

Selected Senate & House Education Summaries

2011 Legislative Session



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Compiled by:
School Finance Section
Division of Fiscal & Administrative Services

Kansas State Department of Education
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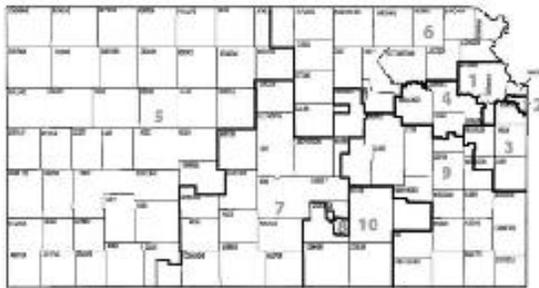
Kansas State Board of Education
120 S.E. 10th Avenue • Topeka, Kansas 66612-1182

Education Priorities of the Kansas State Board of Education

Ensure that all students meet or exceed high academic standards and are prepared for their next steps (e.g., the world of work and/or post secondary education). To accomplish the mission of the Kansas State Board of Education, the Board has identified four goals. They are as follows:

- Redesign the delivery system to meet our students' changing needs.
- Provide an effective educator in every classroom.
- Ensure a visionary and effective leader in every school.
- Improve collaboration with families and communities, constituent groups and policy partners.

Kansas State Board of Education
Adopted 5/2009



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This booklet, Selected Senate & House Education Summaries – 2011 Legislative Session, is published annually to provide 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, 2011

KANSAS STATE DEPARTMENT OF EDUCATION'S APPROVED BUDGET
FOR FISCAL 2011 & 2012
(As of May 31, 2011)

Program	Actual FY 2010	Approved FY 2011	Approved FY 2012
General State Aid	\$2,014,082,035	\$2,020,525,855	\$1,902,775,680
Supplemental General State Aid	339,212,000	339,212,000	339,212,000
School District Finance Fund	37,039,867	48,000,000	48,000,000
Capital Improvement Fund	87,662,017	94,647,000	100,000,000
Juvenile Detention Facilities	6,092,160	6,012,355	6,012,355
Special Education Services	423,944,488	444,255,759	427,717,630
Mentor Teacher Program	1,358,372	1,450,000	0
School Food Service Match	2,435,171	2,435,171	2,487,458
Educable Deaf/Blind Program	110,000	110,000	110,000
Ag in the Classroom	35,000	35,000	0
Discretionary Grants*	635,890	670,000	322,500
Parent Education **	7,554,519	7,386,630	7,237,635
Pre-K Pilot	5,000,000	4,880,370	4,799,812
KPERS – Schools	249,856,211	214,301,510	359,390,613
National Board Certification	26,500	91,194	0
School Safety Hotline	8,056	10,000	10,000
Driver's Education	851,450	1,159,070	1,162,737
Total	\$3,175,903,736	\$3,185,181,914	\$3,199,238,420

* **FY 2011:** Includes \$35,000 for CICS, \$10,000 for KTOY, \$375,000 for the After-School Enhancement Program and \$250,000 for the After-School Enhancement Program for Middle School Students.

FY 2012: Includes \$10,000 for KTOY, \$187,500 for the After-School Enhancement Program and \$125,000 for the After-School Enhancement Program for Middle School Students.

** Includes \$27,500 of agency operating expenditure monies in FY 2011.

All expenditures are shown from the USD perspective.

SENATE

Expenditure of Motor Vehicle-Related Revenue; Uniform Accounting System; and Fort Leavenworth Transportation of Students

SB 21 allows any school district having authority for ancillary school facilities weighting, cost of living weighting, or declining enrollment weighting to spend the motor vehicle-related revenue derived as a result of these weightings. Prior law allowed a school district to receive this revenue, but not spend the revenue.

The bill establishes a uniform reporting system for receipts and expenditures for school districts to begin on July 1, 2012. The bill requires that the State Board of Education (Board) develop and maintain the system. The system includes all funds held by a school district, regardless of the source of moneys held in the funds; allows districts to record any information required by state or federal law; provides records by fund, accounts, and other pertinent classifications; and includes amounts appropriated, revenue estimates, actual revenues or receipts, amounts available for expenditure, total expenditures, unencumbered cash balances (excluding state aid receivable), and actual balances. In addition, the system must allow for data to be searched and compared on a district-by-district basis.

Each school district is required to annually submit a report to the Board on all construction activity undertaken by the school district financed by the issuance of bonds. This report is required to include all revenue, expenditures of bond proceeds authorized by law, the dates for commencement and completion of construction activity, and the estimated and actual cost of the construction activity. The Board determines the form and manner of this report.

The bill also requires the Department of Education to annually publish on its internet website a copy of Budget Form 150 for each school district, the estimated legal maximum general fund budget, or any successor document containing the same, or similar information, submitted by each district. School districts also are required to annually publish the same information.

The Department of Education also is required to annually publish the following expenditures for each school district on a per pupil basis: (1) total expenditures; (2) capital outlay expenditures; (3) bond and interest expenditures; and (4) all other expenditures not included in (2) or (3).

Finally, the bill allows Fort Leavenworth Unified School District 207 to transport grades 10 through 12 students who reside at Fort Leavenworth to Leavenworth High School in Unified School District 453. The bill requires related transportation weighting to be calculated using only students counted on September 20.

Committee on Corrections and Juvenile Justice – Children and minors; relating to jury trials; high school diplomas

House Sub. for SB 23 would add language to the revised Kansas Code for Care of Children and the revised Kansas Juvenile Justice Code requiring the board of education of a school district to award a high school diploma to any person requesting a diploma if the person is at least 17 years of age, is enrolled or resides in such school district, is or has been a child in the custody of the Department of Social and Rehabilitation Services (SRS) or Juvenile Justice Authority (JJA) after turning 14 years of age, and has achieved the minimum high school graduation requirements adopted by the State Board of Education.

The bill would further amend the revised Kansas Code for Care of Children to automatically make a grandparent an interested party in a child in need of care proceeding. Under current law, a grandparent must notify the court that he or she desires to become an interested party in order to obtain interested party status.

Finally, the bill would establish a statutory right to jury trial for juvenile offenders and provide a jury trial procedure within the revised Kansas Juvenile Justice Code. The procedural provisions would be borrowed from the statutes governing adult jury trials, with some modifications. The principal differences from the adult jury trial provisions would be:

- A juvenile would have to request a jury trial in every case, within 30 days from the entry of a plea of not guilty. In adult felony cases, trial by jury is automatic unless waived.
- A juvenile would not have the right to personally participate in voir dire. Adult defendants have this right.

Sexual Exploitation of a Child

House Sub. For SB 55 would amend the crime of sexual exploitation of a child. Among other actions, current law prohibits:

- Employing, using, persuading, inducing, enticing or coercing a child under 18 years of age to engage in sexually explicit conduct with the intent to promote any performance; or
- Promoting any performance that includes sexually explicit conduct by a child under 18 years of age, knowing the character and content of the performance.

The bill would amend these provisions to also prohibit such conduct regarding a person the offender *believes* to be under 18 years of age.

(Note: The bill, as formatted, appears to make additional changes. However, these actually are changes made by the 2010 Legislature. They must be formatted as amendments in this bill because the

recodification of the Criminal Code, also authorized by the 2010 Legislature, will not go into effect until July 1, 2011.)

Special Education Funding; Fund Flexibility

House Sub. for Sub. for SB 111, changes the starting date of the portion of the special education school finance formula that determines the minimum and maximum amount of special education state aid a school district may receive. This provision now goes into effect for the 2012-2013 and the 2013-2014 school years and ends on June 30, 2014. (Prior law would have made this section effective with the 2011–2012 school year with an expiration date June 30, 2013.)

The bill also allows school districts to expend a portion of the unencumbered balances held in particular funds. The following funds would be considered the first priority for use: at-risk education; bilingual education; contingency reserve; driver training; parent education; preschool-aged at-risk; professional development; summer program; virtual school; and vocational education. The textbook and student materials revolving fund is the second priority with the special education fund the last priority for use. Local school boards are not limited to using the funds in the priority list and are not required to expend the total unencumbered balance before utilizing the unencumbered balance in another fund.

The bill limits the amount of money a school district can use from its unencumbered balance through a formula which would be calculated by the State Board of Education.

The formula follows:

- Determine the adjusted enrollment of the district, excluding special education and related services weighting;
- Subtract the amount of Base State Aid Per Pupil (BSAPP) appropriated to the Department of Education for FY 2012 from \$4,012; and
- Multiply the difference between the amount of BSAPP appropriated to the Department of Education and \$4,012 by the adjusted enrollment.

Implementation of the bill establishes the aggregate amount that can be expended from the unencumbered balance for the 2011-2012 school year. The bill also requires that 65.0 percent of the aggregate amount authorized to be spent would be used in the classroom or for instruction as defined in KSA 72- 64c01.

Primary elections; filing of campaign reports; campaign contributions

House Sub. for Sub. for SB 127 would create the University Engineering Initiative Act. The Act is intended to increase the number of engineering graduates to 1,365 graduates per year by 2021. The Act directs the Secretary of Commerce, in consultation with the Board of Regents, Kansas State University,

Wichita State University, the University of Kansas and private industry, to develop a plan to ensure engineering industry partners find the new talent, designs and techniques needed to fuel economic growth and business success in Kansas. The Act authorizes the acquisition, construction, and equipping of engineering facilities on state-owned property of the Board of Regents or any of the three universities, and requires the universities to submit to the Secretary of Commerce and the Board of Regents a plan to provide for the annual maintenance and operation costs of any newly constructed engineering facility or existing facility when seeking funds for construction or improvement of the facility.

The Act creates three new funds in the state treasury: Kan-Grow Engineering Fund-WSU, Kan-Grow Engineering Fund-KSU, and Kan-Grow Engineering Fund-KU. On July 1, 2012 through July 1, 2021, the first \$10.5 million credited to the Expanded Lottery Act Revenues Fund shall be transferred equally to each of the three newly created funds. The Act also would amend the enacting statute for the Expanded Lottery Act Revenues Fund to expand its uses to include the University Engineering Initiative Act.

Finally, the Act requires the Secretary of Commerce to conduct a review of the universities' plan to meet the goals established by the Act on or before the first day of the 2018 regular session.

HOUSE

Calculation of Local Option Budget; Continuation of 20-Mill Property Tax Levy

HB 2015 extends the sunset date to June 30, 2014, for the current method of calculating the local option budget of a school district. Under prior law, when the base state aid per pupil (BSAPP) is \$4,433 or less, a school board may calculate the local option budget based on a BSAPP of \$4,433, or an amount that does not exceed an amount of 30.0 percent of its general fund budget, whichever is greater; plus the amount received in special education state aid in school year 2008-09, or the current appropriation, whichever is higher.

The bill also reauthorizes the school district property tax mill levy for the 2011–12 and 2012–13 school years. The bill extends the deadline for repeal of the \$20,000 residential property tax exemption to the end of tax year 2012.

State school for the deaf and blind; authorization to contract for training programs year round

HB 2078 would allow the School for the Blind to conduct training programs year round. Current law only allows training programs to be conducted during the summer. Current law does not prohibit the School for the Deaf from conducting training sessions at any time during the year.

School Sports Injury Prevention Act (New Section 17)

HB 2182 would enact the School Sports Injury Prevention Act, an act that would apply to any public or accredited private high school, middle school, or junior high school. The State Board of Education would be required to distribute information regarding the nature of risks of concussion and head injury. Further, the new law would require that a student suffering, or suspected of having suffered, a concussion or head injury be immediately removed from a sport competition or practice. Specific conditions would have to be met before a student would be allowed to return to competition or practice.

The bill would require:

- The State Board of Education, in cooperation with the Kansas State High School Activities Association (KSHSAA), to gather information on the nature and risk of concussion and head injury, including the dangers of continuing to play or practice after suffering such an injury, and distribute the information to coaches, school athletes, and parents or guardians of school athletes;

- A concussion and head injury information release form be signed by the athlete and the athlete's parent or guardian and returned to the school prior to participation in any sport competition or practice session. A new signed release form would be required to be returned to the school each school year that a student participates in sports competitions and practice sessions;
- Immediate removal of a school athlete from a sport competition or practice session if a concussion or head injury has been suffered or is suspected;
- Evaluation by a health care provider (defined under the Act as a person licensed by the State Board of Healing Arts to practice medicine and surgery) of any school athlete who has been removed from a sport competition or practice session; and
- Written clearance by the health care provider performing the evaluation prior to return to competition or practice.

The bill would exempt a health care provider who provides a written clearance, and is not an employee of the school district, from liability for civil damages resulting from any act or omission in rendering care, except for acts or omissions which constitute gross negligence or willful or wanton misconduct.

Participation by High School Athletes (Section 18)

The bill also would prevent the Kansas State High School Activities Association and its member high schools, as well as administrators, principals, coaches, teachers and others affiliated with the KSHSAA and member high schools, from adopting rules or regulations or interpreting existing rules and regulations in such a way as to prohibit a student athlete from training with any Kansas State High School League-sponsored sport or competition while the student is participating in non-school swimming athletic training, non-school diving athletic training, or both, during the high school sport season and throughout the year if:

- The non-school swimming, non-school diving athletic training, or both, is under the jurisdiction of and sanctioned by the national body of the sport, U.S.A. Swimming, Inc., or U.S.A. Diving, Inc., and is conducted in a manner which protects the health and safety of a student athlete; and
- The student athlete meets the reasonable and ordinary requirements established by the school for participation in the student athlete's high school swimming program or diving program, or both, including requirements designed to protect the health and safety of such student athlete.

Due Process Rights of Teachers

Sub. for HB 2191 allows school districts to offer employment contracts to teachers for one or up to two additional years (that is, a fourth or a fourth and a fifth year contract) at the end of the teacher's probationary period, thus extending until the sixth year of employment the ability of the teacher to attain due process rights. (Prior law stated that a new teacher in a school district, area vocational-

technical school, or community college cannot attain due process rights in less than three years; there was no provision in prior law to extend that time.)

Any teacher offered a contract under the provisions of the bill will be evaluated and a plan of assistance will be written to assist the teacher in meeting areas needing improvement as noted in the evaluation. Before signing or rejecting the contract, a teacher will have not less than 48 hours from the time the contract is offered to review and consider the contract and plan of assistance.

In addition, the bill requires school districts to annually file a report with the State Board of Education, and the House and Senate education committees, containing information regarding numbers of teachers offered due process rights.

The provisions of the bill related to the additional two years of probationary employment and the reporting requirements expire on July 1, 2016.

Increased employee and employer contribution rates and benefit formula multiplier

Senate Sub. For HB 2194 includes the following provisions:

First, the bill would establish a 13-member KPERS Study Commission to consider alternative retirement plans, including defined contribution plans, hybrid plans that could include a defined contribution component, and other possible plans. The Commission would be required to report no later than January 6, 2012 on its recommendations, which then would be introduced as two identical bills in each chamber of the Legislature.

Second, for other provisions in the bill to become effective, the 2012 Legislature would have to vote on each of the bills, with one required vote to occur in the Committee of the Whole of one chamber and another required vote to occur in a Committee of the other chamber. The dual voting is the trigger of the effective date for other provisions in the bill that would implement the next items noted below.

Third, the statutory state, school and local employer contribution annual rate caps of 0.6 percent would increase to new annual limits as follows, provided that the dual vote occurred during the 2012 Legislature:

- 0.9 percent in FY 2014 (and January 1, 2014 for local employers);
- 1.0 percent in FY 2015 (and January 1, 2015 for local employers);
- 1.1 percent in FY 2016 (and January 1, 2016 for local employers); and
- • 1.2 percent in FY 2017 (and January 1, 2017 for local employers).

Fourth, employee contribution adjustments, that would be triggered by the 2012 Session dual votes, include adding two options that would apply to all active KPERS Tier 1 members:

- Tier 1 members as the default option would have an employee contribution increase from 4.0 to 6.0 percent and also would be given for future years of service an increase in multiplier from 1.75 to 1.85 percent; or if an election is permitted by the IRS, then the alternative option could be chosen:
 - Tier 1 members would be able to elect freezing the employee contribution rate at 4.0 percent and reducing their future multiplier from 1.75 to 1.4 percent.

Fifth, employee contribution adjustments, that would be triggered by the 2012 Session dual votes, include adding two options that would apply to all active KPERS Tier 2 members:

- Tier 2 members as the default option would have the employee contribution rate frozen at 6.0 percent and the cost-of-living adjustment (COLA) would be eliminated; or if an election is permitted by the IRS, then the alternative option could be chosen:
 - Tier 2 members would be able to elect freezing the employee contribution rate at 6.0 percent and reducing their multiplier from 1.75 to 1.4 percent in order to retain their COLA.

Sixth, inactive KPERS members, if returning to covered employment, would be offered an election for alternative options in their respective tier prior to July 1, 2013. After that date, or if there were no election approved, inactive members would be given the default option in their tier upon returning to covered employment.

Seventh, a provision would be added to direct that after the sale of surplus state real property, 80 percent of the proceeds would be transferred to KPERS for reducing the unfunded actuarial liability.

Eighth, an appropriation of \$60,000 in FY 2012 by increasing the special revenue fund expenditure authority of KPERS was included to pay for estimated actuarial services in support of the Study Commission's work during the 2011 Interim.