

MINUTES OF THE SENATE SENATE SELECT COMMITTEE ON EDUCATION FINANCE
COMMITTEE

The meeting was called to order by Chairperson Molly Baumgardner at 10:30 am on Tuesday, April 03, 2018, in room 548-S of the Capitol.

All members were present

Committee staff present:

Amy Robinson, Kansas Legislative Committee Assistant
Eddie Penner, Legislative Research Department
J.G. Scott, Legislative Research Department
John Hess, Legislative Research Department
Lauren Mendoza, Legislative Research Department
Nick Myers, Office of Revisor of Statutes
Tamera Lawrence, Office of Revisor of Statutes

Conferees appearing before the Committee:

Eddie Penner, Kansas Legislative Research Department
Lauren Mendoza, Kansas Legislative Research Department
Nick Myers, Office of Revisor of Statute
Tamera Lawrence, Office of Revisor of Statute

Others in attendance:

No list available

Discussion on:

Chairperson Baumgardner called the meeting to order.

[\(Attachment 1\)](#) Senator Denning introduced his amendment on BASE aid increases and discussed the changes in detail. He stated that this gives Kansas a 93% graduation rate by 2023 and moves the English language and Math to a 85% each . It also effects the second page of the new bill, noting it changes the bill some but the logic is still correct.

Senator Bollier asked what was our base aid the last time constitutional base aid was correct. Senator Hensley responded in 2008-09 it was \$4,400.

Senator Hensley asked what the fiscal note would be in terms of the number of dollars it would take to increase the base. Senator Denning responded that 2020 is \$53.2 million, and in 2021 it is \$54.6 million, and in 2022 it goes to \$56 million, and then when the base goes to \$4,574 in 2023 it is \$57.4 million.

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Senator Bollier asked if these amounts were in addition to each other. Senator Denning responded that yes they are stacking.

Senator Denning moved the amendment and it was seconded by Senator Kerschen. The motion passed.

[\(Attachment 2\)](#) Senator Bollier presented an amendment that addressed yesterday's change to high and low enrollment numbers. She discussed it in detail.

Senator Bollier clarified Committee questions briefly.

Senator Bollier moved the amendment and it was seconded by Senator Denning. The motion passed.

[\(Attachment 3\)](#) Chairperson Baumgardner presented an amendment that addressed the concerns to clarify the mental health pilot and noted that the changes are on page two to clarify language knowing that some schools do not have specific relationships. Language was added that states "priority shall be given to school districts and schools that have not established collaborative relationships with mental health providers in their communities". She noted that this amendment does not help to directly hire staff such as social workers, however, it will go to schools to build relationships with mental health providers.

Senator McGinn responded that she was asked to come up with something similar yesterday, and she provided her amendment to the Committee that addressed similar changes. [\(Attachment 4\)](#) Senator McGinn stated what she did was make sure it was a statewide program. She took some of the language from the review, and also called it CMH Program. Senator McGinn noted that she understood not everyone had a community mental health center and she would be fine with adding a few entities, but would not take out the word "community" as she stated we know what those centers do.

Senator Bollier stated she would be supportive of the first amendment because of the limiting factors of the second amendment by Senator McGinn.

Chairperson Baumgardner stated that we do know that some districts that might have mental health providers that are not specifically with the CMHC's, and they know that some hospitals have a relationship and may want to expand. She is concerned that small districts that may be isolated have the means to establish a collaborative effort that may not be in their community. Senator McGinn stated that the centers in isolated areas are the communities' only means of mental health. She recommended leaving the "community mental health center" language and add "other mental health providers". Chairperson Baumgardner stated she was fine with that, and that the language "state-wide" should be kept from the McGinn amendment.

Senator Hensley commented that the amendment drops the pilot and makes it a three year program.

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Senator McGinn responded that she looked at what the Governor had previously said, and rather than putting counselors in schools, she feels that it is important for schools to build relationships with those that have experience. Senator McGinn also stated that many of these entities are trying to help in schools, and if they can bill medicaid they do, but they provide this service either way. She stated she is trying to provide greater accessibility.

Senator Kerschen asked about the language of the transfer of funds as directed in the amendment. Senator McGinn responded that to her it appears they are working off the Baumgardner amendment, and she would have to go back to look at this.

Chairperson Baumgardner stated for clarification the pilot would be for one year so we could have hearings and feedback in the following year so this program could be evaluated and adjusted if needed. Her goal is to have this program ongoing. Chairperson Baumgardner asked if we are comfortable making changes to the first balloon. Senator Pettey stated that in the third line it already has "state-wide" included, and she asked if any school district that already has a collaborative program would not be eligible. Chairperson Baumgardner clarified who would be able to have access to this funding, stating priority would be given to those establishing new programs or expanding their existing one.

Mr. Myers clarified the changes that the Committee was requesting for the amendment to include mental health funding. Discussion ensued to clarify language changes, as well as ensuring providers are not limited.

Chairperson Baumgardner moved the amendment as amended and it was seconded by Senator McGinn. The motion passed.

[\(Attachment 5\)](#) Chairperson Baumgardner introduced an amendment that was created by feedback from Legislative Post Audit and staff. The amendment consists of date changes for performance audits, striking language that is no longer needed, and an update to (f) that strikes the identifying best practice in successful schools and adds language that provides a reasonable estimate of the costs of providing special education and related services. Ms. Lawrence clarified the changes, noting this would create a separate audit for special education.

Chairperson Baumgardner commented that she felt it was important to move the virtual school audit to a closer date.

Senator Pettey stated she was cautious about having a special education audit too soon, noting that they are looking at increased funding. She stated it was somewhat premature to have this audit before schools have reacted to this additional funding. Discussion ensued on changing the date of this audit.

Senator McGinn asked for clarification on why the language was taken out of (f). Chairperson

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Baumgardner noted her thought was to address providing services for special education. Chairperson Baumgardner stated she's understood concerns and would be willing to change these dates.

Senator Kerschen moved the amendment with discussed changes to the audit date and it was seconded by Senator Denning. The motion passed unanimously.

No further amendments were presented. Chairperson Baumgardner discussed the updated spreadsheet that Mr. Myers was directed yesterday to create. [\(Attachment 6\)](#) Mr. Myers noted that changes were made to dollar amounts and the \$1 million for Pre-K At-Risk was added to this working document. Discussion ensued on the changes and what direction the Committee wanted to take. The Committee agreed to add the funding to the base aid and not have it as a separate line item.

Senator Bollier confirmed that language has been changed on the concurrent enrollment to include all institutions and not just public institutions. Discussion on concurrent enrollment ensued to clarify language and changes and the reasons for this change.

Senator Denning motioned to pass Substitute SB423 as amended with changes from the staff of the Office of Revisor of Statute and it was seconded by Senator Kerschen. [\(Attachment 7\)](#)

Senator Hensley asked if the Chair would be seeking legal opinion for this bill. He noted that Jeff King had not been present lately at the meetings, and he believed Mr. King was the Senate Attorney. Chairperson Baumgardner responded that Mr. King was keeping up through live audio, and he is abreast of the Committee's actions and amendments and would be consulted. Senator Bollier asked if Mr. King took the position that this bill would not comply with the Supreme Court if the Committee would re-look at this bill. Chairperson Baumgardner responded that she would wait to see as there could be minor floor amendments, but she is not opposed to bringing it back to the Select Committee on Education Finance if we need to work on this bill further. It is her intent that anything brought to the floor is the Committee's best work, and it goes to the floor a clean and acceptable bill.

The Committee asked clarifying questions on the amendments, the bill, and final votes, before proceeding to vote on the bill. Senator McGinn and Senator Pettey stated they had concerns on this bill but would be voting yes.

The motion to accept Sub SB423 as amended passed. Let the recorded show that Senator Hensley and Senator Pettey voted no.

Chairperson Baumgardner adjourned the meeting.