

Approved March, 15, 2011

Date

MINUTES OF THE HOUSE EDUCATION COMMITTEE

The meeting was called to order by Chairman Clay at 9:00 a.m. On February 8, 2011 in Room 784 of the Docking State Office Building.

All members were present except:  
Representative Pat Colloton

Committee state present:

Sharon Wenger, Kansas Legislative Research Department  
Reagan Cussimano, Kansas Legislative Research Department  
Eunice C. Peters, Kansas Revisor of Statutes  
Norm Furse, Kansas Revisor of Statutes  
Jason Long, Kansas Revisor of Statutes  
Dale Dennis, Deputy Commissioner, Kansas State Department of Education  
Jan Johnston, Committee Assistant

Conferees appearing before the Committee:

Mark Tallman, Kansas Association of School Boards  
Cheryl Semmel, USA Kansas  
Stuart Little, Shawnee Mission School District  
Diane Gjerstad, Wichita Public Schools

Others attending, see attached sheet.

**HB 2015 – School districts; removing the expiration provision in K.S.A. 72-6433d.**

Chairman Aurand opened the hearing on **HB 2015**.

Eunice Peters, Kansas Revisor of Statutes, explains **HB 2015**. This Bill amends current Statute. The only changes eliminate sunset provision.

A question and answer session followed.

Mark Tallman, Associate Executive Director for Advocacy, spoke to the Committee as a proponent of **HB 2015**. The Bill would remove the “sunset” provision on the special law that allows a school district's Local Option Budget to be determined as though the base budget is \$4,433 and state special education aid at the same level as in FY 2009. Unless this sunset is removed many school districts will face a loss of revenue authority – unless the Legislature increases the base from the current \$4,012 to \$4,433 by FY 2013. Under the Governor's budget, however, the base will decline even further, to \$3,937 in the current year and \$3,780 next year. (Attachment 1)

Chairman Aurand recommended a question and answer session will follow upon completion of all testimony.

Cheryl Semmel, Executive Director USA Kansas spoke to the Committee as a proponent of **HB 2015**. The mission of United School Administrators of Kansas, through 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. (Attachment 2)

## CONTINUATION SHEET

Minutes of the House Education Committee at 9:00 a.m. On February 8, 2011, in Room 784 of the Docking State Office Building.

Stuart Little, Shawnee Mission School District, spoke to the Committee as a proponent of **HB 2015**. Shawnee Mission is the state's third largest school district with 27,828 students enrolled in 2010-11. We are like all other school districts in Kansas who have adjusted to the declining state financial support. We have been reducing teachers and administrators, increasing class size, and closing schools in the last two years. We are very aware of the challenges you face at the state and are preparing to implement additional reductions. We are managing the reductions in funding in our schools and our patrons are noticing the impact of budget cuts on the education their children receive. **HB 2015** is one measure that can help us manage this current budget crisis. (Attachment 3)

Diane Gjerstad, Wichita Public Schools, spoke to the Committee as a proponent of **HB 2015**. **HB 2015** would remove the sunset clause for the calculation of local option budget (LOB). The base budget per pupil has been on a downward spiral since the 2008-09 school year where it briefly reached \$4433. To ease the reductions to schools for the past three years the Legislature allowed districts to calculate LOB as if the base remained \$4433. (Attachment 4)

A question and answer session followed the presentations.

Chairman Aurand closed the hearing on **HB 2015**.

### **HB 2004 - School districts; defining non-resident pupil.**

Chairman Aurand asked the Committee as to what their intent was for **HB 2004**. It was the consensus of the committee to work the bill.

Chairman Aurand opened the meeting on **HB 2004**.

Eunice Peters, Office of the Revisor of Statutes, handed out an amended copy of **HB 2004**. (Attachment 5)

**Chairman Aurand made a motion to adopt this balloon amendment whereby it drops the ten mile limit to 2.5 mile limit from school which would allow more access school buses have in transporting students. Seconded by Representative Ryckman. Seeing no further questions on the Amendment. Motion carried.**

**Chairman Aurand made a motion to adopt a second Amendment to HB 2004 to make it clear school district buses could come in other school districts to pick up students. Representative Osterman seconded. Seeing no further discussion on the Amendment. Motion carried.**

Norm Furse, Kansas Revisor of Statutes, explained the possible problems with this **HB 2004**. Norm Furse recommended a Substitute Bill which would show the two Amendments that the Chair suggested and the Committee approved and the rest of the material would be out of there. That would, however, change the sponsor of this Bill to this Committee on Education.

**Representative Huebert made a motion to do a Substitute Bill. Representative Bollier seconded. Motion carried.**

**Chairman Aurand made a motion to pass this Bill out favorably. Representative Huebert seconded. Motion carried.**

Chairman Aurand closed the hearing on **HB 2004**.

### **HB – 2016 - School districts; finances; bilingual weighting based on program enrollment.**

Chairman Aurand asked the Committee to turn their attention to **HB 2016**. This Bill was done

## CONTINUATION SHEET

Minutes of the House Education Committee at 9:00 a.m. On February 8, 2011, in Room 784 of the Docking State Office Building.

on the Post Audit cost study. A handout copy of **HB 2016** (Attachment 6)

Representative Spalding distributed a handout to Committee members which related to her study of the bilingual headcount. (Attachment 7)

A question and answer session followed.

Chairman Aurand asked the Committee to study **HB 2016**. He told the Committee we would work the Bill at a later date.

**HB – 2078 - State schools for the deaf and blind; authorization to contract for training programs year round.**

Chairman Aurand asked the Committee he would entertain any discussion on **HB 2078**.

**Representative Huebert moved that we pass HB 2078 as written. Seconded by Representative Billinger. Motion carried.**

The meeting was adjourned at 10:25 a.m. The next meeting is scheduled for February 10, 2016.

DATE: 2/8/11

DATE: 2/8/11

[illegible]



Testimony before the  
**House Committee on Education**  
on  
**HB 2015 – LOB Hold Harmless Expiration**

by  
**Mark Tallman, Associate Executive Director for Advocacy**  
Kansas Association of School Boards

**February 8, 2011**

Mr. Chairman, Members of the Committee:

**HB 2015** would remove the “sunset” provision on the special law that allows a school district’s Local Option Budget to be determined as though the base budget is \$4,433 and state special education aid at the same level as in FY 2009. Unless this sunset is removed, many school districts will face a loss of revenue authority – unless the Legislature increases the base from the current \$4,012 to \$4,433 by FY 2013. Under the Governor’s budget, however, the base will decline even further, to \$3,937 in the current year and \$3,780 next year.

Under the school finance system, a district General Fund Budget is determined by multiplying the base budget per pupil by “weighted” enrollment, i.e., actual students plus adjustments for the various weighting factors determined by the state. State special education aid is also converted to a weighting and added to this amount.

For example, last year (FY 2010), the actual FTE enrollment was 449,727.7 students. When the various weighting factors are assigned, the “weighted” FTE enrollment was 655,123. State special education aid was \$361.2 million, which divided by the base budget of \$4,012 added over 90,000 additional weighted FTE students. The total weighted enrollment, multiplied by the base, provided a state total General Fund Budget of just over \$2.99 billion. However, if the base has been \$4,430 and special education state aid \$427.8 million, which was the published amount for FY 2009, the general fund amount would be been \$3.25 billion.

Because of the state budget crisis, districts had a general fund reduction of some \$233 million, or about 7.2 percent. Because the Local Option Budget is authorized as a percentage of the general fund, the cut in the base budget would also reduce the maximum LOB. To avoid even further reductions in school funding, the 2009 Legislature allowed districts to determine their LOB based on the 2009 level; however, it included a three-year sunset provision. The hope at the time was that the base budget could be restored by the 2012-13 school year.

This goal now appears extraordinarily optimistic. Under the Governor’s budget, the base will fall to \$3,780 in 2011-12, and would require over \$435 million to reach \$4,433 the following year. As a result, KASB supports the repeal of the “sunset” so the cuts in the general fund are not compounded by additional cuts in the LOB. Thank you for your consideration. I would be happy to respond to any questions.

House Education Committee  
Date 2/8/11  
Attachment# 1-1

**School District Operating Budgets, Capital Aid and KPERS, 2006 to 2012 (Projected)***(Amounts in Thousands except for per pupil or per FTE)**(Multiply enrollment numbers by 1,000)*

	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Base Budget Per Pupil	\$4,257	\$4,316	\$4,374	\$4,400	\$4,012	\$3,937	\$3,780
Weighted FTE Enrollment	568.6915	592.1956	613.464	636	655.123	666.842	666.842
Special Ed Weighted Enr.	67.3533	76.0401	90.4067	97.2166	90.89	90.027	113.153
Total Weighted Enrollment	636.0448	668.2357	703.8707	733.2166	746.013	756.869	779.995
General Fund	\$2,707,643	\$2,884,105	\$3,078,730	\$3,226,153	\$2,993,004	\$2,979,793	\$2,948,381
ARRA Special Education					\$55,748	\$55,748	
General Fund+ARRA Sped	\$2,707,643	\$2,884,105	\$3,078,730	\$3,226,153	\$3,048,752	\$3,035,541	\$2,948,381
Un-weighted FTE Enrollment	439.0958	441.115	442.9868	443.3304	448.7277	455.405	455.405
General Fund per Pupil	\$6,166	\$6,538	\$6,950	\$7,277	\$6,794	\$6,666	\$6,474
Total Local Option Budget	\$659,520	\$760,709	\$838,196	\$901,535	\$929,168	\$959,602	\$979,602
LOB Per FTE Enrollment	\$1,502	\$1,725	\$1,892	\$2,034	\$2,071	\$2,107	\$2,151
Bond and Interest Aid	\$57,488	\$63,697	\$69,128	\$75,591	\$86,700	\$94,647	\$100,000
Capital Outlay Aid	\$19,294	\$20,492	\$23,124	\$22,339	0	0	0
Total Capital Aid	\$76,782	\$84,189	\$92,252	\$97,930	\$86,700	\$94,647	\$100,000
Capital Aid per FTE Enroll.	\$175	\$191	\$208	\$221	\$193	\$208	\$220
KPERS School Contributions	\$161,531	\$192,426	\$220,813	\$242,277	\$249,856	\$283,502	\$319,862
KPERS Per FTE Enroll.	\$368	\$436	\$498	\$546	\$557	\$623	\$702
Total GF, LOB, Capital Aid, KPERS Per FTE Enrollment	\$8,211	\$8,890	\$9,549	\$10,078	\$9,615	\$9,603	\$9,547

Note: Does not include non-stimulus federal aid, local capital outlay and bond levies, students fees

FY 2011 and 2012 based on Governor's Budget



**Testimony on  
HB 2015  
House Education Committee**  
Presented by: Cheryl L. Semmel, Executive Director  
February 7, 2011

The mission of United School Administrators of Kansas (USA|Kansas\*), through 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.

Administrators are committed to identifying opportunities to provide increased flexibility that will help maximize resources and impact districts as equitably as possible. I am here today as a proponent of House Bill 2015, which amends K.S.A. 2010 Supp. 72-7433d, which is set to expire on June 30, 2012.

In 2009, the Legislature amended K.S.A. 2010 Supp. 72-6433d, allowing districts to adopt a Local Option Budget (LOB) for the 2009-2010, 2010-2011 and 2011-2012 school years based on the 2008-2009 Base State Aid Per Pupil (BSAPP) amount of \$4,433.

Administrators support this "decoupling" from the general state aid, as it has allowed districts to offset the impact of reductions to the Base State Aid Per Pupil (BSAPP) and other programs. This additional flexibility has been helpful given the extraordinary budgeting challenges we face.

Although this provision is not set to expire until next year, **we strongly encourage you to support HB 2015 and remove the sunset provision.** Taking action now will allow school districts to plan for the future.

In closing, on behalf of education administrators, I would like to thank you for your continued support of education and for realizing the importance of investing in education. Preparing our children requires a shared commitment, collaboration, and open dialogue among all stakeholders. Thank you for being partners in education.

\*USA|Kansas represents more than 2,000 individual members and ten member associations:

Kansas Association of Elementary School Principals  
Kansas Association of Middle School Administrators  
Kansas Association of School Administrators  
Kansas Association of School Business Officials  
Kansas Association of School Personnel Administrators

Kansas Assoc for Supervision and Curriculum Development  
Kansas Association of Special Education Administrators  
Kansas Association of Secondary School Principals  
Kansas Council of  
Kansas School Pu

House Education Committee  
Date 2/8/11  
Attachment# 2

**STUART J. LITTLE, Ph.D.**  
**Little Government Relations, LLC**

**House Education Committee**  
**Testimony on House Bill 2015**

February 8, 2011

Chairman Aurand and Members of the Committee,

I am Stuart Little, lobbyist for the Shawnee Mission School District, located in Johnson County. I appear today in support of House Bill 2015. Shawnee Mission is the state's third largest school district with 27,827 students enrolled in 2010-11. We are like all other school districts in Kansas who have adjusted to the declining state financial support. We have been reducing teachers and administrators, increasing class size, and closing schools in the last two years. We are very aware of the challenges you face at the state and are preparing to implement additional reductions. We are managing the reductions in funding in our schools and our patrons are noticing the impact of budget cuts on the education their children receive. House Bill 2015 is one measure that can help us manage this current budget crisis.

Districts across the state have made significant budget reductions starting in 2009-10. Several years ago, legislation allowed districts to use the 2009 BSAPP of \$4,433 for the calculation of the local option budget. The effect of this change was to allow districts to weather, at that time, what we believed was a brief downturn in state revenues and reductions in school funding. The legislation was given a three-year sunset provision. At the end of next school year, the sunset will expire and districts statewide will lose additional local revenue. Shawnee Mission School District anticipates our loss in local revenue will be between \$7 and \$10 million depending on state funding in the 2012-2013 school year. To put this in context, state funding reductions in 2009-10 were \$13.5 million. If the Governor's budget recommendations are enacted, further reductions of \$12.5 million are expected through the 2012-13 school year. The loss of up to \$10 million will exacerbate the combined \$26 million reductions the district may experience.

Although the sunset will not affect the 2011-12 school year, it is important to extend this provision during this legislative session. Districts cannot begin their budget cutting process in May after the close of the legislative session. If a decision is not made this legislative session, the district will need to make plans for another round of budget reductions in case the statute is not extended. Districts have already made significant reductions to their budgets and expect to make more. It is important to shore up this funding now so it does not become another distraction to the most important mission of educating our children.

We support your efforts to consider this bill and other options to adjust and manage the school finance formula more efficiently and fairly for all students in Kansas.

I would be happy to stand for questions at the appropriate time.

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OFFICE 785.235.8187 • MOBILE 785.845.7265 • FAX 785

House Education Committee  
Date 2/8/11  
Attachment# 3





**House Education Committee**  
**Representative Aurand , Chair**

**H.B. 2015 – LOB calculation**

*Presented by: Diane Gjerstad  
Wichita Public Schools*

February 8, 2011

Mr. Chairman and members of the Committee:

H.B. 2015 would remove the sunset clause for the calculation of local option budget (LOB). The base budget per pupil has been on a downward spiral since the 2008-09 school year where it briefly reached \$4433. To ease the reductions to schools for the past three years the Legislature allowed districts to calculate LOB as if the base remained \$4433.

The base per pupil is the funding foundation for schools. The base funds the regular education classroom, the teachers, paraprofessionals, specialized support staff who assist students with special learning needs, the utilities, textbooks, materials and subsidizes the **underfunding** of mandates such as special education. When the base falls, everything is pulled down. These are the cuts the past several years and impact to Wichita Public Schools:

***Reductions in base aid***

2008/09 base was reduced \$33 to \$4400  
Capital outlay state aid elimination

2009/10 base reduced \$388 to \$4012

***Reductions WPS***

-\$2 million  
-\$4.6 million

-\$23.5 million

***Governor's Budget recommendations:***

2010/11 Governor's FY 11 reduces base \$3937

-\$5.3 million

Governor's FY 12 budget reduces base to \$3780  
Reduction in special education funding

-\$11.3 million  
-\$1 million

The actual cuts to school funding, along with the proposed, have put tremendous pressure on schools – compounded by the fact that accountability standards by which schools are measured and judged have not diminished. As illustrated in Sunday's *Wichita Eagle* multi-page story which focuses on comparing Kansas school performance on state assessments reaching the 'AYP' (annual yearly progress) targets which increase 4 – 5% each year.

Mr. Chairman, the bill before the committee mitigates the landslide of reductions in the base, capital outlay state aid, special education and pending proposals to reduce other weightings. This bill allows districts to keep LOB funding steady in a time of budget reductions. We would encourage the committee to approve HB 2015.

House Education Committee  
Date 2/8/11  
Attachment# 4

## HOUSE BILL No. 2004

By Representative Carlson

1-5

House Education Committee  
Date 2/8/11  
Attachment# 5-1

1 AN ACT concerning school districts; relating to certain pupils; amending  
2 K.S.A. 72-8303 and 72-8309 and K.S.A. 2010 Supp. 72-1046b and  
3 repealing the existing sections;

section

4  
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2010 Supp. 72-1046b is hereby amended to read  
7 as follows: 72-1046b. (a) As used in this section:

8 (1) "School district" means a school district organized and operating  
9 under the laws of this state and no part of which is located in Johnson  
10 county, Sedgwick county, Shawnee county, or Wyandotte county.

11 (2) "Non-resident pupil" or "pupil" means a pupil who is enrolled  
12 and in attendance at a school located in a district in which such pupil is  
13 not a resident and who (A) lives 10 or more miles from the attendance  
14 center the pupil would attend in the district in which the pupil resides or  
15 (B) is a member of the family of a pupil meeting the condition prescribed  
16 in subpart (A);

and who (A) lives 2½ or more miles from the attendance center the pupil  
would attend in the district in which the pupil resides or (B) is a member of  
the family of a pupil meeting the condition prescribed in subpart (A)

17 (3) "Member of the family" means a brother or sister of the whole or  
18 half blood or by adoption, a stepbrother or stepsister, and a foster brother  
19 or foster sister.

(3) "Member of the family" means a brother or sister of the whole or half  
blood or by adoption, a stepbrother other or stepsister, and a foster brother or  
foster sister.

20  
21 (b) The board of education of any school district may allow any  
22 pupil who is not a resident of the district to enroll in and attend school in  
23 such district. The board of education of such district may furnish or  
24 provide transportation to any non-resident pupil who is enrolled in and  
25 attending school in the district pursuant to this section. If the district  
26 agrees to furnish or provide transportation to a non-resident pupil, such  
27 transportation shall be furnished or provided until the end of the school  
28 year. Prior to providing or furnishing transportation to a non-resident  
29 pupil, the district shall notify the board of education of the district in  
30 which the pupil resides that transportation will be furnished or provided.

31 (c) Pupils attending school in a school district in which the pupil  
32 does not reside pursuant to this section ~~Except for computation of~~  
33 ~~transportation weighting, a non-resident pupil~~ shall be counted as  
34 regularly enrolled in and attending school in the district where in which  
the pupil is enrolled for the purpose of computations, except computation  
of transportation weighting, under the school district finance and quality

Pupils attending school in a school district in which the pupil  
does not reside pursuant to this section.

where

, except computation of transportation weighting,



performance act and for the purposes of the statutory provisions contained in article 83 of chapter 72 of the Kansas Statutes Annotated, *and amendments thereto*. ~~Such~~ a non-resident pupil shall not be charged for the costs of attendance at school.

Such

Sec. 2. K.S.A. 72-8303 is hereby amended to read as follows: 72-8303. (a) The board of education of a school district may prescribe the regular school routes on which transportation of its pupils is to be provided, and shall schedule the school bus and motor vehicle routes so school on every school day. (b) For the purposes of this section, the term regular school route includes any route arranged by the board of education for (1) transportation of its pupils to and from the residence of such pupils in another school district ~~in accordance with an order issued by a board of education under the provisions of~~, *subject to the limitations of* K.S.A. 72-1046b, and amendments thereto; and (2) transportation of its pupils to and from any school attended in another school district in accordance with the provisions of an agreement entered into under authority of K.S.A. 72-8233, and amendments thereto.

Sec. 3. K.S.A. 72-8309 is hereby amended to read as follows: 72-8309. (a) ~~Subject to the limitations of K.S.A. 72-1046b, and amendments thereto~~, the board of education of a school district ~~shall not~~ *may* furnish or provide transportation for pupils or students who reside in another school district ~~except in accordance with the written consent of the board of education of the school district in which such pupil or student resides, or in accordance with an order issued by a board of education under the provisions of K.S.A. 72-1046b, and amendments thereto, or in accordance with the provisions of an agreement entered into under authority of K.S.A. 72-8233, and amendments thereto.~~ (b) ~~A school district may transport a nonresident pupil or student if such pupil or student boards the school bus within the boundaries or on the boundary of the transporting school district. To the extent that the provisions of this subsection conflict with the provisions of subsection (a), the provisions of subsection (a) shall control.~~

(c) No pupil or student who is furnished or provided transportation by a school district which is not the school district in which the pupil or student resides shall be counted in the computation of the school district's transportation weighting under article 64 of chapter 72 of Kansas Statutes Annotated, *and amendments thereto*.

Sec. 4. K.S.A. 72-8303 and 72-8309 and K.S.A. 2010 Supp. 72-1046b are hereby repealed.

2

Sec. 5. This act shall take effect and be in force from and after its publication in the statute book.

3

is

2.5

## HOUSE BILL No. 2016

By Special Committee on Education

1-18

House Education Committee  
Date 2/8/11  
Attachment# 6

1 AN ACT concerning school districts; relating to the program weighting;  
2 amending K.S.A. 2010 Supp. 72-6413 and repealing the existing  
3 section.  
4

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

6 Section 1. K.S.A. 2010 Supp. 72-6413 is hereby amended to read as  
7 follows: 72-6413. (a) The program weighting of each district shall be  
8 determined by the state board as follows:

9 (1) Compute ~~full-time equivalent enrollment~~ the number of pupils  
10 ~~included in enrollment of the district who are enrolled in programs of~~  
11 bilingual education and multiply ~~the computed enrollment~~ such number  
12 by ~~0.2~~ 0.1

13 (2) compute full-time equivalent enrollment in approved vocational  
14 education programs and multiply the computed enrollment by 0.5;  
15 (3) add the products obtained under (1) and (2). The sum is the  
16 program weighting of the district. (4)

17 (b) A school district may expend amounts received from the  
18 bilingual weighting to pay the cost of providing at-risk and preschool-  
19 aged at-risk education programs and services.

20 Sec. 2. K.S.A. 2010 Supp. 72-6413 is hereby repealed.

21 Sec. 3. This act shall take effect and be in force from and after its  
22 publication in the statute book.

(2) compute full-time equivalent enrollment in programs of bilingual  
education and multiply the computed enrollment by 0.2;

and (3)



