

Selected Senate & House Education Summaries

2012 Legislative Session



Compiled by:
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This booklet, Selected Senate & House Education Summaries – 2012 Legislative Session, is published annually to provide enrolled copies and summaries of selected education bills passed by the Kansas Legislature relating generally to Unified School Districts, Interlocal operatives, and private school.

The summaries of the bills were prepared by the Kansas Legislative Research Department in cooperation with the Kansas Department of Education.

The bills chosen include important legislative information related to education and may be found and printed from:

http://www.kslegislature.org/li/b2011_12/year1/measures/.

To select a specific bill, type the bill number in the “Filter” search box on the right of the page, or scroll through the list of bills and resolutions in the center of the web page.

Dale M. Dennis, Deputy Commissioner
Division of Fiscal & Administrative Services
June, 2012

Fiscal Year

| Program | FY 2012 | | FY 2013 | |
|--|----------------------|----------------------|----------------------|----------------------|
| | Gov. Rec | Approved | Gov. Rec | Approved |
| General State Aid | 1,927,437,932 | 1,927,437,932 | 1,888,411,728 | 1,957,322,270 |
| ARRA | - | - | - | - |
| Education Jobs Fund | 1,365,577 | 1,365,577 | - | - |
| General State Aid: Total | 1,928,803,509 | 1,928,803,509 | 1,888,411,728 | 1,957,322,270 |
| | \$3,780 BSAPP | \$3,780 BSAPP | \$3780 BSAPP | \$3,838 BSAPP |
| Supplemental General State Aid | 339,223,833 | 339,223,833 | 339,212,000 | 339,212,000 |
| Supplemental General State Aid: Total | 339,223,833 | 339,223,833 | 339,212,000 | 339,212,000 |
| School District Finance Fund | 49,000,000 | 49,000,000 | 49,000,000 | 49,000,000 |
| Capital Improvement Fund | 104,825,000 | 104,825,000 | 107,500,000 | 107,500,000 |
| Capital Outlay State Aid | - | - | - | - |
| Juvenile Detention Facilities | 6,012,355 | 6,012,355 | 6,012,355 | 6,012,355 |
| Declining Enrollment State Aid | - | - | - | - |
| Special Education Services | 428,140,397 | 428,140,397 | 427,717,630 | 427,717,630 |
| ARRA: | 396,920 | 396,920 | - | - |
| Special Education Services: Total | 428,537,317 | 428,537,317 | 427,717,630 | 427,717,630 |
| Mentor Teacher Program | - | - | 1,100,000 | - |
| Professional Development | - | - | - | - |
| School Food Service Match | 2,487,458 | 2,487,458 | 2,510,486 | 2,510,486 |
| Educable Deaf/Blind Program | 110,000 | 110,000 | 110,000 | 110,000 |
| Ag in the Classroom | - | - | - | - |
| Discretionary Grants | - | - | - | - |
| After-school Enhancement Programs | 187,500 | 187,500 | 187,500 | 187,500 |
| After-School Programs for Middle School Students | 125,000 | 125,000 | 125,000 | 125,000 |
| Environmental Education | - | - | - | - |
| Communities in Schools | - | - | - | - |
| Kansas Teacher of the Year | 9,957 | 9,957 | 9,957 | 9,957 |
| Kansas History Teaching Materials | - | - | - | - |
| Discretionary Grants: Total | 322,457 | 322,457 | 322,457 | 322,457 |
| KANSAS CAREER PIPELINE GRANT | - | - | - | - |
| Parent Education | 7,237,635 | 7,237,635 | 5,023,541 | 7,237,635 |
| Pre-K Pilot | 4,799,812 | 4,799,812 | 3,323,750 | 4,799,812 |
| KPERS – Schools | 366,383,168 | 366,383,168 | 332,095,628 | 323,984,113 |
| National Board Certification | 66,694 | 66,694 | - | - |
| School Safety Hotline | 10,000 | 10,000 | 10,000 | 10,000 |
| Driver’s Education | 1,050,000 | 1,050,000 | 1,175,000 | 1,175,000 |
| Tech Ed Transportation | - | - | 500,000 | 500,000 |
| Tech Ed Promotion | - | - | 50,000 | 50,000 |
| Tech Ed | - | - | 28,910,952 | - |
| Total | 3,238,869,238 | 3,238,869,238 | 3,192,985,527 | 3,227,463,758 |

Major Budget Adjustments from Governor's Recommendation

- Added \$40.0 Million to FY 2013 General State Aid
- Added Proviso requiring an audit of the costs to implement Common Core Standards.
- Returned FY 2013 appropriations for Parent Ed and Pre-K pilot to FY 2012 Levels
- Combined FY 2013 Tech Ed appropriation into General State Aid
- Reduced Mentor Teacher Grants to fund implementation of Kansas Educator Evaluation Protocol (KEEP) and
- Enacted 4th Quarter Death and Disability Moratorium on FY 2013 KPERS - Schools monies

** Governor Vetoed remaining funding (\$484,337) for FY 2013 Mentor Teacher grants.

SENATE

SB 11

SB 11 deals with transportation of non-resident pupils, the special education state aid formula, an alternative formula for calculating the local option budget, flexibility in the use of SB 11 unencumbered funds, and balances in the contingency reserve fund.

Transportation of Non-Resident Pupils

The bill would change the school finance law to redefine non-resident pupil. The bill would define a non-resident pupil as a student or member of the student's family who lives 2.5 or more miles from the attendance center the student would attend in the district in which the student resides. (Current law defines a non-resident pupil as a student or member of the student's family who lives ten miles or more from the resident attendance center.)

The bill would clarify that provisions of the bill would not apply to school districts located in Johnson, Sedgwick, Shawnee, or Wyandotte counties.

Special Education State Aid Formula

The bill would repeal the portion of the special education state aid formula that determines the minimum and maximum amount of special education state aid a school district may receive.

Alternative Formula for Calculating Local Option Budget

The bill would provide an alternative formula for calculation of the local option budget of a school district. The bill would allow a school district to choose the 2008–09 special education state aid or the current year's special education state aid, whichever amount is greater, to calculate the amount of state aid that the district would receive for its local option budget.

Flexibility of Unencumbered Funds

The bill would allow a school district to continue to transfer unencumbered cash balances for the 2012–2013 school year from each of the following funds: at-risk, bilingual, contingency reserve, driver training, preschool-aged at-risk parent education program, professional development, summer program, textbook and student materials, special education, virtual education, and vocational education for general operating expenses of the district. The textbook and student materials and special education funds transfer would be limited to one-third of the balance for general operating expenditures of the district.

The maximum allowed to be transferred from the unencumbered funds would not exceed \$250 multiplied by the adjusted enrollment of the district.

Contingency Reserve Funds

Finally, the bill would allow a school district to keep up to ten percent of the district's general fund budget in a contingency reserve fund. The bill would not have an expiration date related to this provision. (Current law would reduce the amount to six percent for the 2012–2013 school year and the years thereafter.)

House Sub. For SB 129

House Sub. for SB 129 would amend requirements for extension and drainage district elections, add a form of identification acceptable for voting, provide for free birth certificates for purposes of voting, and increase the campaign contribution limit for State Board of Education candidates from \$500 to \$1,000.

Campaign Contribution Limits for State Board of Education (Section 4)

The bill would increase the campaign contribution for State Board of Education candidates from \$500 to \$1,000 for each primary or general election. This limit would apply to these types of contributions:

The aggregate amount contributed to a candidate, the candidate's candidate committee, and all party committees and political committees dedicated to the candidate's campaign, by any political committee or any person except a party committee, the candidate, or the candidate's spouse; and

The amount contributed by each individual party committee of the same political party other than a national party committee to any candidate for office, for any primary election at which two or more candidates are seeking the party's nomination.

SB 155

SB 155 concerns career technical education for secondary students, amends the powers and duties of technical college boards by allowing the technical college boards to acquire property by lease-purchase, makes changes to the school finance formula related to at-risk students, and revises the provision in the school finance law concerning the calculation of the high-density at-risk pupil weighting.

Career Technical Education

The bill would require the Kansas State Board of Education (State Board) to conduct or contract for a study of the implementation of a new requirement that each school district maintain an individual career plan of study for each student enrolled in grades 8 through 12. The State Board would need to submit findings from the study to the Legislature by January 15, 2014. This provision would go into effect on July 1, 2013.

The State Board also would be required to report to the Legislature by January 15, 2014, regarding a proposed strategy and a proposed plan for providing state aid to career technical education programs or courses in school districts and shall consider the funding scheme under the postsecondary tiered technical education state aid act.

The bill also would require the Kansas Board of Regents to establish a career technical education incentive program, which would award \$1,000, subject to appropriation, to a school district for each high school graduate who graduates from that district with an industry-recognized credential in a high-need occupation, as identified by the Kansas Secretary of Labor, in consultation with the Kansas Board of Regents and the State Board. The bill would allow the Kansas Board of Regents to adopt rules and regulations necessary to administer the program.

Career Technical Education (continued)

A school district would reimburse a pupil who has not obtained a high school diploma and is currently or previously was enrolled in a career technical education course or program in the district an amount up to half of the cost of the industry-recognized credential assessment (assessment). This reimbursement would be taken out of the \$1,000 incentive award to the school district. No school district would be required to pay for three or more assessments for the same or substantially the same credential if the pupil fails to earn the credential within two attempts of taking the assessment. After payment for assessments, the school district would be allowed to use any remaining portion of the \$1,000 award for the district's operating expenses. The same provisions would apply to students from a private secondary school, attending a community or technical college or institute of technology, except that the Kansas Board of Regents would reimburse a community or technical college or institute of technology for payment of the cost of assessments up to \$1,000 per student. The bill also clarifies that the Kansas Board of Regents would be required to distribute state funds to community colleges, technical colleges, and the Washburn Institute of Technology for the costs associated with secondary students enrolled at postsecondary career technical educational programs, to the extent sufficient moneys are appropriated to the program. The bill would allow the governing board of a community college, technical college, or institute of technology to apply to the Kansas Board of Regents for permission to establish a career technical education program outside of the institution's service area if the program is not currently being offered in that service area. The provisions of this section would go into effect on July 1, 2013.

High school students admitted to a vocational education course or program conducted by a community college, technical college, or institute of technology could be charged fees, but not tuition. Tuition for secondary career technical education students would be subject to appropriations.

The bill would define "secondary student" as a pupil who has not attained a high school diploma or a general educational development credential and is regularly enrolled in or attending a public or private secondary school. The term "institute of technology" would refer to the Washburn Institute of Technology.

The bill would require the Kansas Board of Regents to initiate the development of a statewide articulation agreement on career technical education programs among high schools, community colleges, technical colleges, and the Washburn Institute of Technology. This provision would go into effect on July 1, 2013.

The bill would maintain the vocational education program weighting of 0.5 in current law which is used to compute the full-time equivalent enrollment in any approved vocational education program, with no sunset on this provision.

Technical College Boards' Ability to Acquire Property by Lease-Purchase

Additionally, the bill would amend the powers and duties of technical college boards by allowing the boards to acquire any property by lease-purchase which is necessary or desirable for technical college purposes. The lease purchase agreement is limited to ten years, may provide for annual or other payment of rent or rental fees, including maintenance or other expenses, and is subject to change or termination at any time by the Legislature and must contain a clause containing such termination language.

At-Risk Students

The bill also would make changes to the school finance formula related to at-risk students. If a student submits an application for free meals under the National School Lunch Act, and it is later determined that the student should not have been eligible, the school district or the Department of Education would notify the State Board of Education. After the notification, the Board would recompute the general fund budget of the school district based upon the adjusted enrollment, excluding the at-risk student. The amount of state aid to the affected district would be adjusted accordingly. In addition, if a student became ineligible to receive free meals under the National School Lunch Act for failure to submit, in a timely manner, documentation necessary for verification of eligibility, the district would have until January 14 of the school year to submit the student's required documentation and avoid exclusion from the district's at-risk student count. This portion of the bill would not become effective until school year 2012–13.

High-Density At-Risk Pupil Weighting

Finally, the bill would revise the provision in the school finance law concerning the calculation of the high-density at-risk pupil weighting. The bill would provide for a linear transition formula to calculate the high-density at-risk pupil weighting for districts having between 35.0 percent and 50.0 percent at-risk pupils.

For those districts having an at-risk pupil percentage of 50.0 percent or more, or for districts having an enrollment of at least 35.1 percent at-risk pupils and an enrollment density of at least 212.1 pupils per square mile, the district would multiply the number of at-risk pupils by 0.105 to determine the high-density at-risk weighting. For those districts having between 35.0 percent to less than 50.0 percent at-risk pupils, the district would multiply the number of at-risk pupils by a factor of 0.7.

The medium-density at-risk weighting would expire on June 30, 2012.



Senate Sub. For Sub. For HB 2333

Senate Sub. for Sub. for HB 2333 would amend the current Kansas Public Employees Retirement System (KPERS) plan design (Tiers 1 & 2), including provisions for the correctional subclass of the state group. The bill also would add a new plan design (Tier 3—Cash Balance plan) for future members of the state, school, and local public employee groups. Both employer and employee KPERS contributions for Tier 1 and Tier 2 would be increased to help address the unfunded actuarial liability. The bill generally does not address the Kansas Police and Firemen's (KP&F) Retirement System or the Retirement System for Judges (Judges) that are other plans also administered by KPERS. The bill would implement the following major changes:

- Add a Cash Balance (CB) plan established as a new Tier 3 within the existing KPERS defined benefit plans, effective January 1, 2015;
- Provide for death and long-term disability insurance that would continue coverage as long as the active Tier 3 member is working for a participating employer;
- Retain most revenue enhancing provisions from HB 2194 to be implemented beginning July 1, 2014, to address the Tier 1 and Tier 2 unfunded actuarial liability;
- Use a single actuarially-determined employer contribution rate covering all three KPERS tiers calculated for each KPERS group, subject to new, higher statutory annual caps on increased contributions;
- Extend for three years to July 1, 2015, a salary cap exemption for school professionals who go back to work after retiring from KPERS and are employed full time by the same KPERS participating employer who will continue to pay a special contribution rate for retired members;
- Change the basis of calculation for legislator KPERS retirement benefits and contributions based on reducing the current period from 372 days to 365 days; and
- Provide for a fourth quarter moratorium in FY 2012 for KPERS participating employers' contributions to the death and long-term disability program.

Senate Sub. For HB 2390

Senate Sub. for HB 2390 would amend the KAN-ED Act to phase out the KAN-ED network. It would provide funding for the KAN-ED program from the Kansas Universal Service Fund (KUSF) for fiscal year 2013, subject to the provisions of appropriations acts. The purpose of the program would be to facilitate use by schools, libraries, and hospitals of broadband technology-based video communication for distance learning and telemedicine.

Senate Sub. For HB 2390 (continued)

The bill would direct the Kansas Board of Regents (Board) to provide the KAN-ED program and would authorize the Board to contract for goods and services necessary to administer the program. The program could not provide for the following:

- Impairment of any existing contract for telecommunications or internet service to any school, library, or hospital;
- State ownership or construction of any network facilities other than those owned or under construction on the effective date of the act;
- Switched voice access, except to the extent it is being provided by state facilities on the effective date of the act;
- Transmission of voice over internet protocol (VoIP), except to the extent necessary to facilitate interactive two-way video;
- Content; or
- Use of the program for purposes inconsistent with the purposes of the act.

The Board would transition schools, libraries and hospitals with a KAN-ED connection as of January 1, 2012, to a commercial broadband internet connection by June 30, 2013. Participants would receive up to \$350 per month for the cost of broadband service from the time they transitioned off the KAN-ED network until June 30, 2013. The Board would assist schools, libraries, and hospitals to apply for federal grants, including e-rate, consistent with the purposes of the act.

The Secretary of Commerce (Secretary) would contract for a needs assessment for schools, libraries, and hospitals connected to the network as of January 1, 2012. For each such entity, the assessment would include current and future broadband service and quality needs, as well as a determination of all KAN-ED expenses for shared services or infrastructure that are providing services and network connections. The contractor would be required to have expertise in telecommunication services for educational institutions.

Based on the results of the needs assessment the Secretary, in coordination with the contractor, shall create a report that includes the analysis described below. The cost of the needs assessment and report would be paid by the Board, could not exceed \$250,000, and would be required to be submitted to the Board by January 1, 2013. The report would:

- Compare the utilization, efficiency, and effectiveness of KAN-ED to other similar programs in other states for schools, libraries, and hospitals;
- Determine if the KAN-ED program, as of the effective date of this act, is worth its cost in terms of price, service, quality, needed network upgrades, and increased utilization of broadband by schools, libraries, and hospitals;
- Determine if there are alternative models or opportunities for broadband procurement by schools, libraries, and hospitals;

Senate Sub. For HB 2390 (continued)

- Determine if the services and applications offered by KAN-ED lead to full utilization of broadband technology by schools, libraries, hospitals and their surrounding communities; and
- Recommend any cost-effective broadband services that are available.

The Board would be required to develop a plan, based on the needs assessment or collected data, to facilitate distance learning and telemedicine by schools, libraries, and hospitals and to transition entities with a direct KAN-ED connection as of January 1, 2012, to a commercial broadband internet connection no later than June 30, 2013.

The Board would be required by January 15, 2013 to submit a report to several legislative committees that addresses, among other things, distance learning and telemedicine usage, options for a shared fee structure, options for funding the program for fiscal year 2014, and the transition plan described above.

The bill would provide for two new definitions. "Program" would be defined as the KAN-ED program created to facilitate schools', libraries', and hospitals' use of broadband technology- based video communication for distance learning and telemedicine. "Broadband technology based video communications" would be defined as a class of communications technologies which may include switched ethernet services, DSL, cable modem, private line service, multiprotocol label switching (MPLS) based networks, managed or dedicated internet technologies, and other future technologies capable of supporting such applications.

The bill would be in effect upon publication in the Kansas Register.

HB 2429

HB 2429 would remove the expiration date on the State Education Institution Project Delivery Construction Procurement Act, which applies only to university construction projects and services funded totally with non-state money. (The Act is due to expire on June 30, 2012.)

Sub. For HB 2477

Sub. for HB 2477 would require that students age 16 or 17 who withdraw from school be informed of educational alternatives during a final counseling session, which would include an alternative learning plan for the student. The alternative learning plan would identify educational programs located in the area where the student resides and are designed to aid the student in obtaining a high school diploma, general educational development (GED) credential, or other completion certificate. Current law requires other items be discussed in the final counseling session.

HB 2569

HB 2569 would extend for five years exceptions to the Kansas Open Records Act that are set to expire July 1, 2012.

HB 2769

HB 2769 would clarify, retroactive to tax year 2011, that any and all housing developments and related improvements located on U.S. military installations and used exclusively or primarily by military personnel and their families are exempt from property taxation, notwithstanding the fact that the property may have been developed pursuant to the military housing privatization initiative.

The bill would be in effect upon publication in the Kansas Register.

HB 2777

HB 2777 amends the current special education state aid law to include special teachers who assist in providing special education and related services to students at the Kansas State School for the Blind and Kansas State School for the Deaf when calculating special education state aid for each district. The State Board of Education may charge a home school district, the district in which a student would reside or would otherwise be enrolled in if not attending the School for the Blind or School for the Deaf, for services provided by special teachers who assist in providing special education and related services to students at either school per an individualized education program.

The bill would be in effect upon publication in the Kansas Register.

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Photos courtesy Kansas State Historical Society



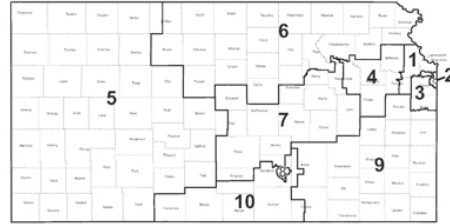


Great students. Great teachers. Great leaders. Great citizens.

The mission of the Kansas State Board of Education is to prepare Kansas students for lifelong success through rigorous academic instruction, 21st century career training, and character development according to each student's gifts and talents. To accomplish this mission the State Board has identified four goals. They are as follows:

- Provide a flexible delivery system to meet our students' changing needs.
- Provide an effective educator in every classroom.
- Ensure effective, visionary leaders in every school.
- Collaborate with families, communities, constituent groups, and policy partners.

Adopted 5/2011



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An Equal Employment/Educational Opportunity Agency

The Kansas State Board of Education does not discriminate on the basis of race, color, national origin, sex, disability, or age in its programs and activities.

The following person has been designated to handle inquiries regarding the non-discrimination policies:

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