

SESSION OF 2007

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2093

As Amended by Senate Committee of the Whole

Brief*

HB 2093, as amended, would remove the sunset date on the non-proficient student weighting within the school finance formula.

The bill would make changes to the School District Finance and Quality Performance Act. Specifically, the bill would lower the maximum percentage of Local Option Budget (LOB), required in order for a school district to access the cost-of-living weighting or the declining enrollment weighting, to 25.0 percent.

Under current law, in addition to State Financial Aid (SFA) funding, a school district board may approve a local option budget in any amount up to 30.0 percent of its SFA for school year 2006-2007. The LOB maximum percentage increases to 31.0 percent in school year 2007-2008 and thereafter. In order for a school district to access the cost-of-living weighting or the declining enrollment weighting, the district must have adopted the maximum LOB.

The bill would simplify the provisions of law relating to the procedures school districts must follow when adopting local option budgets. The bill would provide that the board of education of a district could adopt an LOB which would not be subject to protest and election if:

- The proposed LOB authority did not exceed the amount the school district was authorized to adopt under this

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

section prior to the effective date of this bill; or

- The proposed LOB did not exceed the statewide average percentage of LOB authorized for the preceding school year.

Under this bill, if the school district proposed to authorize the adoption of an LOB in excess of the above, the resolution would be subject to publication, protest and election. In addition, the bill would maintain the current statutory provision for a mandatory election if the district proposed to adopt a resolution authorizing LOB in excess of 30 percent of the state financial aid of the district.

Under the bill, the maximum LOB would remain at 31 percent of the state financial aid of the district.

The bill would provide that the LOB authority is permanent unless the resolution adopted by the board specifically states otherwise.

The purposes and limitations imposed on expenditure of LOB funds would be the same as those provided for under current law. The bill would add a provision directing the State Board of Education to determine annually the statewide average percentage of LOBs adopted for the preceding school year.

The bill would allow the three school districts in Stafford County – USD 349 Stafford, USD 350 St. John-Hudson, and USD 351 Macksville – to share equally in the assessed valuation of real property and improvements of a proposed ethanol or biodiesel plant to be built in Stafford County. This assignment of assessed valuation to each of the districts would be made for purposes of calculating state aid to the districts.

The bill would amend legislation passed by the 2006 Legislature (SB 481) to clarify that the reference to the Kansas State Lottery Act includes the Kansas Expanded Lottery Act

and any other act in which a racetrack or lottery gaming facility may be located in Cherokee County.

The provision that would be amended in this law provides that, for USD 404 (Riverton), USD 493 (Cherokee), USD 499 (Galena), and USD 508 (Baxter Springs), one-fourth of the assessed valuation of property located in Cherokee County that is or will be used as a racetrack or lottery gaming facility would be assigned to each of the school districts. If the property is not used as a racetrack or a lottery gaming facility, this provision would not apply.

Finally, the bill would allow school districts experiencing a disaster which causes the district to be unable to participate in state assessment tests, to continue to receive the nonproficient student weighting equal to the amount received in the prior year, with approval of the State Board of Education.

The bill would take effect upon publication in the *Kansas Register*.

Background

At the hearing on the original bill, Representative Colloton presented testimony in support of the bill. There were no opponents to the bill.

The House Education Committee amended the bill by expanding the definition of special education to include gifted students and all exceptionalities of special education students. The Committee also amended the bill by changing the term “licensure as a special education teacher” to “endorsement as a special education teacher.”

The Senate Education Committee removed the contents of the original bill and amended it by adding the following:

- Remove the sunset on the nonproficient weighting within the school finance formula (SB 68, as amended by Senate Education Committee);
- Lower the maximum percentage of Local Option Budget required in order for a school district to access the cost-of-living weighting or declining enrollment weighting, to 25.0 percent (SB 69, as amended by Senate Education Committee);
- Simplify the provisions of law relating to the procedures school districts must follow when adopting LOBs (SB 143, as amended by Senate Education Committee);
- Allow the three school districts in Stafford County to share equally in the assessed valuation of real property and improvements of a proposed ethanol or biodiesel plant to be built in Stafford County (originally SB 153); and
- Clarify that the reference to the Kansas State Lottery includes the Kansas Expanded Lottery Act and any other act in which a racetrack or lottery gaming facility may be located in Cherokee County (originally SB 329).

The Senate Committee of the Whole added an amendment that would allow school districts to continue to receive the non-proficient student weighting in cases where school districts are unable to participate in assessment testing due to some widespread disaster.

There was no fiscal note available for the bill as amended by the Senate Committee on Education.