Approved: March 16, 2004

#### MINUTES OF THE HOUSE EDUCATION COMMITTEE

The meeting was called to order by Chairperson Kathe Decker at 9:30 a.m. on March 4, 2004 in Room 313-S of the Capitol.

All members were present.

#### Committee staff present:

Kathie Sparks Legislative Research Department Art Griggs, Office of the Revisor of Statues Ann Deitcher, Secretary

#### Conferees appearing before the committee:

Dale Dennis, Ks Dept. Of Ed Dr. Jim Barrett, Exec Dir. SW Plains Regional Service Center Charlie Mansfield, Consultant SW Plains Regional Center

# SB 346 - Schools; virtual courses or schools; out of state pupils not counted for enrollment purposes.

Dale Dennis offered information on SB 346. (Attachment 1).

A question and answer period followed.

The hearing on SB 346 was closed.

#### SB 359 - School districts; alternative schools and programs; enrollment.

A brief explanation on SB 359 was given by Dale Dennis. (Attachment 2).

Copies of a balloon amendment to SB 359 were distributed. (Attachment 3).

Dr. Jim Barrett offered testimony in support of an amendment to SB 359. (Attachment 4).

Appearing as a proponent of SB 359 was Charlie Mansfield. (Attachment 5).

The hearing on SB 359 was closed.

The meeting was adjourned at 10:55. The next meeting is scheduled for Tuesday, March 9, 2004.



Topeka, Kansas 66612-1182

March 4, 2004

TO:

House Education Committee

FROM:

Dale M. Dennis, Deputy

Commissioner of Education

SUBJECT:

2004 Senate Bill 346

Senate Bill 346 provides that pupils enrolled in a virtual school in a unified school district that is not a resident of the state will not be counted in the school district's enrollment.

School districts have been very cooperative in the past not counting out-of-state virtual students in their enrollments as specified in the state audit guide.

A statute would clarify any potential problems which could be very expensive to the State of Kansas.

h:FN-TEST--2004:Test--346

Division of Fiscal & Administrative Services 785-296-3871 (phone) 785-296-0459 (fax) 785-296-6338 (TTY) www.ksde.org

House	<b>Education Committee</b>
Date:	3/4/04
Attach	ment # /



## Kansas State Department of Education

120 S.E. 10th Avenue Topeka, Kansas 66612-1182

March 4, 2004

TO:

House Education Committee

FROM:

Dale M. Dennis, Deputy

Commissioner of Education

SUBJECT:

2004 Senate Bill 359

Senate Bill 359 amends the procedures for counting part-time students enrolled in alternative programs/schools to use the week of September 20 for determining the FTE enrollment versus September 20.

Most school districts have been very cooperative and tried to follow the intent of the law which provides that September 20 is the official count date. There have been instances where alternative schools alter their schedules in order to increase enrollment. We believe it would be more equitable to the students and school districts if the week of September 20 were used for the official enrollment count rather than September 20.

This provision would only apply to alternative programs/schools that consist of primarily parttime students. These programs/schools serve a great purpose and provide outstanding programs for students who are not able to attend school full-time.

Division of Fiscal 是Administrative Services 785-296-3871 (phone) 785-296-0459 (fax) 785-296-6338 (TTY) www.ksde.org

House Education Committee
Date: 3/4/04
Attachment # 2-/

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# As Amended by Senate Committee

Session of 2004

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# SENATE BILL No. 359

By Committee on Education

1-26

AN ACT concerning school districts; relating to enrollment; amending

K.S.A. 2003 Supp. 72-6407 and repealing the existing rection. 13 14

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

Section 1. K.S.A. 2003 Supp. 72-6407 is hereby amended to read as follows: 72-6407. (a) "Pupil" means any person who is regularly enrolled in a district and attending kindergarten or any of the grades one through 12 maintained by the district or who is regularly enrolled in a district and attending kindergarten or any of the grades one through 12 in another district in accordance with an agreement entered into under authority of K.S.A. 72-8233, and amendments thereto, or who is regularly enrolled in a district and attending special education services provided for preschoolaged exceptional children by the district. Except as otherwise provided in this subsection, a pupil in attendance full time shall be counted as one pupil. A pupil in attendance part time shall be counted as that proportion of one pupil (to the nearest 1/10) that the pupil's attendance bears to fulltime attendance. A pupil attending kindergarten shall be counted as ½ pupil. A pupil enrolled in and attending an institution of postsecondary education which is authorized under the laws of this state to award academic degrees shall be counted as one pupil if the pupil's postsecondary education enrollment and attendance together with the pupil's attendance in either of the grades 11 or 12 is at least 5% time, otherwise the pupil shall be counted as that proportion of one pupil (to the nearest  $\frac{1}{100}$ that the total time of the pupil's postsecondary education attendance and attendance in grade 11 or 12, as applicable, bears to full-time attendance. A pupil enrolled in and attending an area vocational school, area voca-36 tional-technical school or approved vocational education program shall be counted as one pupil if the pupil's vocational education enrollment and 38 attendance together with the pupil's attendance in any of grades nine through 12 is at least % time, otherwise the pupil shall be counted as that 40 proportion of one pupil (to the nearest 1/10) that the total time of the 41 pupil's vocational education attendance and attendance in any of grades K.S.A. 72-6413 and

sections

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nine through 12 bears to full-time attendance. A pupil enrolled in a district and attending special education and related services, except special education and related services for preschool-aged exceptional children, provided for by the district shall be counted as one pupil. A pupil enrolled in a district and attending special education and related services for preschool-aged exceptional children provided for by the district shall be counted as ½ pupil. A preschool-aged at-risk pupil enrolled in a district and receiving services under an approved at-risk pupil assistance plan maintained by the district shall be counted as 1/2 pupil. A pupil in the custody of the secretary of social and rehabilitation services and enrolled in unified school district No. 259, Sedgwick county, Kansas, but housed, maintained, and receiving educational services at the Judge James V. Riddel Boys Ranch, shall be counted as two pupils. A pupil residing at the Flint Hills job corps center shall not be counted. A pupil confined in and receiving educational services provided for by a district at a juvenile detention facility shall not be counted. A pupil enrolled in a district but housed, maintained, and receiving educational services at a state institution shall not be counted.

(b) "Preschool-aged exceptional children" means exceptional children, except gifted children, who have attained the age of three years but are under the age of eligibility for attendance at kindergarten.

(c) "At-risk pupils" means pupils who are eligible for free meals under the national school lunch act and who are enrolled in a district which maintains an approved at-risk pupil assistance plan.

- (d) "Preschool-aged at-risk pupil" means an at-risk pupil who has attained the age of four years, is under the age of eligibility for attendance at kindergarten, and has been selected by the state board in accordance with guidelines consonant with guidelines governing the selection of pupils for participation in head start programs. The state board shall select not more than 5,500 preschool-aged at-risk pupils to be counted in any school year.
  - (e) "Enrollment" means:
- (1) For districts scheduling the school days or school hours of the school term on a trimestral or quarterly basis, the number of pupils regularly enrolled in the district on September 20 plus the number of pupils regularly enrolled in the district on February 20 less the number of pupils regularly enrolled on February 20 who were counted in the enrollment of the district on September 20; and for districts not specified in this elause paragraph (1), the number of pupils regularly enrolled in the district on September 20;
- (2) if enrollment in a district in any school year has decreased from enrollment in the preceding school year, enrollment of the district in the current school year means whichever is the greater of (A) enrollment in

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the preceding school year minus enrollment in such school year of preschool-aged at-risk pupils, if any such pupils were enrolled, plus enrollment in the current school year of preschool-aged at-risk pupils, if any such pupils are enrolled, or (B) the sum of enrollment in the current school year of preschool-aged at-risk pupils, if any such pupils are enrolled and the average (mean) of the sum of (i) enrollment of the district in the current school year minus enrollment in such school year of preschool-aged at-risk pupils, if any such pupils are enrolled and (ii) enrollment in the preceding school year minus enrollment in such school year of preschool-aged at-risk pupils, if any such pupils were enrolled and (iii) enrollment in the school year next preceding the preceding school year minus enrollment in such school year of preschool-aged at-risk pupils, if any such pupils were enrolled; er

(3) the number of pupils as determined under K.S.A. 72-6447, and

amendments thereto; or

(4) in the case of pupils enrolled in alternate alternative schools or alternative programs of the district, the [average] number of pupils enrolled in such schools or programs during the week of September 20.

- (f) "Adjusted enrollment" means enrollment adjusted by adding atrisk pupil weighting, program weighting, low enrollment weighting, if any, correlation weighting, if any, school facilities weighting, if any, special education and related services weighting, and transportation weighting to enrollment.
- (g) "At-risk pupil weighting" means an addend component assigned to enrollment of districts on the basis of enrollment of at-risk pupils.
- (h) "Program weighting" means an addend component assigned to enrollment of districts on the basis of pupil attendance in educational programs which differ in cost from regular educational programs.
- (i) "Low enrollment weighting" means an addend component assigned to enrollment of districts having under 1,725 enrollment on the basis of costs attributable to maintenance of educational programs by such districts in comparison with costs attributable to maintenance of educational programs by districts having 1,725 or over enrollment.
- (j) "School facilities weighting" means an addend component assigned to enrollment of districts on the basis of costs attributable to commencing operation of new school facilities. School facilities weighting may be assigned to enrollment of a district only if the district has adopted a local option budget and budgeted therein the total amount authorized for the school year. School facilities weighting may be assigned to enrollment of the district only in the school year in which operation of a new school facility is commenced and in the next succeeding school year.
- (k) "Transportation weighting" means an addend component assigned to enrollment of districts on the basis of costs attributable to the

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provision or furnishing of transportation.

"Correlation weighting" means an addend component assigned to enrollment of districts having 1,725 or over enrollment on the basis of costs attributable to maintenance of educational programs by such districts as a correlate to low enrollment weighting assigned to enrollment of districts having under 1,725 enrollment.

(m) "Ancillary school facilities weighting" means an addend component assigned to enrollment of districts to which the provisions of K.S.A. 72-6441, and amendments thereto, apply on the basis of costs attributable to commencing operation of new school facilities. Ancillary school facilities weighting may be assigned to enrollment of a district only if the district has levied a tax under authority of K.S.A. 72-6441, and amendments thereto, and remitted the proceeds from such tax to the state treasurer. Ancillary school facilities weighting is in addition to assignment of school facilities weighting to enrollment of any district eligible for such weighting.

(n) "Juvenile detention facility" means: (1) Any secure public or private facility which is used for the lawful custody of accused or adjudicated

juvenile offenders and which shall not be a jail;

(2) any level VI treatment facility licensed by the Kansas department of health and environment which is a psychiatric residential treatment facility for individuals under the age of 21 which conforms with the regulations of the centers for medicare/medicaid services and the joint commission on accreditation of health care organizations governing such facilities; and

(3) the Forbes Juvenile Attention Facility, the Sappa Valley Youth Ranch of Oberlin, Salvation Army/Koch Center Youth Services, the Clarence M. Kelley Youth Center, the Clarence M. Kelley Transitional Living Center, Trego County Secure Care Center, St. Francis Academy at Atchison, St. Francis Academy at Ellsworth, St. Francis Academy at Salina, St. Francis Center at Salina, King's Achievement Center, and Liberty Juvenile Services and Treatment.

(o) "Special education and related services weighting" means an addend component assigned to enrollment of districts on the basis of costs attributable to provision of special education and related services for pu-

pils determined to be exceptional children.

Sec. 527 K.S.A. 2003 Supp. 72-6407 Hereby repealed.

Sec. 135 This act shall take effect and be in force from and after its

publication in the statute book.

"Alternative school weighting" means an addend component assigned to enrollment of districts on the basis of enrollment of pupils in alternative schools or alternative programs of the district.

Sec. 2. K.S.A. 72-6413 is hereby amended to read as follows: 72-6413. The program weighting of each district shall be determined by the state board as follows:

(a) Compute full time equivalent enrollment in programs of bilingual education and multiply the computed enrollment by 0.2;

(b) compute full time equivalent enrollment in approved vocational education programs and multiply the computed enrollment by 0.5;

Compute full-time equivalent enrollment in alternative schools and alternative programs and multiply the computed enrollment by 0.5;

add the products obtained under tet (d) (a) and, (b) and (c). The sum is the program weighting of the district.

(d)--The-provisions-of-this-section-shall take-effect-and-be-in-force-from-and-after-July 17-1992-

72-6413 and K.S.A.

# Testimony on SB 359 Before the House Committee on Education

By

Jim Barrett, Executive Director/Business Southwest Plains Regional Service Center

March 4, 2004

Chairman Decker and Members of the Committee:

Thank you for the opportunity to appear before you today in support of an amendment/addition to SB 359 as proposed by Dr. Mike Cook, Executive Director of ESSDACK.

"Alternative education is a perspective, not a procedure or program. It is based upon the belief that there are many ways to become educated, as well as many types of environments and structures within which this may occur. Further, it recognizes that all people can be educated and that it is in society's interest to ensure that all are educated to at least . . . [a] general high school. . . .level. To accomplish this requires that we provide a variety of structures and environments such that each person can find one that is sufficiently comfortable to facilitate progress" (Morley, 1991, p.8).

SWPRSC, in conjunction with local school districts, operates 11 Community Learning Centers, a.k.a. Alternative Schools under SB 359. Eight of our eleven centers operate in the black, allowing us to keep open three of our centers that operate in the red. We believe that providing educational programs in the less populated areas is a benefit to the individual, the community and to the state. As noted in Dr. Cook's letter, a high school graduate will earn approximately \$250,000 more, over a lifetime, than an individual without a diploma.

It is not only a money issue. I have asked several of our graduates why they took the initiative to come back to school and work to receive a diploma. Several of them have pointed to their young children and commented that they want to serve as positive role models for them. We had one young man demonstrate the importance of receiving a high school diploma by attending his graduation ceremony two days after his father was killed in a construction accident in Colorado.

The need for clarity and better control in the counting of students is certainly understandable. If the bill passes into law in its current form, we anticipate losing about 50% of our FTE. This will cause us to look critically at our overall operation and make necessary reductions. Reductions that will cause lost opportunity for many Kansas residents to become more productive citizens.

Thank you for the opportunity to appear before you today. I would be happy to answer any questions that you might have.

House	Eduçați	oņ Com	ımittee
Date:	3/4/0	4.	
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Thank you for the opportunity to speak to you about Senate Bill 359. I am a retired educator who served as a teacher, high school, middle school and elementary school principal, assistant superintendent, superintendent and taught at Baker University so my background in education is varied. I currently serve as a consultant to the Southeast Kansas Educational Service Center in Greenbush working with the community learning centers.

Since the opening of the first community learning center in 1995, community learning centers have been funded on the Sept. 20 count day. These centers have grown from this initial start in 1995 to a total of 68 centers serving nearly one half of the school districts in Kansas (See attached list). Most centers serve more than one school district. These centers have become just what the name implies, an important part of the communities they serve. They provide educational services for individuals that for whatever reason have not earned a high school diploma. Some of these students may well have been considered at risk when attending school. These students who utilize the community learning center are doing so because they have discovered that their opportunities are being hampered because of not having a high school diploma. The community learning center provides them an opportunity to plan their attendance around work schedules, babysitting for their children, and other family commitments. The centers become opportunities for persons who most often are considered to be at risk, to progress toward new opportunities, better work skills, improved self worth, and with a high school diploma in hand. In this sense, community learning centers also become economic development centers for the community by providing a better educated work force.

In addition, all of the centers maintain an open enrollment and open exit policy, meaning that many students are enrolled and served after the count day and/or week. The chart on page two shows a sampling of centers and the added enrollment after the 20<sup>th</sup> of September. In addition, the chart shows the number of high school graduates from a sampling of community learning centers. What they show is a 27.2% graduation rate when compared to the FTE, which is better than the majority of high schools in Kansas.

In conducting a poll of the current centers, under the proposed "one-week" count procedures, one third to one half of these 68 centers are likely to disappear. While there may be some horror stories about attendance, a great majority of the centers follow the published guidelines by the Kansas Department of Education. The programs are designed to serve students around their work and family requirements (most centers are open 12 hours per day). These students have jobs, are young families and are unable to attend every day for a set time. We believe that the one week count can be administered fairly. However, because most of the students are at risk, both educationally and economically, a weighted formula is needed. It is needed because it accurately defines the students and a weighted count is needed to maintain the fiscal viability of the centers. Without such a factor, many of the centers will be closed. We believe that a 1.5 weighting is needed to maintain the viability of the community learning centers in Kansas. At this time, if SB 359 were to pass, decisions would be forthcoming relative to which centers will be closed because there will not be the funding available to allow many to stay open.

House Education Committee
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Attachment # 5=/

In closing I would say that last year these centers graduated well over 250 students. This is a significant number, more than many high schools in the state. The number of graduates has grown each year the programs have been in operation. It is important to allow those students who might not fit in a regular school environment the educational opportunity they deserve in the State of Kansas.

	Program Summary										
Project Location	02-03*	May, 03 Graduates	03-04*	Students Added since Sept 20th							
Independence/Cherryvalle	19.7	1	0	*							
Coffeyville	37.5	8	24.7	47							
Frontennac	42.9	7	64.6	39							
Louisburg	58	14	47.2	20							
Wamego	22.4	5	18.3	25							
Junction City	53.1	33	41.7	90							
Ottawa	65.6	13	77.1	37							
Olathe	122.4	53	99.5	150							
Humboldt	23	7	17	10							
Clay Center	13.0	2	6.1								
Turner	102.8	23	83.9	67							
JC Corrections	40.0	0	46.9	49							
Caney	11.7	1	0								
Marysville	20.4	3	12.6	22							
Sabetha	2.3	0	4.6	4							
Lansing	45.9	45	85.9	96							
Eureka	10.8	3	19.9	10							
Kansas City	165.2	13	133.7	104							
Eudora			15.9	31							
TOTALS	849.2	231**	799.8	801							

<sup>\*</sup> Full Time Equivalency (FTE)

<sup>\*\*</sup> Graduation Rate of 27.2% based on full time equivalency (not including summer graduates)

### 2003-04 Participating Districts Community Learning Centers

USD 102	Cimarron/Ensign	USD 323	Rock Creek
USD 202	Turner – Kansas City	USD 329	Mill Creek Valley
USD 205	Bluestem	USD 331	Kingman-Norwich
USD 206	Remington-Whitewater	USD 332	Cunningham
USD 207	Ft. Leavenworth	USD 335	North Jackson
USD 208	Wakeeney	USD 336	Holton
USD 210	Hugoton	USD 337	Royal Valley
USD 214	Ulysses	USD 345	Seaman
USD 229	Blue Valley	USD 349	Stafford
USD 230	Spring Hill	USD 350	St. John-Hudson
USD 231	Gardner-Edgerton	USD 351	Macksville
USD 232	De Soto	USD 352	Goodland
USD 233	Olathe	USD 354	Claflin
USD 243	Lebo-Waverly	USD 355	Ellinwood
USD 244	Burlington	USD 356	Conway Springs
USD 245	LeRoy-Gridley	USD 357	Belle Plaine
USD 248	Girard	USD 359	Argonia
USD 249	Frontenac	USD 361	Anthony-Harper
USD 250	Pittsburg	USD 364	Marysville
USD 252	Southern Lyon County	USD 371	Montezuma
USD 253	Emporia Emporia	USD 371	Silver Lake
USD 254	Barber County North	USD 374	Sublette
USD 255	South Barber	USD 375	Circle
USD 258	Humboldt	USD 376	Sterling
USD 260	Derby	USD 377	Atchison County
USD 262	Valley Center	USD 378	Riley County
USD 263	Mulvane	USD 379	Clay Center
USD 264	Clearwater	USD 380	Vermillion
USD 274	Oakley	USD 382	Pratt
USD 284	Chase County	USD 383	Manhattan
USD 290	Ottawa	USD 385	Andover
USD 302	Smoky Hill	USD 389	Eureka
USD 305	Salina	USD 396	Douglass
USD 307	Ell-Saline	USD 398	Peabody-Burns
USD 308	Hutchinson	USD 400	Smoky Valley
USD 309	Nickerson	USD 402	Augusta
USD 310	Fairfield	USD 405	Lyons
USD 311	Pretty Prairie	USD 408	Marion-Florence
USD 311	Haven	USD 409	Atchison
USD 313	Buhler	USD 410	Durham-Hillsboro-
	Danie		Lehigh
USD 315	Colby	USD 417	Morris County
USD 320	Wamego	USD 418	McPherson
USD 322	Onaga-Havensville-	USD 419	Canton-Galva
000 322	Wheaton		

#### 2003-04 Participating Districts Community Learning Centers

USD 424	Mullinville	USD 466	Scott County
USD 428	Great Bend	USD 467	Leoti
USD 431	Hoisington	USD 469	Lansing
USD 435	Abilene	USD 474	Haviland
USD 437	Auburn-Washburn	USD 475	Geary County
USD 438	Skyline Schools	USD 477	Ingalls
USD 441	Sabetha	USD 480	Liberal
USD 443	Dodge City	USD 489	Hays
USD 444	Little River	USD 490	El Dorado
USD 445	Coffeyville	USD 491	Eudora
USD 446	Independence	USD 492	Flinthills
USD 448	Inman	USD 497	Lawrence
USD 450	Shawnee Heights	USD 500	Kansas City
USD 454	Burlingame	USD 501	Topeka
USD 457	Garden City	USD 511	Attica