

Approved 1/21/92  
Date

MINUTES OF THE SENATE COMMITTEE ON EDUCATION

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

1:30 ~~xxx~~/p.m. on Wednesday, January 15, 1992 in room 123-S of the Capitol.

All members were present except:

Committee staff present:

Mr. Ben Barrett, Legislative Research Department  
Ms. Avis Swartzman, Revisor of Statutes  
Mrs. Millie Randell, Committee Secretary

Conferees appearing before the committee:

After calling the meeting to order Chairman Joseph C. Harder welcomed two new members to the Committee: Senator Dave Webb, who replaced Senator Jim Allen; and Senator Jim Ward, who replaced Senator Gene Anderson.

The Chair stated that the purpose of the meeting was to brief the Committee on carryover bills from the 1991 session and to receive requests for introduction of new bills. He stated that the only request he had received to date had been made by the Kansas Association of School Boards. He then called upon Mr. Mark Tallman, Coordinator of Public Relations for the Kansas Association of School Boards.

Mr. Tallman explained that his organization is requesting a resolution that would establish state education goals as the focal point of school improvement efforts. (Attachment 1)

When the Chair asked the Committee's pleasure, Senator Kerr moved that the Committee introduce a resolution, as explained by Mr. Tallman, for referral to the Committee. The motion was seconded by Senator Frahm, and the motion carried.

The Chair called upon Mr. Ben Barrett, Legislative Research Department, to review the carryover bills for the Committee. (Attachment 2)

The Chair stated that the Committee will have discussion and possible action on the bills beginning at its next meeting, Tuesday, January 21.

The Chair adjourned the meeting.

SENATE EDUCATION COMMITTEE

TIME: 1:30 p.m. PLACE: 123-S DATE: Wednesday, January 15, 1992

GUEST LIST

<u>NAME</u>	<u>ADDRESS</u>	<u>ORGANIZATION</u>
Christina Vasquez	1027 Parkview	Page
Kathryn Nelson	3124 Munson	Page
Deane Apt	Topeka	#450-500
Jacque Dakes	Topeka	SQE
Craig Grant	Topeka	IT-WEA
Slim McHenry	Topeka	KCAPC
Kim Vukus	Topeka	Intern - Sen. Karr
Ladislav M. Armandy	Topeka	Gov. Office
Oran Burnett	Topeka	USQ 501#
Mark Tallman	Topeka	KASIS
Matt Truell	Topeka	AP
JOHN MARSHALL	TOPEKA	Harris News Service

**KANSAS  
ASSOCIATION**



**OF  
SCHOOL  
BOARDS**

5401 S. W. 7th Avenue Topeka, Kansas 66606  
913-273-3600

**Request for Resolution Introduction  
before the  
Senate Committee on Education**

by

**Mark Tallman, Coordinator of Governmental Relations  
Kansas Association of School Boards**

January 15, 1992

Mr. Chairman, Members of the Committee:

We appreciate the opportunity to request the introduction of legislation on behalf of the Kansas Association of School Boards. Our only request at this time is a resolution that would establish state education goals as the focal point of school improvement efforts.

Over the interim, KASB developed a comprehensive school improvement and finance plan called "Quest for Quality," which is outlined in our Legislative manual. We believe that reaching a consensus on clear goals for the educational system is the critical first step to develop priorities, determine strategies at the state, district, building and program level, and provide public accountability through measurable performance indicators.

This proposed resolution establishes five state education goals and ten performance indicators. It endorses the continued development of Quality Performance Accreditation, and enforcement of state standards through meaningful sanctions. It would provide a vehicle for implementing several recommendations of the interim Education Committee.

Thank you for your consideration.

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A resolution concerning state education goals.

WHEREAS education is a vital interest of the State of Kansas, upon which its economic vitality and quality of life depend, and

WHEREAS the ability of Kansas schools to serve that interest is challenged by changing expectations for educating all students at higher levels, by changes in family and communities resulting from economic and social trends, and by changing demands from the state, national and world economy; requiring changes within the educational system, and

WHEREAS improvement of the public school system requires the following elements: (1) goals that establish high performance standards and clear indicators of progress toward those goals that ensure accountability, (2) maximum local flexibility in achieving these goals and meeting student and community needs, (3) strengthened instruction through staff development accountability, effective learning strategies and technological support, (4) support for families as partners in the educational process, (5) greater involvement with and support for education by business and the entire community, and (6) equitable, adequate and efficient school finance and tax mechanisms, and

WHEREAS the Kansas Constitution establishes a system in which the State Board of Education is responsible for the general supervision of the public schools; the Legislature is responsible for "suitable" finance of the educational interests of the state; and local school boards are responsible for the maintenance, development and operation of the public schools;

THEREFORE, BE IT RESOLVED that the Kansas Legislature adopt the following goals for the Kansas public schools:

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- A. To assist families in early childhood education and school preparation, in family involvement in the educational process, and in providing basic services for young children.
- B. To provide all students with strong competencies in fundamental skills, especially communications, mathematics and problem-solving.
- C. To prepare students for success in postsecondary education and employment, including college, vocational and on-the-job training.
- D. To provide a safe, orderly learning environment for all students.
- E. To involve the entire community in the education system.

BE IT FURTHER RESOLVED that the Legislature requests the State Board of Education collect and disseminate information and provide support to local districts regarding the following performance indicators for the state goals :

Goal A - School Readiness

- 1. Increase preschool, Parent Education Programs and family outreach programs to all schools wishing to participate.

Goal B - Student Competencies:

- 2. Increase student oral and written communications skills as measured by the new state communications assessment.
- 3. Increase student mathematics skills as measured by the new state mathematics assessment.
- 4. Increase student problem-solving and analytical skills and other higher level thinking skills as measured by state and local assessments.
- 5. Decrease the school drop-out rate and increase attendance rates.

Goal C - Postsecondary and Vocational Preparation:

- 6. Increase the number of students successfully completing advanced math and science courses in high school.

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7. Increase the high school graduation rate.
8. Increase placement rates by high school graduates in post-secondary programs, from vocational-technical schools to the universities.

Goal D - Safe Learning Environment:

9. Decrease incidents of crime, violence and substance abuse in schools.

Goal E - Community Involvement:

10. Increase school interaction with community agencies and social services, and with business and the private sector.

BE IT FURTHER RESOLVED that the Legislature request the State Board of Education to continue development of an accreditation system based on outcomes that establish high standards for all students while recognizing the unique circumstances of each school and school district community, with meaningful sanctions for schools and districts which fail to achieve specified outcomes, and

BE IT FURTHER RESOLVED that the State Board of Education report on progress in meeting these goals annually to the Governor and Legislature.

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# MEMORANDUM

## Kansas Legislative Research Department

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

January 1, 1992

### SUMMARY OF 1991 BILLS AND CONCURRENT RESOLUTIONS CARRIED OVER TO THE 1992 SESSION IN THE HOUSE AND SENATE EDUCATION COMMITTEES

#### House Education Committee

##### House Bills

**H.B. 2023.** The bill amends the law applicable to school districts pertaining to the duration of the school term.

The minimum school term is increased from 180 to 190 six-hour school days, effective beginning with the 1991-92 school year. In accord with this policy change, provisions relating to the alternative of expressing the minimum school term in terms of hours are modified accordingly.

**H.B. 2038.** The bill pertains to State Board of Regents' educational institutions. The amendment requires the Board to allow persons to enroll tuition-free in the state educational institutions when such persons are employees or spouses or dependents of employees of a state educational institution.

**H.B. 2041.** The bill amends the School District Equalization Act (SDEA) and the law which establishes the minimum school term in order to eliminate financial disincentives that might occur if a school district operates an extended school program based on a trimestral or quarterly concept.

(This concept was contained in 1991 S.B. 47, which was enacted.)

**H.B. 2081.** The bill amends the definition of the term "pupil" for purposes of the School District Equalization Act (SDEA) and adds language pertaining to the financing by school districts of summer programs.

The term "pupil" in the SDEA is modified to count a pupil enrolled in a summer program in the school district's enrollment to the nearest .10 that the pupil's enrollment bears to full-time regular enrollment. For this purpose, the number of pupils enrolled on July 10 is added to the September 20 enrollment count.

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**H.B. 2085.** The bill requires school districts and accredited nonpublic school governing boards to adopt rules and regulations to govern participation of students in extracurricular activities. These rules and regulations must include the requirement that a student will be suspended from participation in any extracurricular activity during the grade reporting period after a grade reporting period in which the student had a grade point average lower than the equivalent of 2.0 on a 4.0 scale. For students receiving special education services, the suspension from participation in extracurricular activity is based on the student's failure to meet requirements of the student's individualized education plan. A student may not be suspended during the period when school is recessed for the summer or during the initial grade reporting period of the regular school term on the basis of grades received in the final grade reporting period of the preceding regular school term. The bill also provides that in scheduling participation in and practice for extracurricular activities, each board must preserve, to the extent possible, the school day and the school week for curricular activities.

**H.B. 2090.** The bill requires that all school buses (vehicles providing transportation under paragraphs (1), (2), or (3) of subsection (c) of K.S.A 72-8301, as amended) purchased after July 1, 1991, be equipped with safety belts or passenger safety restraining systems for use by all pupils and school personnel when being provided or furnished transportation.

**H.B. 2115.** The bill amends the professional negotiations law applicable to school districts, area vocational-technical schools, and community colleges to include "assignment and transfer procedures," "class size," and professional employee appraisal "criteria" in the listing of terms and conditions of professional service that are mandatorily negotiable under that law.

**H.B. 2131.** The bill pertains to community college out-district tuition and out-district state aid. The main amendments (1) reduce out-district tuition charged to counties in the 1991-92 school year from the present rate of \$24 per credit hour to \$12 per credit hour and, thereafter, eliminate out-district tuition entirely and (2) increase out-district state aid in the 1991-92 school year from the present rate of \$24 per credit hour to \$36 per credit hour and, thereafter, to \$48 per credit hour.

**H.B. 2187.** The bill provides for the dissolution of the Kansas State High School Activities Association, Inc. (KSHSAA) and provides for the discharge of major functions now performed by KSHSAA by the State Board of Education.

There would be established a High School Activities Advisory Board composed of 30 persons, three each of whom are appointed by each member of the State Board of Education for terms commensurate with that of the appointing member. The Advisory Board would recommend policies pertaining to high school activities and would advise the State Board of Education on proposed rules and regulations relating to high school activities.

**H.B. 2193.** The bill pertains to preschool programs offered by school districts for three- and four-year-olds. Preschool programs offered pursuant to provisions of the bill are discretionary on the part of school districts. If a district decides to offer the program, children who are three years old on or before September 1 of the school year or who are four years old are eligible to attend. The minimum school term prescribed for

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preschool programs is 180 2.5 hour school days, or, in the alternative, 450 hours (the same standard as applies to kindergartens). For purposes of the School District Equalization Act, preschool enrollments are counted at one-half full-time equivalent enrollment (the same as kindergarten enrollments). Pupil transportation requirements and the state transportation aid program also apply to pupils in preschool programs.

**H.B. 2211.** The bill imposes certain requirements on schools, public and nonpublic, with respect to children in shared or joint parental custody. When either or both parents have given proper notice to a child's school, the school must make a reasonable effort to notify both parents of any medical emergency involving the child; invite and permit participation by both parents in school activities of the child; and mail to either or both parents, as requested, report or grade cards, progress reports, notice of honors awards, notice of failure or down-slips, school newsletters, parent-teacher conference notices and schedules, notices of any special needs of the child with respect to education or discipline, and such other information as may be necessary to the making of decisions in the best interests of the child.

**H.B. 2218.** The bill requires school district boards of education to provide for programs at all grade levels directed toward prevention of alcohol and drug abuse. The State Board of Education will prescribe standards, criteria, and guidelines to assist school districts in meeting these requirements.

**H.B. 2241.** The bill amends the tuition grant program to specify that such grants will be awarded on a priority basis to qualified students enrolled at an accredited independent institution who have the greatest financial need for the grants. (Presently, these grants are awarded to eligible recipients in the order that the applications are received.)

**H.B. 2249.** The bill increases the minimum rate of student tuition that can be charged to Kansas resident students for enrollment in community colleges. As amended, the minimum tuition that can be charged beginning in FY 1994 is increased from \$19 to \$20 per credit hour. For FY 1995 and thereafter, the minimum is \$21 per credit hour. Also, in FY 1993 and thereafter, the maximum Kansas resident tuition rate, \$27 per credit hour, is eliminated.

**H.B. 2273.** The bill applies only to the Kansas City (USD 500) school district. It directs the district to operate a summer program in the 1991-92 school year providing for remedial instruction to pupils enrolled in any of grades one through three who have failed to demonstrate competency in reading. State level administrative responsibilities in connection with this program are assigned to the State Board of Education.

In order to be eligible for state aid for this purpose, the summer program must be operated for not less than 30 3.5 hour school days, have a pupil-teacher ratio of not more than seven to one, and be approved by the State Board as a valid method for remediation of reading deficiencies. Also, the school district is required to furnish transportation for the pupils who participate in the program. Contingent upon the State Board's approval, USD 500 will receive state aid equal to the actual expenses incurred for payment of compensation to teachers employed for operation of the program and the costs of transporting the pupils.

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**H.B. 2338.** The bill brings Washburn University of Topeka under the control and supervision of the State Board of Regents. Washburn becomes a Regents' institution on July 1, 1991; thereafter being known as Washburn University.

**H.B. 2351.** The bill provides that in each school year, to the extent of available appropriations, each school district is entitled to "impact aid" equal to 1 percent of the amount that would have been produced by applying the school district general fund tax rate to the value of tax-exempt property used exclusively by the state.

(See also S.B. 224.)

**H.B. 2352.** The bill requires that before it can offer textbooks or workbooks for sale to school districts, a publisher must provide the State Board of Education with a list of the prices that will be charged for such textbooks or workbooks in this state and a list of the lowest prices charged in each of the other states. School districts are prohibited from purchasing textbooks or workbooks from any publisher who fails to provide the required list.

**H.B. 2392.** The bill pertains to alternatives other than attending public or accredited nonpublic schools in order to meet the Kansas compulsory attendance requirements. The bill authorizes a home instruction alternative and imposes additional requirements on the nonaccredited nonpublic school alternative.

The home instruction alternative requires that: the child must attend continuously in each school year a program of instruction for a period of time which is substantially equivalent to the period of time the public school is maintained by the school district in which the home of the child is located; the child must participate in a minimum competency assessment program developed and administered by the State Board of Education and must satisfactorily demonstrate educational progress; the parents (or person acting as parent) must notify the State Board of Education on or before September 15 of each school year that the child is being provided a home instruction program and provide other required information; and, the home instruction program must be provided only for the child or children who reside in the home and only in the residence of the child.

New requirements applicable when a child attends a nonaccredited nonpublic school are added. They are that: children must participate in the minimum competency assessment program and demonstrate educational progress; certificated teachers must be used to provide instruction; and parents (or a person acting as parent) must comply with requirements to notify the State Board of Education on or before September 15 of each school year that the child is attending a nonaccredited nonpublic school.

**H.B. 2430.** The bill amends the School District Equalization Act (SDEA) as it pertains to the determination of a school district's general fund budget authority to permit a school district to estimate the amount it will be required to transfer from its general fund to the special education fund in the school year, such amount being the additional amount that may be included in the school district's general fund budget. This amount is adjusted in the next school year by the State Board of Education to reflect the amount actually transferred by the district from the general fund to the special education fund.

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**H.B. 2431.** The bill amends the School District Equalization Act (SDEA) to include enrollments of three- and four-year-old at risk pupils in preschool programs for purposes of determining school district general state aid entitlements and budget controls (at 0.5 FTE).

**H.B. 2432.** The bill amends the minimum school term law as it applies to kindergarten to distinguish between regular (full-time) pupil enrollments and part-time pupil enrollments, the former consisting of 180 six hour days or, in the alternative, 1,080 hours, and the latter, of 180 two and one-half hour days, or, in the alternative, 450 hours. The School District Equalization Act, as it applies to budget controls and state aid computations, then counts pupils enrolled in a full day program as 1.0 full-time equivalent pupil and continues to count pupils enrolled part-time as 0.5 full-time equivalent.

**H.B. 2443.** The bill amends the professional negotiations law applicable to school districts, area vocational-technical schools, and community colleges. The amendments, which address the negotiations impasse procedures of the law, make the recommendation of the fact-finding board binding on both parties.

**H.B. 2447.** The bill pertains to pupil transportation and amends both the requirements concerning the circumstances under which school districts are required to transport pupils and the state transportation aid program.

The present law requires a school district to provide or furnish transportation for a pupil who resides in the school district and who lives more than 2.5 miles by the usually traveled road from the school building attended when (1) the pupil resides inside or outside the corporate limits of a city and the school building attended is outside the corporate limits of a city, (2) the pupil resides outside the corporate limits of a city and the school building attended is inside the corporate limits of a city, or (3) the pupil resides inside the corporate limits of one city and the school building attended is inside the corporate limits of a different city.

The amendments reduce the 2.5 mile threshold to 1.5 miles for any pupil enrolled in preschool, kindergarten, or any of grades one through six. The state transportation aid formula is amended commensurately.

**H.B. 2475.** The bill authorizes school district boards to levy up to 1 mill for a community education system. The proceeds of this levy are credited to the new community education fund. All revenue a school district receives for the community education system is deposited in this fund and all expenditures for the system are made from it.

**H.B. 2476.** 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 is paid for Kansas resident student enrollments at the rate of 2.0 times the rate for community college credit hour state aid, presently set at \$28.00 per credit hour. This multiple would be phased

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in over a five-year period, as follows: 1.6 in 1991-92, 1.7 in 1992-93, 1.8 in 1993-94, 1.9 in 1994-95, and 2.0 in 1995-96.

H.B. 2647. The bill applies to the organization under state law of the Kansas State High School Activities Association (KSHSAA). Following is a summary explanation of the proposed changes in the law.

I. Board of Directors

PRESENT LAW  
30 Members (Minimum)

- 6 (minimum) members of boards of education, at least five elected by local boards in each of the five congressional districts and at least one elected by all of the local boards in the state.
- 2 (minimum) members of the State Board of Education, appointed by State Board.

State is divided into six districts, substantially equal in student enrollments in grades 10-12, with each district given equal representation on the Board of Directors.

Insofar as possible, membership must be representative of all membership classifications of schools and all geographic areas of the state.

(Currently the Board of Directors is composed of 50 members.)

PROPOSED LAW  
50 Members

- 10 members representative of boards of education and superintendents, elected by boards of education of KSHSAA member schools.
- 12 members representative of school principals, elected by principals of KSHSAA member schools.
- 10 members who are representative of athletic directors and coaches, elected by the athletic directors of KSHSAA member schools.
- 10 members who are representative of classroom teachers having no coaching duties or teaching assignments in the areas of health, recreation, or physical education, elected by the presidents of the recognized bargaining units or teachers associations of KSHSAA member schools.
- 4 members of the Legislature, one each appointed by the Speaker of the House and House Minority Leader and by the President of the Senate and the Senate Minority Leader.
- 2 members representative of the general public, appointed by the Governor.
- 2 members of the State Board of Education, appointed by the Board.

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School principal, athletic director and coach, and classroom teacher members must be full-time employees of KSHSAA member schools. Members representative of the general public may not be from the same congressional district and may not be elected officials or employees of the state or of a KSHSAA member school district.

Members of the Board who are superintendents, school principals, athletic directors/coaches, and classroom teachers must be representative of each KSHSAA school membership classification. Insofar as possible, the representation of each membership classification must be in the proportion that the enrollment of the schools in each membership classification bears to the enrollment of the schools in all membership classifications.

No membership classification may be represented by less than four members of the Board, nor include less than one member who is a superintendent, principal, athletic director/coach, or classroom teacher.

II. Executive Board

PRESENT LAW  
7 Members (Minimum)

Selected by the Board of Directors from its membership. Must include one (minimum) board of education member elected by board of education members of the Board of Directors.

Insofar as possible, membership must be representative of all membership classifications of schools and all geographic areas of the state.

PROPOSED LAW  
10 Members

Selected by the Board of Directors from its membership. Must include two superintendents, three principals, two athletic directors/coaches, two classroom teachers, and one person representative of legislator members, gubernatorial appointees, and State Board of Education members.

Insofar as possible, members must represent all membership classifications of schools.

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III. Appeal Board

PRESENT LAW  
10 Members

- 5 members of boards of education elected by the board of education members of KSHSAA.
- 5 administrators elected by KSHSAA member schools.

A member of the Board of Directors may not serve on the Appeal Board.

Insofar as possible, membership must be representative of all membership classifications of schools and all geographic areas of the state.

PROPOSED LAW  
15 Members

- 5 members of boards of education or superintendents elected by KSHSAA board of education members.
- 4 principals elected by principals of KSHSAA member schools.
- 3 classroom teachers elected by presidents of bargaining units or teachers associations of KSHSAA member schools.
- 3 athletic directors/coaches elected by the athletic directors/coaches of KSHSAA member schools.

A member of the Board of Directors may not serve on the Appeal Board.

Insofar as possible, Appeal Board members must represent all membership classifications of schools.

Other changes contained among the provisions of H.B. 2647:

1. authorize the KSHSAA Board of Directors to appoint an executive director and other officers and employees to serve the Board of Directors, the Executive Board, and the Appeal Board;
2. provide that the executive director may be appointed for a term of not more than four years and may be renewed for one additional consecutive term;
3. make KSHSAA subject to the provisions of the Open Records Act;
4. require members of the Board of Directors and the Appeal Board and the KSHSAA executive director and all other employees (except custodial, clerical, or maintenance employees) to file statements of substantial interest;

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5. provide that decisions of the Appeal Board are final, subject to review by the district court in accord with the Act for Judicial Review and Civil Enforcement of Agency Actions; and
6. prohibit the Appeal Board from taking any action during a closed or executive meeting.

#### House Concurrent Resolutions

**H.C.R. 5012.** The concurrent resolution urges the State Board of Education to advise school districts concerning the use of technology to improve education programs and to provide school districts with information on the availability of programs and equipment involving high technology. The resolution also requests the assistance and participation of business and industry in Kansas to assist school districts in the use of technological advancements.

**H.C.R. 5019.** The concurrent resolution requests the State Board of Education to modify school accreditation requirements to allow the use of persons who are not certificated but who possess unique skills or knowledge as assistant or surrogate teachers.

#### Senate Bills

**S.B. 62.** The bill, as amended, proposes enactment of the Student Publications Act. The liberty of the press in student publications is protected. However, school employees may regulate the number, length, frequency, distribution, and format of such publications. Material may not be suppressed solely because it involves political or controversial subject matter.

Review of material prepared for student publications and encouragement of the expression of such materials in a manner consistent with high standards of English and journalism are not deemed to be restraint on publication of the material or an abridgment of the right to freedom of expression in student publications. Publication or other expression 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 that creates a material and substantial disruption of the normal school activity is not protected by this Act.

Student editors of student publications are responsible for determining the news, opinion, and advertising content of such publications. Student publications advisers and other certificated employees who supervise the preparation of material for expression in student publications are responsible for teaching and encouraging free and responsible expression of material and high standards of English and journalism. No adviser or employee may be terminated, transferred, or relieved of duties imposed under this bill for refusal to abridge or infringe upon the right to freedom of expression in student publications.

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No publication or other expression of matter by students may be construed as an expression of school district policy. Members of a school district board of education and other officers or employees will not be held responsible in any civil or criminal action for any publication or other expression of matter by students under the provisions of this law. However, student editors and other students who have reached the age of majority will be held liable in a civil or criminal action for matters expressed in a student publication to the extent of the person's responsibility and involvement in the matter.

**S.B. 96.** The bill, as amended, authorizes school district boards of education to establish Educator Excellence Recognition Award Programs. An Educator Excellence Recognition Award Program is a program under which the board of a school district provides for identification, recognition, and presentation of cash awards to professional employees who exhibit outstanding teaching ability and use intellectually challenging instructional strategies.

Boards that implement these programs must establish a six-member Educator Excellence Recognition Award Committee which is composed of three persons selected by the school board and three professional employees of the district selected by a secret ballot election of those employees. The election is conducted by the board in a manner mutually agreed to by the board and the professional employees. Members of the Award Committee serve one-year terms and again may be selected in subsequent years.

The Award Committee organizes itself, determines criteria for identifying those who qualify for recognition and for receipt of cash awards, establishes priorities for determining award amounts, and confers the awards. However, a cash award may not exceed \$1,000. No employee may qualify more than once during any school year for such recognition. These awards may be made from the school district's general fund.

Matters relating to the implementation and maintenance of these programs are excluded from the definition of "terms and conditions of professional service" under the Professional Negotiations Act and are excluded from the application of that law.

**S.B. 208.** The bill provides for an alternative teacher certification program.

In order to qualify as a teacher certification applicant, the person must hold a baccalaureate or higher degree granted by an accredited college or university and have earned a minimum cumulative grade point average of 2.75 (4.0 scale); have earned academic credits appropriate to meeting subject and field requirements for certification with an endorsement at the secondary level for the subject or field or with an endorsement at the elementary, middle, or junior high level in such subjects or fields as art, music, computer science, library science, or foreign language (minor deficiencies in the subject or field of specialization requirements may be satisfied through additional course work approved by the teacher education institution); have passed the National Teacher Examination core battery with a score higher than the national mean score; have obtained from the State Board of Education an emergency certificate (valid for one year and renewable for a second year upon successful completion of the first year program and upon receiving the recommendation of the supervisory team); have fulfilled requirements for admission to a teacher education program at an accredited Kansas teacher education institution; have met all nonacademic requirements of the teacher education institution upon which the applicant will depend for the initial institutional recommendation; have received an offer of a

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teaching position at an accredited Kansas school (the salary for which is determined by school policy; continuing contract and due process laws do not apply to the applicant); and have paid a fee prescribed by the State Board sufficient to pay program costs, including the costs related to the credit hours of professional development study and internship at the teacher education institution, the travel expenses of the teacher education institution faculty member of the supervisory team at the rate of \$300 for each year of internship, and the costs for remuneration of the principal and mentor teacher members of the supervisory team at the rate of \$500 for each year of internship. The applicant and the employing accredited school share equally in the costs of remuneration of the principal and mentor teacher.

The alternate certification program requires a teacher certification applicant to complete:

1. prior to entry in the classroom, nine semester hours of professional development study (can include adolescent psychology, foundations of education, classroom management, and methods, among others) at the teacher education institution;
2. prior to a classroom assignment, a ten contact hour preservice orientation (including familiarization with school policies, procedures, curriculum, instructional model, community characteristics, and resources) conducted by the employing accredited school;
3. an internship of two school years, which includes enrollment in three semester hours of internship each semester and which results in waiver of student teaching requirements at the successful completion thereof; and
4. six additional semester hours of professional development study at the teacher education institution during the second summer of participation in the program.

During the internship, the applicant is supervised by a team of three persons consisting of a mentor teacher from the school employing the applicant, the building principal, and a faculty member from the teacher education institution. The teacher education institution provides the guidelines for supervision of the applicant. Successful completion of the program results in a recommendation for certification.

In order for the institution to recommend initial certification, the applicant must successfully have completed the required semester hours of professional development and the two-year internship. The applicant is suspended from participation in the program for failure to attain a 3.0 grade point average (4.0 scale) or for causes for suspension under State Board of Education rules and regulations. An applicant who successfully completes the program applies to the State Board for certification.

Teachers certified under the alternative teacher certification program are barred from exercise of the provisions of the teacher due process law.

(See also S.B. 2107, in conference committee.)

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### Senate Concurrent Resolutions

**S.C.R. 1618.** The concurrent resolution requests the State Board of Education to develop a plan for a pilot program whereby incentives will be offered to one or more school districts which desire to redirect their K-12 programs so that the sole driving force for progress through the system is student mastery of concepts and demonstration of abilities and which includes a component whereby school districts and parents enter into compacts regarding parental involvement in and responsibility for the student's educational progress. This plan, including recommendations for state funding of the pilot program, is to be submitted to the 1992 Legislature.

**S.C.R. 1620.** The concurrent resolution, as amended, urges school districts to protect the confidentiality of personnel evaluation documents. The State Department of Education is requested to make all school districts aware of this resolution. In addition, each school district is urged to report to the State Department of Education concerning the steps being taken to insure confidentiality of personnel records, especially those stored in electronic media. These reports are to be compiled by the State Department of Education and be presented to the Legislature during the 1992 Session. In this endeavor, the Kansas Association of School Boards, the United School Administrators, and the Kansas-National Education Association are requested to provide assistance to the school districts.

**S.C.R. 1622.** The concurrent resolution requests the Legislative Coordinating Council (LCC) to designate a special committee to make a legislative study concerning implementation of two-way interactive video and other telecommunications technologies among public educational institutions and agencies and other governmental units and coordination of these activities.

The Committee is to report on December 1, 1991, concerning the status of interactive video and other telecommunications technology implementation in Kansas public educational institutions and agencies and other governmental units and procedures or methods that might be needed to enhance coordination and cooperation among them in pursuit of this technology.

(This issue was considered during the 1991 interim by the Joint Committee on Economic Development.)

### Senate Education Committee

### Senate Bills

**S.B. 27.** The bill amends the Special Education for Exceptional Children Act for the purpose of eliminating the mandate on school districts and state institutions to provide special education services to exceptional children who are gifted. Inclusion of gifted programming in the state categorical aid program for special education services would be continued.

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**S.B. 91.** The bill establishes the office of Secretary of Education as a part of the Executive Department. The Secretary is appointed by the Governor and is subject to confirmation by the Senate. The Secretary is in the unclassified civil service, serves at the pleasure of the Governor, and performs a variety of specified duties.

(The bill was recommended by Governor Hayden's Commission on Reform of Educational Governance, often referred to as the "Peckham" Commission. This Commission was chaired by Mr. Richard J. Peckham.)

**S.B. 92.** The bill transfers the supervision of Washburn University of Topeka from the State Board of Education to the State Board of Regents, effective on July 1, 1991.

(S.B. 92 was recommended by Governor Hayden's Commission on Reform of Educational Governance, often referred to as the "Peckham" Commission. The Commission was chaired by Mr. Richard J. Peckham.)

**S.B. 109.** The bill pertains to teacher due process hearing procedures. The bill makes the following changes: the school district board is required to pay fees and mileage of witnesses subpoenaed by the hearing committee; members of the hearing committee will be paid compensation of \$150 per day for attending the hearing or for any meeting of the hearing committee held for performing the committee's official duties; the cost of the service of members of the hearing committee will be paid by the school district board of education; the testimony at a due process hearing, upon request of either party, will be taken by a certified shorthand reporter and, upon the request of either party or upon direction of a court, be transcribed; the costs of transcription will be paid by the school district board, and the teacher will be provided a free copy of the transcript upon request; and all of the costs of the hearing not specifically allocated in the law will be paid by the school district board.

**S.B. 110.** The bill contained the Governor's 1991-92 proposed amendments to the School District Equalization Act, several of which were approved by the 1991 Legislature.

**S.B. 117.** The bill proposes enactment of the Kansas Postsecondary Education Security Information Act. It applies to state educational institutions, community colleges, Washburn University of Topeka, and accredited independent institutions.

Each postsecondary education institution must prepare a report of campus crime statistics for the most recent three-year period and must give notice that the report is available upon request. The report must be updated annually. In addition, to the crime statistics, these reports must include information concerning security measures taken by the institution for the protection of students and personnel, the presence of campus police officers and other security personnel of the institution, and the availability to the institution of state and local law enforcement personnel having jurisdiction on the campus and on property adjacent to the campus.

**S.B. 119.** The bill pertains to community college out-district state aid entitlements and out-district tuition charged to counties by community colleges. The 64- and 72-hour limitations on the payment of out-district state aid and out-district tuition are deleted.

**S.B. 120.** The bill amends the law pertaining to community college entitlements of credit hour state aid. A multiple of 2.0 times the credit hour state aid rate for

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nonvocational enrollments would be paid for vocational school enrollments. (Presently the vocational program enrollment credit hour state aid multiple is 1.5 except at Cowley County and Pratt Community Colleges and except where vocational programs have been transferred to a community college from an area vocational school under K.S.A. 1991 Supp. 71-1507 (some programs at Dodge City Community College) where the multiple is 2.0).

S.B. 121. The bill pertains to school districts and states explicitly that members of a board of education may not, at the same time, be employees of the board.

S.B. 145. The bill pertains to qualifications applicable to students who seek to enroll in a State Board of Regents' institution. The standards enumerated in the bill apply to all of the Regents' institutions except the Kansas State University -- Salina, College of Technology. With respect to that institution, the Regents are authorized to adopt qualified admissions standards, but they cannot be more restrictive than those applicable to the other Regents' institutions.

The Regents are authorized to adopt rules and regulations for admission of students at state educational institutions. Beginning with the 1995-96 academic year, the following statutory standards will apply.

The Regents' rules must permit a Kansas resident graduate of an accredited Kansas high school to enroll if the applicant: has completed the precollege curriculum prescribed by the Regents (may include, but is not limited to, four units of English; three units each of mathematics, social studies, and natural science; and two units of foreign language) with a minimum grade point average of 2.0 on a 4.0 scale, or has a composite American College Testing Program (ACT) score of 23 or more points, or has a ranking in the top one-third of the high school class upon completion of seven or eight semesters.

Any Kansas resident under 21 years of age who has earned a General Educational Development (GED) certificate with an overall score of 50 or more points will be admitted to Regents' institutions.

Open admission to Regents' institutions will apply to a Kansas resident who is 21 years of age or older if the applicant graduated from a Kansas accredited high school or earned a GED certificate with an overall score of 50 or more points.

A Kansas resident who has earned 24 or more credit hours of transferable course work with a cumulative grade point average of at least 2.0 on a 4.0 scale at an accredited community college, university or other college is entitled to admission to a Regents' institution.

A person who is not a resident of Kansas but who has graduated from an accredited high school may be admitted to a Regents' institution if the applicant has completed the precollege curriculum prescribed by the Regents with a minimum grade point average of 2.5 on a 4.0 scale, has a composite ACT score of 23 or more points, or has a ranking in the top one-third of the high school class upon completion of seven or eight semesters. A nonresident of Kansas who has earned at least 24 credit hours of transferable course work with a cumulative grade point average of at least 2.0 on a 4.0 scale at an accredited community college, university, or other college may be admitted to a Regents' institution as a transfer student.

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Each Regents' institution must develop policies applicable to admission of international students, including minimum Test of English as a Foreign Language (TOEFL) standards.

Additionally, each Regents' institution is authorized to admit up to 15 percent of the total number of new student admissions as exceptions to the minimum admission standards specified in this bill.

**S.B. 166.** The bill, the Kansas Learnfare Act, requires Learnfare eligible persons to attend school in order to maintain eligibility for public assistance. The program is administered by the Secretary of Social and Rehabilitation Services. The appropriate state and local agencies are directed to cooperate with the Secretary in discharging the duties imposed.

A "Learnfare eligible person" is one who is 12 to 19 years old; has not graduated from high school, received General Educational Development (GED) credentials, or completed an individualized special education program (other than a gifted child); is a public assistance recipient or the member of a family receiving public assistance; and is not exempt from participation in the Learnfare program. A "school" includes a public or nonpublic school in Kansas that offers any or all of grades 1-12; a special education program meeting the requirements of state law; an area vocational or area vocational-technical school; a GED program; an adult basic education program; an alternative program for meeting compulsory school attendance requirements under K.S.A. 72-1111 (e); or the job preparation, training, and education component of the KanWork program.

A Learnfare person is required to attend school full- or part-time. If the person is subject to the state's compulsory school attendance laws, the person's school attendance must meet those requirements. If beyond the compulsory attendance age, the person is deemed to be meeting the school attendance requirements when in regular attendance at school and having not more than ten school days of inexcusable absence from school in the semester. If the person has more than ten school days of inexcusable absence in a semester or was a dropout who returned to school, the person must comply with the monthly attendance requirement, meaning that the person may not miss school due to inexcusable absence for more than two days per calendar month.

When the Secretary determines that a Learnfare person has failed without good cause to comply with Learnfare program requirements, the Secretary gives written notice to the primary public assistance recipient that the Learnfare eligible person will be removed from consideration in determining the amount of public assistance to be provided in the next possible payment month, the beginning date of the sanction and the person to whom the sanction applies, and the right of appeal of the Secretary's decision. If the decision is not appealed or when the Secretary's decision is affirmed, the sanctions are imposed in the next possible payment month.

Sanctions are effective for one month for each month that the Learnfare eligible person fails to meet the monthly attendance requirement. If the person is a dropout, the sanction remains in force until the person provides written proof from a school that the person is enrolled and has met the monthly attendance requirement for the month. Any month in which school is in session for at least ten days may be used to meet the monthly attendance requirement. The sanction is lifted in the next possible payment month succeeding the month in which the monthly attendance requirement is met.

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**S.B. 199.** The bill establishes a pilot tuition voucher program of parental choice in Wichita (USD 259) for the 1991-92 school year.

The State Board of Education is directed to implement a program in which the parent of each school-age child who resides in the Wichita school district receives from the State Board, upon request, a voucher that may be exchanged for educational services at a participating school selected by the child's parents. Unless there are exceptional circumstances which cause participation of a school to be contrary to the public interest, each school operated by the Wichita school district would participate in this program. Accredited nonpublic schools located in the Wichita school district that maintain open enrollment policies have the option of participating.

In accord with its admission criteria, a participating school must admit children with vouchers up to the limit of the school's capacity, after reserving places for children required or entitled to be admitted to the school. In the case of public schools, the State Board establishes criteria for the equitable allocation of places for children with vouchers if there are insufficient places to accommodate all such requests.

The maximum value of a voucher is an amount equal to the per pupil state aid entitlement (general state aid and income tax rebate) of the district for the school year. No voucher may be redeemed by a participating nonpublic school for more than the amount of tuition and fees regularly charged by the school and no voucher may be redeemed by a public school for more than the amount of fees regularly charged.

(S.B. 199 was a component of a 1991 interim study which included the topic of choice in school attended. The Committee made no recommendation in this area, except to observe that the choice issue merits further study.)

**S.B. 224.** The bill provides that in each school year, to the extent of available appropriations, each school district is entitled to "impact aid" equal to 1 percent of the amount that would have been produced by applying the school district general fund tax rate to the value of tax-exempt property used exclusively by the state.

(See also H.B. 2351.)

**S.B. 225.** The bill establishes a state income tax checkoff for the Educational Excellence Grant Program.

**S.B. 244.** The bill pertains to the financing of community colleges. Following is a summary of the main proposed changes.

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 four-year period.

A new community college aid program is phased in beginning in 1991-92 through 1994-95. The principal objective is to reach an aid level on a statewide average basis of 40 percent of operating costs of the community colleges.

-- Credit hour state aid would continue to be paid at the present rate.

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- Outdistrict state aid (currently \$24.00 per credit hour) paid by the state to the community colleges for outdistrict students would be increased (offsetting decreases in outdistrict tuition charged to counties), beginning in 1991-92, as follows: 1991-92, \$30.00 per credit hour; 1992-93, 36.00 per credit hour; 1993-94, \$42.00 per credit hour; and 1994-95 and thereafter, \$48.00 per credit hour.
- Beginning in 1991-92, ancillary credit hour state aid and ancillary general state aid (new programs in the substantive law) would be paid to community colleges. Of the amount available for these distributions, 67 percent is distributed on the same basis as credit hour state aid and 33 percent is distributed on the same basis as general state aid.

**S.B. 386.** The bill pertains to school finance. The bill reduces the amount of the income tax rebate for the 1991-92 school year only from 24 percent to 22.05 percent of resident individual income tax liability after credits, except for credits for taxes paid to another state and withholding and estimates.

(Separately referred to Ways and Means.)

**S.B. 387.** The bill proposes enactment of the Kansas Ethnic Minority Fellowship Program which is administered by the State Board of Regents. A fellowship is financial assistance to a qualified ethnic minority graduate student, the liability for repayment of which is conditioned on satisfaction of certain contractual obligations. Each year, up to 40 new fellowships can be awarded.

The Executive Officer of the State Board of Regents, in consultation with the chief academic officers of the Regents' institutions, determines which graduate students qualify for the fellowships. The fellowship is \$8,000 per academic year. However, this amount may be increased by up to \$2,000 per academic year by doctoral educational institutions. The recipient may be awarded a fellowship in each academic year until the requirements of the graduate program are completed.

A condition of being designated as a recipient of a fellowship requires the student to agree to complete the requirements of the graduate program; to enter into employment in an accredited educational institution in Kansas and to continue employment for a period of time equal to the period for which the fellowship was provided; to maintain records and make various reports, as required; and, upon failure to satisfy the obligations under the law, to repay all or a portion of the fellowship plus interest.

**S.B. 391.** The bill amends the School District Equalization Act as it pertains to school district budget per pupil controls for the 1991-92 school year. For 1991-92, the budget per pupil of each school district is frozen at the 1990-91 level. School districts are prohibited from using any accumulated unused budget authority in the 1991-92 school year.

**S.B. 393.** The bill amends the School District Equalization Act as it pertains to school district budget per pupil controls for the 1991-92 school year. For 1991-92, the budget per pupil control range is set at 97 percent to 100 percent of the amount of

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district's budget per pupil for 1990-91. School districts are prohibited from using any accumulated unused budget authority in the 1991-92 school year.

**S.B. 419.** The bill requires the Washburn University Board of Regents and community college boards of trustees to observe the requirement that there be an enrollment of at least 20 students per section in any course of undergraduate instruction before a new section of the same day or night course at the same attendance center may be opened for enrollment. Washburn University and community colleges are prohibited from charging out-district tuition or receiving state aid entitlements for student enrollments in any course section opened in violation of the 20 student per section standard.

**S.B. 420.** The bill directs the Washburn University Board of Regents and community college boards of trustees to require that the total amount of salaries and wages for officers and employees of such institutions providing institutional, student, and academic support services during any period for instructional, research, or public service activities not exceed 20 percent of the total amount of direct instructional operating expenditures for all on- and off-campus courses of the institution for the same period. These institutions are prohibited from spending state aid for salaries and wages of officers and employees providing institutional, student, and academic support services which exceed 20 percent of the total amount of direct instructional operating expenditures for all on- or off-campus courses of the school.

#### Senate Concurrent Resolution

**S.C.R. 1610.** The concurrent resolution proposes to revise Article 6 of the *Kansas Constitution*, the education article. The major changes are:

- A preamble is added stating the following philosophy regarding public education: ". . . education is a fundamental right of vital significance to the performance of our most basic responsibilities as member of a free society . . . all people are entitled to equal opportunities for intellectual, educational, vocational and scientific improvement . . . ."
- The constitutional self-executing powers of the State Board of Education are removed.
- The Legislature is authorized, as it deems necessary, to provide for additional instrumentalities of governance, for supervision or control of schools, and for educational institutions and educational interests of the state.
- The membership of the State Board of Education is increased from ten members to 11 members. The Board is still elected from single member districts, but these districts are no longer comprised of four contiguous state senatorial districts. The Legislature determines the composition of 11 board districts.

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- The Governor is authorized to appoint a Secretary of Education. The Secretary is subject to Senate confirmation and serves at the pleasure of the Governor.

There is no change in the provision regarding the authority of the State Board of Education to appoint a Commissioner of Education.

(The concurrent resolution incorporates the recommendations for constitutional change recommended by Governor Hayden's Commission on Reform of Educational Governance, often referred to as the "Peckham" Commission. This Commission was chaired by Mr. Richard J. Peckham.)

### House Bills

**H.B. 2120.** The bill amends the teacher due process law applicable to school districts, area vocational-technical schools, and community colleges as it relates to the opinions of hearing committees. The amendments make the opinion of the hearing committee binding on both the board and the teacher.

(This policy was adopted by enactment of 1991 S.B. 143.)

**H.B. 2163.** The bill, as amended, requires school district boards, prior to January 1, 1992, to adopt a policy prohibiting any officer or employee of the district from inflicting, causing, or threatening to inflict corporal punishment on any pupil. This policy must be in writing and must include disciplinary procedures applicable to violators. The policy, together with any amendments, must be filed with the State Board of Education.