

MINUTES OF THE SENATE EDUCATION COMMITTEE

The meeting was called to order by Chairman Jean Schodorf at 1:40 p.m. on February 14, 2007, in Room 123-S of the Capitol.

Committee members absent: Pat Apple

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

Conferees appearing before the committee: Mark Tallman, Kansas Association of School Boards  
Mark Desetti, Kansas National Education Association  
Senator Chris Steineger  
Bill Reardon, Kansas City Kansas Public Schools  
Kathy Cook, Kansas Families United for Public Education  
Dr. Gary George, Olathe School District

**SB 144 – School finance; renewal of statewide property tax levy and exemption**

Theresa Kiernan, Revisor of Statutes Office, explained that **SB 144** extended the statewide mill levy for school districts for two more school years. In addition, it extended the property tax exemption for the first \$20,000.00 on residential property from the 20 mill levy for two years.

Mark Tallman, Kansas Association of School Boards, urged the Committee to pass **SB 144**. (Attachment 1)

Mark Desetti, Kansas Association of School Boards, supported the passage of **SB 144**. (Attachment 2)

For the Committee's information, Chris Courtwright, Kansas Legislative Research Department, distributed copies of a memorandum he prepared regarding the renewal of the mandatory USD general fund levy as provided in **SB 144**. The memorandum noted that if the bill was not enacted, local effort purposes of the school finance formula would be reduced by \$531.0 million in FY 2008 and by \$558.3 million in FY 2000. (Attachment 3)

There being no others wishing to testify, the hearing on **SB 144** was closed.

Senator Teichman moved to recommend **SB 144** favorably for passage, seconded by Senator Lee. The motion carried.

**SB 282 – School districts; special needs scholarship program for at-risk and exceptional children**

Theresa Kiernan, Revisor of Statutes Office, explained that **SB 282**, which was introduced at the request of Senator Chris Steineger, was similar to other bills introduced in the past several years; but it differed because it would include at-risk pupils with a grade point of less than 3.0 on a 4.0 scale, and it provided that special needs students (students with an IEP or at-risk students with a grade point of less 3.0) could apply for a scholarship to attend a private school or to attend a public school in another district. The program would be administered by the State Board of Education. The amount of the scholarship in the case of a student who has an IEP is based upon the IEP. The maximum amount would be equivalent to the cost of the educational program that would have been provided to the student in the school of his residence. The cost of the scholarships would be deducted from the state financial aid and the state aid for special education that the resident school district would receive for that pupil. The resident district would be required to provide transportation to students who are awarded the scholarship. The State Board of Education would be given rules and regulations authority. In order to participate, a nonpublic school would have to demonstrate financial viability, could not discriminate in admissions, and must comply with all state laws that apply to nonpublic schools regarding criminal background checks for their employees. The State Board is directed to conduct an evaluation of the school choice programs. The scholarship program would go into effect beginning with the fall semester of school year 2007-08. Ms. Kiernan confirmed that the scholarship program

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would be a voucher program.

Senator Steineger commented that **SB 282** offers opportunity, choice, and competition for young Kansans to go to other schools. He noted that, in large cities nationwide, some students drop out despite all the money spent and the best efforts of America. He explained that the bill targeted students in Kansas who are the most at risk of dropping out of high school and would provide them with a much needed safety net to prevent them from ending up on the street. He discussed the data in the charts included in his written testimony showing the dropout rate statewide and the dropout rate for the Wichita, Kansas City, and Topeka school districts. (Attachment 4)

Bill Reardon, representing Kansas City, Kansas Public Schools, testified in opposition to **SB 282**. He informed the Committee that statistics on the dropout rate for the Kansas City, Kansas, public schools from 1996 to 2006 showed that, by the end of the 2006 school year, the dropout rate had been cut by 75 percent. He pointed out that special needs students already have the option to attend a nonpublic school of their choice and receive special education services from the public schools. He noted that the bill offers little to enhance what is currently available except to transfer to a nonpublic school. He expressed his concern that the bill allowed nonpublic schools to select the students who will attend their school. In addition, he noted that districts currently are not required to transport students outside their boundaries; however, the bill would require that transportation be provided by the resident district. He noted that some special education students require highly specialized transportation vehicles. With regard to the bill's inclusion of certain at-risk students, he noted that No Child Left Behind currently allows parents to transfer their children out of failing schools into better performing public schools. (Attachment 5)

Mark Tallman, Kansas Association of School Boards, testified in opposition to **SB 282**. He pointed out that the bill did not define "at-risk pupil"; therefore, it was unclear how many students would be affected by the bill. He outlined KASB's position on vouchers and emphasized that the bill did not meet any of the KASB standards. He went on to discuss his objections to bill in more detail under the following headings: (1) **SB 282** allows private schools to accept students the school chooses, not the parents, (2) **SB 282** provides funding for private education without requirements for special services, (3) **SB 282** does not require oversight and accountability for public funding, and (4) "School Choice" programs do not improve education. For the Committee's information, he distributed copies of a KASB issue paper entitled, "Expanded School Choice Doesn't Improve Student Performance" and copies of a publication distributed by the U.S. Department of Education entitled, "Comparing Private Schools and Public Schools Using Hierarchical Linear Modeling". (Attachment 6) He also distributed copies of a KASB booklet entitled, "Different Rules – What Choice and Competition Mean for Public and Private Schools in Kansas". A copy may be obtained at the KASB office located at 1420 SW Arrowhead Road, Topeka, KS or at [www.kasb.org](http://www.kasb.org).

Kathy Cook, Kansas Families United for Public Education, testified in opposition to **SB 282**. She complained that, under the bill, tax dollars would be spent with no oversight. She also argued that the bill would not provide a "magic cure" for students who are not achieving their full potential within public schools. In her opinion, the bill was simply an attempt to introduce school vouchers in Kansas. She observed that there was no provision in the bill which would guarantee parents that their children will be admitted to any participating private institution. She noted that the parents' choice may be an uninformed choice because private institutions have no requirement to provide information on teacher qualifications or parental involvement. (Attachment 7)

Dr. Gary George, Assistant Superintendent in the Olathe school district, testified in opposition to **SB 282**. He noted that Olathe teachers work extremely hard to address the needs of at-risk students, the district has made progress in that area, and the Olathe school district has been cited by Standard and Poor's for its work in narrowing the achievement gap for students. Consequently, the Olathe school district sees no need for legislation for at-risk students. He went on to explain that the district surveyed 943 parents of special education students, and between 95.2 and 98.3 percent reported that they were satisfied with all of the components of the district's special education program. In his opinion, the reason the data was so positive was the student intervention team, which includes parents, teachers, students, and other building staff. Additionally, he noted that the Olathe Board of Education has adopted a legislative position against vouchers or choice plans to aid private elementary or secondary schools which are not subject to the same legal requirements as public school districts. Commenting that it appeared that the bill was really about starting

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a voucher program in Kansas, he pointed out that voucher programs have been struck down by courts and have been rejected by voters in other states. In his opinion, school districts should be given an opportunity to demonstrate success with the new funds the Legislature has provided before changes are instituted. (Attachment 8)

Mark Desetti, Kansas National Education Association, testified in strong opposition to **SB 282**. He pointed out that the private school would choose whether or not to accept the student, and the bill would take money away from public schools. He noted that a private school can set admissions criteria to turn away students who are likely not to meet high standards, and the bill would allow this discrimination. In addition, the private schools could charge tuition above and beyond the voucher granted. In his opinion, the bill was crafted to ensure that an accurate fiscal note could never be calculated. He contended that **SB 282** laid out at least four additional areas where the resident school district would be left to pick up the expenses of the student. (Attachment 9)

Senator Schodorf called the Committee's attention to written testimony in opposition to **SB 282** submitted by Ashley Sherard, Vice President, Lenexa Chamber of Commerce. (Attachment 10)

There being no others wishing to testify, the hearing on **SB 282** was closed.

The Committee turned its attention to the minutes of the February 6, 7, and 8 committee meetings.

Senator Vratil moved to approve the minutes of the February 6, 7, and 8 meetings, seconded by Senator Goodwin. The motion carried.

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

The next meeting is scheduled for February 15, 2007.