

Approved Tuesday, February 18, 1986  
Date

MINUTES OF THE SENATE COMMITTEE ON EDUCATION

The meeting was called to order by CHAIRMAN JOSEPH C. HARDER at  
Chairperson

1:30 ~~xxx~~/p.m. on Wednesday, February 12, 1986 in room 254-E of the Capitol.

All members were present except:

Committee staff present:

Mr. Ben Barrett, Legislative Research Department  
Ms. Avis Swartzman, Legislative Revisor's Office  
Mrs. Millie Randell, Secretary

Conferees appearing before the committee:

SB 451 - School districts, increase in budgets of operating expenses for insurance. (Education)

Proponents:

Dr. Bill Curtis, Asst. Executive Director, Kansas Association of School Boards  
Dr. Dan Neuenswander, Chairman of the Legislative Committee of United School Administrators  
Mr. Craig Grant, Director of Political Action, Kansas-National Education Association

SB 510 - School districts, supplemental salary plans, waiver of due process rights by teachers. (Hayden)

Proponents:

Senator Leroy Hayden, sponsor of SB 510

Opponents:

Mr. Craig Grant, Director of Political Action, Kansas-National Education Association

Comments:

Mr. John Koepke, Executive Director, Kansas Association of School Boards  
Mr. Gerald Henderson, Executive Director, United School Administrators

After calling the meeting to order, the Chairman recognized Senator Roy Ehrlich who said he was appearing to request the introduction of a bill by the Committee. The purpose of the bill, Senator Ehrlich explained, is to establish a uniform method to provide information on tax statements whereby the tax levied for recreation commissions would be extracted and treated as a separate item in the general tax breakdown shown on tax statements. He indicated that a member of the Board of USD 428 had made this request to him. When the Chairman entertained motions, Senator Allen made a conceptual motion that the Committee introduce a bill as requested by Senator Ehrlich and that it be rereferred to the Committee. Senator Warren seconded the motion, and the motion carried.

SB 451 - The Chair then called on Dr. Bill Curtis, Asst. Executive Director of the Kansas Association of School Boards, who testified in support of SB 451 which, he explained, would add insurance premiums to the list of items outside the budget limit restrictions. (Attachment 1) Dr. Curtis further stated that insurance companies refuse to rate Kansas schools on their own merit and have rated them with all the government entities throughout the country. Not only are the insurance premiums increasing at an alarming rate, he added, but insurance deductibles are also increasing dramatically.

Dr. Dan Neuenswander, representing United School Administrators, testified for passage of SB 451, and his testimony is found in Attachment 2.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON EDUCATION,  
room 254-E, Statehouse, at 1:30 ~~xxx~~ a.m./p.m. on WEDNESDAY, FEBRUARY 12, 1986

Mr. Craig Grant of Kansas-National Education Association testified that he, too, supports the concept contained in SB 451 and affirmed that he is well aware of the problems that have been caused by the exorbitant increases of insurance rates.

When the Chair asked if there was any additional testimony to be heard on SB 451, there was no response; and he declared that the hearing on SB 451 was concluded and that the bill would be taken under advisement.

SB 510 - When Senator Leroy Hayden was called upon to testify for SB 510, he distributed copies of an Attorney General Opinion (Attachment 3). Senator Hayden explained that a bill with similar language to SB 510 had been introduced in the 1984 session of the legislature and that the Attorney General Opinion supported the constitutionality of the concept contained in that bill. Senator Hayden's supportive testimony is found in Attachment 4. Senator Hayden described his proposal as a voluntary pilot plan using no state money and said he would expect only a few schools to participate in the plan when it should commence. In responding to questions, Senator Hayden replied that his plan is not intended to be a negotiable item at this time.

Mr. Craig Grant appeared in opposition to SB 510 on behalf of Kansas-National Education Association, and his testimony is found in Attachment 5.

When Mr. John Koepke, Executive Director of the Kansas Association of School Boards, was called upon to testify, he informed the Committee that the Delegate Assembly of his organization had never discussed the concept of SB 510 and he, therefore, could not take a firm position on the bill. Mr. Koepke did, however, express some concerns with the bill, including state aid outside the budget limit, teachers' salaries as being mandatorily negotiable according to the PN law, and the waiver of a teacher's due process rights.

Mr. Gerald Henderson, Executive Director of United School Administrators, also expressed concerns regarding SB 510, and these are found in his testimony in Attachment 6.

When the Chair asked if there were additional conferees who wished to speak regarding SB 510, there was no response. The Chair declared that the hearing on SB 510 was concluded and that the bill would be taken under advisement.

The Chair then called the Committee's attention to a request from Senator Mike Johnston, minority leader of the Senate, who is asking for the introduction of a bill on behalf of the Governor. The bill (Attachment 7), he explained, deals with the bilingual education program and would amend and repeal existing law by striking two words, "Educationally deprived" and inserting in lieu thereof the words "Limited English proficient". When the Chair entertained motions for this request, Senator Karr moved, and Senator Anderson seconded the motion that the Committee introduce a bill as requested by Senator Johnston on behalf of the Governor and to have it rereferred to the Committee. The motion carried.

The Chairman adjourned the meeting.

SENATE EDUCATION COMMITTEE

TIME: 1:30 p.m.

PLACE: 254-E

DATE: Wednesday, February 12, 1986

GUEST LIST

<u>NAME</u>	<u>ADDRESS</u>	<u>ORGANIZATION</u>
Jim Youally	Shawnee Mission	USD #512
L. Hayth	Satant	Leg.
Martha Cutright	St. John	K-NEA
Larry L. Menzies	Great Bend, Kansas	K-NEA
Janie Marretto	Great Bend, KS	K-NEA
Alfred Knatz	Great Bend, KS	K-NEA
Ken Ragg	Paula	SBE
Bill Clarke	Wichita	U.S. 12. 259
Billie Highfill Scott	Topeka	USA
Chuan C. Burnett	Topeka	USD 501#

SENATE EDUCATION COMMITTEE

TIME: 1:30 p.m.

PLACE: 254-E

DATE: Wednesday, February 12, 1986

GUEST LIST

NAME

ADDRESS

ORGANIZATION

<u>NAME</u>	<u>ADDRESS</u>	<u>ORGANIZATION</u>
DAN NECELSWANDER	2017 LOUISIANA LAURENCE, KS	UNITED School Admin U.S.D. 997
Gerald Anderson	Topeka	USA
John Zoghe	Topeka	KASB
Bill Curtis	Topeka	KASB
Kay Coles	Topeka	KNEA
Craig Grant	Lawrence	H-NEA
Janis Lee	Levensington	KASB
Merle Hice	Topeka	KACC
Bob Wootton	"	Gov.





TESTIMONY ON S.B. 451

before the

Senate Education Committee

by

Bill Curtis, Assistant Executive Director  
Kansas Association of School Boards

February 12, 1986

Mr. Chairman and members of the committee, we appreciate the opportunity to testify today on behalf of the 303 member boards of education of the Kansas Association of School Boards. S.B. 451 was introduced by this committee at the request of KASB. Quite simply, S.B. 451 adds an exception to the budget limits. In addition to social security contributions and utilities, S.B. 451 would add insurance premiums to the list of items outside the budget limit restrictions.

Approximately 18 months ago the KASB office started to receive telephone calls from school districts concerning the availability of errors and omissions insurance. That type of insurance is liability protection for board of education members and also generally includes administrators. By the spring of 1985 it was obvious that the insurance crisis that had been limited to doctors, dentists, lawyers, architects, and engineers was also affecting school districts. A number of districts were having difficulty finding insurance at any price. The number of insurance companies providing liability coverage declined and the premiums increased at an alarming rate. Without getting too involved in a discussion of the insurance industry most of the problems could be attributed to

horrendous losses by insurance companies in the liability field. While the issue in S.B. 451 is not the availability of insurance, that factor has a tremendous impact upon premiums.

During October and November, 1985, KASB surveyed school districts to determine the extent of the problem. The survey dealt only with errors and omissions insurance. Approximately half of all districts purchased or renewed their policies during 1985. Historically, school districts purchase insurance on three year contracts and prepay the premiums. Consequently, those districts that purchased insurance or renewed their policies in 1983 and 1984 did not have to face the problem this year. However, they will face it during 1986 and 1987.

The range in premium differences during 1985 was a reduction of 26% to an increase of 481%. The median was an increase of 46%. Below is a summary of premium changes.

- 7 school districts had reduction of premiums.
- 17 school districts had no change.
- 9 school districts had an increase of from 1 to 10%.
- 14 school districts had an increase of from 11 to 20%.
- 8 school districts had an increase of from 21 to 29%.
- 9 school districts had an increase of from 30 to 39%.
- 9 school districts had an increase of from 40 to 49%.
- 2 school districts had an increase of from 50 to 59%.
- 5 school districts had an increase of from 60 to 69%.
- 18 school districts had an increase of from 70 to 79%.
- 8 school districts had an increase of from 80 to 89%.
- 7 school districts had an increase of from 90 to 99%.
- 25 school districts had an increase of over 100%.

Is the problem serious? Does it involve a large amount of dollars? In terms of the percent of the budget, probably not. But in terms of its impact on other levels of expenditures it will have an important effect. In one of the smallest districts in the state, the insurance premiums for all coverage increased \$3358. That district has 14 faculty members so the increase equates to about \$240 per teacher. In another district, the premium increase for all coverages amounted to \$14,000. With 122 faculty members, that equates to a little over \$100 per teacher.

Thank you for listening to our concerns. KASB believes S.B. 451 is important and we urge you to give it favorable consideration.





TO: Members, Senate Education Committee  
 FROM: Dan Neuenswander, Representing USA Kansas  
 RE: Senate Bill No. 451  
 DATE: February 12, 1986

Mr. Chairman and members of the Senate Education Committee, thank you for the opportunity to speak on behalf of the United School Administrators of Kansas in support of Senate Bill No. 451.

United School Administrators support Senate Bill No. 451 because it will continue the philosophy established by the legislature when it determined that unusual and extensive cost increases to the general fund budget should be considered outside of the budget authority limitations.

The law currently provides that preceding year increases in the school district's contributions to social security which exceed the percent of general fund budget per pupil increase for that year be allowed as increased budget authority over and above the percent increase for the current year of budget authority. The same is true for increased cost for utilities.

Senate Bill No. 451 adds increased insurance costs to this consideration for determining budget authority.

While Lawrence has not had to rebid our liability insurance for this year, our current insurance agent gives us the following estimates:

<u>Liability Insurance</u>	<u>1985-86 School Yr.</u>	<u>1986-87 School Yr.</u>	<u>% of Increase</u>
Errors and omissions	\$1,800	Estimated \$ 7,200	400%
Property damage and bodily injury	\$6,100	Estimated \$10,000	64%

Many districts have already experienced the increase in liability insurance. USD 409, Atchison, for example, had a 249% increase in errors and omissions liability. USD 290, Ottawa, had an 83% overall increase in both errors and omissions and property damage and bodily injury.

It should be pointed out that Senate Bill No. 451 does not provide for all of the insurance cost increase but only that increase which is over and above the percent of per pupil budget authority increase allowed by the legislature.

Senate Bill No. 451 will be helpful in maintaining a working relationship between teachers and Boards of Education in a year when budget increases appear to be very limited, at best. It will be much more palatable to those working with the negotiating process to not have to take money "off the top" for additional insurance costs.

On behalf of the United School Administrators we sincerely appreciate your thorough consideration and support for Senate Bill No. 451.





STATE OF KANSAS

## OFFICE OF THE ATTORNEY GENERAL

2ND FLOOR, KANSAS JUDICIAL CENTER, TOPEKA 66612

ROBERT T. STEPHAN  
ATTORNEY GENERAL

February 5, 1986

MAIN PHONE: (913) 296-2215  
CONSUMER PROTECTION: 296-3751ATTORNEY GENERAL OPINION NO. 86- 12

The Honorable Leroy A. Hayden  
State Senator, Thirty-Ninth District  
Capitol Building, Room 458-E  
Topeka, Kansas 66612

Re: Schools -- Teachers' Contracts -- Supplemental  
Salary Plan; Waiver of Certain Due Process Rights

Synopsis: Session of 1984 Senate Bill 695 is constitutional. A teacher may voluntarily and knowingly waive his due process rights pursuant to K.S.A. 72-5438 through K.S.A. 72-5443 and K.S.A. 72-5446 by entering into an agreement with the board of education to participate in a supplemental salary plan. Cited herein: K.S.A. 60-2101; 72-5437; 72-5438; 72-5443; 72-5446.

\* \* \*

Dear Senator Hayden:

As State Senator for the Thirty-Ninth District, you request our opinion regarding the constitutionality of 1984 Senate Bill No. 695. If this bill was re-introduced and enacted into law, boards of education would be authorized to adopt supplemental salary plans. According to the bill, an agreement entered into by the board and a teacher would provide that supplemental compensation be paid to the teacher for the waiver of the teacher's due process rights under the provisions of K.S.A. 72-5438 through K.S.A. 72-5443 and K.S.A. 72-5446. Teacher participation in such a plan would be voluntary.



Known as the Teacher Tenure Law, K.S.A. 72-5436 et seq. establishes the due process procedure for terminating teacher contracts. K.S.A. 72-5438 provides that whenever a teacher is given written notice of the board's intention not to renew the teacher's contract, or whenever a teacher is terminated before the end of his contract term, the teacher shall be provided a statement of reasons for the board's action. Upon request, the teacher is entitled to a full due process hearing to be held before a special three-member hearing committee. The committee's findings of fact and recommendations are then submitted to the board which makes a final decision. K.S.A. 72-5443. An aggrieved teacher may appeal the decision to the district court. K.S.A. 60-2101. The right to this due process procedure is limited to teachers with two years' tenure, except where termination or non-renewal is the result of alleged abridgement of a constitutional right. K.S.A. 72-5445. The purpose of this act was stated in Coats v. U.S.D. No. 353, 233 Kan. 394, Syl. ¶2 (1983):

"The evident purpose of the Teacher Tenure Law, K.S.A. 72-5410 et seq., is to protect competent and worthy instructors and other members of the teaching profession against unjust dismissal of any kind and secure for them teaching conditions which will encourage their growth in the full practice of their profession."

In addition to the above statutory provisions, a tenured teacher is guaranteed due process of law upon contract non-renewal or termination by the Fourteenth Amendment to the United States Constitution. The Fourteenth Amendment provides that a person cannot be deprived of his property except by due process of law. In Kelly v. Kansas City Kansas Community College, 231 Kan. 751, 760 (1982), the Kansas Supreme Court ruled that "a tenured teacher has an expectation of continued employment which qualifies for constitutional protection as a species of property." When a property right protected by the Fourteenth Amendment is involved, the essential elements of due process of law are notice and an opportunity to be heard. Carson v. Division of Vehicles, 237 Kan. 166, 169 (1985); State v. Durst, 235 Kan. 62, Syl. ¶6 (1984); Stoldt v. City of Toronto, 234 Kan. 957, 964 (1984). It has also been held that a nontenured teacher has a property interest in his continued employment sufficient to require a hearing prior to a mid-year termination of his contract. Wertz v. Southern Cloud Unified School District, 218 Kan. 25, 31-33

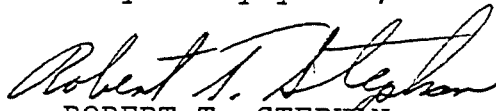
(1975). In summary, a tenured teacher has a constitutional right to due process if his contract is not renewed or terminated, and a nontenured teacher has a constitutional right to due process if his contract is terminated at mid-year.

Constitutional rights, however, are not absolute, but may be waived. The Kansas Supreme Court has ruled that a person may knowingly and voluntarily waive his due process rights. State v. Clevenger, 235 Kan. 864, 868 (1984); Crane v. Mitchell County U.S.D. No. 273, 232 Kan. 51, 64 (1982); Gorham v. City of Kansas City, 225 Kan. 369, Syl. ¶6 (1979).

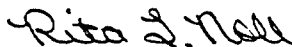
According to 1984 Senate Bill No. 695, a board of education and a teacher may enter into an agreement whereby the teacher would receive compensation supplemental to his regular pay in exchange for waiving statutory due process rights. The teacher would retain the right to written notice pursuant to K.S.A. 1984 Supp. 72-5437 before contract termination or nonrenewal, but would forego his rights to a statement of the board's reasons for the nonrenewal or termination and to have the matter heard by a hearing committee.

Since constitutional rights may be waived, it is our opinion that Session of 1984 Senate Bill 695 is constitutional. A teacher may voluntarily and knowingly waive his due process rights pursuant to K.S.A. 72-5438 through K.S.A. 72-5443 and K.S.A. 72-5446 by entering into an agreement with the board of education to participate in a supplemental salary plan.

Very truly yours,



ROBERT T. STEPHAN  
ATTORNEY GENERAL OF KANSAS



Rita L. Noll  
Assistant Attorney General

RTS:JSS:RLN:crw

SENATOR LEROY A. HAYDEN

SENATOR 39TH DISTRICT  
 GREELEY, HAMILTON, KEARNY,  
 FINNEY, STANTON, GRANT,  
 MORTON, STEVENS AND PART  
 OF HASKELL COUNTIES  
 BOX 458  
 SALTANTA, KANSAS 67870



TOPEKA

SENATE CHAMBER

COMMITTEE ASSIGNMENTS  
 MEMBER ASSESSMENT AND TAXATION  
 ENERGY AND NATURAL RESOURCES  
 PUBLIC HEALTH AND WELFARE  
 TRANSPORTATION AND UTILITIES  
 JOINT COMMITTEE ON SPECIAL  
 CLAIMS AGAINST THE STATE

February 12, 1986

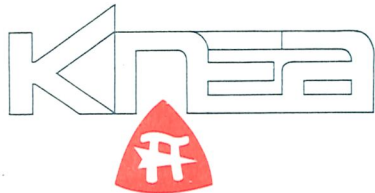
Chairman Harder  
 Members of the Educational Committee:

I want to thank you for the opportunity to appear on SB510. The idea for SB510 came to me several years ago, before getting into the legislature, or having any political aspirations. I was wondering why schools are any different than a manufacturing plant. Indeed we have the raw material coming into a manufacturing plant, and in the case of schools the raw material is the student. We have the physical facilities and we have the workers in types of plants that alters or changes the material, and make a worthwhile saleable product. The saleable product as far as a school is concerned is a group of students being able to go out into society and to be a good, well rounded individuals in our society. The only difference, of course, is that a factory can have some quality control over the incoming raw material. But, to make it real short, Mr. Chairman, basically what we are looking at is massive, massive investments in educational facilities. The sticks and the stone, the brick and the mortar, and I think we need to do something to make this investment more productive. I think we can do this by making our plant workers happier. There are primarily several ways, one of which is foremost in my mind. If we can believe the organizations that represent the teacher, the quickest road to happiness is more salary. Well, my bill sets about to do this, only it does so with local controls and some restrictions. The local control would be, as you will notice, it is a



strictly permissive bill. The school board can be permitted, outside the budget, and with no state aid money, to set up a fund. I would hope this fund would be somewhere in the neighborhood of 10% of the total salaries paid to enhance teacher's salaries, and to supplement the salaries of instructors. The instructors could, as their own volition, say "look, I would like to have more money. I think I deserve more money for my work". They would apply for it, and these tenured teachers then would be compensated. The fund is there for those who feel they are worth more money, and may therefore produce better, and make the "plant" more productive. He or she will be rewarded for their extra abilities. The instructors who chose not to do this, of course, would get the same basic pay raises that they would normally get. I want you to know that I am not locked in to any wording on this. I do believe that the basic concept should be kept in place. If the committee, in it's wisdom, feels that we should put in some lid on what this fund can have in it, and what the interest on this money can be used for, if there is any money accumulating. I think the money should never be more than 15% of the total teachers salaries of the previous year. However, that is something we can work out later, by getting the bill in and having it in it's final clean form. It is a little bit late, by me having asked for the Attorney General's opinion. He did agree the bill was constitutional.

Synopsis: Session of 1984 SB659 is constitutional. A teacher may voluntarily and knowingly waive his due process rights pursuant to K.S.A.....



Craig Grant Testimony Before The  
Senate Education Committee  
February 12, 1986

Thank you, Mr. Chairman. Members of the Committee, my name is Craig Grant and I represent Kansas-NEA. I appreciate this opportunity to speak to the committee about SB 510.

Although we applaud the author of SB 510 in his desire to improve the salaries of teachers and also realize that it is a voluntary program, we oppose the plan outlined in SB 510 as one which should not be necessary in order to increase teacher salaries. We believe that Kansas teachers are underpaid and should not have to give up a basic right of due process in order to get a decent salary. In fact, the way that some boards of education have dealt with the present due process statute leads one to believe that these boards could use this new process to lure teachers into a false sense of security in order to nonrenew a more experienced teacher to hire a cheaper first year teacher.

Kansas-NEA still looks for innovative ways to increase compensation for teachers while still attempting to protect their rights. SB 510, while meeting the first criteria, seems too big a price to pay. We would ask that you report SB 510 unfavorably.

Thank you, Mr. Chairman and Members of the Committee, for listening to the concerns of teachers.





Testimony Presented to the  
Senate Education Committee  
by Gerald W. Henderson, Executive Director  
United School Administrators of Kansas

Concerning: SB 510

Mister Chairman and members of the committee. I am Gerry Henderson, executive director of the United School Administrators of Kansas. We appreciate the opportunity to visit with you briefly concerning SB 510.

As we understand Senator Hayden's bill, it appears to be an attempt to provide school districts with a method of getting more money into the hands of teachers. USA supports the concept of added pay for demonstrated performance. Whether it be called merit pay or supplemental pay or incentive structures (the more recent language), our position remains that the success of any such plan depends on two circumstances:

- (1) Salaries must be improved for all educators prior to any enhancement plan for a few.
- (2) Any incentive plan must include all affected parties in its development and implementation.

We participated last spring and summer, as did KASB, KNEA, and various other business and professional groups in the Commissioner's Task Force on Incentive Structures. This group was formed in response to a resolution from this legislature. The task force looked at the research available on the subject, experienced a great deal of anguish in dealing with the subject, and made a policy recommendation to the state board. The recommended policy would allow boards of education who could reach the necessary agreements between teachers, administrators, and patrons to establish incentive structures for staff. Research clearly shows this to be the only model that works.

Finally, we have some concerns about a plan that puts constitutional rights up for sale. As an administrator I would have a tough time going to one of my former staff members and saying, "You're doing a great job. I'd like to reward your continued outstanding performance with some additional money, but I can only do it if you're willing to waive your rights to due process." I hope we can find a better way.

2-12-86



SENATE BILL NO. \_\_\_\_\_

By

AN ACT concerning school districts; relating to bilingual education programs; amending K.S.A. 72-9501, 72-9504, 72-9507 and 72-9508, and repealing the existing sections.

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

Section 1. K.S.A. 72-9501 is hereby amended to read as follows: 72-9501. As used in this act:

- (a) "School district" means any public school district.
- (b) "Board" means the board of education of any school district.
- (c) "State board" means the state board of education.
- (d) "Department" means the state department of education.
- (e) "~~Educationally--deprived~~ Limited English proficient pupils" means national origin-minority pupils who because of their inability to speak and understand the English language are excluded from effective participation in the educational programs offered by a school district.
- (f) "Program" means a program of bilingual education designed primarily to develop the English language skills of ~~educationally-deprived~~ limited English proficient pupils, ~~to~~ reduce the educational deficiencies of such pupils and ~~to~~ integrate such pupils into regular educational programs.

Sec. 2. K.S.A. 72-9504 is hereby amended to read as follows: 72-9504. The state board may adopt rules and regulations for the administration of this act and shall:

- (a) Prescribe and adopt criteria and procedures for assessment and identification of ~~educationally-deprived~~ limited English proficient pupils including identification of the specific educational deficiencies of such pupils;
- (b) establish standards and criteria for procedures,

activities and services to be provided in a program to develop the English language skills and to reduce the educational deficiencies of ~~educationally-deprived~~ limited English proficient pupils including entry and exit procedures based on the English language proficiency of such pupils; and

(c) establish standards and criteria for reviewing, evaluating and approving school district programs and applications of boards for state aid.

Sec. 3. K.S.A. 72-9507 is hereby amended to read as follows: 72-9507. In order to be approved for payment of state aid, any application under K.S.A. 72-9506, and amendments thereto, shall contain the following information:

(a) The number of ~~educationally--deprived~~ limited English proficient pupils enrolled in the school district and the number of such pupils who are participating in the program;

(b) the number and kind of additional personnel employed by the school district for the program and necessary, as determined by the state board, to meet the educational needs of ~~educationally-deprived~~ limited English proficient pupils;

(c) a description of the scope, objectives and activities of the program for the year;

(d) the amount budgeted by the board for its program;

(e) the amount of the actual expenses incurred by the school district in its program for the purpose of developing the English language skills of ~~educationally-deprived~~ limited English proficient pupils and reducing the educational deficiencies of such pupils; and

(f) such additional information as determined by the state board.

Sec. 4. K.S.A. 72-9508 is hereby amended to read as follows: 72-9508. (a) In each school year the state board, in accordance with the provisions of this act and with appropriations for programs established and maintained under this act, shall allocate and distribute state moneys to boards for the purpose of assisting in the establishment or maintenance of

programs. Within the limits of appropriations therefor and except as otherwise provided in this section, each board shall receive \$150 for each educationally--deprived limited English proficient pupil who is participating in an approved program. If moneys appropriated for such program are not adequate to provide to each board \$150 for each educationally--deprived limited English proficient pupil who is participating in an approved program, the state board shall prorate the money appropriated for such purpose among all boards in the same proportion that the total number of educationally--deprived limited English proficient pupils participating in an approved program of the board bears to the total number of all educationally--deprived limited English proficient pupils participating in approved programs in the state. In no event shall the amount allocated and distributed to any board under this act exceed the amount of the actual expenses incurred by the school district in its program for the purpose of developing the English language skills of educationally--deprived limited English proficient pupils and reducing the educational deficiencies of such pupils.

(b) The state board shall prescribe and furnish all forms necessary for reporting under this act.

(c) Every board shall make such periodic and special reports of statistical and financial information to the state board as it may request.

Sec. 5. K.S.A. 72-9501, 72-9504, 72-9507 and 72-9508 are hereby repealed.

Sec. 6. This act shall take effect and be in force from and after its publication in the statute book.