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Written Opponent Testimony

HB 2553 – Allowing students to transfer to and attend any school district in the state; requiring districts to set transfer capacity and adopt transfer policies; establishing an appeal process if denied;

Presented to the
House Committee on K – 12 Education Budget
Tuesday, February 1, 2022
By
Deena Horst and Ben Jones, Legislative Liaisons
Kansas State Board of Education

Chairwoman Williams, Vice-Chairman Hoffman, and Ranking Minority Member Winn and members of the House Committee on K – 12 Education Budget,

Thank you for allowing our input on HB 2553.

We are not opposed to districts, as they are today, being allowed to accept students from other districts. Our opposition is to REQUIRING districts to accept students from other districts. We have several concerns which follow:

- There is no deadline for requesting non-resident students be accepted as a transfer, so districts don't have time to plan for additional students. While districts may have classroom space, the potential of being required to accept students, mid-year, is likely to be problematic because of the teacher shortage which exists in Kansas.
- Even with a deadline, the above situation may exist.
- Capacity appears to only refer to the housing of students within a room. There is more than space that affects capacity in a classroom. For example, the number of special needs students which are assigned to regular classrooms is generally a consideration because of the district's desire to allow the teacher the time to provide the attention each student needs and deserves. Adding one student to a classroom can negatively affect all of the other students.

- Capacity, while appearing to refer only to the number of students a classroom can

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physically accommodate, should include consideration of the potential of a district not being able to provide the services required by a student's IEP. To be required to accept any student when the district's schools are not staffed to provide the needed services would be a violation of the student's IEP.

- Allowing students to transfer to more than one district during the same school year, appears to allow 'shopping'. Unless the transfer is to return to the home district or there is a move to a different community, such transfers should be limited to one per year.
- The parents of non-resident student transfers likely pay no property taxes to support the school district which likely will raise the ire of the community, particularly if the transfers receive an athletic position, etc. a community member's child, grandchild, or other relative has been projected to fill.
- While HB 2553 requires districts to accept non-resident students, unless the district chooses to cover the transportation themselves, the state doesn't provide any funds for their transportation. This fact results in those students whose parents cannot provide transportation being unable to take advantage of the opportunity to transfer to another school district unless the receiving district chooses to provide transportation without remuneration. The lack of state funding of transportation for non-resident transfer students seems to benefit only those students whose parents have the means to ensure their student has transportation to the school.

Because of the above issues, it is our belief that it is unwise to simply require districts who have the physical capacity for additional students to accept non-resident students without any recognition of extenuating circumstances that would make accepting non-resident students problematic for both the district resident students and for some non-resident students. Kansas, unlike some other states, has always been a state which values local control. HB 2553 says local school districts which believe that they are doing what is best for the students who reside in their district and their reasons regarding accepting or denying out-of-district students are to be questioned to ensure they are following the intent of the law the Legislature has determined it must impose. Frankly, it is disappointing to see this proposal, not only because of the loss of local control, but also for the promotion of distrust in local school board decision-making.

Thank you again for the opportunity to testify regarding HB 2553.