

## MINUTES OF THE SENATE EDUCATION COMMITTEE

The meeting was called to order by Chairman Jean Schodorf at 1:30 p.m. on March 10, 2011, in Room 152-S of the Capitol.

All members were present.

Committee staff present:

Sharon Wenger, Kansas Legislative Research Department  
Laura Younker, Kansas Legislative Research Department  
Jason Long, Office of the Revisor of Statutes  
Eunice Peters, Office of the Revisor of Statutes  
Dale Dennis, Deputy Commissioner, Kansas Department of Education  
Dorothy Gerhardt, Committee Assistant

Conferees appearing before the Committee:

Representative Richard Carlson  
Travis and Carrie Ross, Blaine, KS  
Mark Tallman, Kansas Association of School Boards  
Senator Steve Abrams  
Alan Jamison, Superintendent, Caldwell USD #360 (written only)

Others attending:

See attached list.

Chair Schodorf began the meeting by recognizing Senator Marshall. The Senator announced he wished to introduce two students from his area who were “shadowing” him today-Hank Cloninger and Jake Cloninger.

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

Jason Long, Office of the Revisor of Statutes, provided a summary of the provisions of **HB 2004**. **HB 2004** would amend the school finance law to redefine non-resident pupil. The bill deletes from current law the definition of a non-resident student who lives ten or more miles from the attendance center the pupil would attend in the district in which the pupil resides or is a member of the family of a pupil meeting this same condition. This means that a non-resident student may attend another district regardless of the number of miles the student lives from his or her home attendance center.

**HB 2004** would have no fiscal effect on transportation state aid; non-resident students do not receive state funding for transportation.

Representative Richard Carlson appeared before the committee as a proponent of the legislation (**Attachment 1**). He stated **HB 2004** simply removes the restriction whereby the resident district may prohibit the non-resident school bus from entering their district. It would allow the parents to send their children to the school of their choice. The counties of Johnson, Sedgwick, Shawnee and Wyandotte currently have no mileage restrictions.

Travis and Carrie Ross, Blaine, Kansas, also appeared as proponents of **HB 2004** (**Attachment 2**). Mr. Ross stated it was their desire to have their children attend the Onaga schools which are closer; however, they live in the Rock Creek School District whose schools are a greater distance from their home. The Onaga district has agreed to pick up their children; however, the Rock Creek School District will not grant a release and allow the Onaga bus to pick up their child.

Mark Tallman, Kansas Association of School Boards, presented testimony in opposition to **HB 2004** (**Attachment 3**). He stated that as amended by the House Education Committee, **HB 2004** would reduce the current 10-mile threshold for students to be eligible for transportation by a district where the child is not a resident, to 2.5 miles. In many cases, districts have reached voluntary agreements to allow cross-border transportation, but this law applies in cases where the districts cannot reach such an agreement. KASB appears in opposition to this bill because of a position adopted by their membership. He stated their Delegate Assembly adopted a position specifically opposing further changes in the so-called “10-

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mile bus law” that would be changed by this bill.

Following committee discussion, the hearing on **HB 2004** was closed.

### Hearing on **SB 202-School districts; purpose of state aid to public schools**

Discussion on **SB 202** began with the Chair distributing copies (Attachment 4) of a statement dealing with the proposed constitutional amendment from the House, **HCR 5010**, which deals with the interpretation of terms in the Constitution regarding education. She also provided copies of Article 6 – Education from the Constitution of the State of Kansas (Attachment 5).

Jason Long, Office of the Revisor of Statutes, provided a summary of the provisions of **SB 202**. **SB 202** would declare that any monies provided by the state to school districts, whether assessed and collected at the state or local level, for the instructional cost of education in kindergarten and in grades one through 12 would fulfill the Legislature’s duty to make a suitable provision for the finance of the educational interest of students in Kansas.

Enactment of **SB 202** would make no changes to the current school finance formula and would have no fiscal effect.

Senator Steve Abrams appeared with testimony in support of **SB 202** (Attachment 6). He stated he had filed **SB 202** with the purpose of trying to stimulate the discussion about what is education in the State of Kansas, and also what funding should accompany that education. He feels the legislature must come to grips with what comprises suitable funding for the intellectual, vocational, and scientific improvements in the educational interests of the students of Kansas.

Mark Tallman, Kansas Association of School Boards, also presented testimony concerning **SB 202** (Attachment 7). Points made by Mr. Tallman included:

- The current constitutional system for education has worked extraordinarily well; raising achievement and promoting prosperity at a stable cost to taxpayers;
- Defining “suitable finance” must reflect the cost of continuing educational improvement and the educational interests of the state as defined by the Legislature and Kansas State Board of Education;
- State and federal performance standards and requirements, not local curriculum and program decisions, are driving educational costs; and
- School finance lawsuits have been about equitable treatment of students and taxpayers and the Legislature's failure to meet its own standards – not the “wants” of local districts.

A draft statement regarding the definition of what constitutes a “suitable” education was presented by Mr. Tallman on behalf of the Shawnee Mission School District (Attachment 8). They state this objective can be accomplished with statutory changes that articulate the wide range of factors including qualified admissions standards, student achievement on assessments, federal special education and No Child Left Behind requirements, as well as a thoughtful inclusion of some areas that are debated as “non-essential” such as nurses, counselors, and librarians. A definition of suitability should also include the physical environment of learning including technology, health, comfort, and safety.

Written testimony in opposition to **SB 202** was provided by Alan Jamison, Superintendent, Caldwell USD #360 (Attachment 9).

Additional testimony regarding **SB 202** will be presented at the next meeting of the committee.

The next meeting is scheduled for March 14, 2011.

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The meeting was adjourned at 2:30 p.m.