

MINUTES OF THE SENATE COMMITTEE ON EDUCATION.

The meeting was called to order by Chairperson Dwayne Umbarger at 1:00 p.m. on March 26, 2002 in Room 123-S of the Capitol.

All members were present except:

Committee staff present: Ben Barrett, Legislative Research  
Theresa Kiernan, Revisor of Statutes  
Paul West, Legislative Research  
Dale Dennis, Deputy Commissioner of Education  
Judy Steinlicht, Secretary

Conferees appearing before the committee: Theresa Kiernan, Revisor of Statutes  
Representative Bill Mason  
Rodney J. Bieker, KSDE, General Counsel  
Martha Gage, Team Leader, Certification and Teacher Education

Others attending: See Attached List

**HB2094—Proposed substitute bill regarding defining juvenile detention facilities for the purpose of school finance**

Chairman Umbarger advised the Committee that he would like to amend the language of **HB2759** into **HB2094** which is a bill left from last session, 2001. **HB2759** is a bill that came out of LEPC this summer and amended in the definition of level 6 facilities so that names of institutions would not have to be added in every year and the bill grandfathers in the existing facilities.

Senator Vratil made a motion to strike all of the language in **HB2094** and to amend all provisions, including the title of **HB2759** into **HB2094**. Seconded by Senator Teichman. Motion carried.

Senator Teichman made a motion to pass **HB2094** favorably as amended. Seconded by Senator Schodorf. Motion carried.

**SB638—Employment after retirement for certain school retirants**

A motion remains on the floor from the March 25 meeting held at 1:30 p.m. That motion and substitute motion was: “Senator Teichman made a motion to change the date the board may notify a teacher of non-renewal of a contract from May 1 to May 15 and the date for a teacher to give written notice not to renew a contract from May 15 to May 25 with a one year sunset. After discussion Senator Lee made a substitute motion to change the dates from May 1<sup>st</sup> to May 15<sup>th</sup>, and May 15<sup>th</sup> to May 30<sup>th</sup> with a one year sunset. Seconded by Senator Downey.” Discussion continued today on the motion. Motion carried with two no votes.

Theresa Kiernan, Revisor of Statutes, explained and answered questions on the amendments in the balloon passed out today on **SB638**. The Committee discussed these amendments at length. (Attachment 1)

Senator Vratil made a motion to adopt all of the amendments in the balloon for **SB638** so that none would be missed. Seconded by Senator Emler. Motion carried.

Senator Downey made a motion to amend the balloon by removing “administrative employee”. Seconded by Senator Oleen. Motion carried. One no vote.

Senator Teichman made a motion to recommend **SB638** favorably as amended. Seconded by Senator Schodorf. Motion carried.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON EDUCATION at on March 26, 2002 in Room 123-S of the Capitol.

**HB2953--School district territory transfer, approval of state board, criteria**

Representative Bill Mason explained that the purpose of **HB2953** is to give the State Board of Education some additional criteria to consider when a school district makes application for a change in school district boundaries. (Attachment 2)

Rodney J. Bieker, KSDE General Counsel, offered amendments to **HB2953** which modifies the list of factors based on the boards experience over the last 15 years. The amendments are shown in the attached balloon. (Attachment 3)

Martha Gage, Team Leader, Certification and Teacher Education, testified that Section 2 through 8 of **HB2953** are unnecessary because the State Board of Education has already adopted an alternative route to certification known as the Restricted Certification (SBR 91-1-203) which will go into effect on July 1, 2002. (Attachment 4)

Senator Vratil made a motion to amend **HB2953** by including the balloon amendments proposed by Rod Bieker and by deleting sections 2 through 8 of the current bill and by authorizing the revisor to make any technical changes that are appropriate. Seconded by Senator Jenkins. Motion carried.

Senator Oleen made a motion to amend the language of **SB551** as passed by the Senate (School finance; consolidation and reorganization of districts) into **HB2953**. Seconded by Senator Teichman. Motion carried.

Senator Downey made a motion to pass **HB2953** favorably as amended. Seconded by Senator Vratil. Motion carried.

**SB647--Kansas higher education coordination act amendments**

Chairman Umbarger reminded the Committee that the a number of arguments were made against **SB647** in a the March 25<sup>th</sup> meeting and the main opponent was Washburn University.

Kim Wilcox, Kansas Board of Regents, summarized those arguments and has taken this opportunity to provide a different view on each of the arguments. (Attachment 5)

Meeting adjourned 2:30 p.m. No further meetings are scheduled this week.

**SENATE EDUCATION COMMITTEE GUEST LIST**

DATE - 3/26/02

<u>NAME</u>	<u>REPRESENTING</u>
Craig Grant	KNEA
Rod Bieker	KSDE
Martha Gage	KSDE
M. Kevin Ireland	KSDE
Denise Aylt	USA - U.S.D. # 5000
Jim Allen	KACCT
Amy Brunner	KASB
Don Douglas	USA
Don Ryan	Kaw Valley USD 321
Sheila Fraker	KACCT

3/26/02

Senate Education  
3-26-02  
Attachment 1

# SENATE BILL No. 638

By Committee on Ways and Means

2-28

9 AN ACT concerning retirement; relating to certain school retirants; em-  
10 ployment after retirement; requiring certain duties of state board of  
11 education; amending K.S.A. 2001 Supp. 72-5445, 72-7513 and 74-4914  
12 and repealing the existing sections.

46-1208a,

and legislative educational planning committee

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

15 Section 1. K.S.A. 2001 Supp. 72-5445 is hereby amended to read as  
16 follows: 72-5445. (a) (1) Subject to the provisions of subsection (b), the  
17 provisions of K.S.A. 72-5438 through 72-5443, and amendments thereto,  
18 apply only to: (A) Teachers who have completed not less than three con-  
19 secutive years of employment, and been offered a fourth contract, in the  
20 school district, area vocational-technical school or community college by  
21 which any such teacher is currently employed; and (B) teachers who have  
22 completed not less than two consecutive years of employment, and been  
23 offered a third contract, in the school district, area vocational-technical  
24 school or community college by which any such teacher is currently em-  
25 ployed if at any time prior to the current employment the teacher has  
26 completed the years of employment requirement of subpart (A) in any  
27 school district, area vocational-technical school or community college in  
28 this state.

29 (2) Any board may waive, at any time, the years of employment  
30 requirements of provision (1) for any teachers employed by it.

31 (3) The provisions of this subsection are subject to the provisions of  
32 K.S.A. 72-5446, and amendments thereto.

33 (b) The provisions of K.S.A. 72-5438 through 72-5443, and amend-  
34 ments thereto, do not apply to any teacher whose certificate has been  
35 nonrenewed or revoked by the state board of education for the reason  
36 that the teacher: (1) Has been convicted of a felony under the uniform  
37 controlled substances act; (2) has been convicted of a felony described in  
38 any section of article 34 of chapter 21 of the Kansas Statutes Annotated  
39 or an act described in K.S.A. 21-3412 or K.S.A. 2001 Supp. 21-3412a,  
40 and amendments thereto, if the victim is a minor or student; (3) has been  
41 convicted of a felony described in any section of article 35 of chapter 21  
42 of the Kansas Statutes Annotated, or has been convicted of an act de-  
43 scribed in K.S.A. 21-3517 and amendments thereto, if the victim is a



1 minor or student; (4) has been convicted of any act described in any  
 2 section of article 36 of chapter 21 of the Kansas Statutes Annotated; (5)  
 3 has been convicted of a felony described in article 37 of chapter 21 of  
 4 the Kansas Statutes Annotated; (6) has been convicted of an attempt  
 5 under K.S.A. 21-3301, and amendments thereto, to commit any act spec-  
 6 ified in this subsection; (7) has been convicted of any act which is de-  
 7 scribed in K.S.A. 21-4301, 21-4301a or 21-4301c, and amendments  
 8 thereto; (8) has been convicted in another state or by the federal govern-  
 9 ment of an act similar to any act described in this subsection; or (9) has  
 10 entered into a criminal diversion agreement after having been charged  
 11 with any offense described in this subsection.

12 (c) *The provisions of K.S.A. 72-5438 through 72-5443, and amend-*  
 13 *ments thereto, do not apply to any teacher who is a retirant from school*  
 14 *employment of the Kansas public employees retirement system.*

15 Sec. 2. K.S.A. 2001 Supp. 72-7513 is hereby amended to read as  
 16 follows: 72-7513. In general, but not by way of limitation, consonant with  
 17 other applicable statutory provisions, the state board of education shall:

18 (a) Adopt and maintain standards, criteria, guidelines or rules and  
 19 regulations for the following:

20 (1) School libraries and other educational materials with the excep-  
 21 tion of textbooks;

22 (2) courses of study and curriculum;

23 (3) accreditation of schools including elementary and secondary, pub-  
 24 lic and nonpublic;

25 (4) certification of administrators, teachers, counselors, school nurses  
 26 and supervisors of school districts and of the state department of edu-  
 27 cation and of teachers and administrators of nonpublic schools; and

28 (b) administer the laws of this state concerning the matters named in  
 29 this section and all other matters relating to general supervision of the  
 30 public schools and institutions under supervision of the state board of  
 31 education; and

32 (c) *determine and make available a list of hard-to-fill teaching disci-*  
 33 *plines ~~and underserved areas~~ in which there is a critical shortage of teach-*  
 34 *ers as required by K.S.A. 74-4914, and amendments thereto. The board*  
 35 *shall promulgate rules and regulations, if necessary, to carry out the pro-*  
 36 *visions of employment after retirement of teachers in hard-to-fill teaching*  
 37 *disciplines ~~and underserved areas~~ as provided in K.S.A. 74-4914, and*  
 38 *amendments thereto.*

39 Sec. 3. K.S.A. 2001 Supp. 74-4914 is hereby amended to read as  
 40 follows: 74-4914. (1) The normal retirement date for a member of the  
 41 system shall be the first day of the month coinciding with or following  
 42 termination of employment with any participating employer not followed  
 43 by employment with any participating employer within 30 days and the

g4  
 On page 2, in line 12, following "(c)" by  
 inserting "(1)"; in line 13, by striking  
 "teacher" and inserting "professional  
 employee or administrative employee"; in line  
 14, before the period, by inserting "and to  
 which the provisions of subsection (5) of  
 K.S.A. 74-4914, and amendments thereto, do  
 not apply"; following line 14 by inserting:  
 "(2) As used in this subsection,  
 "professional employee" and "administrative  
 employee" shall have the same meaning  
 ascribed thereto by K.S.A. 72-5413, and  
 amendments thereto.";

to whom the provisions of subsection (5)  
 of KSA 74-4914, act, do not apply  
 j2

on an annual basis,

g3  
 On page 2, in line 34, following the  
 period, by inserting "The board also shall  
 establish a procedure by which a school  
 district may request the board to designate a  
 vacant position, not listed in the board's  
 list, as a hard-to-fill discipline in that  
 school district. After review of the school  
 district's request and any supporting  
 documentation required by the board, the  
 board may designate such position as a  
 hard-to-fill position for such school  
 district.";

1-2

1 attainment of age 65 or, commencing July 1, 1993, age 62 with the com-  
2 pletion of 10 years of credited service or the first day of the month co-  
3 inciding with or following the date that the total of the number of years  
4 of credited service and the number of years of attained age of the member  
5 is equal to or more than 85. In no event shall a normal retirement date  
6 for a member be before six months after the entry date of the participating  
7 employer by whom such member is employed. A member may retire on  
8 the normal retirement date or on the first day of any month thereafter  
9 upon the filing with the office of the retirement system of an application  
10 in such form and manner as the board shall prescribe. Nothing herein  
11 shall prevent any person, member or retirant from being employed, ap-  
12 pointed or elected as an employee, appointee, officer or member of the  
13 legislature. Elected officers may retire from the system on any date on  
14 or after the attainment of the normal retirement date, but no retirement  
15 benefits payable under this act shall be paid until the member has ter-  
16 minated such member's office.

17 (2) No retirant shall make contributions to the system or receive serv-  
18 ice credit for any service after the date of retirement.

19 (3) Any member who is an employee of an affiliating employer pur-  
20 suant to K.S.A. 74-4954b and amendments thereto and has not withdrawn  
21 such member's accumulated contributions from the Kansas police and  
22 firemen's retirement system may retire before such member's normal  
23 retirement date on the first day of any month coinciding with or following  
24 the attainment of age 55.

25 (4) Any member may retire before such member's normal retirement  
26 date on the first day of any month coinciding with or following termination  
27 of employment with any participating employer not followed by employ-  
28 ment with any participating employer within 30 days and the attainment  
29 of age 55 with the completion of 10 years of credited service, but in no  
30 event before six months after the entry date, upon the filing with the  
31 office of the retirement system of an application for retirement in such  
32 form and manner as the board shall prescribe.

33 (5) If a retirant who retired on or after July 1, 1988, is employed or  
34 appointed in or to any position or office for which compensation for serv-  
35 ice is paid in an amount equal to \$15,000 or more in any one such calendar  
36 year, by any participating employer for which such retirant was employed  
37 or appointed during the final two years of such retirant's participation,  
38 such retirant shall not receive any retirement benefit for any month for  
39 which such retirant serves in such position or office. The participating  
40 employer shall report to the system within 30 days of when the compen-  
41 sation paid to the retirant is equal to or exceeds any limitation provided  
42 by this section. Any retirant employed by a participating employer shall  
43 not make contributions nor receive additional credit under such system

1-3

1 for such service except as provided by this section. Upon request of the  
 2 executive director of the system, the secretary of revenue shall provide  
 3 such information as may be needed by the executive director to carry out  
 4 the provisions of this act. The provisions of this subsection shall not apply  
 5 to retirants employed as ~~teachers in a hard-to-fill teaching discipline or~~  
 6 ~~teaching in an underserved area~~ substitute teachers or officers, employ-  
 7 ees or appointees of the legislature. ~~For purposes of this subsection: (a)~~  
 8 ~~"Hard-to-fill teaching discipline" means a teaching discipline in which~~  
 9 ~~there is a critical shortage of teachers as determined and specified by the~~  
 10 ~~state board of education; (b) "underserved area" means a geographic area~~  
 11 ~~of the state in which there is a critical shortage of teachers as determined~~  
 12 ~~and specified by the state board of education.~~ Determination of whether  
 13 an individual teacher is teaching in a hard-to-fill teaching discipline ~~for in~~  
 14 ~~an underserved area~~ shall be made by the participating employer of such  
 15 teacher in conformity with the determination made by the state board of  
 16 education as provided in K.S.A. 72-7513, and amendments thereto. The  
 17 provisions of this subsection shall not apply to members of the legislature  
 18 prior to January 8, 2000. The provisions of this subsection shall not apply  
 19 to any other elected officials prior to the term of office of such elected  
 20 official which commences on or after July 1, 2000. The provisions of this  
 21 subsection shall apply to any other elected official on and after the term  
 22 of office of such other elected official which commences on or after July  
 23 1, 2000. Except as otherwise provided, commencing January 8, 2001, the  
 24 provisions of this subsection shall apply to members of the legislature.  
 25 For determination of the amount of compensation paid pursuant to this  
 26 subsection, for members of the legislature, compensation shall include  
 27 any amount paid as provided pursuant to subsections (a), (b), (c) and (d)  
 28 of K.S.A. 46-137a, and amendments thereto, or pursuant to K.S.A. 46-  
 29 137b, and amendments thereto. Notwithstanding any provision of law to  
 30 the contrary, when a member of the legislature is paid an amount of  
 31 compensation of \$15,000 or more in any one calendar year, the member  
 32 may continue to receive any amount provided in subsections (b) and (d)  
 33 of K.S.A. 46-137a, and amendments thereto, and still be entitled to re-  
 34 ceive such member's retirement benefit.

35 (6) For purposes of this section, any employee of a local governmental  
 36 unit which has its own pension plan who becomes an employee of a  
 37 participating employer as a result of a merger or consolidation of services  
 38 provided by local governmental units, which occurred on January 1, 1994,  
 39 may count service with such local governmental unit in determining  
 40 whether such employee has met the years of credited service require-  
 41 ments contained in this section.

42 Sec. ~~4~~ K.S.A. 2001 Supp. 72-5445, 72-7513 and 74-4914 are hereby  
 43 repealed.

Commencing July 1, 2002, and ending June 30, 2005, the provisions of this subsection shall not apply to retirants \* employed as teachers in a hard-to-fill teaching discipline during such period pursuant to the provisions of this act, except that the provisions of this act may continue to apply after June 30, 2005, to any such retirant still determined by such retirant's participating employer to be teaching in hard-to-fill teaching discipline.

\*KPERS Amendment "who either retired under the provisions of subsection (1), or, if such retirant retired under the provisions of subsection (4) were retired more than 30 days prior to July 1, 2002, and who were"

and whether the provisions of this act shall not apply to such individual teacher

and nothing contained in this act provides a continuing contractual right beyond the term of the contract pursuant to this subsection or a vested right in any retirement benefit or other benefit provided in this subsection

Sec. 4. K.S.A. 2001 Supp. 46-1208a (SEE ATTACHMENT #1)  
 Sec. 4 KSA 2001 Supp 72-5437 Attachment 2  
 36

5.

46-1208a,

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

6.

On page 5, in line 2, by striking "statute book"  
and inserting "Kansas register";

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15

Attachment 1

Sec. 4. K.S.A. 2001 Supp. 46-1208a is hereby amended to read as follows: 46-1208a.

(a) The legislative educational planning committee is hereby established and shall be composed of 13 members, seven of whom shall be members of the house of representatives and six of whom shall be senators. Members of the legislative educational planning committee shall be appointed by the legislative coordinating council. The legislative coordinating council shall determine the number of members of the committee who shall be members of the majority party and the number of members of the committee who shall be members of the minority party. The committee shall be permanent with membership changing from time to time as the legislative coordinating council shall determine.

(b) The legislative educational planning committee shall plan for public and private postsecondary education in Kansas, including vocational and technical education; explore, study and make recommendations concerning preschool and K-12 education in Kansas; review implementation of legislation relating to educational matters; and consider such other matters as the legislative coordinating council may assign. The committee shall annually make a report and recommendations to the legislature and the governor and may cause the same to be published separately from other documents which are required by law to be submitted to the legislative coordinating council. The reports and recommendations of the committee shall include a developmental schedule for implementation of educational goals established by the committee. The committee shall from time to time update such schedule as new or additional information is developed or refined. During the 2005 summer interim, the committee shall conduct a review of the utilization of irants employed as teachers in hard-to-fill teaching disciplines pursuant to the provisions of subsection (5) of K.S.A. 74-4914, and amendments thereto, and submit as a part of the committee's annual report and recommendations

1-6

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the legislature, such findings and recommendations as to the continued utilization of such retirants as teachers not subject to the provisions of subsection (5) of K.S.A. 74-4914, and amendments thereto.

(c) The provisions of the acts contained in article 12 of chapter 46 of the Kansas Statutes Annotated, and amendments thereto, applicable to special committees shall apply to the legislative educational planning committee to the extent that the same do not conflict with the specific provisions of this act applicable to the committee.

(d) Upon request of the legislative educational planning committee, the state board of regents and the state board of education shall provide consultants from the faculties and staffs of institutions and agencies under the respective control and jurisdiction thereof.

(e) The legislative educational planning committee shall meet upon call of its chairperson and may introduce such legislation as it deems necessary in performing its functions.



## Proposed Amendment to SB 638

On page 4, following line 41, by inserting:

"Sec. 4. K.S.A. 2001 Supp. 72-5437 is hereby amended to read as follows: 72-5437. (a) All contracts of employment of teachers, as defined in K.S.A. 72-5436, and amendments thereto, except contracts entered into under the provisions of K.S.A. 72-5412a, and amendments thereto, and contracts with retirants to whom the provisions of subsection (5) of K.S.A. 74-4914, and amendments thereto, do not apply shall be deemed to continue for the next succeeding school year unless written notice of termination or nonrenewal is served as provided in this subsection. Except as provided by subsection (c), written notice to terminate a contract may be served by a board upon any teacher prior to the time the contract has been completed, and written notice of intention to nonrenew a contract shall be served by a board upon any teacher on or before May 1. A teacher shall give written notice to a board that the teacher does not desire continuation of a contract on or before May 15 or, if applicable, not later than 15 days after final action is taken by the board upon termination of professional negotiation absent a binding agreement under article 54 of chapter 72 of Kansas Statutes Annotated, whichever is the later date.

(b) Terms of a contract may be changed at any time by mutual consent of both a teacher and a board.

(c) During school year 2001-2002, written notice to terminate a contract may be served by a board upon any teacher prior to the time the contract has been completed, and written notice of intention to nonrenew a contract shall be served by a board upon any teacher on or before May 15. A teacher shall give written notice to a board that the teacher does not desire continuation of a contract on or before May 25 or, if applicable, not later than 15 days after final action is taken by the board upon termination of professional negotiation absent a binding agreement under article 54 of chapter 72 of Kansas Statutes Annotated, whichever is the later date."; and the bill be passed as amended.

WILLIAM G. (BILL) MASON  
REPRESENTATIVE, 75TH DISTRICT  
BUTLER COUNTY



TOPEKA

HOUSE OF  
REPRESENTATIVES

Senate Education Committee  
March 26, 2001

COMMITTEE ASSIGNMENTS  
CHAIRMAN: ECONOMIC DEVELOPMENT  
CHAIRMAN: JOINT COMMITTEE ON ECONOMIC  
DEVELOPMENT  
MEMBER: EDUCATION  
TOURISM  
FEDERAL AND STATE AFFAIRS  
BOARD MEMBER: KANSAS TECHNOLOGY  
ENTERPRISE CORPORATION

Mr. Chairman and Members of the Committee:

Thank you, Mr. Chairman, for hearing HB 2953, which gives additional criteria for the State Board of Education to consider in the applications of school boards for a change in school district boundaries.

Presently, there is little for the Board to consider beyond "what is best for the child". The effect of this is to have school districts hesitant to ask for needed changes because there is a slim possibility that the Board will act favorably on the requested changes. There are too many changes in boundaries across the state that would be better for students and more economical to educate those students.

If boundaries are in the appropriate place, significant resources could be saved in school building construction, distance traveled to school, cost of busing, and in a way to help some schools with their declining enrollment.

Few changes have been made in boundaries over the past 40 years with significant changes in demographics. This bill would not mandate any school to make any change nor would it mandate the State Board to take any particular action. It simply gives the Board some additional criteria to consider.

I urge the Committee to pass out HB 2953 favorably. I would be happy to stand for questions.

*Senate Education  
3-26-02  
Attachment 2*



**Kansas State Department of Education**

120 S.E. 10th Avenue  
Topeka, Kansas 66612-1182

TO: Senate Education Committee

FROM: Rodney J. Bieker, KSDE General Counsel

RE: Testimony Regarding Section 1 of HB 2953

DATE: March 26, 2002

My name is Rodney Bieker and I want to thank you for the opportunity to appear today and present information in regard to Section 1 of House Bill No. 2953. This section concerns the transfer of territory from one unified school district to another.

The proposed amendments in this section of the bill would set forth in the statute certain factors that the State Board of Education would be required to consider when presented with a request to transfer territory. We welcome such an addition to this law.

We, however, have suggested a modified list of factors, based upon our experience in considering land transfer requests over the past 15 years. The list is shown on the "balloon" that is attached to my testimony. We believe the list of factors we offer is less ambiguous and more appropriate than the list currently in the bill. Therefore, we ask that you look favorably upon our suggested revisions.

*Senate Education*  
*3-26-02*  
*Attachment 3*

House Bill No. 2953

By Committee on Education

2-14

10 AN ACT concerning schools; [relating to teachers; providing for an  
11 alternative teacher preparation program;] relating to transfer of  
12 school district territory; amending K.S.A. 2001 Supp. 72-7108 and re-  
13 pealing the existing section.

14  
15 *Be it enacted by the Legislature of the State of Kansas:*

16 Section 1. K.S.A. 2001 Supp. 72-7108 is hereby amended to read as  
17 follows: 72-7108. (a) Transfers of territory from one unified district to  
18 another unified district shall be made only as follows: ~~(a)~~

19 (1) Upon the written agreement of any two boards approved by the  
20 state board of education; or ~~(b)~~

21 (2) upon order of the state board after petition therefor by one board  
22 and a public hearing thereon conducted by the state board of education.

23 (b) The effective date of any such transfer shall be the date of ap-  
24 proval thereof or order therefor issued by the state board of education or  
25 the July 1 following.

26 (c) Notice of the public hearing on such a petition shall be given by  
27 publication by the state board of education for two consecutive weeks in  
28 a newspaper of general circulation in the unified district from which ter-  
29 ritory is to be transferred, the last publication to be not more than 10 nor  
30 less than three days prior to the date of the hearing. The notice shall state  
31 the time and place of the hearing and shall give a summary description  
32 of the territory proposed to be transferred.

33 (d) Prior to issuing an order, the state board shall consider the  
34 following:

35 ~~(1) City boundaries and the area within three miles surrounding any~~  
36 ~~city with more than one district in the area;~~

37 ~~(2) available capacity of districts involved in the territory transfer to~~  
38 ~~serve existing or additional students;~~

39 ~~(3) condition and age of buildings and physical plant;~~

40 ~~(4) overall costs including renovation of existing buildings versus~~  
41 ~~construction;~~

42 ~~(5) cost of bussing;~~

43 ~~(6) food service;~~

once each week

3-2

1 ~~(7) administration and teachers;~~  
 2 ~~(8) areas of interest including access and distances for parents to~~  
 3 ~~travel to participate in student activities;~~  
 4 ~~(9) matters of commerce, including regular shopping areas, meeting~~  
 5 ~~places, community activities and youth activities;~~  
 6 ~~(10) districts that are landlocked with changing demographics that~~  
 7 ~~cause declining enrollment; and~~  
 8 ~~(11) effect on students living in the area.~~

9 ~~[The foregoing shall not be deemed to limit the factors which~~  
 10 ~~the state board of education may consider.]~~

11 (e) Within 90 days after receiving an agreement or, if a public hearing  
 12 is held, within 90 days after the hearing, the state board of education shall  
 13 issue its order either approving or disapproving such transfer petition or  
 14 agreement, or approving the same with such amendments as it deems  
 15 appropriate.

16 (f) Whenever a petition for transfer of territory has been denied by  
 17 the state board of education, no petition for transfer of substantially the  
 18 same territory shall be received or considered by the state board of ed-  
 19 ucation for a period of two years.

20 [New Sec. 2. The state board of education shall adopt rules  
 21 and regulations for administration and effectuation of the provi-  
 22 sions of this act and, in accordance therewith, may issue an initial  
 23 license to teach in this state to any person who successfully com-  
 24 pletes the alternate teacher preparation program.

25 [New Sec. 3. As used in this act:

26 [(a) "Alternate teacher preparation program" means a pro-  
 27 gram which is provided for by the state board of education under  
 28 contractual arrangements with an accredited Kansas teacher ed-  
 29 ucation institution having an approved teacher education program  
 30 and with accredited schools and which is designed to ensure the  
 31 attainment of the basic competencies necessary to engagement in  
 32 the profession of teaching through correlation of professional de-  
 33 velopment study at the teacher education institution with practical  
 34 experience at an accredited school.

35 [(b) "Teacher licensure applicant" means a person who applies  
 36 under authority of this act for an initial license to teach in this state.

37 [New Sec. 4. (a) The alternate teacher preparation program  
 38 will require a teacher licensure applicant to complete:

39 [(1) Nine semester hours of professional development study at  
 40 the teacher education institution. Professional development study  
 41 shall include, but not be limited to, study of adolescent psychology,  
 42 foundations of education, classroom management, and methodol-  
 43 ogy. Professional development study may be taken during a sum-

33  
 23  
 (1) Whether the proposed transfer is justified by a material change in  
 circumstances from those extant when the school district boundaries were  
 previously established, including school district consolidation, a school closing,  
 or construction of a school in the petitioning district in close proximity to the  
 proposed transfer territory;

(2) if the petition was granted, would there be a positive long-term  
 effect on children living in the area to be transferred and in the petitioning  
 school district;

(3) if the petition was granted, would there be a substantial detrimental  
 effect on the school district from which the territory is to be transferred;

(4) distances of travel for students to attend school and parents to  
 attend school activities;

(5) the community ties of residents in the proposed transfer territory,  
 including school district of choice, location of employment, regular shopping  
 area, meeting places, and community and youth activities;

(6) whether the proposed transfer is motivated to achieve lower taxes  
 or private economic gain, including making property more marketable or  
 valuable; and

(7) such other factors as deemed relevant to the state board of  
 education.





# Kansas State Department of Education

120 S.E. 10th Avenue  
Topeka, Kansas 66612-1182

March 26, 2002

**TO: SENATE EDUCATION COMMITTEE**

**FR: MARTHA GAGE, TEAM LEADER,  
CERTIFICATION AND TEACHER EDUCATION**

**RE: HB 2953—Sections 2 through 8 are unnecessary  
RESTRICTED CERTIFICATE  
(KANSAS ALTERNATIVE ROUTE TO CERTIFICATION)**

The Kansas State Board of Education has adopted an alternative route to certification known as the Restricted Certificate (SBR 91-1-203). This certificate will be available on **July 1, 2002 to all Kansas districts.**

The purpose of this certificate is to enable a school district (that has not been able to find a certified or licensed teacher, but that knows someone who has a degree in the field that needs to be taught) to give that person access to practice. Under the provisions of this certificate a school district can develop a partnership arrangement with a university and an individual who has a bachelor's degree. The district agrees to hire the individual, the university agrees to plan and deliver any teacher preparation for the individual and the individual agrees to teach and participate in the university program. The certificate will be good for three years with a yearly report due to the Commissioner on July 1 of each year documenting progress towards completion.

The Kansas State Board of Education will issue a certificate to the individual upon receipt of documentation from the school district. Documentation will include a statement that the district has exhausted reasonable attempts to locate and hire a certified person for the position; that the district will employ the person; and that the district will assign a certified teacher with three or more years of experience to serve as a mentor for the applicant. In addition the following must be included: a statement from the licensing officer of a higher education institution that the applicant has a written plan on file that can be completed each year; that the program meets the institution's approved program standards; and that the institution will provide the applicant with support at the district level and that collaboration has taken place.

The progress report that must be submitted to the Commissioner before July 1 of each year shall contain: verification that the applicant has attained passing scores on a content assessment and a pedagogy assessment; verification that the applicant's contract will be renewed and that the district has assigned an experienced mentor teacher to the applicant and provided accommodations to the applicant to work with the mentor; a statement from the higher education institution that the applicant has made appropriate progress toward completion of course requirements and that the applicant has attained at least a 2.50 GPA in those courses.

Following completion of coursework, the candidate will be eligible for a conditional license during which time a performance assessment must be completed. When the performance assessment has been successfully completed, the candidate may apply for a professional license.

**Certification & Teacher Education**

785-296-2288 (phone)

785-296-4318 (fax)

785-296-6338 (TTY)

[www.ksde.org](http://www.ksde.org)

*Senate Education*

*3-26-02*

*Attachment 4*





# KANSAS BOARD OF REGENTS

1000 SW JACKSON • SUITE 520 • TOPEKA, KS 66612-1368

TELEPHONE – 785-296-3421  
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March 26, 2002

To: Members of the Senate Education Committee

From: Kim Wilcox

A number of arguments were made against S.B. 647, yesterday. In the interest of time, I am taking this opportunity to summarize those arguments and provide a different view on each of them. As always, I would be happy to respond to any particular questions or concerns that you may have.

- **These amendments are premature; more time should be taken before amending S.B. 345.**
  - **Five years** is not too fast to consider changes to S.B. 345. We have been working for **three years to craft these recommendations** and are proposing **an additional two years for implementation.**
- **The Board of Regents is unable to equitably represent the diversity of higher education institutions.**
  - Thirty-five institutions representing over 150,000 students support the Board, its vision, and these amendments. One institution representing fewer than 7,000 does not. While not unanimous, there is an overwhelming consensus that **the Board of Regents can represent all of higher education.**
  - Funding inadequacies within higher education far pre-date the role of the Board of Regents with the community colleges and technical schools and colleges. In particular, **the legislature has failed to fully fund the statutory technical education funding formula for many years.** Moreover, since 1999, the legislature has failed to fund even modest Board requests on behalf of the technical institutions.

Senate Education  
3-26-02  
Attachment 5

- **These amendments are an attempt by the Board of Regents to usurp local control of institutions.**

- The proposed amendments specifically preserve local control in the following ways:
- Performance agreements are Board-to-Board compacts, ensuring local trustee/regent participation in the process. (Page 4, Lines 26-27)

*Performance agreements shall incorporate the goals, priorities, policies, and mission objectives identified in the institutional improvement plans...* (Page 4, Lines 27-29)

*...the post-secondary educational institutions, including the municipal university, shall develop institutional improvement plans...* (Page 4, Lines 9-11 - unchanged from original bill)

- Addition of specific language in Section 2(b)(3) *...for each postsecondary institution taking into account both institutional needs and the needs of the state's system of higher education as a whole;* (Page 2, Lines 26-28)
- Removal of Section 2(b)(4) granting specific Board authority over individual courses and out district program and course location. (Page 2, Lines 32-34)
- Removal of Section 2(b)(5) *review budget requests and requests for state funding of postsecondary educational institutions and present.* This was a specific attempt to preserve local budget control, but can easily revert to original language if that is preferred. (Page 2, Lines 38-39)

- **The Board of Regents does not need, nor should it have responsibility for controlling state funds for higher education.**

- The amendments specifically state the obvious: *Any funds designated by the legislature for a specific postsecondary educational institution or purpose shall be exempt from the provisions of this section* (Page 5, Lines 6-8). The legislature always has the final authority on appropriation of funds. While S.B. 647 describes a format for developing an accountability system for all of higher education, the legislature retains the authority to override the Board of Regents in all or part of its recommendations.
- Limiting control to “state funding purposes” renders the amendments meaningless. Dollars are dollars, an institution that derives 30% of its support from the state could simply declare 70% of its operation out-of-bounds for all coordination. Once administrative overhead was subtracted, much or all of the educational operation could be considered off-limits. [Note: The range in state support among community colleges is 18% - 51% and among state universities is 33% - 56%]

- To suggest that the plan is “punitive” assumes an intent to hurt or harm one or more institutions. That is not in the best interests of the Board or the higher education system. The Board assumes that it would be held responsible by the legislature (or the courts) for such action.
- The suggestion that 2% performance funding replace the funding plan in the proposed amendments ignores reality. The 2% performance funding plan described in S.B. 345 has been a fiction from the start. The legislature itself in developing the original fiscal note for S.B. 345 **failed to include any performance funding** in its estimated costs of the Act. When first faced with a looming budget shortfall, the **first item to be jettisoned** by the legislature from the higher education budget request was performance funding.
- Similarly, the suggestion that performance funding be a one-year supplement, undermines any attempt at multi-year planning.
- **The amendments to 77-415 are intended to circumvent legislative oversight and deny due process to institutions, including private institutions. (pg. 12, lines 17 through 20.)**
  - Historically, as a governing body, the Board of Regents exercised its authority over the six state universities in the form of policy. There is express legislative authorization to do this in K.S.A. 76-712 which states:

Except as otherwise provided by act of the legislature, the state educational institutions are separate state agencies and state institutions and shall be controlled by and operated and managed under the supervision of the board of regents. For such control, operation, management or supervision, **the board of regents may make contracts and adopt orders, policies or rules and regulations and do or perform such other acts as are authorized by law or are appropriate for such purposes, except that no state educational institution, or campus thereof, shall be closed, combined or merged with any other state educational institution, for administrative or management or other purposes, except as specifically authorized by appropriations or other act of the legislature.**
  - Kansas law provides a specific procedure for the adoption of regulations. This process primarily ensures that those who are impacted by the regulations have input into the development of the rules and adequate notice of their responsibility to comply. The entire process takes between three and six months to complete. However, for rules that apply solely to Kansas public postsecondary institutions, or to some but not all of the sectors of public institutions, the rationale for the regulatory process is not applicable and the length of time needed to comply with

the process will hinder the Board's ability to be responsive to changing educational needs and circumstances.

- The Board does not believe that coordination policies of the type envisioned by SB 345 are "of general application" but seeks legislative clarification that it has authority to issue policy applicable to public postsecondary institutions when appropriate without proceeding through the regulatory process.
- **The amendment defining "municipal university" as any established under the laws of this state is unnecessary. (pg. 1, line 26-27)**
  - The purpose of the amendment was simply to make the language parallel that of the other definitions in the same statute. We made the same amendment in the definition of technical schools in line 31.
- **The language that the Board will serve as "the" representative of public postsecondary educational system is intended to cut off the institutions' direct contact with the Legislature. (pg. 2, lines 20-21)**
  - Simply not true. It is intended to affirmatively state what committee members (Senator Downey) affirmed, that a primary purpose of the bill was to create one voice for the whole system. At the same time, it also affirms the responsibility of the Board to be accountable to the Legislature for the performance and operation of the coordinated system.
- **The bill lacks definitions of several key terms.**

Again: not true:

  - "new state funds" is defined on page 4 in lines 34 through 37, as that amount of state funds received by an institution for a fiscal year that exceeds the amount received in the previous fiscal year.
  - "performance agreements" are described on page 4, lines 27 through 30, as agreements that incorporate the goals, priorities, policies and mission objectives identified in the institutional improvement plans and the performance measures which will be used to demonstrate compliance and progress.
  - "institutional improvement plans" were described in the original legislation, contained in the bill on page 4, lines 11 through 13, as plans showing how the institutions will implement performance indicators.
- **The Commissions serve an important role, they have not been in place long enough to assess their effectiveness, and they should be continued.**
  - Under these amendments, the Commissions will be sunsetted in July 2004, five years after their creation.

- The Board is simply asking for the ability to organize themselves in ways that better inform their discussions and better serve the system and the state.
- The Commissions are not subcommittees.
  - Their membership is determined by the Governor, with no opportunity for movement among the commissions. If a member has particular knowledge in an area, or if her/his interests change while serving on the Board, s/he can not change commissions.
  - The commissions run counter to the intentions of S.B. 345: (a) integration of curriculum discussions across a “seamless system”, (b) development of a “unified budget” where all interests are considered together, (c) planning discussions that draw on the best of **all** institutions and not just the best of one type of institution. There is no opportunity, for example, to create an “Academic Affairs Committee” within the Board, in that all discussions of curricular matters must be held individually within the separate commissions.
  - The commission structure maintains the status quo – divisions among types of schools (and the isolation of Washburn University) that have not served Kansas well in the past.
- **These amendments are simply a response to the Washburn PLAN 2+2 program.**
  - No single academic program, at Washburn University or elsewhere, motivated these amendments.
  - The Board has been moving on many fronts since the implementation of S.B. 345. Among them are the revamping of various statutes and regulations dealing with institutional certification to operate in Kansas and authority for foreign (non-Kansas) institutions to grant degrees in the state. Fundamental to degree-granting authority is a definition of various degrees. Thus, defining the components of degrees (associates, bachelors, masters, doctoral) was one of the first steps in this process. Federal interstate commerce laws require that foreign institutions can be held to no higher standard than resident institutions, so linking various requirements is necessary. In fact, it is just this type of linking among public, independent, and proprietary schools that is one of the benefits of S.B. 345. *[Note: The changes for all independent and proprietary schools are currently being processed as changes to state regulations with full public notice requirements. Further, most independent institutions in Kansas were grandparented and are thus exempted from any Board policies by statute.]*
  - Washburn’s PLAN 2+2 is a misnomer, in that it assumes completion of 84 credits (of 124) of an undergraduate degree at a community college, with those 84 credits comprised entirely of 100 and 200-level coursework. Moreover, under current statute, the state is obligated to pay for those credits. The Board endorses outreach and expanded distance learning opportunities for all Kansans; it does not endorse expansion of community colleges to three-year programming without a

more careful plan for investment. While PLAN 2+2 highlights some of the differences in perspective that exist within the system, it was never the sole rationale for these amendments. If it were, Washburn's offer to close the program would have resulted in the Board withdrawing the suggested amendments from consideration.

- In implementing new definitions for academic degrees, the Board chose to "raise the bar" to require all Kansas bachelor degrees to include a minimum of 54 cr of 300 and 400-level coursework. This policy was not promulgated by the six state universities, in that all but one have raised public concerns with the policy.
- **The expectation that institutions should comply with Board policy is punitive and inappropriate.**
  - **If institutions are not expected to comply with Board policy, there is little motivation for the Board of Regents to develop any policies.** Conversely, those institutions concerned with this expectation must presently assume that they are not bound by such policies.
  - We have repeatedly heard from critics of these amendments that they each support coordination. If the legislature desires coordination, the Board of Regents needs tools to accomplish that goal. The ultimate question is "How does the Board coordinate?"
- **The Board already has authority (in SB 345) to do what it seeks to do through these amendments.**
  - With respect to the elimination of the commissions, this is not true. The commission system is mandated by the legislation and the statutory powers of the commissions dictate the process in many regards.
    - E.g.: "The commission for public universities shall . . . formulate budget requests for the state educational institutions." At the same time: "The commission for community colleges and vocational/technical education shall . . . review requests of community colleges, technical colleges and vocational education schools for state funding and formulate recommendations thereon." The result is that recommendations for state funding of the community colleges and technical schools and colleges are formulated independently before the entire board can consider a budget for the system as a whole.
  - With respect to the Board's ability to require accountability from institutions and to form a coordinated system, also not true. **There is no mechanism in SB 345 by which the Board may require an institution to abide by the Board's coordination authority.** (And, the current S.B. 345 performance funding is ineffective for this purpose.)



- The first recommendation from the NORED consulting group confirms what has become clear to the Board in the past three years:

The Board of Regents delegate management responsibility for most aspects of management and administration to the institutional level. Such delegation of management authority should be accompanied with appropriate accountability provisions in the form of institutional implementation agreements or contracts, performance benchmarks, and fiscal and academic audits to ensure that the institutions are operating in accordance with Board policies and pursuing their assigned missions. Implementation agreements, or contracts, would specify what is to be accomplished by the institution with respect to state goals, priorities, policies, and mission objectives, and which indicators will be used to demonstrate compliance and progress. The process should be segmented: the criteria should be established and the agreement reached, and then the delegation should occur.

In order to implement this recommendation, amendments are suggested to K.S.A. 74-3202d, and to K.S.A. 74-3202c. These amendments would make clear that the Board has authority to review and approve institutional improvement plans, based on core indicators of quality performance developed in cooperation with each institution, and would give the Board authority to enter into performance agreements with each institution tied to receipt of new state funds.

- Conversely, the testimony the committee has heard indicates that the precise authority of the Board under SB 345 is not clear. If the intent is for the Board to have this authority, then there should be no problem with enacting these amendments to make that clear.