

HOUSE BILL No. 2015

By Legislative Educational Planning Committee

12-5

9 AN ACT concerning schools; relating to the powers and duties of the
10 state board of education and local boards of education; amending
11 K.S.A. 2006 Supp. 72-6439 and repealing the existing section.
12

13 *Be it enacted by the Legislature of the State of Kansas:*

14 New Section 1. (a) As used in this section:

15 (1) "Public agency" means the state of Kansas, a school district and
16 any department, agency, board, officer, employee, servant, contractor,
17 subcontractor, agent, or other instrumentality of the state or any school
18 district.

19 (2) "Public moneys" means any moneys received from a public
20 agency or the federal government.

21 (3) "State board" means the state board of education.

22 (b) No public agency shall expend any public moneys for the purpose
23 of adopting, implementing or enforcing school accreditation guidelines
24 or standards which require, or are based upon a requirement of, specific
25 student performance or student proficiency.

26 (c) Nothing in this section shall be construed as prohibiting the state
27 board from establishing school accreditation guidelines or standards
28 which establish, or which are based upon, goals of specific student per-
29 formance or student proficiency.

30 Sec. 2. K.S.A. 2006 Supp. 72-6439 is hereby amended to read as
31 follows: 72-6439. (a) *Subject to the provisions of section 1, and amend-*
32 *ments thereto*, in order to accomplish the mission for Kansas education,
33 the state board of education shall design and adopt a school performance
34 accreditation system ~~based upon improvement in performance~~ that re-
35 flects high academic standards and is measurable. *The state board may*
36 *establish school accreditation standards which establish, or which are*
37 *based upon, goals of improvement in student performance or student pro-*
38 *iciency.*

39 (b) The state board shall establish curriculum standards which reflect
40 high academic standards for the core academic areas of mathematics,
41 science, reading, writing and social studies. The curriculum standards
42 shall be reviewed at least every seven years. Nothing in this subsection
43 shall be construed in any manner so as to impinge upon any district's

1 authority to determine its own curriculum.

2 (c) The state board shall provide for statewide assessments in the core
3 academic areas of mathematics, science, reading, writing and social stud-
4 ies. The board shall ensure compatibility between the statewide assess-
5 ments and the curriculum standards established pursuant to subsection
6 (b). Such assessments shall be administered at three grade levels, as de-
7 termined by the board. The state board shall determine performance
8 levels on the statewide assessments, the achievement of which represents
9 high academic standards in the academic area at the grade level to which
10 the assessment applies. The state board should specify high academic
11 standards both for individual performance and school performance on
12 the assessments.

13 (d) Each school in every district shall establish a school site council
14 composed of the principal and representatives of teachers and other
15 school personnel, parents of pupils attending the school, the business
16 community, and other community groups. School site councils shall be
17 responsible for providing advice and counsel in evaluating state, school
18 district, and school site performance goals and objectives and in deter-
19 mining the methods that should be employed at the school site to meet
20 these goals and objectives. Site councils may make recommendations and
21 proposals to the school board regarding budgetary items and school dis-
22 trict matters, including but not limited to, identifying and implementing
23 the best practices for developing efficient and effective administrative and
24 management functions. Site councils also may help school boards analyze
25 the unique environment of schools, enhance the efficiency and maximize
26 limited resources, including outsourcing arrangements and cooperative
27 opportunities as a means to address limited budgets.

28 New Sec. 3. (a) As used in this section:

29 (1) "State board" means the state board of education.

30 (2) "Local board" means the board of education of any school district.

31 (3) "Education agency" means the state board of education and local
32 boards.

33 (4) "Federal program" means any federal education program.

34 (5) "NCLB" means the federal no child left behind act of 2001 (Pub-
35 lic Law 107-110).

36 (b) The state board shall administer and implement federal programs
37 in accordance with the provisions of this section, and amendments
38 thereto, and may adopt rules and regulations relating thereto.

39 (c) Education agencies may:

40 (1) Apply for, receive and administer funds made available through
41 federal government programs;

42 (2) expend federal funds only for the purposes for which they are
43 received and are accounted for by the education agency; and

- 1 (3) reduce or eliminate a program created with or expanded by fed-
2 eral funds to the extent allowed by law when federal funds for that pro-
3 gram are reduced or eliminated.
- 4 (d) Education agencies shall:
- 5 (1) Prioritize resources, especially to resolve conflicts between fed-
6 eral and state programs. First priority shall be given to meeting state
7 standards, goals, objectives, program needs and accountability systems as
8 they relate to federal programs. Second priority shall be given to imple-
9 menting federal standards, goals, objectives, program needs and account-
10 ability systems that do not directly and simultaneously advance state stan-
11 dards, goals, objectives, program needs and accountability systems;
- 12 (2) interpret the provisions of federal programs in a manner which is
13 in the best interest of students in this state;
- 14 (3) maximize local control and flexibility;
- 15 (4) minimize the amount of state resources that are diverted to im-
16 plement federal programs that are not fully-funded by the federal
17 government;
- 18 (5) request changes to federal programs, especially programs that are
19 not fully-funded by the federal government or which conflict with other
20 state or federal programs; and
- 21 (6) seek waivers from federal statutes, requirements, regulations and
22 federal programs in order to:
- 23 (A) Maximize state flexibility in implementing federal programs; and
24 (B) obtain any additional time necessary to comply with federal
25 programs.
- 26 (e) In accordance with NCLB, including section 9527, education
27 agencies shall determine, as applied to their responsibilities, if NCLB:
- 28 (1) Requires the state to spend state or local moneys in order to
29 comply with NCLB; or
- 30 (2) causes an education agency to change curriculum in order to com-
31 ply with NCLB.
- 32 (f) Pursuant to section 9401 of NCLB, education agencies shall re-
33 quest a waiver from any provision of NCLB that violates section 9527 of
34 NCLB.
- 35 (g) In addition to the duties described under subsections (e) and (f),
36 education agencies shall request a reasonable amount of time to comply
37 with the provisions of NCLB.
- 38 (h) Education agencies are encouraged to:
- 39 (1) Ask congress for needed changes to NCLB;
- 40 (2) ask federal education officials for relief from the provisions of
41 NCLB, including waivers from federal requirements, regulations and ad-
42 ministrative burdens; and
- 43 (3) ask congress and federal education officials for needed resolution

1 of conflicts between the provisions of NCLB and the individuals with
2 disabilities education act (Public Law 105-17).
3 Sec. 4. K.S.A. 2006 Supp. 72-6439 is hereby repealed.
4 Sec. 5. This act shall take effect and be in force from and after its
5 publication in the statute book.