

Approved January 23, 1990
Date

MINUTES OF THE SENATE COMMITTEE ON EDUCATION

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

1:30 ~~XX~~ p.m. on Thursday, January 18, 1990 in room 123-S of the Capitol.

All members were present except:

Committee staff present:

Mr. Ben Barrett, Legislative Research Department
Ms. Carolyn Rampey, Legislative Research Department
Ms. Avis Swartzman, Revisor's Office
Mr. Dale Dennis, Assistant Commissioner of Education
Mrs. Millie Randell, Committee Secretary
Conferees appearing before the committee:

When Chairman Joseph C. Harder called the meeting to order, he explained that the purpose of the meeting was twofold: (1) to consider the introduction of bill requests, and (2) to present the Committee with a brief overview of carryover bills from the 1989 session.

The Chair then asked the Committee's pleasure regarding a bill request relating to school finance from the Governor. Senator Allen moved, and Senator Kerr seconded the motion that the Committee introduce a bill (Attachment 1) as requested by the Governor. The Chair announced that the motion had carried and that the bill would be referred to the Committee for a hearing.

The Chairman then stated that he had received two requests from the State Board of Education: Amend certain statutes (Senate Bill 13 as passed in 1989) so as (1) to authorize transfers from the General Fund and deposit of interest in the Educational Enhancement Fund, and (2) to redefine at-risk students. The Chairman explained that since the two requests were interrelated, they might be incorporated into the same bill. Mr. Dale Dennis of the State Department of Education was present to explain the requests further. Senator Parrish moved, and Senator Langworthy seconded the motion to approve the bill requests of the State Board. The motion carried.

Chairman Harder then recognized Ms. Kathryn Dysart, Supervisor, Intergovernmental Affairs, USD 259, Wichita. Ms. Dysart requested the introduction of a bill which would add a new subsection (c) to K.S.A. 72-6760 (Attachment 2). Senator Anderson moved, and Senator Kerr seconded the motion that the Committee approve the bill request made by Ms. Dysart. The motion carried.

Mr. Ben Barrett, associate director, Legislative Research Department, briefed the Committee on the carryover bills (Attachment 3) from the 1989 session.

Following Mr. Barrett's review of the Committee bills, the Chairman asked the Committee's pleasure regarding House Bill 2089. He explained that the substance of HB 2089 had been incorporated into the school finance bill passed during the 1989 legislative session. Senator Langworthy moved, and Senator Montgomery seconded the motion to report HB 2089 adversely. The motion carried.

The Chairman announced that the next Committee meeting will be Tuesday, January 23, and he adjourned the meeting.

SENATE EDUCATION COMMITTEE

TIME: 1:30 p.m. PLACE: 123-S DATE: Thursday, January 18, 1990

GUEST LIST

<u>NAME</u>	<u>ADDRESS</u>	<u>ORGANIZATION</u>
John Keeney	Gardner	teacher
Gay Collins	Topeka	K-NEA
Thomas Dyrick	Wichita	USD 259
Merleugh Kurtz	Wichita	USD 259
Larry Schradler	Wichita	USD 259
Bill Curtis	Topeka	KASB
Jerry Grant	McPherson	
Craig Grant	Topeka	H-NEA
Denise Apsit	"	gov. office
Dan Monks	"	Budget
Mark Tallma	Topeka	ASLR
Chuck Stuart	Topeka	USA
Neal Moore	Topeka	Intern-Sen Kerr

SENATE BILL NO. _____

By Committee on Education

AN ACT concerning school districts; imposing budget limitations for the 1990-91 school year; relating to payments of district entitlements from the school district income tax fund; amending K.S.A. 72-7068 and K.S.A. 1989 Supp. 72-7055 and 72-7067, and repealing the existing sections.

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

Section 1. K.S.A. 1989 Supp. 72-7055 is hereby amended to read as follows: 72-7055. (a) Subject to the other provisions of this section, in any school year commencing after June 30, ~~1990~~ 1991, no district shall budget or expend for operating expenses per pupil more than (1) the determinable percentage of the amount of its budget per pupil in the preceding school year or (2) one hundred three percent of the median budget per pupil, as determined by the state board in the preceding school year of districts within the same enrollment category as such district during such year, whichever of (1) or (2) is the lower amount per pupil. Notwithstanding the foregoing provisions of this subsection, any district may budget and expend for operating expenses per pupil not more than 103% of its budget per pupil in the preceding school year.

For the purposes of this subsection, the determinable percentage shall be the percentage equal to the percentage specified in provision (2) plus six percentage points.

(b) Subject to the other provisions of this section, in the school year commencing after June 30, ~~1989~~ 1990, no district shall budget or expend for operating expenses per pupil more than (1) the determinable percentage of the amount of its budget per pupil in the preceding school year or (2) one hundred ~~two~~ one percent of the median budget per pupil, as determined by the

state board, in the preceding school year of districts within the same enrollment category as such district during such year, whichever of (1) or (2) is the lower amount per pupil. Notwithstanding the foregoing provisions of this subsection, any district may budget and expend for operating expenses per pupil not more than ~~102%~~ 101% of its budget per pupil in the preceding school year.

For the purposes of this subsection, the determinable percentage shall be the percentage equal to the percentage specified in provision (2) plus 2.5 one percentage points point.

(c) ~~In the school year commencing after June 30, 1989, any district may increase the percentage increase in its budget per pupil authorized under subsection (b) by not more than one percentage point if the board determines that the amount the district is permitted to budget for operating expenses per pupil under the limitations prescribed in this section is insufficient for such purposes and that an increase in its budget per pupil under this subsection is necessary. No district shall increase its budget per pupil under this subsection until a resolution authorizing such an increase is passed by the board and published once in a newspaper having general circulation in the district. The resolution shall specify the amount and percentage of the proposed increase in the budget per pupil. After adoption of the resolution, the budget per pupil may be increased by the specified amount unless, within 30 days following publication of the resolution, a petition in opposition to the proposed increase signed by not less than 5% of the qualified electors of the district is filed with the county election officer of the home county of the district. In the event such a petition is filed, the budget per pupil shall not be increased without the question thereof having been submitted to and been approved by a majority of the qualified electors of the district voting at an election which shall be called for that purpose.~~

(d) In addition to the amounts authorized to be budgeted and expended under the provisions of this section, any district may

budget and expend for operating expenses per pupil in any school year an amount which shall be determined by the state board by computing the amount of increase in expenditures paid from the general fund of the district in the preceding school year for the employer contribution required under K.S.A. 40-2305, and amendments thereto. Such amount of increase, less an amount equivalent to the percentage increase in the budget per pupil authorized in the preceding school year times the expenditure for the contribution in the second preceding school year, is the additional amount which may be included within the legally adopted budget of operating expenses in the current school year.

(e) (d) In addition to the amounts authorized to be budgeted and expended under the provisions of this section, any district may budget and expend for operating expenses per pupil in any school year an amount which shall be determined by the state board by computing the amount of increase in expenditures paid from the general fund of the district in the preceding school year for the costs incurred for the supplying of water, heat and electricity to the district. Such amount of increase, less an amount equivalent to the percentage increase in the budget per pupil authorized in the preceding school year times the expenditure for the costs in the second preceding school year, is the additional amount which may be included within the legally adopted budget of operating expenses in the current school year.

(f) (e) In addition to the amounts authorized to be budgeted and expended under the provisions of this section, any district may budget and expend for operating expenses per pupil in any school year an amount which shall be determined by the state board by computing the amount of increase in expenditures paid from the general fund of the district in the preceding school year for the purchase of insurance. Such amount of increase, less an amount equivalent to the percentage increase in the budget per pupil authorized in the preceding school year times the expenditure for the purchase of insurance in the second preceding school year, is the additional amount which may be included

within the legally adopted budget of operating expenses in the current school year.

~~(g)~~ (f) Whenever the amount of a district's legally adopted budget of operating expenses, as approved and filed with the county clerk for any school year, is less than the amount authorized for such school year under the other provisions of this section, the district may add an amount equal to the amount that the budget is less than so authorized to its legally adopted budget of operating expenses of a later school year. Notwithstanding the foregoing provision of this subsection, no district shall add to its legally adopted budget of operating expenses for any school year more than an amount equal to the amount of the addend component of the determinable percentage authorized for such school year under the provisions of this section.

~~(h)~~ (g) If the enrollment in a district in the current school year has decreased less than the percentage applicable to the district under this subsection from the enrollment in the preceding school year, the amount which the district may budget and expend under this section may be computed on the basis of the enrollment in the preceding school year. If the enrollment in a district in the current school year has decreased more than the percentage applicable to the district under this subsection from the enrollment in the preceding school year, the amount which the district may budget and expend under this section may be computed on the basis of the enrollment in the preceding school year less the number of pupils by which the enrollment decrease in the current school year exceeds the number of pupils equal to the percentage of enrollment applicable to the district under this subsection. The percentage applicable to a district for the purpose of this subsection is 10% for districts in the first and second enrollment categories and 4% for districts in the fourth and fifth enrollment categories. The percentage applicable to districts in the third enrollment category shall be determined in accord with a schedule prepared annually by the state board.

Such schedule shall be based upon an accepted mathematical formula and shall provide a linear transition between the percentage applicable to districts in the first and second enrollment categories and the percentage applicable to districts in the two largest enrollment categories.

(†) (h) Notwithstanding any of the foregoing provisions of this section, any district may budget and expend for operating expenses per pupil any amount which is not in excess of an amount which has been submitted to and approved by the electors of the district at a general or primary election of the district or at a special election called for the purpose. The election shall be held in the manner provided by article 20 of chapter 25 of Kansas Statutes Annotated for elections on questions submitted in the district.

(†) (i) The provisions of this section apply to the school district created by K.S.A. 72-5333a, and amendments thereto.

Sec. 2. K.S.A. 1989 Supp. 72-7067 is hereby amended to read as follows: 72-7067. (a) (1) For taxable year 1989, each district is entitled to an amount equal to 23% of the resident individual income tax liability within the district after credits allowed against such tax, with the exception of credits for taxes paid to another state and credits allowed under K.S.A. 79-32,100 and 79-32,104, and amendments thereto.

(2) For taxable year 1990, and each taxable year thereafter, each district is entitled to an amount equal to 24% of the resident individual income tax liability within the district after credits allowed against such tax, with the exception of credits for taxes paid to another state and credits allowed under K.S.A. 79-32,100 and 79-32,104, and amendments thereto.

(b) The secretary of revenue shall certify to the state board and the director of accounts and reports the entitlements of districts, and an amount equal ~~thereto~~ to the sum thereof shall be transferred in accordance with the provisions of this subsection by the director from the state general fund to the school district income tax fund, which fund is hereby created,

for distribution thereof to districts. Such certification shall be based on state income tax returns filed and attributed to each district, with any adjustments or corrections made by the director of taxation. The director of accounts and reports shall transfer moneys attributable to entitlements of districts, as prescribed and certified under the provisions of this section, from the state general fund to the school district income tax fund as follows:

(1) Prior to September 1 of the current school year, an amount equal to 20% of the amount of such moneys which have been credited to the state general fund since May 1 of the preceding school year;

(2) prior to October 1 of the current school year, an amount of such moneys equal to the amount transferred from the state general fund for distribution to districts on September 1;

(3) prior to November 1 of the current school year, an amount of such moneys equal to the amount transferred from the state general fund for distribution to districts on October 1;

(4) prior to December 1 of the current school year, an amount of such moneys equal to twice the amount transferred from the state general fund for distribution to districts on November 1;

(5) prior to February 1 of the current school year, any such moneys remaining in the state general fund;

(6) prior to May 1 of the current school year, an amount equal to 50% of the amount of such moneys which have been credited to the state general fund since February 1 of the current school year; and

(7) prior to June 15 of the current school year, the remainder of the amount of such moneys which have been credited to the state general fund since February 1 of the current school year.

(c) All transfers made in accordance with the provisions of this section shall be considered to be demand transfers from the state general fund.

Sec. 3. K.S.A. 72-7068 is hereby amended to read as follows:
72-7068. (a) ~~The--director-of-taxation-shall-make~~ Distributions shall be made from the school district income tax fund to districts as follows: On September 1, October 1, November 1, December 1, February 1, May 1 and June 15 of the current school year, moneys transferred to such fund prior to each such date in accordance with the provisions of K.S.A. 72-7067, and amendments thereto.

(b) ~~The--director--of--taxation--shall--pay-to~~ Each district shall be paid the amount of the district's entitlement as prescribed and certified under the provisions of K.S.A. 72-7067, and amendments thereto, ~~and-as-indicated-by-the-state-income--tax returns---filed---and---attributed---to---each---district,---with---any adjustments-or-corrections-made-by-the-director.~~

(c) The director of accounts and reports shall draw warrants on the state treasurer payable to the district treasurer of each district entitled to payment from the school district income tax fund upon vouchers approved by the ~~director--of--taxation~~ state board. Upon receipt of the warrant, each district treasurer shall credit the amount thereof to the general fund of the district.

Sec. 4. K.S.A. 72-7068 and K.S.A. 1989 Supp. 72-7055 and 72-7067 are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its publication in the statute book.

WICHITA PUBLIC SCHOOLS
Unified School District No. 259
ADMINISTRATION CENTER
217 N. WATER
WICHITA, KANSAS 67202

Kathryn Dysart, Supervisor
Intergovernmental Affairs
316-833-4135

Request of the Senate Committee on Education from the Wichita Public Schools

When we have a boiler blow-up or a roof blow off, we want to respond as quickly as we can to get the damage repaired so school can continue with as little disruption as possible. However, boilers and roofs are big ticket items generally exceeding the price above which we must, by statute, engage in a time-consuming bidding procedure. The proscribed procedure can take weeks before repair work can begin even though our property insurance will cover the loss and the insurance carrier can authorize replacement expenditures in a matter of hours. We believe it is in the best interest of the children and the taxpayers to allow such repair work to begin as quickly as possible.

Consequently we are requesting the introduction of a bill which would add a new subsection (c) to KSA 72-6760: **(c) The provisions of subsection (a) shall not apply to the purchase required to be made by the Board of Education due to real property loss covered by insurance, or a boiler or machinery loss covered by insurance.**

Education
1/18/90
Attachment 2

MEMORANDUM

Kansas Legislative Research Department

Room 545-N - Statehouse
Topeka, Kansas 66612-1586
(913) 296-3181

January 8, 1990

To: Senate and House Committees on Education

Re: 1989 Bills and Concurrent Resolutions Carried Over to the 1990
Session in the Senate and House Education Committees

A. Senate Education Committee

Senate Bills

S.B. 83 (Senator Walker). The bill amends the professional negotiations law applicable to school districts, community colleges, and area vocational schools. The present law permits professional employees to form, join, or assist professional employees' organizations for purposes of professional negotiations. The statute is broadened to permit professional employees to engage in other concerted activities not prohibited by law for the purpose of other mutual aid or protection.

S.B. 100 (Senate Education Committee). The bill pertains to state aid for community colleges. For state aid purposes, a new type of credit called "developmental credit" is identified. Developmental credit is a type of credit assigned to subjects or courses that are preparatory for participation in a program leading to a postsecondary certificate or degree. Developmental credit is to be distinguished from college credit, which is credit assigned to subjects or courses that are part of an organized and specified program leading to a postsecondary certificate or degree. Developmental credit hour state aid would be paid for Kansas resident student enrollments at the rate of 2.0 times the rate for community college credit hour state aid. This multiple would be phased in over a five-year period, as follows: 1.6 in 1989-90, 1.7 in 1990-91, 1.8 in 1991-92, 1.9 in 1992-93, and 2.0 in 1993-94.

(The bill is a recommendation of the Kansas Association of Community Colleges.)

S.B. 118 (Senators Karr, Anderson, Daniels, et al). The bill amends the law which specifies certain subjects that accredited elementary schools must teach. The listing of required subjects is expanded to include science and the arts.

S.B. 159 (Senator Lee). The bill designates English as the official state language.

S.B. 265 (Senate Education Committee). The bill repeals K.S.A. 72-116, the statute which authorizes any person who completes a four-year course of study in an accredited high school to be admitted to the freshman class of any state educational institution under the State Board of Regents.

Education
1/18/90
Attachment 3

(The bill was recommended by the State Board of Regents. H.B. 2322 is an identical measure.)

S.B. 352 (Senate Ways and Means Committee). The bill pertains to the lease of real or personal property by school districts. The amendment states that beginning July 1, 1989, a school district board of education may not enter into a contract under K.S.A. 72-8225 for the lease-purchase of a permanent structure for a school building.

Senate Concurrent Resolution

S.C.R. 1623 (Senators Johnston, Anderson, Bond, et al). The concurrent resolution proposes a revision of Article 6, the education article of the Kansas Constitution, as it pertains to the public elementary and secondary education system of the state.

The Legislature is delegated responsibility to establish a system of public education which may be organized and changed as provided by law. The Legislature must make suitable provision for the system of public education and the schools and institutions which are part of the system. In this respect, the Legislature is delegated the power to determine the instrumentalities of governance that may be needed.

The amendment removes the constitutional authority of the State Board of Education with respect to the supervision of public schools, educational institutions, and other state educational interests except those delegated by law to the State Board of Regents. Also removed is language which specifies that a municipal university shall be operated, supervised, and controlled as provided by law and which authorizes, in accord with law, local school boards to engage in cooperative programs.

The practices and arrangements set out in the present Article could be continued or modified by statutory provisions; however, the constitutional authority to legislate in the field of public education clearly would reside with the Legislature -- it would no longer be divided between the Legislature and the State Board of Education.

The amendment also requires the Legislature to make suitable provisions for financing the system of public education. In this respect, the Legislature is authorized to levy a permanent tax and provide for the apportionment and appropriation of the proceeds of the tax. (The present provision authorizes a permanent tax levy only for the use and benefit of state higher education institutions.)

House Bills

H.B. 2086 (House Education Committee). The bill pertains to the composition of the board of trustees of community colleges. The amendment increases a board's membership from six (the current membership of all such boards) to seven. The new seventh member would be elected at-large. This change would become effective on July 1, 1991. The new at-large member would be first elected at the 1991 community college election and would serve a four-year term.

H.B. 2089 (Representatives Bowden, Baker, Borum, et al). The bill amends the statute pertaining to residency of children for school attendance purposes to provide

that any child who has attained the age of eligibility to attend school and who lives at the Judge James V. Riddel Boys Ranch as a result of placement by a district court or by the Secretary of Social and Rehabilitation Services shall be deemed a resident of USD 259, the Wichita school district.

(The subject matter of H.B. 2089 was addressed in 1989 H.B. 2085, which was enacted.)

H.B. 2152 (Representative Patrick). The bill pertains to rates of tuition that community colleges may charge to students. The minimum rate of tuition that may be charged by a community college to in-state resident students would be increased from \$14 per credit hour to \$15 per credit hour in FY 1990, \$16 per credit hour in FY 1991, \$17 per credit hour in FY 1992, \$18 per credit hour in FY 1993, and \$19 per credit hour in FY 1994 and thereafter. The maximum rate of tuition that could be charged to such students (presently, \$22 per credit hour) would be eliminated. The rate of tuition charged to out-of-state or foreign students would be set at the greater of \$55 per credit hour or not less than 2.5 times the amount per credit hour charged to in-state students. The rate that could be charged to a person eligible for in-state rates but who resides within a federal military reservation, if such rate is established, would be not less than \$36 per credit hour.

H.B. 2218 (Representatives Pottorff, Baker, Borum, et al). The bill pertains to school districts and authorizes development and implementation of parent education programs. A state grant program to provide financial support for these programs is established; it is administered by the State Board of Education.

A "parent education program" is a program developed and implemented by a school district board to provide resource materials on home learning activities, private and group educational guidance, individual and group learning experiences for preschool-aged children and their parents, and other activities that enable the parents of preschool-aged children to improve learning in the home. A preschool-aged child is a child under three years old.

A school district board could implement a parent education program; and, in so doing, could enter into cooperative or interlocal agreements; contract with private, nonprofit corporations or associations or with any public or private agency or institution; and apply to the State Board of Education for a grant to supplement its expenditures for such a program. In each school year, to the extent of available appropriations, the State Board would award grants to all school districts which had developed and implemented approved parent education programs. The amount of the grant could not exceed the cost of the program.

The State Board of Education, in cooperation with the State Department of Social and Rehabilitation Services, the State Department of Health and Environment, and other appropriate associations and organizations, would provide school boards with technical advice and assistance. Upon completion of the 1991-92 school year, the State Board of Education would evaluate the parent education programs for which grants were awarded and make recommendations to the Governor and the Legislature regarding whether this program should be continued.

H.B. 2234 (Representatives Blumenthal, Amos, Freeman, et al). The bill proposes enactment of the Student Freedom of Expression Act. It applies to school districts and, more specifically, to student publications which are prepared under the direction of a certificated employee. The bill explicitly protects the liberty of the press

in such student publications. This means that material cannot be suppressed solely because it involves political or controversial subject matter.

Publication of matter that is libelous, slanderous, or obscene; matter that commands, requests, induces, encourages, commends, or promotes conduct that is defined by law as a crime or that constitutes grounds for suspension or expulsion under K.S.A. 72-8901, as amended; or matter that creates a material and substantial disruption of the normal school activity is not protected by this bill.

Boards of education are prohibited from adopting policies that abridge, violate, or are in derogation of the rights of liberty of the press in student publications or of the rights of students to freely express their sentiments to the extent that such rights are granted by the bill.

No publication or other expression by students under the act is deemed to be a publication or expression of school district policy. No member of a board of education of a school district and no employee thereof may be held responsible in any civil or criminal action for any publication or other expression by students under the legislation.

Sub. H.B. 2540 (House Appropriations Committee). The bill authorizes interlocal cooperation agreements between Emporia State University and cooperating school districts. Emporia State University is authorized to enter into agreements with one or more school districts to perform functions which the University and school districts independently are authorized to perform. Agreements are subject to the Interlocal Cooperation Act. An agreement would establish the Flint Hills Educational Research and Development Association. The board of directors created pursuant to the agreement would be composed of at least one representative of each party to the agreement. An agreement, in order to become effective, must be approved by the State Board of Education and State Board of Regents.

The term of the agreement in performing services, exclusive of special education services, is for a minimum of three and a maximum of five years. If the agreement includes special education services, the duration is perpetual, unless partially or completely terminated in accord with specified alternative provisions which, in any event, would require approval by the State Board of Education. If the State Board of Education disapproves a complete or partial termination of an agreement involving special education services, no further action can be taken on such agreement for at least three years.

An agreement can be modified by mutual agreement of the contracting parties or by legislation. Emporia State University and school districts party to such an agreement are not empowered to levy taxes, issue bonds, participate in the School District Equalization Act or the federal Impact Aid program, or affect state educational institution budgets. Expenses incurred by school districts under an agreement which are paid from the school district general fund are treated as operating expenses.

B. House Education Committee

House Bills

H.B. 2013 (Special Committee on School Finance). The bill was recommended by the interim 1988 Special Committee on School Finance. It proposed important changes to the School District Equalization Act (SDEA) affecting district wealth, local effort, enrollment categories, budget authority, and "hold harmless" equalization aid provisions.

Generally, these major issues were addressed in H.B. 2085, which was enacted. (Presumably, there will be a "new" school finance bill for consideration by the 1990 Legislature.)

H.B. 2087 (House Education Committee). The bill pertains to the financing of community colleges. Following is a summary of the main proposed changes:

1. **Outdistrict Tuition.** The outdistrict tuition paid to community colleges by counties, currently at the rate of \$24.00 per credit hour for students under the 64- to 72-hour limit for nonvocational program enrollments, is phased out over a five-year period.
2. **State Aid.** A new community college aid program is phased in beginning in 1989-90 through 1993-94. The principal objective is to reach an aid level on a statewide average basis of 40 percent of operating costs of the community colleges. During this period, the aid ratio would have been set at 32.08 percent in 1989-90 and would be phased in equal increments to 40.00 percent in 1993-94 and thereafter.

The aid distributions are determined as follows:

- a. Credit hour state aid continues to be paid at the present statutory rate (\$28.00 per credit hour, subject to the 1.5 and 2.0 vocational program multiples).
- b. Outdistrict state aid (currently \$24.00 per credit hour) paid by the state to the community colleges for outdistrict students is increased in equal increments, beginning in 1989-90, until it reached \$48.00 per credit hour in 1993-94 and thereafter.
- c. Beginning in 1989-90, ancillary credit hour state aid and ancillary general state aid (a new program) would have been paid to community colleges. The State Board of Education would calculate this aid by determining in each year the approximate amount of the total operating expenses of all community colleges during the fiscal year and applying to that amount the percentage of state aid to the operating budgets which is applicable to that year. (For example, for 1989-90, the percentage was to be 32.08.) From the amount so produced, the estimated amount of credit hour state aid, outdistrict state aid, general state aid, outdistrict tuition, and local ad valorem tax reduction fund

income that the community colleges are expected to receive is subtracted. Of the amount remaining, 67 percent is distributed to community colleges on the same basis as credit hour state aid. This distribution is known as ancillary credit hour state aid. The remaining 33 percent is distributed to the community colleges on the same basis as general state aid. This distribution is known as ancillary general state aid.

3. **General State Aid.** In the determination of general state aid entitlements under the existing formula, the property valuation wealth measure is changed from the use of adjusted valuation to the use of assessed valuation of the community college. (This change is made in concert with the implementation in 1989 of statewide reappraisal of property.)
4. **Tax Levies.** The authority of community colleges to levy separately for employee benefits, Social Security, worker's compensation, unemployment insurance (no limit) and vocational education (2-mill limit) is eliminated by virtue of including these items in the general operating fund of the community college. Also, tax lid limitations on community college general fund levies are removed.
5. **Transfers.** Transfers from the community college general fund to the adult education and adult supplementary education fund continue to be authorized; expenditures for these purposes must be made from the respective funds.

(The bill was recommended by the State Board of Education. While the legislation was not enacted in 1989, state funding provided for community colleges generally was thought to be at a level commensurate with that contemplated in H.B. 2087. Another bill, S.B. 210, contained the principles in H.B. 2087, plus that of bringing Washburn University into the state system of higher education. S.B. 210 became the vehicle for funding issues regarding community colleges, Washburn University, tuition grants, and Margin of Excellence. That bill presently is carried over in the House Appropriations Committee. See also, H.B. 2163 for the State Board funding proposal for Washburn University.)

H.B. 2098 (House Public Health and Welfare Committee). The bill requires school district boards of education to adopt policies for the provision of health care services to pupils with health care needs. A pupil with health care needs is a pupil less than 18 years of age whose health or physical, mental, or emotional condition requires health care services.

Professional employees of a school district are required to report to the superintendent of the district instances where it appears a pupil has health care needs. The superintendent then notifies the parent(s) of the pupil of the report. This notice must describe the health services the pupil appears to need, inform the parents of any free or low-cost health care services available in the area, and request the parents to respond to the notice. If the parents respond that they are financially unable to pay the costs of providing the needed health care services and that the pupil is not eligible for medical assistance under Department of Social and Rehabilitation Services programs,

the school district, with the consent of the parents, may cause the pupil to be provided with the needed services and may pay the costs from its general fund.

Failure of the parents to respond to the notice or to provide the needed health care services is considered to constitute child abuse or neglect and is to be reported to the State Department of Social and Rehabilitation Services.

In instances where the costs of health care services have been paid by a school district and the parents of the pupil subsequently acquire financial resources greater than they had when the school district paid the costs, it is the duty of the parents to reimburse the school district for the cost of the health services. Money a school district receives in accord with this provision is considered a reimbursement and is deposited in its general fund.

School districts and health care providers acting in good faith and with consent to provide health care services in accord with the legislation are exempted from civil or criminal liability.

H.B. 2150 (Representatives Baker, Allen, Bowden, et al). The bill amends the current law pertaining to the duration of the school term. The present minimum school term applicable to school districts, expressed in days, is 180 days. The amendment provides that beginning with the 1990-91 school year, the minimum school term will be increased by one day each year through the 1999-2000 school year, at which time it will be 190 days. Another change is to eliminate the option presently available to school districts to comply with the minimum school term requirements by meeting a schedule expressed in terms of school hours. (The statutory provision which specifies the number of hours that must be provided in order to meet the school day requirements remains unchanged.)

H.B. 2154 (Representative Hensley). The bill amends the professional negotiations law applicable to school districts, community colleges, and area vocational-technical schools to include "transfer procedures" as a mandatorily negotiable item.

H.B. 2163 (House Education Committee). The bill pertains to the financing of Washburn University of Topeka, and proposes the following changes:

1. **Outdistrict Tuition and Outdistrict State Aid.** Outdistrict tuition charged to the townships in Shawnee County and to all other counties and outdistrict state aid are phased out beginning with the 1989-90 school year through the 1992-93 school year.
2. **Operating Grant.** Beginning in 1989-90 and ending in 1992-93, the State Board of Education determines the total amount of credit hour state aid, outdistrict state aid, outdistrict tuition, and operating grant received by Washburn in the prior year and increases that amount to 107 percent of the original sum. From the new sum would be subtracted the outdistrict state aid and outdistrict tuition Washburn is entitled to receive in the current year -- the balance being the operating grant for that year. Beginning in 1993-94 and in each year thereafter, the operating grant to Washburn is increased by 7 percent.

(The bill was recommended by the State Board of Education. See also, H.B. 2087, which contains the State Board's funding recommendations for community

colleges. Another bill, S.B. 210, contained the principle of bringing Washburn University into the state system of higher education, and contained enhanced funding for community colleges, tuition grants, and Margin of Excellence. That bill presently is carried over in the House Appropriations Committee.)

H.B. 2202 (House Committee on Education). The bill pertains to out-district tuition and out-district state aid for community colleges. The 64- and 72-hour limitations on the payment of out-district tuition and credit hour state aid are deleted. Also, taxes levied by counties for the payment of out-district tuition obligations are exempted from the tax lid.

(Under present law, community colleges receive out-district tuition, which is paid by counties, and out-district state aid at the rate of \$24.00 per credit hour for enrollments of Kansas resident students. However, such entitlements are subject to a cap for any student who has 64 hours of credit from a postsecondary institution or 72 hours in the case of enrollments in terminal type nursing or freshman-sophomore level preengineering courses. An exception to this limitation is for enrollments in an approved vocational education program at a community college for receiving vocational or technical training or retraining.)

H.B. 2204 (House Committee on Education). The bill pertains to the vocational education credit hour state aid multiple for enrollments of Kansas resident students in community colleges. Present law authorizes the payment of credit hour state aid at the rate of \$28.00 for enrollments of Kansas resident students for academic credit hours. If the enrollment is in an approved vocational program offered by a community college which also is designated as an area vocational school or a program which has been transferred from an area vocational school or an area vocational-technical school to a community college in accord with an agreement under K.S.A. 1989 Supp. 71-1507, a multiple of 2.0 is applied to the \$28.00 rate; otherwise, the multiple is 1.5. The amendment increases the vocational education multiple for this latter category of programs to 2.0, as follows: 1.6 in FY 1990, 1.7 in FY 1991, 1.8 in FY 1992, 1.9 in FY 1993, and 2.0 in FY 1994 and thereafter.

(The bill was recommended by the Kansas Association of Community Colleges.)

H.B. 2261 (Representatives Gross, Branson, Charlton, et al). The bill amends the School District Equalization Act. The amendment pertains to the determination of the median budget per pupil used for computing per pupil budget limitations and state aid entitlements of school districts in the fourth (next largest) enrollment category. The amendment provides that for each of the 1989-90 and 1990-91 school years, the actual median for the enrollment category is increased by 3.5 percent. Then, for the 1991-92 school year and for each school year thereafter, the median budget per pupil of the fourth enrollment category would be that of the fifth (largest) enrollment category.

(1989 H.B. 2085, which was enacted, provided for an increase in the median budget per pupil in the fourth enrollment category of 2.5 percent for both the 1989-90 and 1990-91 school years.)

H.B. 2294 (Representatives Lowther, Aylward, Chronister, et al). The bill requires the State Board of Regents to prepare a "state university preparatory curriculum." This curriculum would identify academic subject areas in which state university students should be competent, specify the number of units in each such academic subject area which should be satisfactorily completed by a prospective state university student, and

designate the subject matter content of the units to be completed in each such subject area.

As of June 30, 1993, the bill would sunset the provision of law which now provides open admissions to the state universities for persons who complete a four-year course of study in an accredited Kansas high school.

From and after July 1, 1993, admission to the freshman class of a state university would be open to persons who complete a four-year course in an accredited high school and who also complete (1) State Board of Education high school graduation requirements and (2) the state university curriculum. An exception is that from July 1, 1993, through June 30, 1995, such persons would be exempt from any foreign language component of the state university preparatory curriculum.

H.B. 2308 (Representatives Wagnon, Bowden, Branson, et al). The bill pertains to the due process procedures applicable to teachers of school districts, community colleges, and area vocational-technical schools. The amendment makes the decision of the hearing committee final and binding, subject to appeal to the district court.

(Presently, the decision of the three-member hearing panel is final only when it is a unanimous decision.)

H.B. 2322 (Representatives Vancrum, Aylward, Chronister, et al). The bill repeals the statute which authorizes any person who completes a four-year course of study in an accredited high school to be admitted to the freshman class of any state educational institution under the State Board of Regents.

(See also, S.B. 265, which is an identical measure.)

H.B. 2349 (Representatives Wagnon and Hensley). The bill establishes the At-Risk Pupil Assistance Program. This is a state program, administered by the State Board of Education, which awards grants to school districts that develop and maintain At-Risk Pupil Assistance plans.

An At-Risk Pupil Assistance Plan is developed and maintained by a school district board in order to provide at-risk pupils of the district with additional services, including child care services; independent study assistance in the attainment of competency objectives under the minimum competency assessment program; instruction in parenting, consumer, work, and other life skills; opportunity to complete requirements for grade level promotion or graduation from high school; and other programs to address the specific needs of pupils at risk of becoming dropouts.

(The substance of H.B. 2349 was combined with that contained in 1989 S.B. 13 and was enacted by the 1989 Legislature. S.B. 13 originally was designed to provide state financial incentives for school district educational system enhancement plans (which included the principle of dropout prevention). Under the name of the Educational Excellence Grant program, two main types of incentives were established -- educational system enhancement and at-risk pupil assistance initiatives. The sum of \$2.25 million was appropriated from the State General Fund for FY 1990 to support these initiatives.)

H.B. 2431 (House Committee on Education). The bill creates the Teacher Service Scholarship Act. Main provisions of the program, which is administered by the State Board of Regents, include the following:

1. A teacher service scholarship is financial assistance to a prospective-teacher student, the liability for repayment of which is conditioned on satisfaction of certain contractual obligations.
2. The program is directed toward persons who commit to teach in a school with a significant at-risk pupil enrollment or in a critically underserved field of specialization, or to persons who are members of an ethnic minority group and who engage in the practice of teaching.
3. A school with a significant at-risk pupil enrollment is defined as an accredited school which has an inordinately high pupil failure or dropout rate or in which there is an inordinately large enrollment of at-risk pupils as determined by the State Board of Education for the school year in which the recipient first engages in teaching. A critically underserved field of specialization is defined as a teaching area in which there is a critically short supply of teachers as determined by the State Board of Education for the school year in which the recipient first enters into a teacher service agreement. Ethnic minority group means persons categorized as American Indian or Alaskan Native; Asian or Pacific Islander; Black, non-Hispanic; or Hispanic.
4. To qualify for the scholarship, the person must be a Kansas resident, be accepted for admission or enrolled full time in a teacher education program, continue full time enrollment, remain in good standing, make satisfactory progress toward program completion, enter into a teacher service agreement with the State Board of Regents, and provide information required by the Board. A teacher education institution includes a college or university located in Kansas which is accredited by the State Board of Education for the preparation of school personnel for certification.
5. The teacher service scholarship is provided for each academic semester, up to a maximum of six semesters, in which the recipient is enrolled full time. The amount of the scholarship is an amount equal to the lesser of the total tuition and required fees of the student for the semester or an amount equal to the average amount of the total tuition and required fees of teacher education students who are enrolled full time in teacher education programs at the state universities.
6. Each teacher education institution secures from former prospective-teacher students the evidence needed by the State Board of Regents as proof of satisfaction of the obligations incurred under teacher service agreements and is responsible for determining whether such persons are satisfying the obligations of the agreement. These institutions also are charged with enforcing satisfaction of the repayment liability incurred by persons who do not satisfy the teaching obligation requirements.
7. The obligations of the prospective-teacher student are the following: maintain full-time enrollment each semester while in the program, remain in good standing and make satisfactory progress toward program completion; receive the degree; seek certification by the State Board of Education; teach in a State Board of Education accredited elementary or secondary school for the number of semesters,

consecutively, equal to the total number of academic semesters for which the scholarship was received; submit to the parent teacher education institution the evidence deemed necessary by the State Board of Regents as proof of satisfaction of the teaching obligation; and repay amounts required in the event the obligation is not discharged by teaching.

A person who does not satisfy the teaching obligation is required to repay the teacher education institution an amount equal to the aggregate sum of money received by the person for the portion of the obligation not discharged by teaching, plus annual interest from the date of payments made to the person at the rate of 10 percent per annum. Repayment is by installment payments of not less than one-fifth of the total amount required to be paid if repaid in five equal annual installments.

House Concurrent Resolutions

H.C.R. 5003 (Special Committee on School Finance). The concurrent resolution contains an affirmation of the desirability of achieving the goal of funding school district general fund budgets at the 50 percent level from state aid.

H.C.R. 5010 (House Committee on Elections). The concurrent resolution proposes to amend Article 6 of the Kansas Constitution as it relates to the powers of the State Board of Education. The amendment clarifies that the Legislature will specify the role of the State Board concerning the supervision of public schools, educational institutions, and all of the educational interests of the state, except for those delegated by law to the State Board of Regents.

(The amendment terminates the constitutional power of the State Board of Education to make and execute educational policy within the realm of its responsibility and establishes that the State Board's supervisory role is to be specified by statute.)

Senate Bill

S.B. 63 (Senator Francisco). The bill requires schools which have received proper notice in joint custody situations to make a reasonable effort to notify both parents of medical emergencies involving a child, to permit both parents to participate in school activities, and to mail to such parents grade cards, failure or down slips, and notices of any special needs of the child. In order to receive such notices, the parent (or parents) would be required annually to notify the school in writing of the identity of the child; to identify both parents by name, address, and telephone number; and to provide a certified copy of the court custody order.

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