

Approved: 02-19-2010

Date

MINUTES OF THE HOUSE EDUCATION BUDGET COMMITTEE

The meeting was called to order by Chairman Joe McLeland at 3:30 p.m. on February 8, 2010, in Room 159-S of the Capitol.

All members were present except:

Representative Arlen Siegfried- excused

Committee staff present:

Theresa Kiernan, Office of the Revisor of Statutes  
Reagan Cussimano, Kansas Legislative Research Department  
Jonathan Tang, Kansas Legislative Research Department  
Dee Heideman, Committee Assistant

Conferees appearing before the Committee:

Kathleen Selzler Lippert, Interim Director for the Kansas Board of Healing Arts  
Phyllis Gilmore, Executive Director, Kansas Behavioral Sciences Board  
Kathy Cook, Kansas Families for Education  
David Schauner, General Counsel, Kansas National Education Association  
Rep Clay Aurand, Kansas State Representative, District 109  
Diane Gjerstad, Executive Director Government Relations, Wichita Public Schools  
Mark Tallman, Assistant Executive Director, Kansas Association of School Boards  
Cheryl Semmel, Executive Director, United School Administrators

Others attending:

See attached list.

The meeting was called to order by Chairman McLeland.

Jonathan Tang explained to the committee a statute change cannot authorize the State Historical Society to use SIBF for restoration and repairs. A resolution to change the State Constitution is required. The committee had the bill language removed from the budget report, then added language discussing the constitutional requirement.

There was a briefing by Jonathan Tang concerning the Kansas State Board of Healing Art's budget. (Attachment 1)

Kathleen Selzler Lippert, Interim Director for the Kansas Board of Healing Arts explained the Board's mission and estimated income and expenses for years 2010 and 2011. (Attachment 2)

The Executive Director of Kansas Behavioral Sciences Board, Phyllis Gilmore, gave a short presentation of the Board's budgetary needs. (Attachment 3)

**HB 2591 - School districts; inclement weather days, districts not required to pay staff.**

Theresa Kiernan, Assistant Revisor, explained briefly the intent of the bill. (Attachment 4)

Kathy Cook, Kansas Families for Education, spoke as an opponent and feels the legislature should not put our school employees in a position of not knowing their annual wages and wages should not be dependent on how well a city or county performs their snow removal duties. (Attachment 5)

As general counsel for the Kansas National Education Association, David Schauner, asked the committee to reject **HB 2591** because he felt the bill interferes with the relationship that most Boards of Education and teacher groups have worked hard to create and that has been instrumental in creating partnerships among the parties that are responsible for the education of Kansas students. (Attachment 6)

02-08-10

CONTINUATION SHEET

Minutes of the House Education Budget Committee at 3:30 p.m. on February 8, 2010, in Room 159-S of the Capitol.

The hearing on HB 2591 was closed by the chair.

**HB 2607 - School districts; finance; BSAPP; certain weighting factors; eliminate high enrollment weighting.**

Theresa Kiernan explained HB 2607 pertaining to the weighting factors concerning school districts. (Attachment 7)

Rep Clay Aurand, Kansas State Representative, District 109, says by passing this bill it would simplify the education formula by eliminating high enrollment and it would dial back the low enrollment and other weights. The dollar amounts by district is essentially identical to current law. (Attachment 8) A copy of a memo to Rep Aurand from Dale Dennis, Deputy Commissioner of Education with an attached computer printout providing the estimated effects of HB 2607 was passed out to the committee. (Attachment 9)

Opposed was Diane Gjerstad, Executive Director Government Relations, Wichita Public Schools because the bill would eliminate correlation or large district weighting and increase the base from the current amount. This bill would adjust several weightings to lower percentages. (Attachment 10)

Also, standing in opposition was Mark Tallman, Assistant Executive Director, Kansas Association of School Boards, because it is the belief of the association the bill would raise the base aid per pupil, eliminate high enrollment weighting and adjust other weightings. The entire change is "revenue neutral" to both the state and school districts. (Attachment 11)

Cheryl Semmel, Executive Director, United School Administrators of Kansas is concerned this bill moves to modify and eliminate weightings for many school districts throughout Kansas. She said United School Administrators believes that each district, regardless of size, has a responsibility to ensure a quality education for each child that enters the classroom. Modifications to weightings, when defined by an inaccurate BSAPP level, will have significant negative implications for funding mechanisms that support students in many of our communities. She encourages the committee to consider the implications this bill would have for each Kansas student. (Attachment 12)

After a question and answer period, the hearing on HB 2607 was closed.

The next meeting is scheduled for February 9, 2010.

The meeting was adjourned at 5:02 p.m.

EDUCATION BUDGET COMMITTEE GUEST LIST

DATE: FEBRUARY 08, 2010

NAME	REPRESENTING
David Schanner	KNEA
Kathleen Selzer Hippeert	KSBHA
Jennifer Brown	Federico Consulting, Inc.
Jackson Lindsey	Hein Law
Mark DeSetti	KNET
Julia Mowers	KSBHA
Lisa Corwin	KSBHA
Kathy Cook	K Families For Education
Bob Hancuwa	Blue Valley USD 229
Dodie Wellshear	USA/KS
Cheryl Semmel	USA/Kansas
Scott Frank	Leg Post Audit
Mike Reecht	KID Inc.
Judy Schrock	KSNA
Bill Brady	C.S.
Jennifer Grant	USD 501
Ann Brown	SBOE
Amy R. George	Olath School Dist.
Mark Talbot	KASB

# BIENNIAL BUDGET AGENCIES



# DRAFT

	Actual FY 09	Approved FY 2010	Agency Est. FY 2010	Gov. Rec. FY 2010	Approved FY 2011	Agency Req. FY 2011	Gov. Rec. FY 2011
<b>Financial Regulatory Agencies:</b>							
Bank Commissioner, State	\$ 7,968,514	\$ 8,780,976	\$ 8,780,976	\$ 8,780,976	\$ 8,513,440	\$ 8,894,993	\$ 8,513,440
Credit Unions, State Dept. of	875,142	934,524	949,324	934,524	895,096	910,296	895,096
Securities Commissioner	2,664,466	2,835,291	2,835,997	2,835,997	2,830,366	2,830,556	2,830,556
<b>TOTAL</b>	<b>\$ 11,508,122</b>	<b>\$ 12,550,791</b>	<b>\$ 12,566,297</b>	<b>\$ 12,551,497</b>	<b>\$ 12,238,902</b>	<b>\$ 12,635,845</b>	<b>\$ 12,239,092</b>

## Occupational and Professional Licensing Boards:

Abstracters Board of Examiners	\$ 22,334	\$ 21,207	\$ 23,407	\$ 23,407	\$ 21,207	\$ 23,407	\$ 23,407
Accountancy, Board of	313,334	311,661	311,661	311,661	309,832	311,661	311,661
Barbering, Board of	138,556	141,070	141,070	141,070	141,070	141,070	141,070
Behavioral Sciences Regulatory	614,977	601,106	621,103	601,103	595,421	631,421	595,421
Cosmetology, Board of	721,503	785,914	818,714	785,914	772,817	806,017	772,817
Dental, Kansas Board	361,604	370,799	370,799	370,799	366,774	370,799	370,799
Healing Arts, Board of	3,624,887	3,885,857	3,885,857	3,885,857	3,836,348	4,004,385	3,885,857
Kansas Board of Examiners in Fitting and Dispensing of Hearing Instruments	25,627	29,923	32,603	31,357	29,923	32,726	31,352
Mortuary Arts, Board of	235,038	271,510	271,510	271,510	270,657	275,039	271,510
Nursing, Board of	1,818,186	1,948,559	1,948,559	1,948,559	1,812,999	1,887,059	1,887,059
Optometry Examiners, Board of	125,743	152,768	152,766	152,766	139,977	140,310	140,310
Pharmacy, State Board of	694,118	768,977	1,206,099	993,681	750,076	1,063,082	991,779
Real Estate Appraisal Board	283,871	313,282	313,360	313,282	313,282	314,387	313,282
Real Estate Commission	972,285	1,481,095	1,418,095	1,418,095	1,223,438	1,269,953	1,223,438
Technical Professions, Board of	481,305	586,103	586,103	586,103	583,468	586,103	586,103
Veterinary Examiners, Board of	259,287	266,706	264,908	264,908	266,706	268,382	268,382
<b>TOTAL</b>	<b>\$ 10,692,655</b>	<b>\$ 11,936,534</b>	<b>\$ 12,366,614</b>	<b>\$ 12,100,072</b>	<b>\$ 11,747,001</b>	<b>\$ 12,125,802</b>	<b>\$ 11,814,247</b>

**Grand Total Expenditures**    \$ 22,200,777    \$ 24,493,662    \$ 25,034,130    \$ 24,651,569    \$ 23,672,897    \$ 24,761,647    \$ 24,053,339

Percentage Change from  
Previous Fiscal Year                      3.2%                      10.3%                      12.8%                      11.0%                      (3.3)%                      (1.1)%                      (2.4)%

## Other Biennial Agencies:

### Governmental Ethics Commission

State General Fund	\$ 394,067	\$ 429,599	\$ 429,599	\$ 416,711	\$ 472,411	\$ 481,443	\$ 457,371
All Funds	517,140	667,993	667,993	667,993	699,828	708,860	708,860

### Percent Change:

State General Fund	(24.6)%	9.0%	8.3%	5.4%	10.0%	6.5%	9.8%
All Funds	(19.7)	29.2	22.6	22.6	4.8	6.1	6.1

House Education Budget Committee

Date: 02-08-2010

Attachment #: 1

# BIENNIAL BUDGETING

## FTE Positions

	Actual FY 2009	Approved FY 2010	Agency Est. FY 2010	Gov. Rec. FY 2010	Approved FY 2011	Agency Req. FY 2011	Gov. Rec. FY 2011
<b>Financial Regulatory Agencies:</b>							
Bank Commissioner, State	99.0	99.0	99.0	99.0	99.0	99.0	99.0
Credit Unions, State Dept. of	12.0	12.0	12.0	12.0	12.0	12.0	12.0
Securities Commissioner	32.1	32.1	32.1	32.1	32.1	32.1	32.1
<b>TOTAL</b>	<b>143.1</b>	<b>143.1</b>	<b>143.1</b>	<b>143.1</b>	<b>143.1</b>	<b>143.1</b>	<b>143.1</b>
<b>Occupational and Professional Licensing Boards:</b>							
Abstracters Board of Examiners	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Accountancy, Board of	3.0	3.0	3.0	3.0	3.0	3.0	3.0
Barbering, Board of	1.5	1.5	1.5	1.5	1.5	1.5	1.5
Behavioral Sciences Regulatory	8.0	8.0	8.0	8.0	8.0	8.0	8.0
Cosmetology, Board of	12.0	12.0	12.0	12.0	12.0	12.0	12.0
Dental, Kansas Board	3.0	3.0	3.0	3.0	3.0	3.0	3.0
Healing Arts, Board of	39.0	45.0	45.0	45.0	45.0	45.0	45.0
Kansas Board of Examiners in Fitting and Dispensing of Hearing Instruments	0.5	0.5	0.5	0.5	0.5	0.5	0.5
Mortuary Arts, Board of	3.0	3.0	3.0	3.0	3.0	3.0	3.0
Nursing, Board of	24.0	24.0	24.0	24.0	24.0	24.0	24.0
Optometry Examiners, Board of	0.8	0.8	1.3	1.3	0.8	0.8	0.8
Pharmacy, State Board of	8.0	8.0	8.0	8.0	8.0	8.0	8.0
Real Estate Appraisal Board	2.0	2.0	2.0	2.0	2.0	2.0	2.0
Real Estate Commission	15.0	15.0	15.0	15.0	15.0	15.0	15.0
Technical Professions, Board of	5.0	5.0	5.0	5.0	5.0	5.0	5.0
Veterinary Examiners, Board of	3.0	3.0	3.0	3.0	3.0	3.0	3.0
<b>TOTAL</b>	<b>127.8</b>	<b>133.8</b>	<b>133.8</b>	<b>133.8</b>	<b>133.8</b>	<b>133.8</b>	<b>133.8</b>
<b>Other Biennial Agencies:</b>							
Governmental Ethics Commission	9.0	9.0	9.0	9.0	9.0	9.0	9.0
<b>GRAND TOTAL</b>	<b>279.9</b>	<b>285.9</b>	<b>286.4</b>	<b>286.4</b>	<b>285.9</b>	<b>285.9</b>	<b>285.9</b>

In 1994, the Legislature changed the budgeting cycle for selected state agencies to a biennial budget cycle. Most of the agencies that are required to prepare biennial budgets are funded through fees and perform regulatory or licensing activities. They are comprised of occupational and professional licensing agencies and the financial regulatory agencies. Generally, the Legislature puts an expenditure limitation on these special revenue funds. The Governmental Ethics Commission was changed to a biennial budget agency by the 2000 Legislature, and is funded, in part, by appropriations from the State General Fund. The 2009 Legislature approved biennial agency budgets for FY 2010 and FY 2011. The agencies are not required to submit new budget requests until September 2010. Although funding has already been authorized, the law allows agencies to request adjustments to the approved expenditure limitations.

The approved amount for FY 2010 has been adjusted to reflect increases due to the state undermarket pay plan approved by the State Finance Council. No similar adjustment has been made to the amount for FY 2011. However, some agencies adjusted the FY 2011 budget request to reflect the pay plan increase in FY 2010. In some instances, the Governor's recommendation for FY 2011 concurred with the agency's request, including the adjustment. Only agencies requesting upward adjustments to their previously approved budgets for FY 2010, FY 2011, or both, are discussed below.

The 2009 Legislature approved a recommendation by the Governor to reduce biennial agency expenditure limitations. The Legislature did not approve the Governor's recommended transfer of the savings created by the expenditure limitation reductions to the State General Fund. Instead, the 2009 Legislature approved a total transfer of \$296,030 from biennial agency fee funds to the State General Fund for FY 2010. The specific agencies required to make the transfer, and the amount of the transfer, are detailed in the following table.

**FY 2010 Biennial Special Revenue Fund Transfers**

<b>Agency</b>	<b>FY 2010 Fund Transfer</b>
Abstracter's Board of Examiners	\$ 515
Behavioral Sciences Regulatory Board	14,490
Board of Barbering	4,712
Board of Cosmetology	25,067
Board of Emergency Medical Services.	54,160
Board of Examiners in Hearing Instr. etc	978
Board of Healing Arts	55,289
Board of Mortuary Arts	8,872
Board of Nursing	57,064
Real Estate Appraisal Board	10,262
Board of Technical Professions	19,154
Securities Commissioner	45,467
<b>GRAND TOTAL</b>	<b>\$ 296,030</b>

**Behavioral Sciences Regulatory Board**

**Governor's Recommendation**

**DRAFT**

**FY 2010.** The agency requests FY 2010 expenditures of \$621,103, all from the Behavioral Sciences Regulatory Board Fee Fund. The request is an increase of \$20,000, or 3.3 percent above the amount approved by the 2009 Legislature. The increase is attributed to an enhancement request of \$20,000 to replace laptops. The agency's request also includes \$5,682 for undermarket salary adjustments that were authorized by the 2009 Legislature for FY 2010. The request includes 8.0 FTE positions.

**FY 2010.** The Governor recommends FY 2010 expenditures of \$601,103, all from the Behavioral Sciences Regulatory Board Fee Fund. The recommendation is a decrease of \$20,000 or 3.2 percent below the agency's request. The Governor does not recommend the agency's enhancement request of \$20,000 to replace laptops. The recommendation represents no change from the amount approved by the 2009 Legislature. The recommendation includes 8.0 FTE positions.

**FY 2011.** The agency requests FY 2011 expenditures of \$631,421, all from the Behavioral Sciences Regulatory Board Fee Fund. The request is an increase of \$36,000, or 6.0 percent above the amount approved by the 2009 Legislature. The increase is attributed to an enhancement request of \$36,000 to replace laptops. The agency's request does not include \$5,682 in undermarket salary adjustments that were authorized by the 2009 Legislature for FY 2010, but not FY 2011. Absent the enhancement request, the agency's request would represent no change from the amount approved by the 2009 Legislature. The request includes 8.0 FTE positions.

**FY 2011.** The Governor recommends FY 2011 expenditures of \$595,421, all from the Behavioral Science Regulatory Board Fee Fund. The recommendation is a decrease of \$36,000 or 5.7 percent below the agency's request. The Governor does not recommend the agency's enhancement request of \$36,000 to replace laptops. The Governor's recommendation represents no change from the amount approved by the 2009 Legislature. The recommendation includes 8.0 FTE positions.

**Behavioral Sciences Regulatory Board Fee Fund Analysis**

Resource Estimate	Actual FY 2009	Agency Estimate FY 2010	Gov. Rec. FY 2010	Agency Request FY 2011	Gov. Rec. FY 2011
Beginning Balance	\$ 257,674	\$ 126,484	\$ 126,484	\$ 103,016	\$ 123,016
Net Receipts	540,483	612,125	612,125	537,096	537,096
Total Funds Available	\$ 798,157	\$ 738,609	\$ 738,609	\$ 640,112	\$ 660,112
Less: Expenditures	614,977	621,103	601,103	631,421	595,421
Transfers	56,696	14,490	14,490	0	0
Other Adjustments	0	0	0	0	0
Ending Balance	\$ 126,484	\$ 103,016	\$ 123,016	\$ 8,691	\$ 64,691
Ending Balance as Percent of Expenditures	20.6%	16.6%	20.5%	1.4%	10.9%

**Board of Healing Arts**

**Governor's Recommendation**

**DRAFT**

**FY 2011.** The agency requests FY 2011 operating expenditures of \$4,004,385, all from the Board of Healing Arts Fee Fund. The request is an increase of \$168,037, or 4.4 percent above the amount approved by the 2009 Legislature. The agency requests an expenditure limitation increase of \$118,528 to cover the costs of relocating to a larger leased facility and increased rent for five months. The agency request also includes \$49,509 for undermarket salary adjustments that were approved by the 2009 Legislature for FY 2010 but not approved for FY 2011. The request includes 45.0 FTE positions.

**FY 2011.** The Governor recommends FY 2011 expenditures of \$3,885,857, all from the Board of Healing Arts Fee Fund. The recommendation is \$49,509, or 1.3 percent above the amount approved by the 2009 Legislature. The Governor did not recommend the enhancement request of \$118,528, all from the Board of Healing Arts Fee Fund, for moving expenses and prorated rent. The increase is attributed entirely to undermarket salary adjustments that were authorized by the 2009 Legislature for FY 2010 but not FY 2011. The recommendation includes 45.0 FTE positions.

**Board of Healing Arts Fee Fund Analysis**

Resource Estimate	Actual FY 2009	Agency Estimate FY 2010	Gov. Rec. FY 2010	Agency Request FY 2011	Gov. Rec. FY 2011
Beginning Balance	\$ 1,563,566	\$ 1,786,422	\$ 1,786,422	\$ 2,150,276	\$ 2,150,276
Net Receipts	3,981,349	4,249,711	4,249,711	4,338,463	4,338,463
Total Funds Available	\$ 5,544,915	\$ 6,036,133	\$ 6,036,133	\$ 6,488,739	\$ 6,488,739
Less: Expenditures	3,624,887	3,885,857	3,885,857	4,004,385	3,885,857
Transfers	133,606	0	0	0	0
Other Adjustments	0	0	0	0	0
Ending Balance	<u>\$ 1,786,422</u>	<u>\$ 2,150,276</u>	<u>\$ 2,150,276</u>	<u>\$ 2,484,354</u>	<u>\$ 2,602,882</u>
Ending Balance as Percent of Expenditures	49.3%	55.3%	55.3%	62.0%	67.0%





# Kansas Board of Healing Arts

## House Education Budget Committee

February 8, 2010

**Kathleen Selzler Lippert, Interim Executive Director**

## *Who we are...What we do*

The Kansas Board of Healing Arts is governed by a 15 member board. Each member is appointed by the Governor. The Board is comprised of 12 healthcare providers and three members who represent the public. The Board's mission is to, ***"Safeguard the public through licensure, education, and discipline of those who practice the healing arts in Kansas."***

The Board is supported by a staff of 45 employees. The staff is responsible for the licensing, legislation, investigations, and legal actions regarding healthcare professionals.

Currently, the Board and it's staff regulate more than 22,000 health care professionals in 14 various categories. The statistics are as follows:

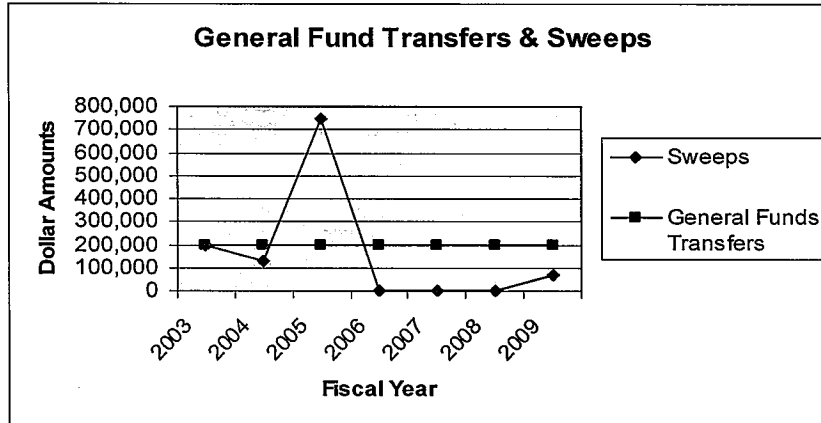
Medical Doctors (9414)  
Osteopathic Doctors (1001)  
Physician Assistants (861)  
Physical Therapists (2051)  
Occupational Therapists (1360)  
Athletic Trainers (384)  
Radiologic Technologists (3037)

Chiropractic Doctors (1140)  
Podiatric Doctors (133)  
Respiratory Therapists (1768)  
Physical Therapist Assistants (1216)  
Occupational Therapist Assistants (342)  
Naturopathic Doctors (19)  
Contact Lens Distributors (7)

House Education Budget Committee  
Date: 02-08-2010  
Attachment #: 2

## General Fund Transfers and Sweeps

- From 2003 through 2009, KSBHA has provided \$2,545,826 to the State in General Funds Transfers and Sweeps.



## FY 2010 and FY 2011 Requests

	<b>FY 2010 Estimates</b>	<b>FY 2011 Estimates</b>
<b>Total Receivables</b>	\$4,232,711	\$4,319,963
<b>State General Fund Transfer</b>	\$200,000	\$200,000
<b>Available to Agency</b>	\$4,032,711	\$4,119,963
<b>FY Request</b>	\$4,017,620	\$4,073,413
<b>FY Budget</b>	\$3,885,857	\$3,885,857

# Enhancement Request



- **Moving Expenses**

- Current lease will expire January 2011
- Current landlord did NOT submit a bid
- State Facilities Management has estimated moving costs at **\$118,528**
- Due to other costs the agency has absorbed (public searchable database of licensees and website expansion), the agency is unable to absorb these costs.

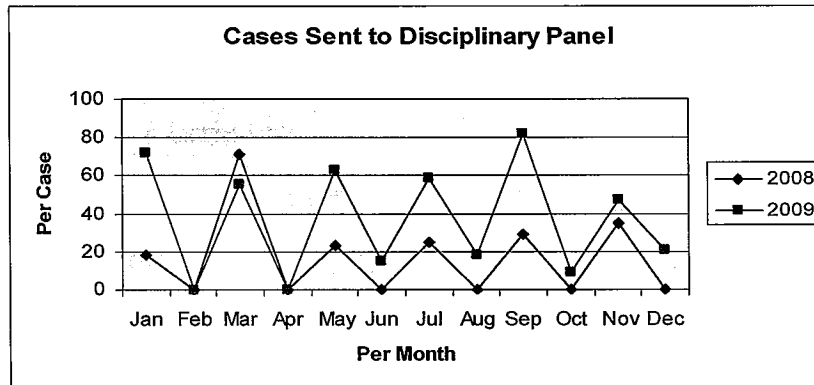
# Upcoming Legislation Impact to Budget



- SB 489      Calls for the expansion of regulation to all contact lens distributors that provide contacts in Kansas through all forms of mail, not just the U.S.P.S. (Total costs are unable to be calculated due to inadequate information on the numbers of distributors this may effect.)
- SB 490      Calls for the expansion of license options for Physical Therapists. (This will require additional programming, amended regulations, publications, and public hearings costs, not to exceed \$20,000.)
- SB 501      Adds perfusionists to the regulated professions the Board oversees; provides them a council; and charges the Board with drafting and implementing the rules and regulations that will accompany the perfusionists' statutory practice act. (Initial costs are approximately \$23,500.)
- HB 2575     Changes the regulatory status of naturopathic doctors from registrants to licensees and expand scope of practice. (Known costs projected to be less than \$2,000.)

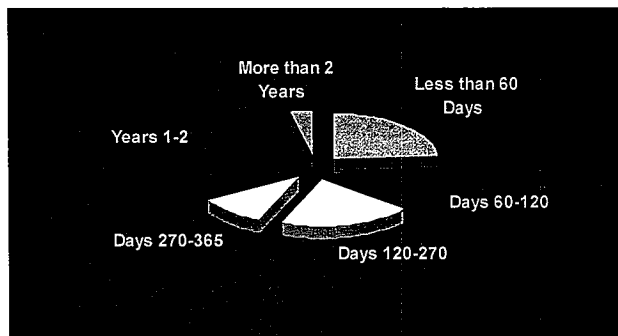
# KSBHA Cases to the Disciplinary Panel

- The number of cases presented to the Disciplinary Panel increased **119%** from 2008 (201) to 2009 (441).



# KSBHA Litigation Cases

- Aging of Open Litigation Cases**  
as of 2-1-2010



# KSBHA Investigations

- Opened Investigations Increased by **18%** from FY 2008 to FY 2009

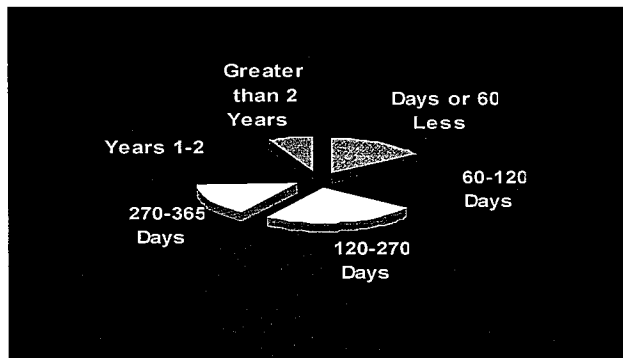
(FY 2008 609 cases to FY 2009 719 cases)

- Closed Investigations Increased by **54%** from FY 2008 to FY 2009

(FY 2008 478 cases to FY 2009 739 cases)

## Aging of Current Investigations

- Aging of Active Investigations

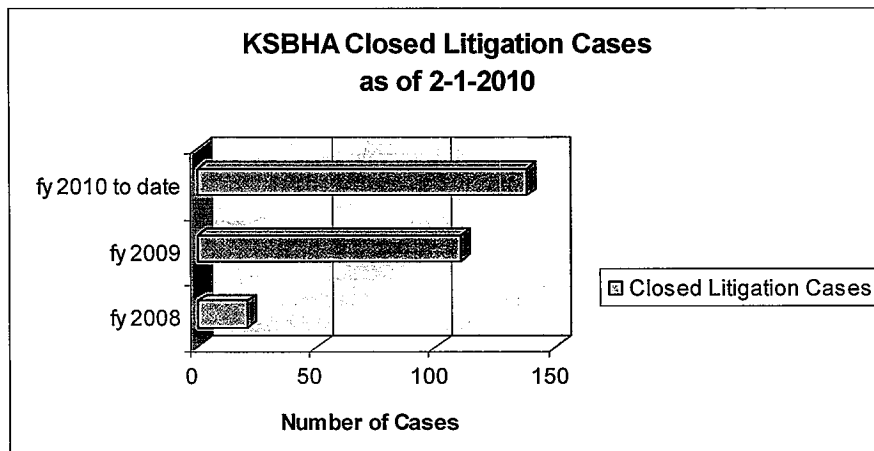


Stats as of 2-1-2010

60 Days or Less	84
60-120 Days	99
120-270 Days	131
270-365 Days	82
1-2 Years	95
> 2 Years	38
<b>Total Open Cases</b>	<b>529</b>

# KSBHA Closed Litigation Cases

- Comparison of the number of litigation cases closed from FY 2008-FY 2010.



Thank you for your time & consideration

*Presented by*

Kathleen Selzler Lippert  
Interim Executive Director  
785.296.8561  
klippert@ksbha.ks.gov

**HOUSE TESTIMONY  
BUDGET HEARING  
February 8, 2010**

Mr. Chairman and Committee Members:

I am Phyllis Gilmore the Executive Director of the Kansas Behavioral Sciences Regulatory Board (BSRB).

The BSRB is the licensing board for most of the state's mental health professionals; the licensed psychologists, the master level psychologists, the clinical psychotherapists, the bachelor, master and clinical level social workers, the master and clinical level professional counselors, and the master and clinical level marriage and family therapists. Additionally, some of the drug and alcohol counselors are registered with the board, although most of them are certified with SRS at the present time.

As a small agency, we are being hit very hard because we simply had very little padding in our budget. We have a commitment to a 3 year Information Technology plan. In this plan, we should replace our server and 6 desktop computers. This commitment was made at the request of the Legislature. However, we have not been able to maintain compliance with this commitment since the cutbacks.

Therefore, I am respectfully requesting a supplemental for FY 10 in the amount of \$20,000. That would be \$6,000 for a server and \$14,000 to purchase 6 desktop computers. This would allow us to keep our agency in compliance. Already, we have had problems requiring repair which involves costs that have also been cut. We can absorb this expenditure from our fee fund and it would be no cost to the state general fund. For FY 11 we are requesting \$36,000 for the replacement of our 16 Board laptops which are 5 years old. We are having numerous problems with them as well. DISC cost is \$50.00 per hour this is to analyze and repair.

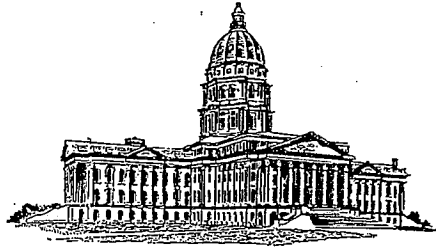
Additionally, I am requesting for FY 11 \$5682 for the increase in salaries due to the under market adjustment. This was not carried forward in the FY 11 budget we presented to the Governor. Again this amount would be absorbed from our fee fund and it would not impact the state general fund.

House Education Budget Committee  
Date: 02-08-2010  
Attachment #: 3

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: Education Budget Committee  
FROM: Theresa Kiernan, Senior Assistant Revisor of Statutes  
RE: House Bill No. 2591  
Date: February 8, 2010

HB 2591 would authorize school districts to not pay compensation to teachers, administrators or other employees on inclement weather days. An inclement weather day is defined as any day during the school year on which all attendance centers in a school district have been closed because of weather or weather-related conditions.

Districts would be required to pay compensation for inclement weather days if the district is required to conduct school beyond the regular term in order to comply with K.S.A. 72-1106 which sets the minimum number of days or hours that a district must conduct school during any one school year or for inclement weather days which are subject to a contract entered into prior to the effective date of the act.

The bill also would amend K.S.A. 72-5413 to exclude matters relating to inclement weather days as a negotiable item under the professional negotiations act.

RS- C:\Documents and Settings\tkiernan.RS\Desktop\Explnrs\HB2591Expr.wpd (tkiernan)

300 SW TENTH AVE - STE 24-E, Statehouse—TOPEKA, KANSAS 666  
PHONE (785) 296-2321 FAX (785) 296-6668 E-mail: Revisor's Office

House Education Budget Committee  
Date: 02-08-2010  
Attachment #: 4





# Kansas Families for Education

*Demanding Excellent Public Schools*

**Kathy Cook, Executive Director  
Kansas Families for Education**

**House Education Budget Committee**

**February 8, 2010**

**HB 2591 – Inclement Weather**

**Mr. Chairman, members of the committee, thank you for the opportunity to come before you today.** My name is Kathy Cook, and I appear before the committee today on behalf of Kansas Families for Education. We stand in opposition to HB2591.

When school districts close schools due to inclement weather, they do not make that decision lightly, nor should they. At the heart of every decision is the safety of their students and their parents, your constituents.

As a parent I never want our schools to be faced with making a decision to either shortchange our teachers' already dismal pay, or risk a tragedy. I know it is not your intent that a Kindergartener will suffer from frostbite while walking to school, an inexperienced teenage driver will slide off the road, or a school bus will collide with a semi trailer on an ice-covered road. But that could definitely be an unintended consequence of this legislation. I know that schools will choose student safety first, but there should NOT have to be a choice.

A policy that puts safety first is practiced in many businesses, as is evident by the Olathe Chamber of Commerce utilizing the Olathe School District's policy to cancel their events. It is clearly posted on their website.

The state of Kansas offers both their exempt and non-exempt employees, with the exception of classified temporary employees, inclement weather pay.

It is evident with the state budget that our already underpaid teachers will most likely not receive any wage increase this year, yet they will pay substantially more for their health care. The Kansas Legislature should not put our school employees in a position of not knowing what their annual wages will be. Nor should a teacher's salary be dependent on how well a city or county performs their snow removal duties.

There is no fiscal note with this bill because that would be as unpredictable as Kansas weather. We can't even be sure it will save the state money. We urge you to reject HB2591.

Thank you.

Kathy Cook  
Kathy.Cook@fundourpublicschools.com

15941 W. 65<sup>th</sup> St., #104 • Shawnee, Kansas • 66217

House Education Budget Committee

Date: 02-08-2010

Attachment #: 5



**Making public schools great for every child**

KANSAS NATIONAL EDUCATION ASSOCIATION / 715 SW 10TH AVENUE / TOPEKA, KANSAS 66612-1686

David Schauner, Testimony  
General Counsel KNEA  
Education Budget Committee  
February 8, 2010  
**House Bill 2591**

Mr. Chairman and members of the Committee:

Thank you for the opportunity to testify against **House Bill 2591**. This bill would undo 40 years of cooperative problem solving between school boards and teachers. This bill would remove the topic of inclement weather pay from the list of topics that must be negotiated under the Professional Negotiations law. It creates a unhealthy climate on an important matter relating to wages.

All school districts from time to time are faced with the decision whether to close school due to snow or other weather related issues. In most cases the school reschedules the day when the students and teachers and other employees return to work. This bill would make the decision of whether to pay employees who were not required to make up the day solely within the discretion of the Board of Education. This push for unilateral decision making strikes at the heart of the important and respectful relationship between employees and the Board of Education. For over 40 years Kansas Boards of Educations and teachers have worked to foster a respectful relationship concerning the terms and conditions of their day to day work. To remove an important ingredient of that relationship is shortsighted and harmful.

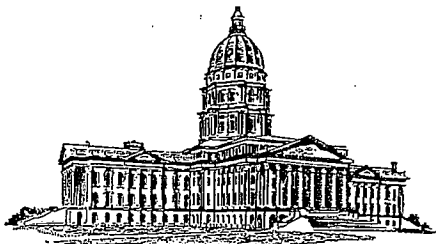
Teachers and other employees build their personal budgets on earnings expectations and when the inclement weather causes the school to close (a decision over which they have no control) this bill would put in jeopardy not only their income but also their ability to spend money in their community. At a time when sales tax and related consumer activity are critical to our local communities this possibility sends the wrong message and creates less income certainty to consumers (teachers and other school employees) at the worst possible time.

This bill interferes with the relationship that most Boards of Education and teacher groups have worked hard to create and that has been instrumental in creating partnerships among the parties that are responsible for the education of Kansas students.

For these reasons we urge the Committee to reject **House Bill 2591**.

House Education Budget Committee  
Date: 02-08-2010  
Attachment #: 6

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: Education Budget Committee  
FROM: Theresa Kiernan, Senior Assistant Revisor of Statutes  
RE: House Bill No. 2607  
Date: February 8, 2010

HB 2607 would increase the statutory amount of the BSAPP to \$4,650 in school year 2010-2011. The current statutory amount is \$4,492 but the actual amount, due to the under appropriation and other reductions this summer, is \$4,012.

The amount of the increase is equal to the aggregate amount of money districts would receive as high enrollment pupil weighting (formerly correlation weighting) under the current formula.

The bill would repeal the current provision concerning the high enrollment weighting (K.S.A. 72-6442b).

The bill also would reduce the low enrollment weighting, program weighting (for bilingual and vocational education programs), at-risk pupil weighting, medium density at-risk pupil weighting and high density at-risk pupil weighting. This is to ensure that the districts receive the same amount of moneys from these weightings if the BSAPP is funded at the new statutory amount.

The bill would be revenue neutral to the state and to school districts if the BSAPP is funded at \$4,650.

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300 SW TENTH AVE - STE 24-E, Statehouse—TOPEKA, KANSAS 6661  
PHONE (785) 296-2321 FAX (785) 296-6668 E-mail: Revisor'sOffice

House Education Budget Committee  
Date: 02-08-2010  
Attachment #: 7

STATE OF KANSAS

CLAY AURAND  
REPRESENTATIVE, 109TH DISTRICT  
REPUBLIC COUNTY

COURTLAND ADDRESS

2136 30 ROAD  
COURTLAND, KANSAS 66939  
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STATE CAPITOL, ROOM 142-W  
TOPEKA, KANSAS 66612  
E-mail: Clay.Aurand@house.ks.gov  
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TOPEKA  
HOUSE OF  
REPRESENTATIVES

COMMITTEE ASSIGNMENTS

HOUSE EDUCATION (CHAIRMAN)  
HOUSE EDUCATION BUDGET (VICE CHAIR)  
VISION 2020  
VETERANS MILITARY AND HOMELAND SECURITY

LEGISLATIVE HOTLINE  
1-800-432-3924

**Testimony on HB 2607**

Chairman McLeland and fellow Committee Members

**HB 2607** is an attempt to both clarify and simplify the current school formula with regards to what the base budget per pupil is, and how low enrollment weighting is calculated.

Base state aid per pupil (BSAPP) is basically the starting point the state uses to fund students. We then attach various weighting factors to this base before arriving at a weighted FTE funding level.

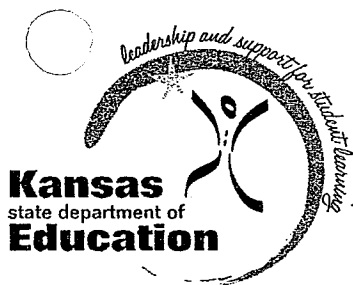
The Legislature, over time, has decided that low enrollment schools needed less extra funding when compared to larger schools. However, instead of doing the obvious and cutting the amount of low enrollment a district receives we came up with the idea of high enrollment weighting which is nothing more than a clever way to cut small schools while maintaining plausible deniability of what you are actually doing. Doing it this way also makes the BSAPP appear smaller than it would otherwise.

This bill reflects more accurately what we do by eliminating high enrollment and dialing back the low enrollment and other weights so that the result is essentially identical to current law.

Thank you for your attention and I will stand for questions.

Representative Clay Aurand

House Education Budget Committee  
Date: 02-08-2010  
Attachment #: 8



## Division of Fiscal & Administrative Services

785-296-3871

785-296-0459 (fax)

120 SE 10th Avenue • Topeka, KS 66612-1182 • 785-296-6338 (TTY) • www.ksde.org

February 5, 2010

TO: Rep. Clay Aurand

FROM: Dale M. Dennis, Deputy  
Commissioner of Education

SUBJECT: House Bill 2607

Attached is a computer printout (SF0047) which provides the estimated effects of House Bill 2607. This bill provides the following.

- Raises base state aid per pupil (BSAPP) from \$4,492 to \$4,650
- Eliminates high enrollment weighting
- Reduces vocational weighting from .5 to .4825
- Reduces bilingual weighting from .395 to .3812
- Reduces medium at-risk weighting from .06 to .0579
- Reduces high-density at-risk weighting from .10 to .0965
- Reduces at-risk weighting from .456 to .44

House Bill 2607 results in no significant change in general fund budget authority and would not require any additional state appropriation.

House Education Budget Committee  
Date: 02-08-2010  
Attachment #: 9

COLUMN EXPLANATION

- | Column |   |
|--------|---|
| 1 --   | September 20, 2009 FTE enrollment   |
| 2 --   | 2009-10 Adjusted enrollment excluding virtual                                   |
| 3 --   | 2009-10 Low and high enrollment weighting                                       |
| 4 --   | 2009-10 Vocational weighting  |
| 5 --   | 2009-10 Bilingual weighting   |
| 6 --   | 2009-10 At-risk weighting   |
| 7 --   | 2009-10 High at-risk weighting  |
| 8 --   | 2009-10 Total weighted enrollment for these programs<br>(Column 2 through 7)    |
| 9 --   | 2009-10 Current general fund budget based on these weightings                   |
| 10 --  | 2010-11 Estimated low enrollment weighting under HB 2607                        |
| 11 --  | 2010-11 Estimated vocational weighting under HB 2607                            |
| 12 --  | 2010-11 Estimated bilingual weighting under HB 2607                             |
| 13 --  | 2010-11 Estimated at-risk weighting under HB 2607                               |
| 14 --  | 2010-11 Estimated high-density at-risk weighting under HB 2607                  |
| 15 --  | 2010-11 Total weighted enrollment for these programs<br>(Columns 10 through 14) |
| 16 --  | 2010-11 Estimated general fund budget for these weightings                      |
| 17 --  | Difference (Column 16 – 9)  |













	1/27/2009		Col 1	Col 2	Col 3	Col 4	Col 5	Col 6	Col 7	Col 8	Col 9	Col 10	Col 11	Col 12	Col 13	Col 14	Col 15	Col 16	Col 17
			2009-10 FTE Enroll	Total Adj. Enrollment (excl Virt)	Low & High Enrollment	Vocational Weighted	Bilingual Weighted	At-Risk Weighted	High At-Risk Weighted	Current Law Total Wtd. FTE	2009-10 Current State Aid Funded	Proposed Low Enroll	Proposed Vocational	Proposed Bilingual	Proposed At Risk	Proposed High At Risk	Proposed 2010-11	Proposed Funded at	Difference
USD#	County Name	USD Name	(inc MILT / VIRT)		Wtd. FTE	FTE	FTE	FTE	FTE	(Col 2 thru Col 7)	\$4,492	Wtd. FTE	WTD FTE	WTD FTE	WTD FTE	WTD FTE	WTD FTE	\$4,649.40	(Col 16 - Col 9)
359	Sumner	Argonia	179.5	186.5	146.4	1.8	0.0	21.4	0.0	356.1	1,599,601	135.1	1.7	0.0	20.7	0.0	344.0	1,599,394	-207
360	Sumner	Caldwell	234.0	234.0	154.2	6.6	0.0	51.1	6.7	452.6	2,033,079	141.1	6.4	0.0	49.3	6.5	437.3	2,033,183	104
509	Sumner	South Haven	222.0	227.2	153.9	7.3	0.0	30.6	0.0	419.0	1,882,148	141.0	7.1	0.0	29.5	0.0	404.8	1,882,077	-71
314	Thomas	Brewster	98.0	98.0	99.4	0.0	0.0	12.3	0.0	209.7	941,972	92.7	0.0	0.0	11.9	0.0	202.6	941,968	-4
315	Thomas	Colby	919.1	930.7	251.2	32.3	0.4	125.4	0.0	1,340.0	6,019,280	211.2	31.2	0.4	121.2	0.0	1,294.7	6,019,578	298
316	Thomas	Golden Plains	204.5	204.5	150.8	1.8	5.7	42.4	5.6	410.8	1,845,314	138.8	1.8	5.5	41.0	5.4	397.0	1,845,812	498
208	Trego	WaKeeney	411.2	443.0	193.0	6.2	0.0	43.3	0.0	685.5	3,079,266	171.4	6.0	0.0	41.9	0.0	662.3	3,079,298	32
329	Wabaunsee	Alma	473.7	474.4	201.6	13.9	0.0	40.6	0.0	730.5	3,281,406	178.7	13.4	0.0	39.2	0.0	705.7	3,281,082	-324
330	Wabaunsee	Wabaunsee East	499.5	499.5	208.0	16.1	0.1	65.7	0.0	789.4	3,545,985	184.0	15.6	0.1	63.4	0.0	762.6	3,545,632	-353
241	Wallace	Wallace	200.0	202.0	150.3	0.0	0.0	28.3	0.0	380.6	1,709,655	138.4	0.0	0.0	27.3	0.0	367.7	1,709,584	-71
242	Wallace	Weskan	103.0	104.7	104.9	1.1	2.8	13.7	0.0	227.2	1,020,582	97.8	1.1	2.7	13.2	0.0	219.5	1,020,543	-39
108	Washington	Washington Co. Schools	396.5	403.8	181.3	7.2	0.0	58.4	0.0	650.7	2,922,944	161.5	7.0	0.0	56.4	0.0	628.7	2,923,078	134
223	Washington	Barnes	329.8	340.8	160.3	14.5	2.0	36.9	0.0	554.5	2,490,814	143.3	14.0	2.0	35.7	0.0	535.8	2,491,149	335
224	Washington	Clifton-Clyde	280.5	293.0	147.3	7.4	0.0	29.2	0.0	476.9	2,142,235	132.4	7.1	0.0	28.2	0.0	460.7	2,141,979	-256
467	Wichita	Leoti	426.5	426.5	188.2	2.8	40.4	85.7	11.3	754.9	3,391,011	167.4	2.7	39.0	82.8	10.9	729.3	3,390,807	-204
387	Wilson	Altoona-Midway	183.5	188.5	147.0	6.5	0.0	45.1	9.9	397.0	1,783,324	135.6	6.2	0.0	43.6	9.6	383.5	1,783,045	-279
461	Wilson	Neodesha	718.2	732.3	247.0	17.5	0.0	145.0	19.1	1,160.9	5,214,763	213.9	16.9	0.0	140.1	18.4	1,121.6	5,214,767	4
484	Wilson	Fredonia	732.1	747.6	248.3	6.7	0.0	136.3	0.0	1,138.9	5,115,939	214.6	6.4	0.0	131.7	0.0	1,100.3	5,115,735	-204
366	Woodson	Woodson	398.5	408.6	182.8	9.4	0.0	89.4	11.8	702.0	3,153,384	162.7	9.1	0.0	86.4	11.4	678.2	3,153,223	-161
202	Wyandotte	Turner	3,785.7	3,857.7	135.2	7.0	87.2	1,022.8	224.3	5,334.2	23,961,226	0.0	6.8	84.3	988.2	216.7	5,153.7	23,961,613	387
203	Wyandotte	Piper	1,635.0	1,635.0	57.3	23.9	0.9	83.0	0.0	1,800.1	8,086,049	0.0	23.1	0.9	80.2	0.0	1,739.2	8,086,236	187
204	Wyandotte	Bonner Springs	2,366.5	2,365.5	82.9	26.0	28.4	395.8	0.0	2,898.6	13,020,511	0.0	25.2	27.4	382.4	0.0	2,800.5	13,020,645	134
500	Wyandotte	Kansas City	18,941.7	18,941.7	663.7	397.3	1,339.6	7,100.8	1,557.2	30,000.3	134,761,348	0.0	383.8	1,294.2	6,860.4	1,504.5	28,984.6	134,760,999	-349
TOTALS			454,261.8	453,635.8	55,414.1	7,675.7	8,090.2	77,910.3	10,190.9	612,917.0	2,753,223,161	38,179.6	7,414.0	7,815.9	75,273.2	9,845.8	592,164.3	2,753,208,694	-14,467

8-6



**House Education Budget Committee  
Representative McLeland, Chair**

**H. B. 2607 – Amending school finance**

*Submitted by Diane Gjerstad  
Wichita Public Schools*

February 8, 2010

Mr. Chairman, members of the Committee:

H.B. 2607 would eliminate correlation or large district weighting and increase the base to \$4650 (currently the base is \$4012). This bill would adjust several weightings to lower percentages.

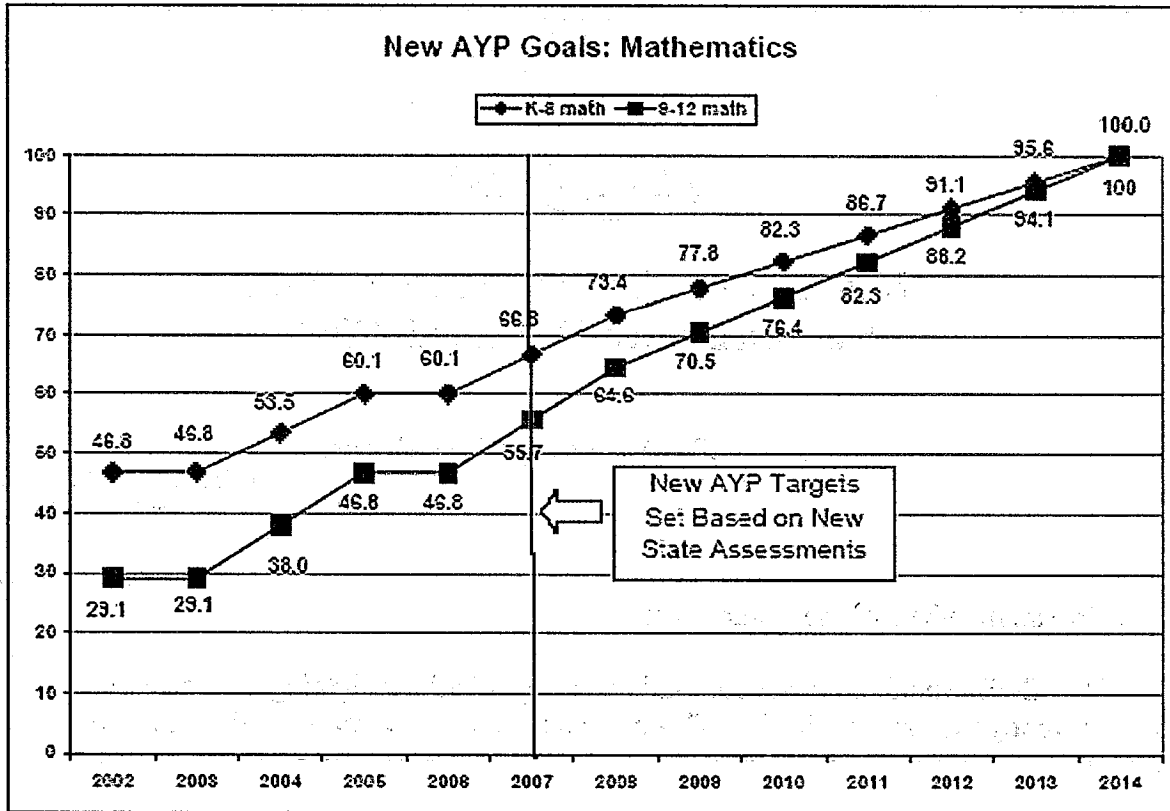
	Current law	H.B. 2607
At risk students	.456	.44
Reduces vocational	.5	.4825
Reduces bilingual	.395	.3812
High density at risk	.1	.0965

Wichita Public Schools legislative platform supports maintaining student weightings. The 2005 Legislature commissioned Legislative Post Audit to determine the cost of educating student groups to the standards schools are held to under *No Child Left Behind*. The results of the audit established weightings for specific groups of students.

The increased funding has increased student performance for each of the targeted student groups. Schools across Kansas have increased achievement for underperforming groups; but as the *No Child Left Behind* targets increased by about 5% for reading and math each year, it becomes increasingly difficult to meet the targets. Schools are measured by the performance of subgroups; failure to make 'adequate yearly progress' triggers sanctions.

Mr. Chairman, we oppose efforts to reduce the weightings for the student groups schools are held accountable to educate to high standards.

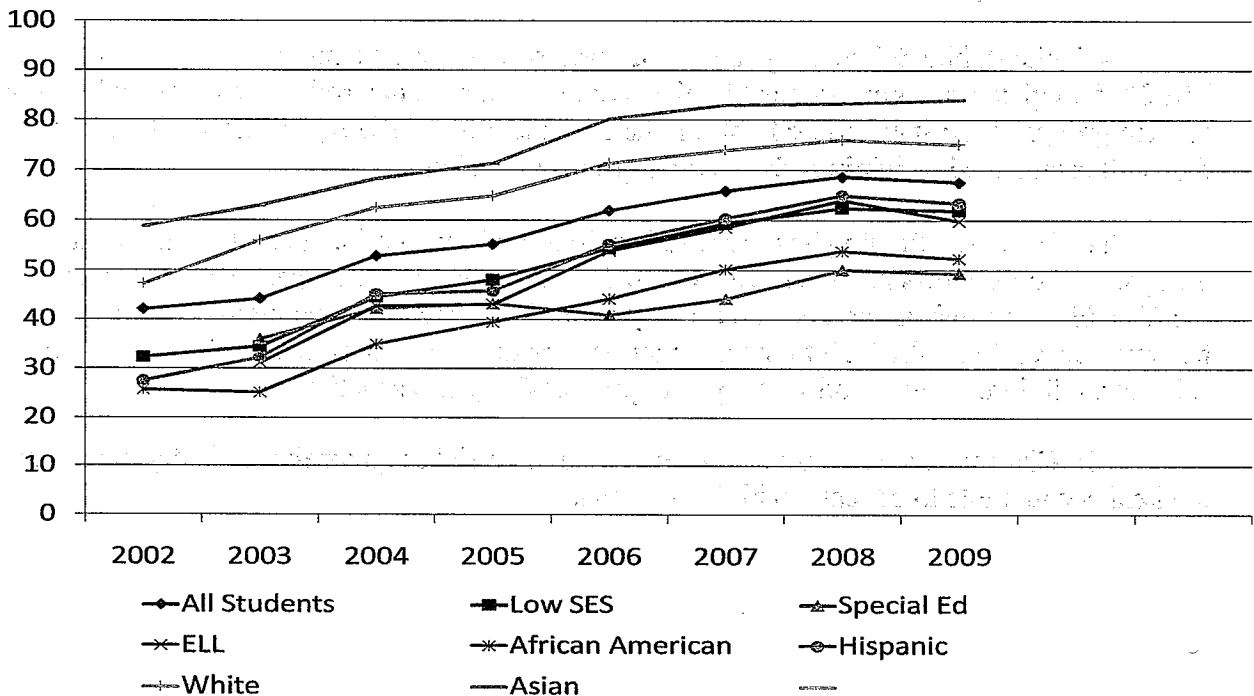
House Education Budget Committee  
Date: 02-08-2010  
Attachment #: 10



Approved by Kansas State Board of Education

May 9, 2007

### Wichita Math Proficiency 2002 – 09



KANSAS  
ASSOCIATION



OF  
SCHOOL  
BOARDS



1420 SW Arrowhead Road • Topeka, Kansas 66604-4024  
785-273-3600

Testimony before the  
**House Education Budget Committee**  
on  
**HB 2607**

by  
**Mark Tallman, Assistant Executive Director/Advocacy**  
Kansas Association of School Boards

**February 8, 2010**

Mr. Chairman, Members of the Committee:

Thank you for the opportunity to testify today on **HB 2607**. As we understand the bill, it would raise the base budget per pupil, eliminate high enrollment weighting and adjust other weightings so the entire change is "revenue neutral" to both the state and school districts.

A similar change was made in 2005. Some believe this kind of adjustment overstates the value of the base budget per pupil compared over time. Others believe focusing on the base alone understates the amount of increase in school funding, especially since every district receives either low or high enrollment weighting.

There is truth in both positions. However, the one thing that seems perfectly clear is that the actual base budget per pupil is NOT going to be either \$4,492 or \$4,650 next year. We do not believe it is helpful to amend the statutory base from one fictional number to another.

Thank you for your consideration.

House Education Budget Committee

Date: 02-08-2010

Attachment #: 11

Testimony on HB 2607

House Education Budget Committee

February 8, 2010

Presented by: Cheryl L. Semmel, Executive Director

The mission of United School Administrators of Kansas (USA|Kansas), through the collaboration of member associations, is to serve, support, and develop educational leaders and to establish USA|Kansas as a significant force to improve education.

Education administrators remain committed to ensuring that each and every child in Kansas receives a quality education that will help them reach their potential and become successful, productive adults. There are 465,000 students in our public schools that we strive to impact positively every single day. As you know, Kansas students are making unprecedented academic achievement and we are on a path of continuous improvement.

Thank you for the opportunity to testify on HB 2607, a bill that would raise the Base State Aid Per Pupil (BSAPP) and eliminate or adjust weightings for school districts. Our understanding of the bill, as presented, is that this change would be "revenue neutral."

HB 2607 increases the BSAPP to \$4,650 for school year 2010-2011 and beyond at a time when the current funding level is well below the current statutory definition of \$4,492. Administrators are concerned that changing the BSAPP definition for the purpose of calculating weightings is not sound policy and that it does not support efforts to more clearly report the state's investment per pupil. We also believe it is unlikely that, based on the current economic climate, the BSAPP will increase beyond the current level of \$4,012, further increasing the discrepancy between the statutory language and actual expenditures for BSAPP.

Administrators are also concerned that this bill moves to modify and eliminate weightings for many school districts throughout Kansas. We truly believe that each district, regardless of size, has a responsibility to ensure a quality education for each child that enters the classroom. Modifications to weightings, when defined by an inaccurate BSAPP level, will have significant negative implications for funding mechanisms that support students in many of our communities.

This bill represents more than just technical amendments to enrollment weightings. The funding provided through these weightings impacts what happens in each and every classroom statewide. On behalf of administrators, I encourage you to consider the implications that this bill would have for each Kansas student.