

## MINUTES OF THE SENATE EDUCATION COMMITTEE

The meeting was called to order by Chairman Jean Schodorf at 1:35 p.m. on January 25, 2007, in Room 123-S of the Capitol.

Committee members absent:

Committee staff present: Sharon Wenger, Kansas Legislative Research Department  
Michele Alishahi, Kansas Legislative Research Department  
Ashley Holm, Kansas Legislative Research Department  
Theresa Kiernan, Revisor of Statutes  
Shirley Higgins, Committee Secretary

Conferees appearing before the committee: Senator Phillip B. Journey  
Mark Desetti, Kansas National Education Association  
Mark Tallman, Kansas Association of School Boards

Senator Schodorf informed the Committee that State Treasurer Lynn Jenkins asked that she request the introduction of a bill concerning the Learning Quest program. To increase the incentive for families to save for their children's college education, the bill would double the deductions allowed for Learning Quest.

Senator Schodorf moved that the Learning Quest bill be introduced as requested by State Treasurer Jenkins, seconded by Senator Allen. The motion carried.

**SB 70 – School districts; attendance of pupils residing outside the district**

Theresa Kiernan, Revisor of Statutes Office, explained that **SB 70** was introduced by Senator Journey, and the intent of the bill was to make it easier for students to attend school in a district in which they do not reside. The receiving school must agree, but the bill would clarify that no agreement would be required for students to attend a school in a district in which they do not reside. She noted that a key provision of the bill repeals K.S.A. 72-1046b, and she distributed copies that statute. (Attachment 1) She explained that 72-1046b is a special provision that allows students who live more than ten miles from their school to attend a school that is closer to them but located in another district. But it does not apply to Shawnee, Sedgwick, Wyandotte, and Johnson counties. That provision would be repealed, and New Section 3 basically would reenact the provision without the limitation for the four large counties. She pointed out that subsection (d) on page three of the bill provides that students attending school in a receiving district shall be counted in the receiving school district "for the purpose of computations." However, current law provides that the students would be counted in the receiving district "except for the computation of the transportation weighting." She suggested that the bill be amended to include this phrase, which was mistakenly not included in the bill. With the clarifying amendment, the transportation dollars would not follow the student.

Senator Journey testified in support of **SB 70**. He pointed out that current state law allows two school districts to enter into an agreement, but if either district refuses the agreement, the student cannot attend school in the receiving district. He explained that the intent of the bill was to take the sending district out of the equation so that, if the receiving district is willing to accept the child, the child can go. He noted that allocation of state funds for the child would follow the child to the school district the child attends. He observed that the capabilities and programs in various school districts in the state are diverse. With passage of the bill, students would be allowed to attend the school they believe offers them the greatest opportunity for tailoring their education. In addition, the bill would foster more competition for students among the various public school districts. In conclusion, he argued that, since school districts are financed by taxpayer funds, taxpayers should have the opportunity to make the best choice they possibly can. (Attachment 2)

Mark Desetti, Kansas National Education Association, testified in opposition to **SB 70**. He commented that the current system for children to transfer between districts works and does not need to be fixed. He believed that the bill would open the system to abuse such as the recruitment of athletes for sports teams. (Attachment 3)

CONTINUATION SHEET

MINUTES OF THE Senate Education Committee at 1:35 p.m. on January 25, 2007, in Room 123-S of the Capitol.

Mark Tallman, Kansas Association of School Boards, presented testimony prepared by Patricia Baker, Deputy Executive Director/General Counsel for KASB. Ms. Baker's testimony noted that agreements among school districts for education of students are numerous and widespread, and ultimately, the local districts are in the best position to make these decisions. She also noted that over 16,500 students attended public schools other than their home districts in the 2005-2006 school year. In conclusion, she indicated that KASB would oppose the bill if it is interpreted to mean that a receiving school district could bus students from inside a sending school district without the latter's approval. (Attachment 4)

There being no others wishing to testify, the hearing on **SB 70** was closed.

Senator Vratil moved to recommend **SB 70** unfavorably for passage, seconded by Senator Goodwin.

Committee discussion followed, and it was the consensus of the Committee that more time should be allowed to consider the bill. Senator Vratil withdrew his motion, and Senator Goodwin withdrew her second.

Senator Schodorf opened a discussion on a previously heard bill, **SB 69** concerning cost of living and declining enrollment weightings. She informed the Committee that Senator Pine introduced a related bill, **SB 173**. Senator Pine explained that **SB 173** would remove the cost of living provision in **SB 69**, but it did not address declining enrollment. He said the bill would remove the requirement for another election for a school district that does not want to increase its LOB. Committee discussion followed regarding the intent and the effect of both bills.

Senator Vratil moved to amend **SB 69** to make the effective date "upon publication in the Kansas Register," seconded by Senator Teichman. The motion carried.

Senator Vratil moved to recommend **SB 69** favorably for passage as amended, seconded by Senator Goodwin.

Substitute motion by Senator Lee to recommend **SB 69** favorably for passage as moved by Senator Vratil with an additional amendment on page 3, line 11, "at least 25 percent or 20 mills, whichever is the lowest", seconded by Senator Teichman. The motion failed on a show of hands.

On a call for a vote on Senator Vratil's motion, the motion carried.

The meeting was adjourned at 2:35 p.m.

The next meeting is scheduled for January 29, 2007.