

MINUTES OF THE SENATE EDUCATION COMMITTEE

The meeting was called to order by Chairman Jean Schodorf at 1:40 p.m. on February 27, 2008, in Room 123-S of the Capitol.

Committee members absent:

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

Conferees appearing before the committee: None

ACTION ON BILLS PREVIOUSLY HEARD:**SB 401 – School districts; pupils receiving education services while residing at a psychiatric residential treatment facility**

Theresa Kiernan, Revisor of Statutes Office, reminded the Committee that **SB 401** was introduced by the Legislative Educational Planning Committee at the request of the 2010 Commission. She explained that she asked the 2010 Commission to request the bill in order to correct a technical error she made. She then distributed copies of balloon amendments to include youth residential centers as suggested by Representative Kelsey at the hearing on the bill. (Attachment 1)

Senator Vratil commented that amendment adding youth residential centers to the bill would increase the number of beds funded by 500, and the fiscal note would be between \$2.2 million and \$4.4 million. Therefore, he could not support the amendment. However, he supported the original bill and the purpose behind the original bill.

Senator Vratil moved to recommend SB 401 favorably for passage without the proposed amendments, seconded by Senator Lee. The motion carried.

SB 455 – School districts; high and low enrollment weightings; adjustments based on increases in the amount of base state aid per pupil

Ms. Kiernan reminded the Committee that **SB 455**, which was introduced at the request of Senator Vratil, would provide that, beginning in school year 2008-2009 and thereafter, for every two dollar increase in the base state aid per pupil, the threshold for qualifying for the high enrollment weighting and then the corresponding change in low weighting would be reduced by one pupil. Following her brief review of the bill, the Committee debated what the effect of the bill would be.

Senator Vratil moved to amend SB 455 by changing the effective date of the bill from “after its publication in the statute book” to “July 1, 2009”, seconded by Senator Apple. The motion carried.

Senator Vratil moved to amend SB 455 on page 1, line 39, and on page 2, line 22, by striking “2008-2009” and inserting “2009-2010”, seconded by Senator Apple. The motion failed on a hand count.

Senator Vratil moved to recommend SB 455 favorably for passage as amended, seconded by Senator Allen. The motion failed on a hand count.

SB 628 – School finance; general state aid and supplemental general state aid for certain districts (Lyon County, Emporia, and Chase County)

Ms. Kiernan explained that **SB 628** would guarantee that, for school year 2008-2009, the school districts in Lyon County and U.S.D. 284 in Chase County would have at least 98 percent of the adjusted enrollment that they had in the 2007-2008 school year.

CONTINUATION SHEET

MINUTES OF THE Senate Education Committee at 1:40 p.m. on February 27, 2008, in Room 123-S of the Capitol.

Senator Lee moved to recommend SB 628 favorably for passage, seconded by Senator Vratil. The motion carried.

SB 527 – An act concerning early childhood education; Parents as Teachers and Early Head Start; expansion of eligibility

Senator Schodorf informed the Committee that a Parents as Teachers person from Maize had told her that the Maize district and a few other districts currently provide funding for Parents as Teachers for 3 year olds. Therefore, she suggested that the early childhood programs be dropped from the bill, and Parents and Teachers remain in the bill with no funding in order to be permissive for school districts who want to work with 3 year olds. She noted that there would be no fiscal note if amended as she suggested.

Senator Steineger moved to amend SB 527 by striking New Section 2 concerning the Early Head Start Program, seconded by Senator Vratil. The motion carried.

Senator Steineger moved to recommend SB 527 favorably for passage as amended, seconded by Senator Vratil. The motion carried.

SB 528 – School districts; healthy weight education programs

Senator Steineger commented that he doubted that **SB 528** would pass through the legislative process, but he thought the issue should be moved along for the purpose of further discussion.

Senator Steineger moved to recommend SB 528 favorably for passage, seconded by Senator McGinn.

Committee discussion followed at which time it was noted that the bill had a significant fiscal note.

Senator Steineger withdrew his motion.

Senator Schodorf called attention to the minutes of the February 21 meeting.

Senator Vratil moved to approve the minutes of the February 21 meeting, seconded by Senator Lee. The motion carried.

The meeting was adjourned at 2:25 p.m.

The next meeting is scheduled for March 5, 2008.

SENATE EDUCATION COMMITTEE
GUEST LIST

DATE: February 27, 2008

NAME	REPRESENTING
Diane Gjerstad	Wichita - USD 259
Scott Frank	LPA
BILL Brady	SFFF
BILL REARDON	USD 500 (KC)
Doug Bowman	CCECDs
Effie Swanson	Sen D Schmidt
Cindy D'Ercole	KAC
Jenni Rose	KCSL
Dodie Weelshear	USA/Kansas
Mark Tallman	KA SIK
Doug Mays	USD 501
Bob Vanung	USD 229
Val DeFoe	SQE
Tom Kutz	KASB
Ladine DeVaughn Pate	observer
TERRY FORSYTH	KNEA

SENATE BILL No. 401

By Legislative Educational Planning Committee
(By request of the 2010 Commission)

1-3

10 AN ACT concerning school districts; relating to school finance; amend-
11 ing K.S.A. 2007 Supp. 72-6407 and 72-8187 and repealing the existing
12 sections.
13

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

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

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

Senate Education Committee
2-27-08
Attachment 1

1 time attendance. A pupil enrolled in a district and attending special ed-
 2 ucation and related services, except special education and related services
 3 for preschool-aged exceptional children, provided for by the district shall
 4 be counted as one pupil. A pupil enrolled in a district and attending
 5 special education and related services for preschool-aged exceptional chil-
 6 dren provided for by the district shall be counted as ½ pupil. A preschool-
 7 aged at-risk pupil enrolled in a district and receiving services under an
 8 approved at-risk pupil assistance plan maintained by the district shall be
 9 counted as ½ pupil. A pupil in the custody of the secretary of social and
 10 rehabilitation services or in the custody of the commissioner of juvenile
 11 justice and enrolled in unified school district No. 259, Sedgwick county,
 12 Kansas, but housed, maintained, and receiving educational services at the
 13 Judge James V. Riddel Boys Ranch, shall be counted as two pupils.

14 (3) A pupil residing at the Flint Hills job corps center shall not be
 15 counted. A pupil confined in and receiving educational services provided
 16 for by a district at a juvenile detention facility shall not be counted. A
 17 pupil enrolled in a district but housed, maintained, and receiving edu-
 18 cational services at a state institution or at a psychiatric residential treat-
 19 ment facility shall not be counted. A pupil enrolled in a virtual school in or a youth residential center
 20 a district but who is not a resident of the state of Kansas shall not be
 21 counted.

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

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

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

33 (e) "Enrollment" means: (1) (A) Subject to the provisions of para-
 34 graph (1)(B), for districts scheduling the school days or school hours of
 35 the school term on a trimestral or quarterly basis, the number of pupils
 36 regularly enrolled in the district on September 20 plus the number of
 37 pupils regularly enrolled in the district on February 20 less the number
 38 of pupils regularly enrolled on February 20 who were counted in the
 39 enrollment of the district on September 20; and for districts not specified
 40 in this paragraph (1), the number of pupils regularly enrolled in the dis-
 41 trict on September 20; (B) a pupil who is a foreign exchange student shall
 42 not be counted unless such student is regularly enrolled in the district on
 43 September 20 and attending kindergarten or any of the grades one

1 through 12 maintained by the district for at least one semester or two
2 quarters or the equivalent thereof;

3 (2) if enrollment in a district in any school year has decreased from
4 enrollment in the preceding school year, enrollment of the district in the
5 current school year means whichever is the greater of (A) enrollment in
6 the preceding school year minus enrollment in such school year of pre-
7 school-aged at-risk pupils, if any such pupils were enrolled, plus enroll-
8 ment in the current school year of preschool-aged at-risk pupils, if any
9 such pupils are enrolled, or (B) the sum of enrollment in the current
10 school year of preschool-aged at-risk pupils, if any such pupils are enrolled
11 and the average (mean) of the sum of (i) enrollment of the district in the
12 current school year minus enrollment in such school year of preschool-
13 aged at-risk pupils, if any such pupils are enrolled and (ii) enrollment in
14 the preceding school year minus enrollment in such school year of pre-
15 school-aged at-risk pupils, if any such pupils were enrolled and (iii) en-
16 rollment in the school year next preceding the preceding school year
17 minus enrollment in such school year of preschool-aged at-risk pupils, if
18 any such pupils were enrolled; or

19 (3) the number of pupils as determined under K.S.A. 72-6447 or
20 K.S.A. 2007 Supp. 72-6448, and amendments thereto.

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

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

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

33 (i) "Low enrollment weighting" means an addend component as-
34 signed to enrollment of districts pursuant to K.S.A. 72-6412, and amend-
35 ments thereto, on the basis of costs attributable to maintenance of edu-
36 cational programs by such districts in comparison with costs attributable
37 to maintenance of educational programs by districts having to which high
38 enrollment weighting is assigned pursuant to K.S.A. 2007 Supp. 72-
39 6442b, and amendments thereto.

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

43 (k) "Transportation weighting" means an addend component as-

1 signed to enrollment of districts on the basis of costs attributable to the
2 provision or furnishing of transportation.

3 (l) "Cost of living weighting" means an addend component assigned
4 to enrollment of districts to which the provisions of K.S.A. 2007 Supp.
5 72-6449, and amendments thereto, apply on the basis of costs attributable
6 to the cost of living in the district.

7 (m) "Ancillary school facilities weighting" means an addend compo-
8 nent assigned to enrollment of districts to which the provisions of K.S.A.
9 72-6441, and amendments thereto, apply on the basis of costs attributable
10 to commencing operation of new school facilities. Ancillary school facil-
11 ities weighting may be assigned to enrollment of a district only if the
12 district has levied a tax under authority of K.S.A. 72-6441, and amend-
13 ments thereto, and remitted the proceeds from such tax to the state trea-
14 surer. Ancillary school facilities weighting is in addition to assignment of
15 school facilities weighting to enrollment of any district eligible for such
16 weighting.

17 (n) "Juvenile detention facility" has the meaning ascribed thereto by
18 72-8187, and amendments thereto.

19 (o) "Special education and related services weighting" means an ad-
20 dend component assigned to enrollment of districts on the basis of costs
21 attributable to provision of special education and related services for pu-
22 pils determined to be exceptional children.

23 (p) "Virtual school" means any kindergarten or grades one through
24 12 course offered for credit that uses distance-learning technologies
25 which predominantly use internet-based methods to deliver instruction
26 and for which the course content is available on an "anytime, anyplace"
27 basis, but the instruction occurs asynchronously with the teacher and
28 pupil in separate locations, not necessarily located within a local education
29 agency.

30 (q) "Declining enrollment weighting" means an addend component
31 assigned to enrollment of districts to which the provisions of K.S.A. 2007
32 Supp. 72-6451, and amendments thereto, apply on the basis of reduced
33 revenues attributable to the declining enrollment of the district.

34 (r) "High enrollment weighting" means an addend component as-
35 signed to enrollment of districts pursuant to K.S.A. 2007 Supp. 72-6442b,
36 and amendments thereto, on the basis of costs attributable to mainte-
37 nance of educational programs by such districts as a correlate to low
38 enrollment weighting assigned to enrollment of districts pursuant to
39 K.S.A. 72-6412, and amendments thereto.

40 (s) "High density at-risk pupil weighting" means an addend compo-
41 nent assigned to enrollment of districts to which the provisions of K.S.A.
42 2007 Supp. 72-6455, and amendments thereto, apply.

43 (t) "Nonproficient pupil" means a pupil who is not eligible for free

5-1

1 meals under the national school lunch act and who has scored less than
2 proficient on the mathematics or reading state assessment during the
3 preceding school year and who is enrolled in a district which maintains
4 an approved proficiency assistance plan.

5 (u) "Nonproficient pupil weighting" means an addend component
6 assigned to enrollment of districts on the basis of enrollment of nonprof-
7 icient pupils pursuant to K.S.A. 2007 Supp. 72-6454, and amendments
8 thereto.

9 (v) "Psychiatric residential treatment facility" ~~has the meaning as-~~
10 ~~cribed thereto by K.S.A. 72-8187, and amendments thereto.~~

and "youth residential center" have the meanings

11 Sec. 2. K.S.A. 2007 Supp. 72-8187 is hereby amended to read as
12 follows: 72-8187. (a) In each school year, to the extent that appropriations
13 are available, each school district which has provided educational services
14 for pupils residing at the Flint Hills job corps center, for pupils housed
15 at a psychiatric residential treatment facility or for pupils confined in a
16 juvenile detention facility is eligible to receive a grant of state moneys in
17 an amount to be determined by the state board of education.

or a youth residential center

18 (b) In order to be eligible for a grant of state moneys provided for by
19 this section, each school district which has provided educational services
20 for pupils residing at the Flint Hills job corps center, for pupils housed
21 at a psychiatric residential treatment facility or for pupils confined in a
22 juvenile detention facility shall submit to the state board of education an
23 application for a grant and shall certify the amount expended, and not
24 reimbursed or otherwise financed, in the school year for the services
25 provided. The application and certification shall be prepared in such form
26 and manner as the state board shall require and shall be submitted at a
27 time to be determined and specified by the state board. Approval by the
28 state board of applications for grants of state moneys is prerequisite to
29 the award of grants.

or a youth residential center

30 (c) Each school district which is awarded a grant under this section
31 shall make such periodic and special reports of statistical and financial
32 information to the state board as it may request.

33 (d) All moneys received by a school district under authority of this
34 section shall be deposited in the general fund of the school district and
35 shall be considered reimbursement of the district for the purpose of the
36 school district finance and quality performance act.

37 (e) The state board of education shall approve applications of school
38 districts for grants, determine the amount of grants and be responsible
39 for payment of grants to school districts. In determining the amount of a
40 grant which a school district is eligible to receive, the state board shall
41 compute the amount of state financial aid the district would have received
42 on the basis of enrollment of pupils residing at the Flint Hills job corps
43 center, housed at a psychiatric residential treatment facility or confined

or a youth residential center

1 in a juvenile detention facility if such pupils had been counted as two
 2 pupils under the school district finance and quality performance act and
 3 compare such computed amount to the amount certified by the district
 4 under subsection (b). The amount of the grant the district is eligible to
 5 receive shall be an amount equal to the lesser of the amount computed
 6 under this subsection or the amount certified under subsection (b). If the
 7 amount of appropriations for the payment of grants under this section is
 8 insufficient to pay in full the amount each school district is determined
 9 to be eligible to receive for the school year, the state board shall prorate
 10 the amount appropriated among all school districts which are eligible to
 11 receive grants of state moneys in proportion to the amount each school
 12 district is determined to be eligible to receive.

13 (f) On or before July 1 of each year, the secretary of social and re-
 14 habilitation services shall submit to the Kansas department of education
 15 a list of facilities which have been certified and licensed as psychiatric
 16 residential treatment facilities.

17 (g) As used in this section:

18 (1) "Enrollment" means the number of pupils who are: (A) Residing
 19 at the Flint Hills job corps center ~~or who are~~, confined in a juvenile
 20 ~~detention facility and or residing at a psychiatric residential treatment~~
 21 ~~facility; and (B) for whom a school district is providing educational serv-~~
 22 ~~ices on September 20, on November 20, or on April 20 of a school year,~~
 23 ~~whichever is the greatest number of pupils;~~

or a youth residential center

24 (2) "juvenile detention facility" means any public or private facility
 25 which is used for the lawful custody of accused or adjudicated juvenile
 26 offenders and which shall not be a jail; ~~and~~

27 (3) "psychiatric residential treatment facility" means a facility which
 28 provides psychiatric services to individuals under the age of 21 and which
 29 conforms with the regulations of the centers for medicare/medicaid serv-
 30 ~~ices~~ is licensed by the Kansas department of health and environment ~~and~~
 31 ~~is certified by the Kansas department of social and rehabilitation services~~
 32 ~~pursuant to subsection (f).~~

and

33 Sec. 3. K.S.A. 2007 Supp. 72-6407 and 72-8187 are hereby repealed.

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

(4) "youth residential center" means the Forbes
 Juvenile Attention Center, Salvation Army/Koch
 Center Youth Services, Clarence M. Kelley Youth
 Center, Trego County Secure Care Center,
 St. Francis Academy at Ellsworth, St. Francis
 Academy at Salina, St. Francis Center at Salina
 and King's Achievement Center.