

# *Selected Senate & House Education Summaries*

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2013 Legislative Session



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**Compiled by: School Finance Section,  
Division of Fiscal & Administrated Services**

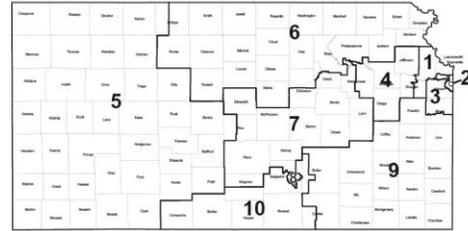
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# KANSAS STATE BOARD OF EDUCATION

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, 21<sup>st</sup> 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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This booklet, Selected Senate & House Education Summaries – 2013 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 schools.

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/b2013\\_12/year1/measures/](http://www.kslegislature.org/li/b2013_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 2013

Program	FY 2013		FY 2014	
	Gov. Rec.	Conference Rec.	Gov. Rec.	Conference Rec.
General State Aid	1,978,617,574	1,978,617,574	1,875,622,270	1,875,622,270
SHF			96,600,000	96,600,000
<b>General State Aid</b>	<b>1,978,617,574</b>	<b>1,978,617,574</b>	<b>1,972,222,270</b>	<b>1,972,222,270</b>
	\$3,838 BSAPP	\$3,838 BSAPP	\$3,838 BSAPP	\$3,838 BSAPP
<b>Supplemental General State Aid</b>	<b>339,224,103</b>	<b>339,224,103</b>	<b>339,212,000</b>	<b>339,212,000</b>
School District Finance Fund	45,900,000	45,900,000	45,900,000	45,900,000
Capital Improvement Fund	110,818,543	110,818,543	114,000,000	114,000,000
Capital Outlay State Aid	-	-	-	-
Juvenile Detention Facilities	5,421,504	5,421,504	5,571,500	5,571,500
Declining Enrollment State Aid	-	-	-	-
Special Education Services	427,724,873	427,724,873	417,717,630	384,717,630
SHF			10,000,000	43,000,000
<b>Special Education Services</b>	<b>427,724,873</b>	<b>427,724,873</b>	<b>427,717,630</b>	<b>427,717,630</b>
Mentor Teacher Program		-	-	-
Professional Development		-	-	-
School Food Service Match	2,510,486	2,510,486	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	-	-	-	250,000
Kansas Teacher of the Year	9,957	9,957	9,957	9,957
Kansas History Teaching Materials			-	-
<b>Discretionary Grants: Total</b>	<b>322,457</b>	<b>322,457</b>	<b>322,457</b>	<b>572,457</b>
KANSAS CAREER PIPELINE GRANT	-	-	-	-
Parent Education	7,237,635	7,237,635	7,237,635	7,237,635
Pre-K Pilot	4,799,812	4,799,812	4,799,812	4,799,812
KPERS – Schools*	328,795,760	328,795,760	328,245,211	328,245,211
ELARF			37,512,000	37,512,000
<b>KPERS-Schools</b>	<b>328,795,760</b>	<b>328,795,760</b>	<b>365,757,211</b>	<b>365,757,211</b>
National Board Certification	18,194	18,194	-	-
School Safety Hotline	10,000	10,000	10,000	5,000
Driver's Education	1,085,000	1,085,000	1,335,000	1,335,000
Agency Operating Expenditures	10,993,646	10,993,646	10,951,692	9,855,481
Agency Moving/Increased Rent	86,582	86,582	700,000	624,829
Tech Ed Transportation - SHF	600,000	600,000	650,000	650,000
Tech Ed Promotion	50,000	50,000	50,000	25,000
Fort Riley State Match	1,500,000	1,500,000	1,500,000	1,500,000
<b>Total</b>	<b>3,265,826,169</b>	<b>3,265,826,169</b>	<b>3,300,557,693</b>	<b>3,299,606,311</b>

	FY 2013		FY 2014	
	Gov. Rec.	Conference Rec.	Gov. Rec.	Conference Rec.
State General Fund	3,095,385,179	3,095,385,179	2,982,523,246	2,948,571,864
Children's Initiatives Fund	12,037,447	12,037,447	12,037,447	12,037,447
School District Finance Fund	45,900,000	45,900,000	45,900,000	45,900,000
State Highway Fund	600,000	600,000	107,250,000	140,250,000
ELARF			37,512,000	37,512,000
Capital Improvements	110,818,543	110,818,543	114,000,000	114,000,000
State Safety Fund	1,085,000	1,085,000	1,335,000	1,335,000
<b>Total</b>	<b>3,265,826,169</b>	<b>3,265,826,169</b>	<b>3,300,557,693</b>	<b>3,299,606,311</b>

## **School Finance; Mill Levy Reauthorization; Financial Reporting Requirements; Military Student Count; Ancillary School Facilities Tax; SB 23**

**SB 23** makes a number of changes related to school finance and reporting. The bill reauthorizes the school district property tax mill levy for the 2013-2014 and 2014-2015 school years and extends the deadline for repeal of the related \$20,000 residential property tax exemption to the end of tax year 2014; modifies reporting requirements in the Kansas Uniform Financial Accounting and Reporting Act; authorizes a second count of military students through the 2017-2018 school year to determine the number of students enrolled in a school district; and continues to allow a local school board that has levied an *ad valorem* tax for ancillary school facilities for two years to levy the tax for up to six years.

### **Continuation of the 20-Mill Levy**

The bill authorizes the school district property tax mill levy for the 2013-2014 and 2014-2015 school years, and extends the deadline for repeal of the \$20,000 residential property tax exemption to the end of tax year 2014.

### **Capital Outlay; New Uses Prerequisite**

The bill authorizes a school district to use capital outlay funds for school district property maintenance, various equipment for academic uses, computer software, and performance uniforms; however, prior to such authorization, the bill requires the Director of the Budget and the Director of Legislative Research to jointly certify to the Secretary of State that capital outlay state aid is fully funded at 100.0 percent of the amount a district is entitled to receive.

### **Changes to the Kansas Uniform Financial Accounting and Reporting Act**

The bill requires each school district and the Kansas Department of Education (KSDE) to report on their respective websites the budget summary for the current school year, as well as actual expenditures for the immediately preceding two school years showing total net transfers and amounts spent per pupil by specific function, disaggregated to show the per-pupil revenue amounts from local, state, and federal sources.

### **Continuation of Military Student Second Count**

The bill authorizes a second count of military students on February 20 to determine the number of students enrolled in a school district to continue through the 2017-2018 school year. The authorization had been set to expire at the end of the 2012-2013 school year.

### **Continuation of Ancillary School Facilities Tax**

The bill allows a local school board that has levied an *ad valorem* tax for ancillary school facilities for two years to continue to levy the tax for up to six years. The amount of the levy is reduced to 90.0 percent in the first year of the six-year period, 75.0 percent in

the second year, 60 percent in the third year, 45.0 percent in the fourth year, 30.0 percent in the fifth year, and 15.0 percent in the sixth year.

Prior law allowed local school boards that had levied an *ad valorem* tax for ancillary school facilities for two years to continue to levy the tax for up to an additional three years.

### **Career and Technical Education; SB 128**

**SB 128** postpones the termination date of the Postsecondary Technical Education Authority and its statutory functions. The prior termination date was June 30, 2014; the bill extends this date by three years, to June 30, 2017. The bill also amends the statute creating the Career Technical Education (CTE) Incentive Program. The bill specifies that a student's accomplishment of obtaining an industry-recognized credential in one of certain specific occupations (a criterion for a school district or community or technical college to receive an incentive award) must be completed prior to graduation from high school or by December 31 immediately following graduation.

## **Kansas Open Records Act Exceptions; HB 2012**

This bill extends to July 1, 2018, the following Kansas Open Records Act exceptions that had been set to expire July 1, 2013:

Information or official records of the Compact on Educational Opportunity for Military Children that would adversely affect personal privacy rights or proprietary interest and all minutes and documents of a closed meeting (KSA 72-60c01).

## **Payroll Deductions; Senate Sub. for HB 2022**

**Senate Sub. for HB 2022** revises the purposes for certain payroll deductions from the paychecks of private or public employees.

### **Wage Payment Act**

An employer may withhold, contingent upon a signed written agreement between the employer and the employee, a portion of an employee's wages for the following purposes:

- Repayment of a loan or an advance the employer made to the employee during the course and scope of employment;
- Recovery of overpayment; and
- Replacement cost or the unpaid balance of the employer's merchandise or uniforms purchased by the employee.

When a person leaves employment, the bill gives the employer the discretion, contingent upon written notice and explanation to the employee, to deduct any portion of the employee's final wages for the following purposes:

- Recovery of the employer's property provided to the employee in the course of the employer's business until the property is returned to the employer. Upon return of the employer's property, the withheld wages are to be paid to the employee;
- Repayment of a loan or advance the employer made to the employee during the course of and within the scope of employment;
- Recovery of payroll overpayment; or
- Replacement cost of the employer's merchandise, uniforms, or equipment purchased by the employee.

The employer cannot withhold amounts that cause the wages paid to the employee to be less than the federal or state minimum wage, whichever is applicable.

Under law previously enacted, an employee may authorize wage deductions for charitable donations, dues paid to labor organizations or for service fees. An employer may withhold or deduct any portion of an employee's wages provide:

- It is allowed by law;
- The deduction is for healthcare;
- The employer has signed authorization by the employee for a lawful purpose

- accruing to the employee's benefit; or
- The deduction is to be deposited into a retirement plan.

The bill also revises the Profession Negotiations Act and the Public Employer-Employee Relations Act (PEERA) by defining and restricting the partisan or political purposes of professional employee' organizations (PEOs) and public employee organizations. For both types of organizations, the bill defines "partisan or political purposed" to mean an act done with the intent to influence, directly or indirectly, a person to vote for or against any candidate for public office at an caucus, political convention, primary, or election.

The bill does not preclude either type of organization from using memberships dues to:

- Communicate with its members about political candidates or issues; or
- Establish a political fund or solicit political contributions from its members.

### **Professional Negotiations Act**

The bill prohibits PEOs, which are defined by KSA 72-5413 to mean groups of certified employees the negotiate with boards of education regarding the terms and conditions of professional services, from using money deducted from members' paychecks for partisan or political activities. PEOs shall not require political contributions as a condition of membership.

The bill requires PEOs to spend money for partisan or political purposes to ensure member' contributions are voluntary. Political funds shall be separate from the money received as union dues and established as a political action committee. Violation of this prohibition must be enforced pursuant to KSA 72-5430a, requiring the Secretary of the Department of Labor to investigate and grant relief, if necessary.

### **Public Employer-Employee Relations Act**

Under law previously enacted, public employee organizations are prohibited from endorsing candidates or spending any income, directly or indirectly, for partisan or political purposes involving the election of candidates for any public office. Under the bill, violation of this prohibition must be enforced pursuant to KSA-4334, requiring the Public Employee Relations Board to investigate and make findings.

### **Uniform State Law for Knives; HB 2033**

**HB 2033** prohibits municipalities from regulating the transportation, possession, carrying, sales, transfers, purchases, gifting, licensing, registration, or uses of a knife or knife-making components. In addition, the bill prohibits a municipality from passing any ordinance, resolution, or rule that would be more restrictive regarding knife manufacturing than the manufacture of any other commercial product.

The bill amends provisions related to the criminal use of weapons and criminal carrying of a weapon by removing certain types of knives, as well as by eliminating certain exceptions for carrying specific types of pocket knives and switchblade knives. The bill also excludes from the definition of "municipalities," school districts, jails, and juvenile correction facilities.

## **Sales and Income Tax; HB 2059**

**HB 2059** makes a number of adjustments to sales and income tax law; clarifies the severance tax law on helium; expands the Rural Opportunity Zone (ROZ) Program; makes a minor change regarding the transfer of title of certain tax-exempt property; and authorizes tax abatement for disaster-damaged property.

### **Sales Tax Provisions**

The bill sets the sales and use tax rate at 6.15 percent on July 1, 2013. The rate since July 1, 2010, had been 6.3 percent but had been scheduled to be reduced to 5.7 percent on July 1, 2013.

Sales and use tax disposition of revenue provisions are adjusted to provide that the net of additional revenues in excess of 5.7 percent is to be deposited exclusively into the State General Fund (SGF).

### **Income Tax Provisions**

Relative to the individual income tax, a number of changes are enacted to Kansas itemized deductions. The deduction for certain gambling losses is repealed altogether. Most other itemized deductions (except the deduction for charitable contributions, which is fully retained) are reduced by 30 percent in tax year 2013; 35 percent in tax year 2014; 40 percent in tax year 2015; 45 percent in tax year 2016; and 50 percent in tax year 2017 and thereafter.

Kansas standard deduction levels for married taxpayers filing jointly and for single heads-of-household are reduced to \$7,500 and \$5,500 respectively, beginning in tax year 2013. Legislation enacted in 2012 had raised both standard deduction levels (from \$6,000 for married filing jointly and \$4,500 for heads of household) to \$9,000 beginning in tax year 2013.

A new series of individual income tax rate cuts are provided beginning in tax year 2014, when the current bottom bracket of 3.0 percent is reduced to 2.7 percent, and the current top bracket of 4.9 percent is reduced to 4.8 percent. In tax year 2015, the top bracket is further reduced to 4.6 percent. The two rate brackets are set at 2.4 and 4.6 percent, respectively, in tax year 2016; 2.3 and 4.6 in tax year 2017; and 2.3 and 3.9 percent in tax year 2018.

Future formulaic income tax rate relief could be provided under certain circumstances, beginning as early as tax year 2019, based on the extent to which a specified group of SGF tax sources has increased over the previous fiscal year. Generally, rate relief will be triggered under the formula once that group of taxes exceeds the previous fiscal year's levels (beginning with FY 2018 growth over FY 2017) by 2 percent or more.

Additional language partially restores the food sales tax rebate program, which had been repealed altogether by 2012 law. The income tax credits that may be claimed by eligible households now will be nonrefundable, whereas under prior law (before the repeal) the credits had been refundable.

## **Severance Tax on Helium**

The definition of natural gas for severance tax purposes also is modified to clarify that it includes "all other raw, unrefined gases, all constituent parts of any such gas or gases and refined products derived from any such gas or gases, including, but not limited to, methane, ethane, propane, butane, and helium."

The bill further eliminates retroactively all refund claims associated with the notion that any constituent part of gas and any refined products derived from gas were not taxable under the 1983 severance tax imposition.

## **ROZ Program**

The bill places 23 additional counties (generally those with populations of 15,000 or less) into the ROZ Program. The program offers individuals who relocate from outside of the state to qualifying counties a full state income tax exemption through tax year 2016 and the opportunity to receive student loan repayments from those qualifying counties that also have chosen to participate in a special repayment-matching program with the state.

The following counties are added to the former 50 counties designated as ROZ-eligible: Allen, Anderson, Bourbon, Brown, Chase, Clay, Coffey, Doniphan, Ellsworth, Grant, Gray, Haskell, Jackson, Linn, Marshall, Meade, Morris, Nemaha, Neosho, Ottawa, Rice, Stevens, and Wabaunsee.

## **Title of Certain Tax-Exempt Property**

The bill removes a requirement that the title of certain tax-exempt property constructed or purchased with the proceeds of Industrial Revenue Bonds (IRBs) be transferred to the city or county issuing the IRBs during the duration of the exemption.

## **Tax Abatement for Disaster-Damaged Property**

The bill authorizes counties to grant property tax abatement or credits to owners of homesteads destroyed or substantially destroyed by earthquake, flood, tornado, fire, storm, or other event that the Governor has declared a disaster, taking effect for taxable years after December 31, 2011, and ending before January 1, 2014.

If the destruction occurs between January 1 and August 15, the owner may apply to the board of county commissioners for the abatement on property taxes due in the current year; or if, in this time period, the taxes have been paid or partially paid, the homeowner may apply for a credit against property taxes payable during any or all of the following three taxable years. If the destruction occurs after August 15 but before the end of the year, the owner may apply to the board of county commissioners for a credit against taxes payable by the owner during any or all of the following three taxable years.

The bill is expected to have the following impact on receipts:

**Disaggregated Details of This Proposal**  
(\$ in millions)

	Sales Tax Provisions	Income Tax Provisions						Total
	6.15%	Item Ded. Haircut	Changes Std. Ded.	Rate Cuts	ROZ	FS Rebates	Net Inc. Tax	
FY 2014	\$ 193.2	\$ 114.6	\$ 56.3	\$ (35.2)	\$ (1.0)	\$ (20.0)	\$ 114.7	\$ 307.9
FY 2015	218.7	107.4	59.1	(145.1)	(2.0)	(21.0)	(1.6)	217.1
FY 2016	226.9	127.0	62.1	(238.3)	(3.1)	(22.1)	(74.4)	152.6
FY 2017	235.4	148.3	65.2	(317.4)	(4.2)	(23.2)	(131.3)	104.1
FY 2018	244.3	166.5	68.4	(459.5)	0.0	(24.3)	(248.9)	(4.6)
5 yr-total	\$ 1,118.5	\$ 663.8	\$ 311.1	\$ (1,195.5)	\$ (10.3)	\$ (110.5)	\$ (341.4)	\$ 777.1

Note: Totals may not add due to rounding

**School for the Blind—Training Programs; HB 2078**

**HB 2078** allows the School for the Blind to conduct training programs year round. Prior law allowed training programs at the School for the Blind to be conducted only during the summer. In comparison, the law does not prohibit the School for the Deaf from conducting training sessions at any time during the year.

**Children’s Internet Protection Act; HB 2109**

**HB 2109** creates the Children’s Internet Protection Act, requiring technology protection measures be implemented and enforced at both the school district and public library levels. The bill defines “technology protection measure” as any computer technology or other process that blocks or filters online access to visual depictions. The term “visual depictions” is tied to the definition of the same term contained in the Kansas statute dealing with the crime of sexual exploitation of a child.

**School District Requirements**

The bill requires any school district that provides public access to a computer to implement technology protection measures to ensure no minor has access to visual depictions that are child pornography, harmful to minors, or obscene. School district boards of education are required to adopt policies to enforce this provision.

**Public Library Requirements**

Likewise, the bill requires any public library that provides public access to a computer to ensure that no person, whether minor or adult, has access to visual depictions that are child pornography or obscene and, in addition, to ensure that no minor has access to visual depictions that are harmful to minors. The bill permits a public library employee to disable any such technology protection measure if requested to do so by an adult and if the computer, when the measure is disabled, would be used only to enable access for legitimate research or other lawful purpose.

The bill requires the State Librarian to establish standards and promulgate rules and regulations to enforce the Act’s provisions for public libraries. Each public library governing body also is required to adopt relevant policy, which must be reviewed at least

once every three years and meet specified criteria that include information to patrons on the policy and on procedures available for the submission of related complaints.

## **Liability**

The bill states any school district or public library that is in compliance with the Act will not be liable for any damages arising out of or related to a minor gaining access to the visual depictions the Act seeks to regulate.

## **Statutory Repeal; Area Vocational Education Fund; HB 2156**

**HB 2156** repeals an obsolete statute regarding the Area Vocational School Fund in the unified school district budget document.

## **Equal Access Act for Professional Employee Organizations; HB 2221**

**HB 2221** establishes the Equal Access Act for professional employees' organizations and modifies the Professional Negotiations Act.

The bill requires all local boards of education to:

- Give equal access for all professional employees' associations to the employees' physical or electronic mailboxes; and
- Allow equal access for all professional employees' associations to attend new teacher or employee school orientations and other meetings.

Local boards of education are not allowed to designate any day or breaks in a school year by naming or referring to the name of any professional employees' association. The bill amends the Professional Negotiations Act by making the Equal Access Act supplemental to and part of that law. Changes in the Professional Negotiations Act include expanding the definition of "professional employees' organizations" to include those existing for the purpose of professional development or liability protection. Finally, the bill deletes certain language from the Professional Negotiations Act in conflict with a provision created in the bill for the definition of "terms and conditions of professional service."

## **Celebrate Freedom Week; Extension of Fund Flexibility; Bullying Policies; HB 2261 (NOTE: Pending House Action)**

The bill creates "Celebrate Freedom Week" in public schools for kindergarten and grades one through eight, extends fund flexibility for public school districts, and amends current law related to school districts' bullying policies.

### **Celebrate Freedom Week**

The bill designates the week containing September 17 (or any other full school week as determined by the local school board) as "Celebrate Freedom Week," during which public schools are required to teach to grades kindergarten through eight the history of the country's founding, with particular emphasis on the *Declaration of Independence* and the *U.S. Constitution*. The bill prohibits censorship of religious references in the writings of the founding fathers when presented as part of the instruction.

On or before December 31, 2013, the State Board of Education is responsible for adopting rules and regulations to require history and government curriculum for grades

kindergarten through eight that includes instruction on the meaning and context of the *declaration of Independence* and the *U.S. Constitution*, including their relationship to the nation's diversity by way of immigration; major wars; and social movements in American history. The State Board of Education, along with other volunteers, are required to promote "Celebrate Freedom Week".

### **Fund Flexibility**

The bill allows a school district to continue to transfer unencumbered cash balances for the 2013-2014 school year and each school year thereafter for general operating expenses of the district from each of the following funds: at-risk education, bilingual education, contingency reserve, professional development, summer program, one-third of textbook and student materials, one-third of special education, virtual school, and vocational education. The maximum amount allowed to be transferred from the unencumbered funds could not exceed \$250 multiplied by the adjusted enrollment of the district.

The bill states the public policy goal of the State of Kansas is at least 65 percent of the aggregate of all unencumbered balances authorized for expenditure by the bill can be expended in the classroom or for instruction as defined in KSA 72-64c01.

The bill removes any cap on the amount of moneys that could be maintained in the contingency reserve fund. (Prior law allows a district to keep up to 10 percent of the district's general fund budget in a contingency reserve fund.)

The bill requires the superintendent of a school district to report the unencumbered balances in each of the funds named in the bill to the local board of education at the board's July meeting, and to the State Board of Education by July 15 of each year.

### **Policies Regarding Bullying**

Finally, the bill amends current law related to school district policies on bullying. Prior law defined "bullying" as an intentional gesture or threat creating an intimidating environment for a student or staff member. The bill clarifies the definition of bullying to mean any threat by a student, staff member, or parent toward a student or by any student, staff member, or parent toward a staff member. The bill defines "parent" to include a guardian, custodian, or other person with authority to act on behalf of a child. The bill defines "staff member" to mean any person employed by the school district. Finally, the bill requires these changes be reflected in the school districts' policies and plans to address bullying.

## **Coalition of Innovative Districts Act; HB 2319**

**HB 2319** creates the Coalition of Innovative Districts Act, the purpose of which is to allow up to ten percent of the state's school districts, at any one time, to opt out of most state laws and rules and regulations in order to improve student achievement.

### **Establishment of Public Innovative Districts**

The bill authorizes a process whereby a school district board of education may apply for authority to operate as a "public innovative district." The bill limits the number of public innovative districts to no more than ten percent of the state's school districts at any time. The application and approval requirements differ based on the application queue, as follows:

- For the first two school districts, a request for approval (containing the same information as the application) must go first to the Governor and the chairpersons of the Senate and House education committees. If a majority of these individuals approves the request, the district may submit an application to the State Board of Education (State Board), which is required to review and approve the application within 90 days, if it included the required contents (see below). Requirements regarding notification of both approval and denial are contained in the bill. If an application is denied, the district has an opportunity to submit an amended application.
- For the remaining districts, the request for approval goes first to the Coalition Board, which is created by the bill (see below). The Coalition Board has sole discretion to approve or deny the request and may recommend the requesting school district modify the request. Modifications may then be considered by the Coalition Board prior to making a final decision. If the request is approved, the district may submit the application to the State Board. The same review and notification requirements apply.

The application must contain a description of the educational programs of the public innovative district, a description of parental and community interest and support, the specific goals and measurable pupil outcomes to be obtained, and an explanation of how pupil performance in achieving the specified outcomes will be measured, evaluated, and reported.

### **Requirements and Exemptions for Public Innovative Districts**

In addition to complying with its own stated goals, a public innovative district must:

- Participate in all applicable Kansas math and reading assessments or an alternative assessment determined by the local board of education;
- Abide by all financial and auditing requirements applicable to school districts, except a public innovative district would be permitted to use generally accepted accounting principles;
- Comply with all applicable health, safety and access laws; and
- Be subject to the Special Education for Exceptional Children Act, the Virtual School Act, the School District Finance and Quality Performance Act, capital outlay requirements (KSA 72-8801 *et seq.*), all laws governing the issuance of general obligation bonds by districts, laws governing public employee retirement (KSA 74-4901 *et seq.*), laws governing school board elections, the Kansas Open Records Act, and the Kansas Open Meetings Act.

A public innovative district may not charge tuition for any pupils residing in the district's boundaries. Unless otherwise required by the Act or decided by the board of education of the public innovative district, public innovative districts are exempt from all laws and rules and regulations applicable to school districts.

### **Coalition of Innovative Districts; Coalition Board**

The bill establishes the Coalition of Innovative Districts, the duties and functions of which are carried out by a Coalition Board. The Coalition Board consists of one representative of each public innovative district as designated by the board of education of the public innovative district.

The bill requires the chairperson of the Coalition Board be appointed in a unanimous decision by the Governor and the chairpersons of the House and Senate education committees.

The Coalition Board chairperson serves a five-year term, and a vacancy must be filled in the same method as a regular appointment.

The Coalition Board is required to carry out the duties and functions of the coalition, including the following:

- The Coalition Board must conduct the initial review of all but the first two prospective public innovative districts, and will have the sole discretion to approve or deny a district's request to become a public innovative district. (If the Coalition Board approves the request, the district's petition to become a public innovative district may proceed to the State Board.) As part of the initial review, the Coalition Board is permitted to make recommendations to modify the request and may subsequently consider the modifications prior to making a final decision.
- If a public innovative district fails to meet any of the specified renewal criteria (see "Performance-Related Provisions," below), the Coalition Board may petition the State Board to request the public innovative district's authority be revoked.
- The Coalition Board must report annually to the Legislature regarding pupil performance in the public innovative districts, the laws and rules and regulations deemed problematic by the Coalition Board, and any other information regarding success or problems experienced by the public innovative districts during the previous year. The Coalition Board has latitude to meet as often as, and wherever, deemed appropriate. The Coalition Board is allowed to form subcommittees.

### **Operational Time Limit; Performance-Related Provisions; Petition for Revocation of Authority**

Under the bill, a public innovative district has authority to operate as such for a period of five school years. At least 90 days prior to expiration of this period, a public innovative district may submit an application to renew its authority to the State Board and, if the application is complete, the State Board must approve the application within 60 days of submission, with related notification deadlines. The renewal application must contain:

- Evidence that the public innovative district has met the standards on the designated math and reading state or alternative assessments during the five-year period;
- Evidence that the public innovative district has shown improvement in its completion percentage during the same period;
- Demonstrated progress that the public innovative district is achieving the goals and outcomes described in its application; and
- A description of compliance with the requirements of the Act.

However, if a public innovative district fails to meet any of the renewal criteria for two or more consecutive years, either the public innovative district itself may petition the State Board for a release from its public innovative district status, or the Coalition Board may submit a petition to the State Board requesting the public innovative district's authority to operate as such be revoked. The State Board must honor any such petition request originating from the public innovative district itself, and release from the authority to operate under the Act would then be effective for the school year immediately following

the grant of the petition. In the case of a Coalition Board-initiated petition, the public innovative district must be provided the opportunity to have a hearing on the matter. A time frame for the hearing request and subsequent decision are provided in the bill. If the petition is granted, the authority to operate as a public innovative district will be revoked beginning with the school year immediately following the grant of the petition.

The bill requires the superintendents of the public innovative districts to meet at least monthly to discuss the success or failure of educational programs.

### **Additional Duties of the State Board**

The bill requires the State Board to provide technical advice and assistance in preparing an application for authority to operate as a public innovative district, upon the request of a prospective school district. Additionally, the State Board must adopt rules and regulations as deemed necessary to implement the Act.

### **Efficiency Audits of School Districts; HB 2349**

**HB 2349** requires the Legislative Division of Post Audit to conduct three school district efficiency audits each fiscal year.

The school districts will be selected for audit by the Legislative Post Audit Committee, on a voluntary basis, at first. One small, one medium, and one large school district will be audited each fiscal year. The audited school districts will publish a summary of their audit reports with recommendations on their websites as well as making the audit report available, free of charge, at each school district's office.