

MINUTES OF THE HOUSE EDUCATION COMMITTEE

The meeting was called to order by Chairman Clay Aurand at 9:00 a.m. on February 10, 2010, in Room 711 of the Docking State Office Building.

All members were present, except
Representative Shirley Palmer

Committee staff present:

Theresa Kiernan, Office of the Revisor of Statutes
Reagan Cussimano, Kansas Legislative Research Department
Sharon Wenger, Kansas Legislative Research Department
Amanda Nyugen, Kansas Legislative Research Department
Janet Henning, Committee Assistant

Conferees appearing before the Committee:

Larry Isaak, President, Midwestern Higher Education Compact (MHEC)
Representative Clay Aurand
Mark Tallman, Kansas Association of School Boards

Chairman Aurand welcomed Larry Isaak, President, Midwestern Higher Education Compact (MHEC) as well as former senator Lana Oleen and Pam Shutt, representing Midwestern Higher Education Compact.

Mr. Isaak told Committee members that MHEC was created by the Midwest Legislative Conference of The Council of State Governments in the early 1990's. He stated MHEC is uniquely governed by a 60-member commission of legislators, governor's representatives, and higher education leaders. MHEC services are available to all 907 Midwest institutions of public and private non-profit higher education. Several of MHEC services are available to all state and local governments and K-12 schools.

Mr. Isaak told Committee members that MHEC's cost savings function addresses areas of regional need through the development of programs intended to offer the best pricing, support, and contract terms in the region. Pricing is established for quantity-one purchases, but additional discounts are also often available from vendors for bulk purchases. MHEC selectively and strategically pursues only those initiatives that would greatly benefit a large segment of colleges, universities, and state/local governments and cannot generally be replicated by any single entity acting on its own. Current programs are available for master property insurance, computer hardware, and computer software.

Mr. Isaak stated MHEC recognizes that access to postsecondary education and training opportunities is essential for individuals to succeed and is critical to the civic and economic development of Midwestern states, the region, and the nation. Therefore, a regional commitment to postsecondary access is significant given the need to become more competitive as a region in an emerging global economy, demographic shifts in the number of high school graduates, gaps in educational attainment rates among racial and ethnic groups, and an increasing interest in higher education from political leadership. (On file - Midwestern Higher Education Compact, 1300 South Second Street, Suite 130, Minneapolis, Minnesota 55454-1079, www.mhec.org)

A question and answer session followed the presentation.

HB 2410 - School districts; recalculating adjusted enrollment if it is determined pupils are ineligible for free meals.

Theresa Kiernan, Senior Assistant Revisor, Office of the Revisor of Statutes, gave an explanation of the language for the balloon amendment for **HB 2410**. (Attachment 1)

Scott Frank, Manager, School Audits, Legislative Division of Post Audit, told Committee members that several questions were raised regarding free-lunch students who were later determined to be ineligible for free lunches because their parents failed to respond to the districts' request for information to verify their eligibility. Mr. Frank stated that as he had previously testified, in 2005-06, school districts identified 1,839 students whose eligibility couldn't be verified. Upon rechecking the audit documentation, it was determined 71 percent were ineligible because the documentation showed their applications were incorrect and 29 percent were ineligible because their family failed to respond. (Attachment 2)

CONTINUATION SHEET

Minutes of the House Education Committee at 9:00 a.m. on February 10, 2010, in Room 711 of the Docking State Office Building.

A question and answer session followed the presentations.

Representative Neufeld moved to accept the balloon amendment for **HB 2410**. The motion was seconded by Representative Brookens. The motion carried.

Representative Neufeld moved to recommend **HB 2410** as amended favorable for passage. The motion was seconded by Representative Brookens. The motion carried by a show of hands. Representative Flaharty requested her vote of "no" be recorded.

HB 2601 - Schools; high density at-risk pupil weighting; linear transition computation.

Theresa Kiernan, Senior Assistant Revisor, Office of the Revisor of Statutes, gave an overview of **HB 2601**. (Attachment 3)

Representative Aurand spoke to Committee members as a proponent of **HB 2601**. Representative Aurand told Committee members this bill is an attempt to be the same bill that was on the floor two years ago and failed to pass by one vote.

Representative Aurand told Committee members that when he asked for this bill to be drafted, the attempt was to get to the policy needed to have a linear transition and do it in a way that was the least harmful. He stated the thought he had in talking to some of the people that were concerned with this issue is that it is very difficult to have anything that would further cut a district's budget looking forward to the next year and these times.

Representative Aurand told Committee members that under current law, if a district has an enrollment of at least 50% at-risk students, the district is entitled to high-density at-risk pupil weighting of .10 for each at-risk pupil. A district with an enrollment of at least 40% but less than 50% at-risk students is entitled to medium density at-risk pupil weighting of .06 for each at-risk student. A small change in the number of at-risk students could cause a district to lose all of its high density weighting.

Representative Aurand told Committee members that he was going to have an amendment, if the Committee intended to work this bill, and that it would essentially say this would not take effect until such time as this is funded by the statutory required funding of \$4492 BSAPP.

Representative Aurand requested the Committee continue the hearing for **HB 2601** at the next meeting, February 11, 2010.

HB 2495 - Schools; statewide levy, exemption, procedure for the elimination of.

Representative Aurand advised that **HB 2495** was dually referred to the Education and Tax Committees. Representative Aurand asked Committee members if they wanted to work this bill and it was the consensus of the Committee to not to work the bill.

HB 2595 - School districts; of students residing outside the district.

Representative Aurand advised the Committee would be working **HB 2595** at the next Committee meeting.

The meeting was adjourned at 10:30 a.m. The next meeting is scheduled for February 11, 2010.

HOUSE BILL No. 2410

By Legislative Post Audit Committee

1-4

9 AN ACT concerning school districts; relating to school finance; relating
10 to at-risk pupils.

11

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

13 Section 1. (a) If a pupil submits an application for free meals under
14 the national school lunch act on or before the date on which the enroll-
15 ment of the school district is calculated and it is later determined by the
16 school district or the department of education that the pupil should not
17 have been eligible for free meals, the district or the department shall
18 notify the state board of such determination. Upon receipt of such notice,
19 the state board shall recompute the adjusted enrollment of the district
20 and the general fund budget of the district based on the adjusted enroll-
21 ment of the district excluding the at-risk pupil, weighting medium density
22 at-risk pupil weighting and high density at-risk pupil weighting, if any,
23 assigned to such pupil.

24 (b) This section shall be part of and supplemental to the school dis-
25 trict finance and quality performance act.

26 Sec. 2. This act shall take effect and be in force from and after its
27 publication in the Kansas register.

Except as provided by subsection (b), upon

(b) If a pupil becomes ineligible to receive free meals under the national school lunch act for failure to submit, in a timely manner, any documentation necessary for verification of eligibility as required by the national school lunch act, but subsequently submits such documentation, such student shall not be excluded from the calculation of the adjusted enrollment of the district if the district forwards a copy of such documentation to the state board no later than January 14 of the school year.

(c)



MEMORANDUM

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TO: Members, House Education Committee
FROM: Scott Frank, Manager, School Audits
DATE: February 9, 2010
SUBJECT: Additional Information on House Bill 2410

During the hearing on HB 2410, several questions were raised regarding free-lunch students who were later determined to be ineligible for free lunches because their parents failed to respond to the districts' request for information to verify their eligibility. As I noted in my background testimony, in 2005-06, school districts identified 1,839 students whose eligibility couldn't be verified.

I went back and checked our audit documentation to find out how many of those students were determined to be ineligible because the documentation showed their applications were incorrect (i.e., their families had too much income), and how many were ineligible because their family failed to respond. Here's a summary of what we found:

Category	Number of Students	Percent of Total
Application Incorrect	1,300	71%
Failure to Respond	539	29%
Total	1,839	100%

As you can see, for the 2005-06 school year, less than 30% of all students who were determined to be ineligible through school districts' verification work received that determination because their families failed to provide documentation as requested. We don't have any data on how many of those students were later reinstated to free-lunch status once their families reapplied and submitted the required information.

I hope this information is helpful. Please let me know if you have any questions.

House Education Committee
Date 2-9-10
Attachment # 2

MARY ANN TORRENCE, ATTORNEY
REVISOR OF STATUTES
JAMES A. WILSON III, ATTORNEY
FIRST ASSISTANT REVISOR
GORDON L. SELF, ATTORNEY
FIRST ASSISTANT REVISOR



OFFICE OF REVISOR OF STATUTES
KANSAS LEGISLATURE

Legal Consultation—
Legislative Committees and Legislators
Legislative Bill Drafting
Legislative Committee Staff
Secretary—
Legislative Coordinating Council
Kansas Commission on
Interstate Cooperation
Kansas Statutes Annotated
Editing and Publication
Legislative Information System

TO: House Committee on Education
FROM: Theresa Kiernan, Senior Assistant Revisor of Statutes
RE: House Bill 2601
DATE: February 9, 2010

HB 2601 would amend the provision in the school finance law concerning the calculation of the high-density at-risk pupil weighting. The bill also would repeal the medium density at-risk pupil weighting.

Under current law if a district has an enrollment of at least 50%* at-risk pupils, the district is entitled to high-density at-risk pupil weighting of .10 for each at-risk pupil. A district with an enrollment of at least 40% but less than 50% at-risk pupils is entitled to medium-density at-risk pupil weighting of .06 for each at-risk pupil. A small change in the number of at-risk pupils in a district could cause a district to lose all of its high density weighting. In 2008, the medium density at-risk pupil weighting was created and a temporary fix to fluctuations in funding was created to allow districts to use the current year enrollment, prior year enrollment or a three-year average enrollment when counting at-risk pupils. That provision expires in 2011.

The bill would eliminate the specific weighting factors and provide for a linear transition formula to calculate the high density at-risk pupil weighting for districts between 44% and 55.5%. Districts with 55.5% or more at-risk enrollment would receive a weighting of .115; districts below 44% receive no high density weighting.

According to the fiscal note, the amount of state aid paid by the state would not change, but it would be distributed differently depending on the number of at-risk pupils in a district.

*Districts with an enrollment of at least 35.1% at-risk pupils and an enrollment density of at least 35.1 pupils per 212.1 square miles also qualify for high-density at-risk pupil weighting.