

APPROVED: March 15, 2011

Date

MINUTES OF THE HOUSE EDUCATION COMMITTEE

The meeting was called to order by Chairman Clay Aurand at 9:00 a.m. On February 15, 2011, in Room 784, of the Docking State Office Building.

All members were present except:  
Representative Pat Colloton

Committee staff 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

Written testimony:

David Hale, Weskin, USD 242  
Richard Spencer, Rolla, USD 217  
Alan Jamison, Caldwell, USD 360  
Kenneth Harshberger, Meade, USD 226

Others appearing, see attached sheet.

**HB 2251 - Terminating state aid for out-of-state pupils**

Chairman Aurand opened the hearing on **HB 2251**

Chairman Aurand asked Eugene Peters, Kansas Revisor of Statutes to explain **HB 2251** to the Committee. Ms. Peters stated that **HB 2251** would amend current law regarding out-of-state student who attend elementary or secondary schools in Kansas. This would exclude out-of-state students from the school finance formula.

Mark Tallman, Kansas Association of School Boards, spoke to the Committee as a opponent of **HB 2251**. This Bill concerns funding for out-of-state students. In 2005, the Legislature changed long-standing state law and voted to end state funding for non-state residents enrolled in Kansas districts. The change was almost immediately reversed. Because this issue has an impact on the funding of all districts, we asked the KASB Delegate Assembly to take a position on this issue. The position our members adopted overwhelmingly is as follows:

- G. Enrollment of Non-Resident Students  
KASB believes that the decision to enroll students who are not residents of a school district should be made by the board of education of that district. If non-resident students are enrolled, they should be counted for funding purposes as if they were residents of the district. These provisions should apply to students who are not residents of Kansas.

Although KASB opposes this bill under our current policy stated above, if the committee decides to advance the bill we would urge consideration of another policy position: support a gradual reduction in state funding, especially when state policies change abruptly. (Attachment 1)

Dale Hale, Superintendent of USD 242, Weskan, provided written testimony to the Committee as an opponent of **HB 2251**. Approval of this bill would eliminate state funding for out-of-state students attending Kansas Schools unless exempted by the specific exceptions noted in the bill. It appear this bill is very similar, if not identical, to proposed legislation that we have seen in the past.

## CONTINUATION SHEET

Minutes of the House Education Committee at 9:00 a.m. On February 15, 2011, in Room 784 of the Docking State Office Building.

**HB 2251** would require school districts to “enter into a contract with a sending district under which contract the sending district agrees to pay the costs of educating pupils enrolled in the receiving district”. (Attachment 2)

Richard Spencer, Superintendent, USD 217, Rolla, provided written testimony to the Committee as an opponent of **HB 2251**. Why should Kansas tax payer's dollars be spent on out of state students? I feel that it comes down primarily to a local community issue. These children and families are part of the fabric of our communities. Community boundaries do not stop at artificial (State) boundaries. These people are vital to our rural towns because they do business in our towns, participate in community events, attend churches and participate in other service organizations, like our volunteer fire department. (Attachment 3)

Alan Jamison, Superintendent/Secondary Principal, USD 360, provided written testimony to the Committee as an opponent of **HB 2251**. USD 360 Caldwell Schools is a district with 240.5 FTE and with a land area of 194 square miles. The district is landlocked on the border, unlike most other districts in the state anybody coming directly from the South of town is out of state. The families who are bringing their students to our school are people who are a part of Caldwell and have been part of our community for many years. Most all of them own land in Kansas, pay some taxes in the state, attend church here, and they do most of their business in our town. Our enrollment has increased the past two years, but it has been within the state of Kansas and not from gaining Oklahoma students. (Attachment 4)

Kenneth Harshberger, Superintendent USD 226, provided written testimony to the Committee as an opponent of **HB 2251**. This bill would disallow counting of out-of-state students for funding. Meade USD 226 borders Oklahoma and has had students from time to time who live very close to the border and closer for them to attend school in Meade. Several families also have ranch or farm land that crosses over between the two states. We have had cases where families have a Meade phone number and a Meade post office box number, but live just over the Oklahoma line. Meade currently has a teacher with children who have attended our district for years, but lives just over the border in Oklahoma. (Attachment 5)

A question and answer discussion among Committee members occurred.

Chairman Aurand closed the hearing on **HB 2251**.

### **HB 2016 - School districts; finance; bilingual weighting based on program enrollment**

Chairman Aurand asked Eunice Peters, Kansas Revisor of Statutes, to explain **HB 2016**. Bilingual weighting would be based on both headcount enrollment and contact hours weighting by .20.

**Chairman Aurand moved to amend the bill to “compute the number of pupils included in enrollment of the district who are enrolled in programs of bilingual education (headcount) and multiply such number by 0.1 and compute full-time equivalent enrollment in programs of bilingual education (contact hours) and multiply the computed enrollment by 0.2.”**  
**Representative Osterman, seconded. The amendment passed by voice vote.**

**Representative Grosserode moved to change the multipliers to ensure the final bill is revenue neutral. Representative Spalding Seconded. Motion passed by voice vote.**

**Representative Ryckman proposed an amendment to make the bill go into effect only when the base state aid per pupil equals the statutory amount of \$4,492. Representative Ward seconded. Motion failed.**

**Representative Osterman moved to delay the bill's implementation for one year, until the 2012-2013 school year. Representative Spalding seconded. Motion passed.**

CONTINUATION SHEET

Minutes of the House Education Committee at 9:00 a.m. On February 15, 2011, in Room 784 of the Docking State Office Building.

Representative Huebert moved to recommend the bill favorably for passage.  
Representative Spalding seconded. Motion failed.

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

Representative Winn moved to amend HB 2015 by putting sunset back in for two years.  
Representative Ward seconded. Motion carried.

Representative Ward moved to pass HB 2015 out favorably as amended. Motion carried.

The meeting was adjourned at 10:30 a.m. The next meeting is scheduled for February 16, 2011.

KANSAS  
ASSOCIATION



OF  
SCHOOL  
BOARDS



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

Testimony before the  
**House Committee on Education**  
on  
**HB 2251 –Funding for Out-of-state Students**

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

**February 15, 2011**

Mr. Chairman, Members of the Committee:

Thank you for the opportunity to comment on **HB 2251**, which concerns funding for out-of-state students. In 2005, the Legislature changed long-standing state law and voted to end state funding for non-state residents enrolled in Kansas districts. The change was almost immediately reversed. Because this issue has an impact on the funding of all districts, we asked the KASB Delegate Assembly to take a position on this issue. The position our members adopted overwhelmingly is as follows:

**G. Enrollment of Non-Resident Students**

KASB believes that the decision to enroll students who are not residents of a school district should be made by the board of education of that district. If non-resident students are enrolled, they should be counted for funding purposes as if they were residents of the district. These provisions should apply to students who are not residents of Kansas.

Since then, there have been no proposals by our member to change this position, which is consistent with current Kansas law. **HB 2251** changes current law as follows:

Section 1 requires every school board enrolling or planning to enroll pupils residing in other states to *“utilize its good faith efforts to negotiate an agreement with the out-of-state school board of the school district in which the pupil resides. Such agreement shall address the payment of costs to the Kansas school district for educating any out-of-state pupils.”*

Section 2 directs any such Kansas school district that has failed to reach agreement under section 1 to file an application with the board of education with: (a) A detailed description of the school district’s efforts in negotiating with the out-of-state school district, including copies of related documents and a narrative describing each negotiating session; (b) the amount of state funds the out-of-state school district would receive if the pupil attended the non-Kansas school district where the pupil resides; and (c) the amount of funds requested for each such pupil and the justification therefore; and (d) other information requested by the Kansas State Board of Education. However, we cannot find in the bill where the State Board is given an opportunity to House Education Committee  
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Attachment# 1-1

Section 3 states: *"A pupil enrolled in any school district in this state who does not live in Kansas shall not be counted as a pupil for state financial aid under the school district finance and quality performance act."* Therefore, it appears to us the effect of this bill is to prohibit state funding for out-of-state students. Kansas districts would lose the revenue for those students unless agreement can be reached with an out-of-state district for alternative payment.

While this step may save the state money under the school finance plan, our members seem to agree with what Kansas districts receiving these students have said in the past. The vast majority of these students and families see the Kansas school district as their community. They shop and pay sales tax in Kansas, they work and pay income tax in Kansas, and they may own property and pay property taxes in Kansas. Closing the door to the schoolhouse could diminish all of these activities, especially the first, because they would spend less time in the district. Many of the affected districts are in rural, declining population areas; the kind of places where the Governor is attempting to draw residents and economic activity. In short, we believe the state has more to lose than to gain turning away these students.

Although KASB opposes this bill under our current policy stated above, if the committee decides to advance the bill we would urge consideration of another policy position: support a gradual reduction in state funding, especially when state policies change abruptly. For example, the law could be changed for new students, but allow students already enrolled to finish their education in Kansas. Alternatively, districts could continue to receive funding for students who can demonstrate a strong economic tie to the district, or demonstrate hardship or special needs.

Thank you for your consideration.



Home of the Coyotes

**USD #242 WESKAN SCHOOLS**

**Dave Hale, Superintendent**

**219 Coyote Blvd.**

**Weskan KS 67762**

**785-943-5222 (office) 785-943-5303 (fax)**

**[www.weskanschools.org](http://www.weskanschools.org)**

To: House Education Committee  
From: Dave Hale, Superintendent  
USD 242 Weskan  
RE: Written Testimony to the House Education Committee on House Bill 2251  
Date: February 15, 2011

Mr. Chairman and Honorable Members of the House Education Committee:

I would like to take this opportunity to express my views concerning the proposed HB 2251. Approval of this bill would eliminate state funding for out-of-state students attending Kansas schools unless exempted by the specific exceptions noted in the bill. It appears this bill is very similar, if not identical, to proposed legislation that we have seen in the past.

HB 2251 would require school districts to "enter into a contract with a sending district under which contract the sending district agrees to pay the costs of educating pupils enrolled in the receiving district." Since my district has no Kansas students going to Colorado schools, I can assure you no such contract is likely to be agreed upon. The last time a Weskan administrator was required to approach the Cheyenne Wells school district with this request, he was politely told "No". I doubt they have changed their view on this matter since it was last presented to them. Why would they agree to it considering the fact that no Kansas students come their way.

The K-12 enrollment at Weskan School is currently 113 students, of which thirteen are residents of Colorado. These thirteen students and their families make up a valued and vital component of our school and our community, no matter what their zip codes. Out here, our communities are defined by geographic isolation and centers of commerce and education, not by artificial boundaries on a map.

Many of our Colorado families do own real property in Kansas, but a few do not. That does not mean that they do not contribute economically to our state, as they most certainly do. Their affiliation with our school and community has a great influence on where they spend their time and money. Their children are involved in school activities and organizations, and their parents support our teams as they travel to various communities in Kansas. They shop in Kansas stores, they eat in Kansas restaurants, and they buy fuel at Kansas stations, paying Kansas sales tax at each stop. Without their association with our school, their commerce would naturally be shifted west to Colorado communities.

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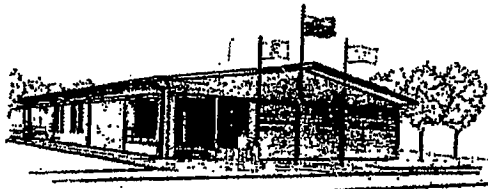
Attachment# 2-1

Should this bill actually receive serious consideration, I would ask that accurate numbers of students immigrating and emigrating be determined. I know we can determine the number of out-of-state students attending Kansas schools, but do we know the number of Kansas students attending out-of-state schools? I doubt the savings, if any, would be worth the loss of more rural schools and communities. Moreover, I fervently believe that this bill would result in a net loss to the Kansas economy and contribute to an unraveling of community bonds that know no boundaries.

Most importantly, this bill would force educators to make a choice between two bad options. One would force them to turn children away from our schools who desire a quality education; the other is to take these children and teach them as we always have and in so doing, financially handicap our districts.

Thank you for your time and I urge you to not let HB 2251 pass out of committee.

Dave Hale, Superintendent  
Weskan USD-242



**Unified School District 217**

P.O. Box 167

Rolla, Kansas 67954

Ph: 620-593-4344    Fx: 620-593-4250

**House Education Committee  
Written Testimony on HB 2251**

**February 15, 2011**

**Prepared by Richard D. Spencer  
Superintendent, Rolla Public Schools**

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to write this statement in opposition to HB 2251.

It has been 4 years since I had the privilege of standing before this committee representing the outstanding student, parent, and community members of Unified School District #217 in Rolla, Kansas. My exposure to public education as a child and teen has given me great opportunities that I would have never thought possible. My responsibilities now as an educational leader in Rolla, Kansas are to offer those same wonderful opportunities to all children no matter what age, race or proximity.

Rolla School is located in Morton County, in Southwest Kansas. The school district encompasses 252 square miles. Rolla is located 7 miles north of the Oklahoma state line on County Road 24. Of the 193.5 FTE enrolled students as of 9/20/2010, 12 of those come from the state of Oklahoma. Many of these students live four miles or less into Oklahoma, in housing provided to their families by CRI, a large cattle feeding business in the Panhandle of Oklahoma. One of the students is part of our Special Education program, serviced in Rolla by High Plains Cooperative out of Ulysses, Kansas. This particular student has attended Rolla Schools for 3 years now and has made an enormous amount of progress in their emotional, social and educational journey. Is this not the reason why we open the school doors every morning for 170 days out of the year?

Why should Kansas taxpayer's dollars be spent on Out Of State Students? I feel that it comes down primarily to a local community issue. These children and families are part of the fabric of our communities. Community boundaries do not stop at artificial (State) boundaries. These people are vital to our rural towns because they do business in our towns, participate in community events, attend churches and participate in other service organizations, like our volunteer fire department.

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In Rolla's case, for instance, families may live 10 miles from Rolla and 35 miles from the next nearest Unified School District, which would be in Guymon, Oklahoma. It would be a significant hardship for these families to get their children to school in Guymon.

For generations, Rolla has accepted Oklahoma students into their schools, even when there was no state funding available for these students. Prior to 1992, the Board of Education of Rolla made a commitment to provide all students the best education possible, even though only local dollars were used to do so. Currently, the same commitment is there from the board and the administration.

Currently, there is major concern in our district that if we continue to drop in enrollment and in FTE funding, we will be at further risk of closing the doors, not only on our friends from Oklahoma, but closing the doors on our own Kansas students. When the school goes, so goes everything else. It is frightening to know that Rolla, Kansas could be just another spot in the road on Highway 56, heading east or west.

I would like to end with a quote from a student who was a recent graduate of Rolla. She states,

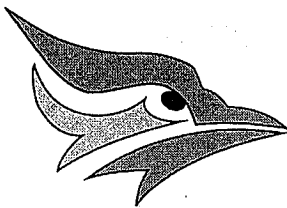
*"I really appreciate Rolla Schools because there are so many opportunities there. I have gone to Rolla since I was 4 years old. Not only have my three siblings, parents, and both grandparents graduated from Rolla High School, I would like the privilege of doing the same.*

*My family lives in Oklahoma but my dad farms in Kansas and my mom works in Kansas. It would be terribly inconvenient to my family for me to ride the bus to Guymon or Yarbrough, which would take an hour and a half each way. It would be so far that it would lower the chances of me participating in extra curricular activities because I would get home so late, and I love playing sports. We practically live in Rolla because that is where all my family lives.*

*I hope you give full consideration to letting people like me go to Rolla and be funded for it as well."*

Thank you for this opportunity to share these comments and, also, for your consideration of these facts.

# CALDWELL UNIFIED SCHOOL DISTRICT NUMBER 360



22 North Webb Street  
Caldwell, Kansas 67022

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"Home of the Bluejays"

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Honorable Representatives of the House Education Committee,

On behalf of the school board, faculty, staff, students, and the community of Caldwell, I would like to express our concern and objection to House Bill 2251.

This spring Caldwell will be celebrating its 140<sup>th</sup> birthday. Caldwell was established as a cattle town on the Chisholm Trail in 1871. Caldwell and its early history lead to it being known as the "Border Queen", as the town is located just two miles north of the Oklahoma border. In 1893 Caldwell was one of the towns where people gathered for the Oklahoma land run. Because of our location and the history of settlement in the area we have many families who reside in Oklahoma, but have always done business in this community and this state.

USD 360 Caldwell Schools is a district with 240.5 FTE and with a land area of 194 square miles. The district is landlocked on the border, unlike most other districts in the state anybody coming directly from the south of town is out of state. The families who are bringing their students to our school are people who are a part of Caldwell and have been part of our community for many years. Most all of them own land in Kansas, pay some taxes in the state, attend church here, and they do most of their business in our town. Our enrollment has increased the past two years, but it has been within the state of Kansas and not from gaining Oklahoma students.

All of the current students in our district that live in Oklahoma have always attended school in USD 360 Caldwell, as have their parents and grandparents. At one time we did have 30 or more students coming to school from Oklahoma every year. However because it is 15 miles to the closest Oklahoma school these families have chosen to continue to bring their children to Caldwell for their education. We presently only have six students coming to our school district from Oklahoma. In the next five years unless someone new moves into the area or if there are some new births we will not have any students crossing the line to attend school here.

There is feeling in our district that HB 2251 is just another attempt to make cuts to schools without knowing the impact to our local economy and to the school districts on the borders. This bill is especially penalizing to a small group of schools and towns along the borders of the state and I imagine to a very small group of students. I hope you reconsider sending this bill out of committee until further information is gathered on how this impacts schools and students.

I appreciate the opportunity to present my testimony for your consideration in reevaluating HB 2251.

Respectfully submitted,

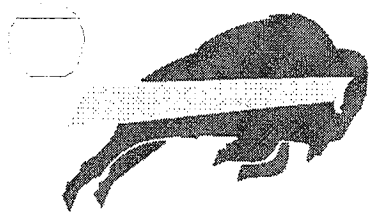
*Alan Jamison*

Alan Jamison, Superintendent/Secondary Principal

House Education Committee

Date 2/15/11

Attachment# 4



# MEADE

Unified School District #22  
P. O. Box 400  
409 School Addition  
Meade, Kansas 67864-0400  
Phone 620-873-2081

February 14, 2011

Dear House Education Committee:

Thank you for the opportunity to provide written testimony on HB 2251 which would disallow counting of out-of-state students for funding. Meade USD 226 borders Oklahoma and has had students from time to time who live very close to the border and it is often closer for them to attend school in Meade. Several families also have ranch or farm land that crosses over between the two states. We have had cases where families have a Meade phone number and a Meade post office box number, but live just over the Oklahoma line. Meade currently has a teacher with children who have attended our district for years, but live just over the border in Oklahoma.

In most cases students who have attended our school have families who for years have been invested in the community of Meade who may live just over the border in Oklahoma. These families are involved in not only school, but community activities and work and have family businesses that are often in Meade County and in Oklahoma. If funding is removed for these students, Meade USD #226 will continue to have to provide services for these students because they will not be attending an Oklahoma school. With the expected loss of funds for next year, this additional loss places an even bigger hardship on our school district.

Some would say that districts should just not allow these students to attend if they are from out-of-state. When some of these families have been a part of the school and the community for years, this is really not an option. I also don't believe it would be wise to tell one of my teachers they cannot bring their children to school with them each day.

I hope you will seriously consider not eliminating this funding for these out-of-state students. I realize the number of students affected is relatively small compared to the total student population in the state. The impact on border schools and more importantly students does not warrant the savings the change in this law would make. We will still be educating these students, but unfortunately without funding.

Thank you for time and consideration of my comments.

Sincerely,

Kenneth Harshberger  
Meade USD 226 Superintendent

House Education Committee  
Date 2/15/11  
Attachment# 5