

MINUTES

LEGISLATIVE EDUCATIONAL PLANNING COMMITTEE

December 18, 2012
Room 546 S—Statehouse

Members Present

Representative Steve Huebert, Chairperson
Senator Jean Schodorf, Vice-chairperson
Senator Marci Francisco
Senator Bob Marshall
Senator Ruth Teichman
Senator John Vratil
Representative Barbara Ballard
Representative Eber Phelps
Representative Mitch Holmes
Representative Ron Ryckman, Sr.

Members Absent

Senator Terrie Huntington
Representative Clay Aurand
Representative Owen Donohoe

Staff Present

Reagan Cussimano, Kansas Legislative Research Department
Martha Dorsey, Kansas Legislative Research Department
Rebecca Manes, Kansas Legislative Research Department
Sharon Wenger, Kansas Legislative Research Department
Jason Long, Office of the Revisor of Statutes
Eunice Peters, Office of the Revisor of Statutes

Morning Session

Chairperson Huebert opened the meeting by welcoming everyone in attendance and introducing the Committee's newest member, Representative Mitch Holmes, who replaced Representative JoAnn Pottorf.

Senator Vratil moved to approve the minutes of the November 13, 2012, meeting. Representative Phelps seconded the motion. The motion carried.

Higher Education

Dr. Andy Tompkins, President and CEO, Kansas Board of Regents, presented a "Higher Education Update," including the Board of Regent's 2013 Legislative Issues (Attachment 1). The legislative initiatives request included the following:

- Change current military scholarship law making it more general so anyone who has served overseas and received hostile fire pay would be eligible for in-state tuition rates;
- Extend the Postsecondary Education Authority until 2017 (currently sunsets in 2014);
- Authorize Emporia State University to sell apartments built in the 1960s as married student housing (located off campus);
- Authorize the University of Kansas to trade property with the Kansas University Endowment Association; and
- Authorize motorcycle owners to purchase distinctive license plates, such as those for educational institution alumni associations, *via* county treasurers.

Dr. Tompkins answered questions regarding various higher education issues, including the decommissioning of the KAN-ED network. When asked why the Legislature authorized a study of KAN-ED to be administered by the Department of Commerce, Dr. Tompkins said he was unsure of the reasoning behind this as KAN-ED would be decommissioned by the time the study is complete. One member stated in rural Kansas there are few choices for internet service. Dr. Tompkins replied some entities have only one choice; however, entities can go to Kan-REN, if nothing else is available. Finally, Dr. Tompkins noted assistance will continue to be provided for distance learning for school districts and for telemedicine applications *via* the Board of Regents.

Dr. Blake Flanders, Vice President of Workforce Development, Kansas Board of Regents, provided an update on technical education initiatives in 2012 SB 155. He stated an estimated 2,600 students have taken advantage of the tuition-paid higher education for high school students provided by the bill. He said the actual count of students will be done in February 2013. He reminded members that colleges do not charge for tuition under the provisions of SB 155; funding to the institutions of higher education will be needed in future years.

Senator Vratil made a motion to introduce and favorably recommend the five bills requested of the Board of Regents. Senator Teichman seconded the motion. There was unanimous approval of the motion.

Dr. Ed Berger, President, Hutchinson Community College, speaking on behalf of the Kansas Association of Community College Trustees, presented the Kansas Community College 2013 Legislative Priorities (Attachment 2). Included were the following:

- Fund an additional \$8.0 million for further implementation of the tiered technical education funding model;
- Fully fund SB 155 (the 2012 Legislature funded approximately one-half of the estimated costs of SB 155 as developed by the Kansas Board of Regents); and
- Extend tax credits and reinstate the Postsecondary Educational Institution Long-Term Infrastructure Maintenance Program (PEI) loans. These are the only sources of state assistance for deferred maintenance, according to Dr. Berger.

Mary Jane Stankiewicz, Kansas Board of Regents, stated the Board chose not to bring these initiatives forward, however, the Board is supportive of these initiatives.

Chairperson Huebert stated he hoped Dr. Berger and other community college representatives would bring these initiatives to the Governor's attention. Dr. Berger replied they would be communicated to the Governor and Legislature. In response to the question of the total cost to fund SB 155 initiatives, Dr. Berger and Dr. Flanders indicated last year's appropriation was one-half of the total needed funds.

K-12 Education

Valley Center Schools Spaceflight Experiment

Five students from the Valley Center School District (Logan Burks, Garrett Chandler, Wesley Crow, Cole Klinkhammer, and Samuel Sheahan), Superintendent Cory L. Gibson, and teachers Kristen Joyal and Jeff Tracy presented information on an experiment developed by the students that will be a part of a six-week space station flight to be launched in April 2013 (Attachment 3).

Proposed K-12 Legislation

Chairperson Huebert moved to introduce a bill reauthorizing the school district property tax mill levy (20 mills) for the 2013-2014 and 2014-2015 school years. Senator Teichman seconded the motion. The motion passed with unanimous approval.

Chairperson Huebert moved to introduce a bill creating a new foundation funding obligation for school districts using a portion of the current local option budget as a mandatory contribution toward a district's general operating budget (2011 HB 2269). Representative Ryckman seconded the motion. The motion failed on a vote of three in favor; seven opposed.

Governor's School Efficiency Task Force

Ken Willard, Chairperson, Governor's School Efficiency Task Force, presented a summary of the Task Force's findings discussed at its final meeting on December 10, 2012. Mr. Willard provided the following comments regarding the Task Force's final report, which would be available for the Governor in early January 2013.

- There was not general agreement on the statutory goal of 65 percent funding to school districts being spent on instruction. The School Efficiency Task Force will recommend another task force be created to review the 65 percent goal and redefine it.
- The Governor's Task Force discussed 13 items related to increased efficiency, which are being synthesized by staff for the final report.
- The Task Force agreed efficiency audits of school districts should be done and some amount of funding should be made available for such audits.

When asked whether the Task Force would recommend a two-year funding cycle for school districts, Mr. Willard told Committee members the Task Force would recommend funding for school districts be provided in two-year cycles to provide more funding stability.

Gannon School Finance Court Case

Jason Long told members Judge Theis had provided a letter to the counsel in this case, indicating a decision would be forthcoming the first of the year in 2013 ([Attachment 4](#)).

The Committee recessed for lunch at 11:50 a.m.

Afternoon Session

The Committee reconvened at 1:30 p.m.

Kansas Educator Evaluation Protocol (KEEP)

Scott Myers, Kansas Department of Education (KSDE), presented an update on KEEP ([Attachment 5](#)). By March 2013, districts must inform KSDE what system the district will adopt or create. Mr. Myers stated, by the 2014-15 school year, all school districts must have an evaluation system in place to meet the federal Blueprint for Reform requirements. An approved system must have "multiple measures" of accountability, and student growth must be "significant and important" in the systems. The system does not have to be KEEP. There are other systems available or a district could create its own system, which must be approved by KSDE.

Oklahoma's Scholarship for Students with Disabilities Program

Representative Jason Nelson, member of the Oklahoma Legislature, provided information on the Lindsay Nicole Henry Scholarship for Students with Disabilities ([Attachment 6](#)). Representative Nelson stated he and a colleague reviewed a similar law in Florida. He stated the bill creating the scholarship had bipartisan support. Currently, 188 students receive the scholarships with a savings of \$127,000 to the state. Parents choosing to use the scholarship and send their children to non-public schools forfeit any rights under the federal Individuals with Disabilities Education Act (IDEA). He noted parents pay any difference between the scholarship amount and the cost of private school. Representative Nelson stated parents of only two students in the scholarship program pay an additional amount.

Kansas Policy Institute

David Trabert, President, Kansas Policy Institute, provided information on spending and student achievement in Kansas public schools ([Attachment 7](#)). Related to Kansas' ACT scores, Mr. Trabert noted demographics have driven the difference in composite ACT scores. His presentation states the "ACT score only appeared to decline in 2012, the demographics shifted." Mr. Trabert's chart showed a greater percentage of minority group students taking the ACT in 2012 than in 2011. "Once again, funding changes have no impact on independent national tests," according to Mr. Trabert.

Mr. Trabert stated Kansas' fourth grade reading standards are lower than in 40 other states. In addition, he emphasized, of the five performance categories on state assessments, only the top two – exemplary and exceeds standards – represent students having "full comprehension" of material.

James Franko, Vice President and Policy Director, Kansas Policy Institute, presented information on "Student Centric Reforms Across the Nation" ([Attachment 8](#)). The information included a list of initiatives described as focusing on the "individual child," including a variety of scholarships, A–F grading of schools, and social promotion bans. Several items on the list were programs undertaken by Kansas, such as online learning and education savings accounts.

Performance Audit Related to No Child Left Behind (NCLB) Waiver

Joe Lawhon, Kansas Legislative Division of Post Audit, presented an audit titled "K-12 Education: Estimating Potential Costs Related to Implementing the No Child Left Behind (NCLB) Waiver in Kansas." The audit can be found at <http://www.kslpa.org>.

Auditors estimated between \$34 million and \$63 million in real and opportunity costs could be incurred over the next five years to implement the principles of the NCLB waiver; however, KSDE would incur little cost and might achieve savings during the same period. When asked by a member what the cost estimate would be if "opportunity costs" were eliminated from the audit's estimates, Mr. Lawhon indicated there may not be any additional out-of-pocket expenses for school districts because of moneys already budgeted for new textbooks and other similar expenses.

Additional Committee Action

Chairperson Huebert told members a draft report would be sent out by staff for Committee approval. Chairperson Huebert and Vice-chairperson Schodorf thanked members and staff. *Senator Vratil made a motion to add to the final report the following recommendation: The Committee supports and recommends the 2013 Legislature honor the statutory commitment of KSA 72-6410 and fund Base State Aid per Pupil in the amount of \$4,492 in FY 2014.*

Chairperson Huebert indicated Senator Vratil could not make the motion because the meeting was at its end. Senator Vratil disagreed, at which time the Chairperson adjourned the meeting and left the meeting room along with two other members. The Vice-chairperson assumed leadership of the Committee meeting and accepted the motion. *Senator Teichman seconded the motion. A vote on the motion was seven in favor and none opposed.*

The meeting adjourned at 3:50 p.m.

Prepared by Sharon Wenger

Approved by Committee on:

January 14, 2013

(Date)