

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)

Senator Schodorf called attention to written testimony in support of **SB 459** submitted by Dr. Gary George

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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 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

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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.