502.5	0.0	0.0	0
505	Labette	Chetopa	558.8	8.0	8.0	17,732
506	Labette	Labette County	1,590.5	0.0	0.0	0
507	Haskell	Satanta	355.0	0.0	0.0	0
508	Cherokee	Baxter Springs	906.5	0.0	0.0	0
509	Sumner	South Haven	239.2	0.0	0.0	0
511	Harper	Attica	128.0	9.0	9.0	19,949
512	Johnson	Shawnee Mission	27,315.3	0.0	0.0	0
	TOTAL		448,452.5	1,576.7	1,317.0	2,919,131

KANSAS
ASSOCIATION



OF
SCHOOL
BOARDS



1420 SW Arrowhead Road • Topeka, Kansas 66604-4024
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Testimony before the
Senate Education Committee

on
Testimony on SB 459 – Second Count Date

by

Tom Krebs, Governmental Relations Specialist
Kansas Association of School Boards

February 18, 2008

Madam Chair and Members of the Committee:

Thank you for the opportunity to comment on **SB 459**, which would allow districts that increase enrollment over a certain threshold between September 20, and February 20, to receive additional funding for those students.

After this issue passed the Senate last session, the KASB Legislative Committee reviewed the concept and recommended support in a resolution concerning school finance that was adopted by our Delegate Assembly. Our members have agreed with the proposition that districts experiencing extraordinary enrollment growth during the school year should be able to receive some additional funding to address the additional costs of staff, supplies and facilities.

Our resolution proposed that the option to use a second count date should be at the discretion of the school district.

Thank you for your consideration.

*Senate Education Committee
2-18-08
Attachment 3*

Testimony on SB 459 to
Senate Education Committee
by Robert J. Vancrum
Blue Valley USD 229 Government Affairs Specialist

February 18, 2008

Chairman Schodorf and Members of the Committee:

I am here in strong support of SB 459. This bill would allow relief to school districts to take a second count of pupils on February 20 and if total headcount has risen in the last 5 months by the lesser of 25 or 1% , the district would be eligible(subject to appropriations) for an additional amount of general state aid equal to 50% of the amount that would otherwise attach to such pupils. A second count is now used for districts whose enrollment is impacted by military transfers , resulting in other rapidly growing districts, except they get 100% increase in BSAPP. This will not hurt those with declining enrollment, will have an insignificant fiscal note. And is merely a matter of basic fairness..

Through most of the last decade, the Blue Valley district grew each year by more students than the total enrollment of the average Kansas school district. Growth has slowed considerably (just 2% last year) in part because of the housing slump. However, given the fact that the Kansas legislature has capped our operating budget since the original 1992 legislation passed , and adds to that action the refusal to allow our district to get credit for growth of enrollment until nearly a year after it occurs, it appears our district will perpetually remain in the bottom 10-15% of all school districts in per pupil state funding, and well below average even including all locally raised funding .

We were not opposed to the three year school finance plan of 2005 that was designed to, and did, meet the needs of low income Kansas kids who are at risk or have special education needs. However, we have a continuing problem with the budgetary lids and headcount mechanics that may have made sense as a temporary measure in the 1992 law but certainly make no sense today.

We hope you will act quickly and favorably upon this legislation. It may not even help our district next year, because growth has slowed that much- but if we once again see the rapid growth of the 90's (and the entire state should hope that we see those days again soon), it will be more necessary than ever.



**Olathe School District
Testimony provided by Dr. Gary George
Senate Bill 459
February 18, 2008**

Thank you for considering our written testimony in support of Senate Bill 459, a bill which would permit a second enrollment count for budget purposes on February 20 if the district's enrollment has increased by 25 students or one percent of its enrollment.

The Olathe School District has been growing rapidly for many years. Typically, we add many students after the official September 20 enrollment count. This year if Senate Bill 459 had been in effect, it would have provided an additional \$169,532. During the current 2007-08 school year, after the September 20 enrollment, we had to add three additional elementary teachers and five instructional aides due to enrollment growth. At this point, we have incurred at least \$210T in additional expenses for employee salaries and benefits. Additional funds were also expended for computers, furniture, teaching supplies, etc. for these additional classrooms. A second enrollment count in February would help to offset some of these annual expenses.

A second enrollment count is also one of the Olathe Board of Education's top five priorities for this legislative session.

The Olathe School District would recommend favorable passage of Senate Bill 459.

*Senate Education Committee
2-18-08
Attachment 5*

VICKI SCHMIDT
 SENATOR, 20TH DISTRICT
 (785) 296-7374



SENATE CHAMBER

COMMITTEE ASSIGNMENTS

CHAIRMAN: JT. COMMITTEE ON ADMINISTRATIVE
 RULES AND REGULATIONS
 VICE-CHAIR: PUBLIC HEALTH AND WELFARE
 MEMBER: CAPITOL AREA PLAZA AUTHORITY
 FINANCIAL INSTITUTIONS AND
 INSURANCE
 HEALTH CARE STRATEGIES
 JT. COMMITTEE ON INFORMATION
 TECHNOLOGY
 STATE ADVISORY COUNCIL ON AGING
 TRANSPORTATION
 WAYS AND MEANS

February 18, 2008

Chairperson Schodorf and members of the Senate Education Committee:

Thank you for allowing me to provide testimony on SB 470. You may recall that last legislative session I appeared before your committee regarding SB 129. It changed the notification requirements regarding students expelled or suspended from school for committing a school safety violation. This bill was passed by both chambers and signed into law by the Governor. This fall, I was contacted by a former police chief about a problem with reporting from the schools. I was asked to inquire about an opinion from the Attorney General. The opinion of the AG is attached.

After the opinion was issued it was determined that a change in the law would be required due to the compliance with FERPA. I contacted both KASB and the revisor's office. The bill before you was drafted. I believe that the Department of Revenue has concerns with the current bill as it would take the process back to the previous procedures as far as their process is concerned.

I have attached to my testimony the AG's opinion, SB 129 and the supplemental note. I thank you for your consideration.

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*Senate Education Committee
 2-18-08 Attachment 6*

SESSION OF 2007

SUPPLEMENTAL NOTE ON SENATE BILL NO. 129

As Amended by House Committee on
Education

Brief*

SB 129, as amended, would change notification requirements regarding students expelled or suspended from school for committing a school safety violation. Specifically, a school's chief administrative officer would be required to notify the appropriate law enforcement agency of the expulsion or suspension within ten days. Following receipt of this notice, the law enforcement agency would be required to notify the Division of Motor Vehicles of the Kansas Department of Revenue. The Division of Motor Vehicles would be required to immediately suspend the student's driver's license or privilege to operate a motor vehicle for one year.

Background

At the hearing on the bill, Senator Vicki Schmidt, a parent of a student and a representative of the Kansas National Education Association testified on behalf of the bill. There were no opponents to the bill.

The Senate Education Committee amended the bill to include a ten-day notification requirement regarding a school district's notification to law enforcement agencies and a requirement that the Division of Motor Vehicles suspend a student's driving privileges immediately.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

The House Committee on Education added a clarifying statement which would make it clear that a driver's license would not be revoked unless timely notice was given.

The fiscal note indicated there would be no fiscal impact.

SENATE BILL No. 129

AN ACT concerning schools; relating to certain school safety violations; amending K.S.A. 72-89c01 and 72-89c02 and repealing the existing sections.

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

Section 1. K.S.A. 72-89c01 is hereby amended to read as follows: 72-89c01. As used in K.S.A. 72-89c01 and 72-89c02, and amendments thereto:

(a) "Board of education" means the board of education of a unified school district or the governing authority of an accredited nonpublic school.

(b) "School" means a public school or an accredited nonpublic school.

(c) "Public school" means a school operated by a unified school district organized under the laws of this state.

(d) "Accredited nonpublic school" means a nonpublic school participating in the quality performance accreditation system.

(e) "Chief administrative officer of a school" means, in the case of a public school, the superintendent of schools or a designee of the superintendent and, in the case of an accredited nonpublic school, the person designated as chief administrative officer by the governing authority of the school.

(f) "Weapon" means (1) any weapon which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (2) the frame or receiver of any weapon described in the preceding example; (3) any firearm muffler or firearm silencer; (4) any explosive, incendiary, or poison gas (A) bomb, (B) grenade, (C) rocket having a propellant charge of more than four ounces, (D) missile having an explosive or incendiary charge of more than ¼ ounce, (E) mine, or (F) similar device; (5) any weapon which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than ½ inch in diameter; (6) any combination of parts either designed or intended for use in converting any device into any destructive device described in the two immediately preceding examples, and from which a destructive device may be readily assembled; (7) any bludgeon, sandclub, metal knuckles or throwing star; (8) any knife, commonly referred to as a switch-blade, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife, or any knife having a blade that opens or falls or is ejected into position by the force of gravity or by an outward, downward or centrifugal thrust or movement; (9) any electronic device designed to discharge immobilizing levels of electricity, commonly known as a stun gun. The term "weapon" does not include within its meaning (1) an antique firearm; (2) any device which is neither designed nor redesigned for use as a weapon; (3) any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device; (4) surplus ordinance sold, loaned, or given by the secretary of the army pursuant to the provisions of section 4684(2), 4685, or 4686 of title 10 of the United States Code; (5) class C common fireworks.

(g) "Controlled substance" has the meaning ascribed thereto in K.S.A. 65-4101, and amendments thereto.

(h) "Illegal drug" means a controlled substance but does not include such a controlled substance that is legally possessed or, used under the supervision of a licensed health-care professional or that is legally possessed or used under authority of any federal or state law.

(i) "Possession of a weapon, controlled substance or illegal drug" means knowingly having direct physical control over a weapon, controlled substance or illegal drug or knowingly having the power and the intention at a given time to exercise dominion or control over a weapon, controlled substance or illegal drug.

(j) "School safety violation" means: (1) The possession of a weapon or illegal drug at school, upon school property or at a school-supervised activity; or (2) an act or behavior committed at school, upon school property or at a school-supervised activity which resulted in, or was substantially likely to have resulted in, serious bodily injury to others.

(k) "Law enforcement agency" means the police department of a city if the school safety violation occurs within the corporate limits of a city or the office of the county sheriff if the school safety violation occurs outside the corporate limits of a city.

(l) "Division" means the division of motor vehicles of the Kansas department of revenue.

Sec. 2. K.S.A. 72-89c02 is hereby amended to read as follows: 72-89c02. (a) Whenever a pupil who has attained the age of 13 years has been found in possession of a weapon, controlled substance or illegal drug at school, upon school property, or at a school supervised activity or has engaged in behavior at school, upon school property, or at a school supervised activity, which resulted in, or was substantially likely to have resulted in, serious bodily injury to others, the chief administrative officer of the school shall make an immediate report of the pupil's act to the appropriate law enforcement agency. Upon receipt of the report, the law enforcement agency shall investigate the matter and give written notice to the division of vehicles of the department of revenue of the act committed by the pupil. The notice shall be given to the division of vehicles by the law enforcement agency within three days, excluding holidays and weekends, after receipt of the report and shall include the pupil's name, address, date of birth, driver's license number, if available, and a description of the act committed by the pupil. Upon receipt of the notice Whenever a pupil who has attained the age of 13 years has been expelled from school or suspended for an extended term in accordance with K.S.A. 72-8901 et seq. or 72-89a01 et seq., and amendments thereto, and such suspension or expulsion was imposed for committing a school safety violation, the chief administrative officer of the school from which the student was suspended or expelled shall notify the appropriate law enforcement agency of the suspension or expulsion. The notice shall be given within 10 days, excluding holidays and weekends, after the imposition of the expulsion or suspension. The notice shall include the pupil's name, address, date of birth, driver's license number, if available, a description of the school safety violation committed by the pupil and the date the pupil was expelled or suspended for an extended term. Following receipt of the notice, the law enforcement agency shall notify the division of the suspension or expulsion. The notice shall be given within 10 days, excluding holidays and weekends, of the date of receipt of notice from the chief administrative officer of the school from which the student was suspended or expelled. The notice shall include the pupil's name, address, date of birth, driver's license number, if available, a description of the school safety violation committed by the pupil and the date the pupil was expelled or suspended for an extended term. A copy of the notice also shall be given to the pupil and to the parent or guardian of the pupil.

(b) If timely notice is not given to the appropriate law enforcement agency or to the division as specified in subsection (a), the division of vehicles shall not suspend the pupil's driver's license or privilege to operate a motor vehicle on the streets and highways of this state.

(c) If timely notice is given to the appropriate law enforcement agency and the division as specified in subsection (a), the division of vehicles immediately shall suspend the pupil's driver's license or privilege to operate a motor vehicle on the streets and highways of this state. The duration of the suspension shall be for a period of one year. Upon expiration of the period of suspension, the pupil may apply to the division for return of the license. If the license has expired, the pupil may apply for a new license, which shall be issued promptly upon payment of the proper fee and satisfaction of other conditions established by law for obtaining a license unless another suspension or revocation of the pupil's privilege to operate a motor vehicle is in effect. If the pupil does not have a driver's license, the pupil's driving privileges shall be revoked. If timely notice is given to the appropriate law enforcement agency and the division as required by subsection (a), no Kansas driver's license shall be issued to a pupil whose driving privileges have been revoked pursuant to this subsection for a period of one year:

(1) Immediately following the date of receipt by the division of notification from a law enforcement agency containing the description of the pupil's act, if the pupil is eligible to apply for a driver's license; or

(2) after the date the pupil will be eligible to apply for a driver's license, if the pupil is not eligible to apply for a driver's license on the date of receipt of the notification.

(b) (d) If the pupil's driving privileges have driver's license or driving privilege has been revoked, suspended or canceled for another cause, the

suspension or revocation required by this section shall apply consecutively to the previous revocation, suspension or cancellation.

~~(e)~~ (e) Upon suspension or revocation of a pupil's driver's license or driving privilege to operate a motor vehicle as provided in this section, the division of vehicles shall immediately notify the pupil in writing. If the pupil makes a written request for hearing within 30 days after such notice of suspension or revocation, the division of vehicles shall afford the pupil an opportunity for a hearing as provided by K.S.A. 8-255, and amendments thereto, except that the scope of the hearing shall be limited to determination of whether there are reasonable grounds to believe the pupil was in possession of a weapon, controlled substance or illegal drug at school, upon school property, or at a school supervised activity or was engaged in behavior at school, upon school property, or at a school supervised activity, which resulted in, or was substantially likely to have resulted in, serious bodily injury to others notice was given to the appropriate law enforcement agency and the division within the time specified in subsection (a).

~~(f)~~ (f) For the purposes of this section, the term driver's license includes, in addition to any commercial driver's license and any class A, B, C or M driver's license, any restricted license issued under K.S.A. 8-237, and amendments thereto, any instruction permit issued under K.S.A. 8-239, and amendments thereto, and any farm permit issued under K.S.A. 8-296, and amendments thereto.

Sec. 3. K.S.A. 72-89c01 and 72-89c02 are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the SENATE, and passed that body

SENATE concurred in
HOUSE amendments _____

President of the Senate.

Secretary of the Senate.

Passed the HOUSE
as amended _____


Speaker of the House.

Chief Clerk of the House.

APPROVED _____

Governor.

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November 2, 2007

ATTORNEY GENERAL OPINION NO. 2007-35

The Honorable Vicki Schmidt
State Senator, 20th District
2619 S.W. Randolph Court
Topeka, Kansas 66611

John L. Vratil
Attorney for the Board of Education
Blue Valley Unified School District No. 229
Suite 1000, Building 82
10851 Mastin Blvd.
Overland Park, Kansas 66210

Re: Schools--School Safety and Security Act; Information Regarding Identity of Specified Pupils; Disclosure Requirements; Criminal Acts; Reports to Law Enforcement Agencies; Family Educational Rights and Privacy Act

Schools--School Safety Violations, Suspension of Driving Privileges-- Suspension of Driver's License or Privilege Upon Certain School Safety Violations; Procedure; Family Educational Rights and Privacy Act

Synopsis: Compliance with K.S.A. 72-89c02(a) conflicts with the Family Educational Rights and Privacy Act (FERPA) because it requires a school official to notify and release to a law enforcement agency personally identifiable information contained in a student's records regarding the

student's suspension or expulsion when the suspension or expulsion stems from certain school safety violations. Unlike K.S.A. 72-89c02(a), the School Safety and Security Act does not violate FERPA because it requires school officials to notify law enforcement of certain criminal conduct by a student as opposed to reporting disciplinary action taken by the school. Cited herein: K.S.A. 72-89b01; 72-89b03; 72-89c02, as amended by L. 2007, Ch. 149, § 2; 20 U.S.C. § 1232g.

*

*

*

Dear Senator Schmidt and Mr. Vratil:

As Senator for the 20th District and legal counsel for the Blue Valley School Board, you request our opinion whether compliance with the mandatory reporting requirements of K.S.A. 72-89c02(a), which require notification by a school official to a law enforcement agency of a suspension or expulsion of a pupil, conflicts with 20 U.S.C. § 1232g, the Family Educational Rights and Privacy Act (FERPA).

K.S.A. 72-89c02, as amended by L. 2007, Ch. 149, § 2, provides in part:

"Whenever a pupil who has attained the age of 13 years has been expelled from school or suspended . . . and such suspension or expulsion was imposed for committing a school safety violation, the chief administrative officer of the school from which the student was suspended or expelled shall notify the appropriate law enforcement agency of the suspension or expulsion. . . . The notice shall include the pupil's name, address, date of birth, driver's license number . . . a description of the school safety violation committed by the pupil and the date the pupil was expelled or suspended. . . ."

The 2007 amendment changes the notification requirements regarding students expelled or suspended from school for committing a school safety violation. Pursuant to the amendment, the school's chief

administrative officer is required to notify the appropriate law enforcement agency of the expulsion or suspension and that law enforcement agency is then required to notify the Division of Motor Vehicles within a certain period of time. The Division of Motor Vehicles then suspends the student's driver's license for one year.

FERPA applies to all schools receiving federal funds. The Act establishes conditions under which personally identifiable information in education records may be released. Schools that violate the conditions and release protected information can lose all federal funding. Under FERPA, a school official is prohibited from disclosing personally identifiable information or information from student records without the consent of the student's parent.⁽¹⁾ The applicable section specifically states:

"No funds shall be made available . . . to any educational agency or institution which has a policy or practice of permitting the release of education records (or personally identifiable information contained therein . . .) of students without the written consent of their parents to any individual, agency . . . other than to the following. . . ."⁽²⁾

FERPA defines "education records" as:

"[T]hose records, files, documents, and other materials which (i) contain information directly related to a student; and (ii) are maintained by an educational agency or institution or by a person acting for such agency or institution."⁽³⁾

Education records include student disciplinary records.⁽⁴⁾ While FERPA provides exceptions that allow for the release of student information, none of those exceptions are applicable to this situation.

In 2000, Attorney General Carla J. Stovall concluded that the 1999 version of K.S.A. 72-89c02 conflicted with FERPA because it required school officials to notify the Division of Motor Vehicles of a pupil's expulsion or suspension.⁽⁵⁾

"Whenever a pupil who has attained the age of 13 years has been expelled from school or suspended

. . . .

"(3) [T]he chief administrative officer of the school from which the pupil was expelled or suspended shall give written notice to the division of vehicles of the department of revenue of the expulsion or suspension of the pupil. . . . The notice of expulsion or suspension . . . shall include the pupil's name, address, date of birth, driver's license number . . . and the reason or reasons for the expulsion or suspension."⁽⁶⁾

Like the 2007 amendment at issue, the 1999 legislation required that the school administrator release information concerning a student's expulsion or suspension to the Division of Motor Vehicles which, in turn, suspended the pupil's driver's license for one year.

As a result of General Stovall's opinion, the Legislature corrected the FERPA problem in the 2001 session by requiring school officials to report to law enforcement certain misbehavior committed by a pupil rather than reporting a specific expulsion or suspension.⁽⁷⁾ The Supplemental Note for House Bill No. 2289 indicates that this office was consulted regarding the amendment:⁽⁸⁾

"The Governor's spokesperson said that the proposed modifications had been shared with the Attorney General's Office and were found to address the potential FERPA conflicts.

"The Kansas Association of School Boards expressed support for the measure, indicating that it resolved the FERPA issue about which the Association was concerned. There were no other conferees."

As indicated above, the 2007 amendments to K.S.A. 72-89c02 contain the same problematic language that existed when the statute was first

enacted in 1999. Accordingly, the conclusion stated in General Stovall's opinion still applies. Further, subsequent case law from other jurisdictions supports General Stovall's conclusion that requiring a school official to release suspension or expulsion information contained in a student's records to an outside agency conflicts with FERPA.⁽⁹⁾

As a final note, we wish to address the School Safety and Security Act (Act)⁽¹⁰⁾ as it relates to K.S.A. 72-89c02(a) and FERPA. The Act requires a school official to report to law enforcement criminal conduct that occurred at the school.⁽¹¹⁾ The key distinction between the Act and the statute at issue here is that, under K.S.A. 72-89c02(a), a school official must report to law enforcement *disciplinary action taken by the school*, specifically suspensions and expulsions. The disciplinary action that is the subject of the report is recorded in the student's disciplinary records. As explained, release of this information conflicts with FERPA. However, the Act requires that any school employee who knows or has reason to believe that a *criminal act* has been committed at a school and that act constitutes a felony or misdemeanor or involves the possession, use or disposal of explosives, firearms or other weapons immediately report the *incident* to law enforcement:

"(b) Each board of education shall adopt a policy that . . . includes:

"(1) A requirement that an immediate report be made to the appropriate state or local law enforcement agency by or on behalf of any school employee who knows or has reason to believe that *an act* has been committed at school, on school property, or at a school supervised activity and that the act involved conduct which constitutes the commission of a felony or misdemeanor or which involves the possession, use or disposal of explosives, firearms or other weapons; and

"(2) the procedures for making such a report.

. . . .

"(f) Nothing in this section shall be construed or operate in any manner so as to prevent any school employee from reporting *criminal acts* to school officials and to appropriate state and local law enforcement agencies.⁽¹²⁾

Notably, the language of subsection (f) in the Act is in harmony with the 2001 amendments to K.S.A. 72-89c02(a) which required school officials to report to law enforcement certain *criminal acts* committed by a student rather than reporting specific disciplinary action taken by the school and recorded in the student's disciplinary records.⁽¹³⁾

Finally, the reporting requirements under the School Safety and Security Act dictate that a school official report *knowledge of criminal activity directly* to law enforcement. Thus, the reporting does not involve student records or disclosing personally identifiable information that is contained in those records. Accordingly, the prohibitions set forth in FERPA are not triggered and the federal statute has no application.

Sincerely,

Paul J. Morrison
Attorney General

Rebecca E. Rand
Assistant Attorney General

PJM:MF:RER:jm

FOOTNOTES

Click footnote number to return to corresponding location in the text.

¹ 20 U.S.C. § 1232g(b)(1).

² *Id.*

³ 20 U.S.C. § 1232g(a)(4)(A).

4 *U.S. v. Miami Univ.*, 91 F.Supp. 2d 1132 (S.D. Ohio 2000), *aff'd*, 294 F.3d 797 (6th Cir. 2002).

5 Attorney General Opinion No. 2000-44.

6 L. 1999, Ch. 124, § 2.

7 L. 2001, Ch. 119, § 2.

8 *Supplemental Note on House Bill 2289, as amended by House Committee on Education.*

9 *See, e.g., U.S. v. Miami Univ.*, 91 F. Supp.2d 1132 (S.D. Ohio 2000), *aff'd*, 294 F.3d 797 (6th Cir. 2002); *Rim of the World Unified Sch. Dist. v. Super. Ct.*, 129 Cal. Rptr. 2d 11, 12 (Cal. App. 2002) (stating FERPA's confidentiality provisions trump state law requiring disclosure of student records containing information relating to student disciplinary records).

10 K.S.A. 72-89b01 *et seq.*

11 K.S.A. 72-89b01 *et seq.*; *see generally* Attorney General Opinion No. 98-59.

12 K.S.A. 72-89b03. (Emphasis added).

13 L. 2001, Ch. 119, § 2.

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State of Kansas

JOHN VRATIL
SENATOR, ELEVENTH DISTRICT
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AND RULES
SENTENCING COMMISSION
INTERSTATE COOPERATION

Vice President Kansas Senate

Testimony Presented to
The Senate Education Committee
By Senator John Vratil
February 18, 2008
Concerning Senate Bill 470

Good Afternoon. Thank you for the opportunity to appear before the Senate Education Committee in support of Senate Bill (SB) 470. The new language proposed in SB 470 concerns providing timely notice to the Division of Motor Vehicles, Kansas Department of Revenue.

During the 2007 legislative session, the Legislature passed SB 129 which was intended to prevent extreme delays when a student's driver's license was revoked because the student was expelled or suspended for an extended term. The type of activities that could lead to suspension or expulsion included possession of a weapon, controlled substance abuse or illegal drugs at school, upon school property, or at a school-supervised activity or engaging in behavior at school, upon school property, or at a school-supervised activity, which resulted in, or was substantially likely to result in, serious bodily injury to others. Senate Bill 129, as introduced in the 2007 session, required the superintendent of a school district to make an immediate report of a pupil's act to the appropriate law enforcement agency. Additionally, it required law enforcement to investigate the matter and give written notice to the *Division of Motor Vehicles* within 10 days. As passed, an additional step was added to the process. Senate Bill 129 was amended to require the superintendent of a school district to report a student's expulsion to the appropriate law enforcement agency within 10 days. Following receipt of such notice, the law enforcement agency is required to investigate the matter and give written notice to the *Division of Motor Vehicles* within 10 days of the receipt of notification from the superintendent.

The provisions of 2007 SB 129 overlooked the protections granted to student records by the Federal Student Records Act. Under the Act, if a student is suspended or expelled, the suspension or expulsion is part of the student's record; therefore, the information is protected and cannot be shared without the student's permission. The federal act, however, does not prohibit a superintendent from sharing the "event" that led to the student's suspension or expulsion. For example, the superintendent can tell law enforcement that the student came to school with a weapon or a controlled substance or the student was fighting at school. In other words, the superintendent can describe the act but not the punishment.

Senate Bill 470 would amend K.S.A. 2007 Supp. 72-89c02 (e). The language would ensure that if a student's driver's license is revoked and if the student requests a hearing within 30 days: 1. the hearing is limited to whether or not the law enforcement agency notified the Division of Motor Vehicles in the time specified, and 2. Must determine if there are reasonable grounds to believe the student was not engaged in the behavior or action which resulted in the punishment (suspension or expulsion). This new section is similar to the language found in 2007 SB 129 before it was amended.

I ask that you support SB 470. Its passage will ensure that a student receives a full investigation into the circumstances surrounding the student's suspension or expulsion before a driver's license is revoked.

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Senate Education Committee
2-18-08 Attachment 7

KANSAS
ASSOCIATION



OF
SCHOOL
BOARDS

1420 SW Arrowhead Road • Topeka, Kansas 66604-4024
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Testimony before the
Senate Education Committee

on
Testimony on SB 470

by

Cynthia Lutz Kelly, Attorney
Kansas Association of School Boards

February 18, 2008

Madam Chair and Members of the Committee:

Thank you for the opportunity to appear before you on behalf of our membership to speak in support of **SB 470**. Because the federal Family Educational Rights and Privacy Act (FERPA) prohibits disclosure of information contained in student records without parental consent, or consent of the student at age 18, reporting a student's suspension or expulsion to DMV under current law requires a school administrator to either obtain consent or violate FERPA.

The proposed amendment solves the problem by allowing reporting of observed misconduct to law enforcement. FERPA does not prohibit disclosure of information obtained through observation. The amendment will allow school officials to comply with both state and federal law. We urge you to recommend **SB 470** favorably for passage.

Thank you for your consideration.

*Senate Education Committee
2-18-08
Attachment 8*

Proposed Amendment to SB 437

On page 1, by striking all in lines 14 through 38 and inserting:

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

- (1) “State board” means the state board of regents.
- (2) "ROTC institution" and "selection committee" have the meanings ascribed thereto by K.S.A. 74-3255, and amendments thereto.
- (3) “Chief executive officer” means the chief executive officer of a ROTC institution.
- (4) “Community college” means a community college established and operating under the provisions of chapter 71 of the Kansas Statutes Annotated.
- (5) “Board of trustees” means the board of trustees of a community college.

(b) Within the limitations of appropriations therefor and subject to the limitation on the number of scholarships which may be awarded under K.S.A. 74-3256, and amendments thereto, the selection committee at each ROTC institution may award ROTC scholarships to students who qualify therefor enrolled at a community college. Scholarship awarded pursuant to this section shall be awarded in accordance with the memorandum of understanding required by subsection (c) and shall be subject to the requirements of K.S.A. 74-3255 et seq., and amendments thereto, except that such scholarships may be awarded to students enrolled at a community college.

(c) The selection committee shall not award a scholarship under this section to a student enrolled at a community college unless the board of trustees of the community college at which the student is enrolled has entered into a memorandum of understanding with the chief executive officer of the ROTC institution. The memorandum of understanding shall fix the requirements for student eligibility, the procedure for application and any other terms or conditions deemed necessary by the chief executive officer and the board of trustees. Any memorandum of understanding shall be submitted to and approved by the state board.

(d) On or before January 14, 2011, the state board shall submit a report to the legislature relating to the administration of this section. The report shall include the following information for the time period beginning on July 1, 2008 and ending on October 1, 2010:

- (1) The number of scholarships awarded under this section.
- (2) The average amount of scholarships awarded under this section.
- (3) The aggregate amount of scholarships awarded under this section.
- (4) Other information deemed necessary by the state board.
- (e) The provisions of this section shall expire on June 30, 2011.”;

By renumbering the remaining section;

HB 2609 establishes the Military Service Scholarship Program which would be administered by the Board of Regents. The scholarships would be awarded on a priority basis to applicants who have the greatest financial need and would be renewable for students who remain qualified. When determining financial need, the Board would take into consideration federal military educational assistance received by the student. The number and amount of the scholarships awarded would be determined by the Executive Officer of the Board of Regents, but could not exceed the cost of fees and tuition. The scholarship would be awarded annually for the equivalent of four academic years based on full-time enrollment or the duration of the course of instruction.

A qualified student is a Kansas resident who has served, after September 11, 2001, in military service in Iraq or Afghanistan for 90 days, or for less than 90 days because of injuries received, or in international waters or on foreign soil in support of military operations in Iraq or Afghanistan for 90 days, or for less than 90 days because of injuries received. It would also include individuals who had received an honorable discharge or served in the military operations of Enduring Freedom, Noble Eagle, or Iraqi Freedom.

Funding of \$500,000 from the State General Fund for this scholarship is included in *The FY 2009 Governor's Budget Report*.

Provisions similar to HB 2609 were contained in a proviso in 2007 appropriations bill.

Sen. Schodorf

Senate Education Committee
2-18-08
Attachment 10

HOUSE BILL No. HB 2609

By Legislative Educational Planning Committee

1-3

9 AN ACT concerning postsecondary education; establishing the military
10 service scholarship program.

11

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

13 Section 1. This act shall be known and may be cited as the military
14 service scholarship program act.

15 Sec. 2. As used in this act:

16 (a) "Executive officer" means the chief executive officer of the state
17 board of regents appointed under K.S.A. 74-3203a, and amendments
18 thereto.

19 (b) "Qualified student" means a person who: (1) Is a resident of the
20 state of Kansas; (2) (A) has served, after September 11, 2001, in military
21 service in Iraq or Afghanistan for at least 90 days or for less than 90 days
22 because of injuries received in Iraq or Afghanistan; or (B) has served,
23 after September 11, 2001, in military service in international waters or
24 on foreign soil in support of military operations in Iraq or Afghanistan for
25 at least 90 days or for less than 90 days because of injuries received during
26 such service; (C) has received an honorable discharge from military serv-
27 ice or is still in military service; and (D) has military discharge papers
28 (DD Form 214) or active duty orders that indicate the person has served
29 after September 11, 2001, in one or more of the following military op-
30 erations: (i) Enduring Freedom; (ii) Nobel Eagle; or (iii) Iraqi Freedom;
31 (3) has been accepted for admission to or is enrolled in a course of in-
32 struction in a postsecondary educational institution; and (4) has qualified
33 for the award of a scholarship under the military service scholarship pro-
34 gram on the basis of having demonstrated scholastic ability, or who has
35 previously so qualified and remains qualified for renewal of the scholar-
36 ship on the basis of remaining in good standing and making satisfactory
37 progress toward completion of the requirements of the course of instruc-
38 tion in which enrolled.

39 (c) "State board" means the state board of regents.

40 (d) "Postsecondary educational institution" has the meaning ascribed
41 thereto by K.S.A. 74-3201b, and amendments thereto.

42 (e) "Military service" means any active service in any armed service
43 of the United States and any service as a member in good standing in the

1 Kansas army or air national guard.

2 (f) "Program" means the military service scholarship program.

3 Sec. 3. (a) There is hereby established the military service scholar-
4 ship program. A scholarship may be awarded under the program to any
5 qualified student and may be renewed for each such student who remains
6 qualified for the scholarship. Determination of the students qualified for
7 such scholarships shall be made by the executive officer. Scholarships
8 shall be awarded on a priority basis to qualified applicants who have the
9 greatest financial need. When determining financial need, the executive
10 officer shall take into consideration federal military educational assistance
11 received by a qualified student, if any.

12 (b) Within the limitations of appropriations therefor, the number of
13 scholarships awarded and the amount awarded to each applicant shall be
14 determined by the executive officer. The amount awarded shall be spec-
15 ified in the agreement. The amount awarded may vary depending upon
16 the number of hours and the program in which the applicant is enrolled.
17 A scholarship awarded under the program shall provide for payment to a
18 qualified student of an amount not to exceed the amount of the fees and
19 tuition for an academic year at the postsecondary educational institution
20 in which the qualified student is enrolled. Except as provided by this
21 subsection, a qualified student may be awarded a scholarship for not more
22 than four academic years of undergraduate study. If the course of instruc-
23 tion requires a fifth year of undergraduate study, a scholarship may be
24 awarded for the duration of the course of instruction.

25 (c) If a student is not enrolled on a full-time basis, a student shall
26 complete the course of study within the time period specified in the
27 agreement and shall receive a proportionate amount of the scholarship
28 allowed under subsection (b) based upon the number of hours enrolled
29 in an academic period, and computed as a fraction of the total number
30 of credit hours required for full-time enrollment.

31 Sec. 4. (a) An applicant for designation as a qualified student and for
32 the award of a scholarship under the military service scholarship program
33 shall provide to the executive officer, on forms supplied by the executive
34 officer, information required by the executive officer.

35 (b) As a condition to awarding a scholarship under this act, the ex-
36 ecutive officer and the applicant shall enter into an agreement which shall
37 require the applicant to:

38 (1) Complete the required course of instruction; and

39 (2) maintain records and make reports to the executive officer as re-
40 quired by the agreement.

41 Sec. 5. The state board of regents shall adopt rules and regulations
42 for administration of the military service scholarship program and shall
43 establish terms, conditions and obligations which shall be incorporated

1 into the provisions of any agreement entered into between the executive
2 officer and an applicant for the award of a scholarship under the program.
3 The terms, conditions and obligations shall be consistent with the provi-
4 sions of law relating to the program and shall include, but not be limited
5 to, the circumstances under which eligibility for financial assistance under
6 the program may be terminated and the amount of financial assistance to
7 be provided.

8 Sec. 6. There is hereby created in the state treasury the military serv-
9 ice scholarship program fund. All expenditures from the military service
10 scholarship program fund shall be for scholarships awarded under the
11 military service scholarship program and shall be made in accordance with
12 appropriation acts upon warrants of the director of accounts and reports
13 issued pursuant to vouchers approved by the executive officer or by a
14 person designated by the executive officer.

15 Sec. 7. This act shall take effect and be in force from and after its
16 publication in the statute book.