

MINUTES OF THE COMMITTEE ON HIGHER EDUCATION.

The meeting was called to order by Chairperson Tom Sloan at 3:30 p.m. on February 5, 2003 in Room 231-N of the Capitol.

All members were present:

Committee staff present:

Mary Galligan, Legislative Research
Paul West, Legislative Research
Jim Wilson, Revisor's Office
Mona Gambone, Committee Secretary

Conferees appearing before the committee:

Jack Hawn, Deputy Director, KPERS

Others attending: See attached list

Chairman Sloan called the meeting to order at 3:30 p.m..

Chairman Sloan called the members' attention to the minutes of the February 3 meeting before them and asked them to call the Committee Secretary with any changes before 5:00 the next day or they would be considered approved as printed.

Chairman Sloan then opened the discussion on **HB 2008**. Representative Reitz made the motion that the Committee recommend the bill favorable for passage. Representative Pottorff seconded the motion. The motion carried.

Chairman Sloan then opened the discussion on **HB 2009**. Revisor Jim Wilson passed out the proposed amendments (Attachment 1) and briefly explained the proposed amendments offered by the Board of Regents. Representative Huntington moved the adoption of the amendments. Representative Carlin seconded the motion. The motion carried.

Representative Storm made the motion to amend the general educational development verification of credentials fee to \$15 rather than the proposed \$20, Representative Kuether seconded the motion. Following committee discussion, the motion carried. Representative Reitz requested that he be shown as having voted No on the motion.

Representative Horst made the motion that **HB 2009** as amended be recommended favorable for passage. Representative Neighbor seconded the motion. The motion passed.

Chairman Sloan then opened the discussion on **HB 2014**. Jack Hawn, Deputy Director, KPERS, appeared before the Committee to ask for two technical clean-up amendments. There were no questions of Mr. Hawn. Representative Horst made the motion that the Committee adopt the technical amendments. Representative Storm seconded the motion. The motion carried.

Chairman Sloan asked if there were further amendments. Representative Horst passed out copies of an amendment (Attachment 2). She also handed out a statement of the impact this amendment would have on KPERS fund (Attachment 3). Representative Horst moved the adoption of the amendment. Representative Storm seconded the motion. After Committee discussion, the motion failed. Chairman Sloan then asked for a motion on the amended bill: Representative Huntington moved the bill as amended be recommended favorable for passage. Representative Horst seconded the motion. The motion carried.

Chairman Sloan asked the Committee if there were any requests for bill introduction. Representative Tafanelli made the motion the Committee introduce a bill to combine agencies that work with Work Force

CONTINUATION SHEET

MINUTES OF THE COMMITTEE ON HIGHER EDUCATION at 3:30 p.m. on February 5, 2003 in Room 231-N of the Capitol.

Development, to set uniform standards across the state and incorporate the recommendations of the Subcommittee on Work Force Development, Representative Horst seconded the motion. The motion carried.

Representative Horst made the motion the Committee introduce a bill to reduce the KPERs vesting period from ten to five years. Representative Carlin seconded the motion. The motion carried.

Representative Kuether passed out for the member's information copies of the University of Kansas' School of Law Public Policy Clinic Report, Fall 2002, titled "Improving Vocational-Technical Education" by Shannon Marcano(Attachment 4).

There being no further business, the meeting was adjourned at 4:15 p.m.

HOUSE BILL No. 2009

By Legislative Educational Planning Committee

1-7

Proposed Amendments
For Consideration by Committee on Higher Education

House Higher Educ
2/5/03
Ottobach

9 AN ACT concerning general education development credentials; relating
10 to fees; amending K.S.A. 72-4530 and repealing the existing section.
11

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

13 Section 1. K.S.A. 72-4530 is hereby amended to read as follows: 72-
14 4530. (a) The state board of regents may adopt rules and regulations
15 relating to the processing and issuance of general educational develop-
16 ment (GED) credentials.

17 (b) Each application to the state board of regents for issuance or
18 duplication of general educational development credentials *or verification*
19 *of credentials* shall be accompanied by a fee which shall be established
20 by the state board of regents and shall be in an amount of not more than

21 ~~\$10~~ ~~On or before August 1, 1999, and on or before July 1 of each~~
22 year thereafter, the state board of regents shall determine the amount of

\$20

June

23 revenue which will be required to properly administer the provisions of
24 this section during the next ensuing fiscal year, and shall establish the
25 GED credentials processing fee for such year in the amount deemed
26 necessary for such purposes. Such fee shall become effective on the suc-
27 ceeding ~~January~~ ~~1~~ of each year. The state board of regents shall remit all

July

28 moneys received by or for it from GED credentials processing fees to
29 the state treasurer in accordance with the provisions of K.S.A. 75-4215,
30 and amendments thereto. Upon receipt of each such remittance, the state
treasurer shall deposit the entire amount in the state treasury to the credit
of the GED credentials processing fees fund, which fund is hereby es-
tablished in the state treasury, and shall be used only for the payment of
expenses connected with the processing, issuance or duplication of GED
credentials, and for the keeping of records by the state board of regents.
All expenditures from the GED credentials processing fees fund shall be
made in accordance with appropriation acts upon warrants of the director
of accounts and reports issued pursuant to vouchers approved by the state
board of regents or by a person or persons designated by the state board.

Sec. 2. K.S.A. 72-4530 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its
publication in the ~~statute book~~

Kansas register

House Higher Education Committee
Meeting Date: 2/5/03
Attachment No.: 1

PROPOSED Amendment to HB 2014 for Consideration
by House Higher Education Committee

Be amended:

On page 1, following line 13, by inserting the following:

"Section 1. K.S.A. 74-4917 is hereby amended to read as follows: 74-4917. (1) Upon termination of employment with a participating employer, not followed by employment with such participating employer or another participating employer within 30 days of such termination, the member shall be paid an amount equal to the member's accumulated contributions then on deposit with the system after making application in such form as may be prescribed by the board, except that the system shall have a reasonable time to process the application for withdrawal. The participating employer shall, upon giving a terminated employee a withdrawal application, certify to the system all member contributions which have not been reported previously. In the case of a death of an active member, the participating employer shall certify to the system all member contributions which have not been reported previously and remit such contributions if the participating employer has not submitted a monthly remittance for the terminating quarter. The participating employer shall be responsible to the system for any overpayment or underpayment of member contributions made by the system relating to a withdrawal of accumulated contributions or a death of an active member which is due to an inaccurate certification of all member contributions which have not been reported to the system as required by this section made by the participating employer. A leave of absence, a period of total disability or military service shall not be considered a termination of employment unless the member withdraws accumulated contributions.

(2) Except as otherwise provided by this subsection, if such member has completed ~~10-years~~ the required period of credited service for vesting at date of termination, such member automatically shall be granted a vested retirement benefit in the

system, except that at any time prior to the commencement of retirement benefit payments the member may withdraw accumulated contributions, whereupon no other benefits shall be payable for such member's prior and participating service credit. Prior to July 1, 2005, the required period of credited service for vesting is 10 years of credited service and on and after July 1, 2005, the required period of credited service for vesting is five years of credited service. For purposes of this subsection, any employee of a local governmental unit which has its own pension plan who becomes an employee of a participating employer as a result of a merger or consolidation of services provided by local governmental units, which occurred on January 1, 1994, may count service with such local governmental unit in determining whether such employee has ~~met-the-10-years~~ satisfied the required period of credited service for vesting ~~requirement~~ contained in this subsection. Eligibility of such member for retirement benefits and procedures for making application for retirement benefits shall be in accordance with K.S.A. 74-4914 and amendments thereto. Such member shall make application for retirement in such form as may be prescribed by the board and retirement benefits shall accrue from the first day of the month following receipt of such application. The amount of the retirement benefit shall be determined as provided in K.S.A. 74-4915 and amendments thereto.

(3) Termination of employment of a member, followed by employment with a participating employer within five years after such termination, does not constitute a break in continuous employment if such member has not withdrawn accumulated contributions. Such period while not employed shall not be credited.

(4) If, after the expiration of five years following the termination of employment, a former member becomes an employee of such former member's former participating employer, or another participating employer, such former member shall be deemed to be a new employee. If a member, who has a vested benefit again

becomes an employee of a participating employer, any credited service such member subsequently accrues shall be added to that which had been vested by virtue of previous service. Eligibility of such member for retirement benefits and procedures for making application for retirement benefits shall be in accordance with K.S.A. 74-4914 and amendments thereto.";

Also on page 1, in line 14, by striking "Section 1." and inserting "Sec. 2.";

And by renumbering sections accordingly;

On page 6, in line 7, by striking "Kansas public employees"; in line 8, by striking "retirement system" and inserting "state board of regents";

On page 7, in line 9, before "75-4925" by inserting "74-4917 and"; also in line 9, by striking "is" and inserting "are";

On page 1, in the title, in line 9, after "to", by inserting "vesting requirements;"; in line 10, before "74-4925", by inserting "74-4917 and"; in line 11, by striking "section" and inserting "sections"

KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM

Legislative Data Sheet

2002 House Bill 2691

Sponsored by House Appropriations Committee

Effects of Bill:

The proposed legislation relates vesting. Under current law, a member becomes vested after they have attained ten years of service credit. HB 2691 would reduce this service credit requirement to five years.

Fiscal Impact:

Our actuary has indicated it would have the following actuarial impact:

	Increase in UAL (\$M)	Increase in employer Contribution Rate	Additional first year Contributions (\$M)
State/School	\$5	0.03% 0.04% *	\$974 1.3 mil *
Local	\$4	0.09%	\$.916

There would be no administrative cost ramifications to the passage of HB 2691.

Date: January 25, 2002

Source: Milliman & Robertson, Inc.
Jack L. Hawn, Deputy Executive Director

* 2003 figures, verified
by Jack Hawn,
KPERS

House Higher Education Committee

Meeting Date: 2/5/03

Attachment No.: 3

The University of Kansas

School of Law

January 9, 2003

Dear Representative:

Each year, students in the Public Policy Clinic of the University of Kansas School of Law prepare a number of public policy reports on issues likely to come before the Legislature in the coming legislative session. These nonpartisan reports are intended to assist you in the legislative process by providing general information concerning underlying policy concerns, possible legislative responses, and legal issues surrounding a given problem confronting policy makers in the state. This year's topics include:

1. Charter Schools
2. Improving Vocational-Technical Education
3. Higher Education Funding
4. Opening Child in Need of Care Proceedings
5. Natural Fathers' Rights in Adoptions
6. Putative Father Registry
7. Improving Delivery of Children's Services
8. Combating Medicaid Fraud
9. Costs of Long Term Care for the Elderly
10. Teenage Driving
11. Regulation of Payday Loan Companies
12. Regulation of Private Security Companies
13. Promoting Tourism
14. E-Procurement Policies

The Public Policy Clinic works with the Legislative Research Department and the Revisor of Statutes Office, whose assistance is gratefully acknowledged. Copies of the reports can be obtained from either office or from me.

To help you decide whether any of the reports would be useful to you, I have prepared the attached pamphlet, which contains a brief summary of each of the reports. If you have any questions or if I can be of further assistance, please do not hesitate to contact me. (My telephone number is (785) 864-9220 and my e-mail address is rlevy@ku.edu.)

Sincerely,



Richard E. Levy
Professor of Law
Director, Public Policy Clinic
University of Kansas School of Law

House Higher Education Committee

Green Hall • 1535 W. 15th Street • Lawrence, KS 66045-7577 • (785) 864-4551

Meeting Date: 2/5/03

Attachment No.: _____

4

REPORT SUMMARIES

Each of the reports included in this compilation analyzes a particular public policy issue confronting the state. The student authors have identified key policy objectives to be considered and basic policy alternatives available to the legislature, drawing on the experience of other states and discussion in the policy and legal literature. Based on available current information, each alternative is analyzed in terms of its ability to achieve the various policy objectives. The reports also consider the legal steps, and possible constitutional or other legal barriers, to implementing the policy alternatives. Each report also includes a bibliography of key sources which can be consulted for further information. The reports and authors are listed below, along with a brief summary of each report.

Charter Schools David Magariel

This report considers possible reforms to the state’s charter school laws. The report analyzes three basic approaches to charter schools in terms of the policy objectives of improving educational outcomes, minimizing costs, promoting accountability, and enhancing school choice. First, under the current “gap-filler” model, charter schools are used in a limited way to address problem students or schools. Second, charter schools can be used as laboratories for experimental programs that may be incorporated more broadly into the educational system. Third, an expansive program of charter schools can be used to stimulate competition among schools. Implementing any of these models requires adoption of appropriate standards, procedures, and accountability structures for charter schools.

Improving Vocational-Technical Education Shannon Marcano

This report examines possible reforms to vocational-technical education in the state. The report evaluates three general strategies for improving vocational technical education in terms of the policy objectives of enhancing skills and employability of students, promoting economic development by creating a pool of skilled workers, helping problem students, and maximizing cost-effectiveness. First, improving the subject matter or content of vocational-technical education might be an appropriate adaptation to changing economic conditions. Second, a restructuring of schools might increase the effectiveness of vocational-technical education, particularly for problem students. Third, increased funding from alternative sources may enhance vocational technical programs.

Higher Education Funding James Owen

This report evaluates alternative means of allocating funds for higher education under the Higher Education Coordination Act. The report considers three possible changes to the funding formula in light of the objectives of improving managerial efficiency, maintaining equity in funding, increasing the quality of educational programs, and improving accountability. First, performance based incentives might be strengthened and focused so as to better achieve their desired effects. Second, alternative funding formulas may more accurately reflect the real costs of providing an education at particular institutions. Third, a somewhat more radical change would involve tuition retention, which (like charter schools) would increase institutional flexibility while subjecting universities to the discipline of the market.

mechanisms, such as an ombudsman or citizen review boards. Finally, the state could improve the delivery of services through improved training.

Combating Medicaid Fraud Brian Ross

This report addresses the problem of Medicaid Fraud and the means to reduce it. The report evaluates four policy alternatives in terms of the policy objectives of preventing fraud and abuse, maintaining the efficient flow of Medicaid services, promoting fairness to the parties, and cost effectiveness. First, the state could adopt more comprehensive penalties for Medicaid fraud, including a civil cause of action to increase deterrence and improve the chances of recovering funds. Second, the state could enhance its efforts to identify and punish Medicaid fraud by tapping additional sources of information. Third, the state could encourage private enforcement by permitting private litigants to sue and retain a share of recovered funds. Finally, the state could provide education and training to assist providers and recipients in identifying fraud and to enhance deterrence.

Costs of Long Term Care for the Elderly Barbara Privat

This report considers possible responses to the increasing costs of long term care for the elderly. These costs are not covered by Medicare and because few people have long term care insurance, are eventually paid by the state via Medicaid, but only after the elderly have spent most of their resources. The report evaluates four options for addressing these problems in terms of the policy objectives of maintaining the quality of care and of life for seniors, preserving the viability of third party participants, and cost effectiveness. First, the state could offer educational programs and messages to encourage long term care insurance and financial planning. Second, the state could provide tax incentives for alternative or in home care, which is often both more desirable for seniors and less expensive for the state. Third, the state could encourage or require employers to provide long term care insurance as part of their benefits packages. Finally, the state could provide direct assistance to individuals seeking long term care insurance or even provide such insurance itself.

Teenage Driving John DeMarco

This report analyzes possible ways of reducing the involvement of teenage drivers in automobile accidents. The report discusses four policy alternatives in terms of the policy objectives of decreasing motor vehicle accidents, reducing insurance losses, cost effectiveness, and maintaining freedom to drive. First, the state could attempt to strengthen and improve driver education for teenage drivers, in the hope that further education would make teenagers safer drivers. Second, the state could raise the minimum age to obtain a license, which would reduce accidents by limiting teenagers' freedom to drive. Third, alternative would be to restrict teenage licenses so as to prevent driving in dangerous situations, such as night driving or with multiple teenage passengers. Finally, the state could implement a comprehensive graduated license system which would combine all three of previously mentioned the options.

Regulation of Payday Loan Companies Arlyn Miller

This report addresses the growing use of "payday" loans, short-term loans against an anticipated pay check for specified fees that translate into very high effective interest rates.

UNIVERSITY OF KANSAS
SCHOOL OF LAW

PUBLIC POLICY CLINIC
FALL 2002

IMPROVING VOCATIONAL-TECHNICAL
EDUCATION

BY
SHANNON MARCANO

EXECUTIVE SUMMARY

This project is designed to assist the Kansas Legislature in reviewing the state of Vocational-Technical education for secondary students in Kansas. Currently, vocational-technical programs for students at the secondary level are offered at high schools and at area vocational schools and technical colleges. While the programs offer alternative education for students who do not fit in to the traditional high school/college-prep mold, the potential of such programs to serve a greater variety of students in a more beneficial manner is not being realized.

As the world market becomes smaller, it becomes increasingly important for the state of Kansas to prepare its students and future workforce to compete with the rest of the world. One of the keys to this is bringing vocational-technical education up to date and increasing its visibility and availability to the mainstream of today's secondary students. This project identifies three objectives that characterize vocational-technical education. The first objective is to use vocational-technical education to enhance skills of future employees. The second involves the promotion of economic development of the state through vocational-technical education. The third objective involves the traditional role of vocational-technical education, addressing problem students. The fourth objective focuses on improve cost-effectiveness of vocational-technical education.

Alternatives that are evaluated in this project fall into three different categories. The first category is "Content/Subject Matter." These alternatives deal with improving the content and subject matter of vocational-technical programs to achieve the policy objectives identified above. The second category is "Improving Delivery/Schools." These alternatives deal with improving the structure of the vocational-technical programs to achieve the policy objectives. The third category of alternatives is "Improving/Increasing Funding." These alternatives obviously deal with ways to improve and increase funding of vocational-technical programs to achieve the policy objectives.

Some of the alternatives offered here have been used by other states to achieve an overall improvement of vocational-technical education offered by those states. These are evaluated according to the policy objectives identified here for the state of Kansas. Some of the alternatives would require amendments to Kansas' existing statutes dealing with vocational-technical education. (KSA, Bib. D.6). Other alternatives would require the drafting of new statutes. While funding alternatives pose some constitutional questions, Kansas courts have offered some guidance as to how the legislature should proceed.

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I. INTRODUCTION

A. General Background

1. National

Vocational education is defined by the U.S. Department of Education and the Carl D. Perkins Vocational and Technical Education Act as "organized educational programs offering sequences of courses directly related to preparing individuals for paid or unpaid employment in current or emerging occupations requiring other than a baccalaureate or advanced degree." (USDE, Bib. A.1). The U.S. Department of Education has identified Vocational-Technical Education as significant because the U.S. competes in a global economy and therefore needs a workforce with the academic and vocational skills that will allow it to compete in a world market. (USDE, Bib. A.1). As of 1996, only about 20% of jobs in America required a four-year college degree. (USDE, Bib. A.1). Vocational-technical education prepares individuals for the bulk of America's jobs, including those that require some education beyond high school, often at the community college level. (USDE, Bib. A.1).

Federal funding for vocational-technical education is a major concern. Although overall funding on Department of Education programs has increased by 177% from Fiscal Year 1980 through Fiscal Year 1999, vocational education funding increased by only 47% during the same period. (USDE, Bib. A.2). In 1980, funding for vocational education was about 6% of total Department of Education expenditures; it has now shrunk to about 3%. (USDE, Bib. A.2). Vocational education seems to have become less of a priority at the federal level, perhaps due to the fact that the focus in education has shifted from training for work to academic preparation for college.

Through the early 1990s, vocational education had come to be stigmatized as a high school track for students with poor academic capabilities, special needs, or behavioral problems. (USDE, Bib. A.2). Vocational programs also appeared to contribute little "value added" to student outcomes. (USDE, Bib. A.2). Many believe the quality of vocational programs is unlikely to improve without attracting a broader segment of the student population; or that the participation of a more diverse set of students will signal that quality improvements are being made. (USDE, Bib. A.2). Although the Perkins Act emphasizes program improvement and provides basic reform strategies, it is not clear whether states and communities have made progress in implementing them.

It is important that the workforce have a means to obtain the skills demanded by employers. The federal government enacted the Workforce Investment Act in 1998 to provide the framework for a unique national workforce preparation and employment system, which is designed to meet both the needs of the nation's businesses and the needs of jobseekers and those who want to further their careers. (USDLETW, Bib. A.3). One of the three funding streams specified by the Act is youth. To be eligible, the youth must be low-income, ages 14-21 and facing one or more challenges to successful workforce entry: school dropout, basic literacy skills deficiency, homeless, runaway or foster child, pregnant or a parent, an offender, or need help completing an educational program or securing and holding a job. (USDLETW, Bib. A.3). Youth will be prepared for postsecondary educational opportunities or employment. (USDLETW, Bib. A.3). Programs will link academic and occupational learning. However, states are not spending much of their Workforce Investment Act funds. In the first quarter of program year 2001, only 12.6% of total WIA funds were spent by the states (from July 1, 2001 through September 30, 2001). (USDLETW, Bib. A.3). Because of this, the budget for 2003 proposes that these funds to states be cut by 12%.

2. Kansas

Kansas passed the Kansas Vocational Training Act in 1963, which established separate vocational-technical schools. (KLRD, Bib. A.4). The Act provided a means by which the state, in cooperation with local communities, could provide facilities for job-specific training to prepare students for productive employment as technicians and skilled workers, at both the secondary and post-secondary level. (KLRD, Bib. A.4). Like the federal government, Kansas recognized the need for skilled workers to keep the economy moving

forward. Vocational programs in public schools are offered at high schools for secondary students and at area vocational schools and technical colleges for both secondary and postsecondary students. (KLRD, Bib. A.4). Schools are governed by local boards and supervised by the State Board of Education.

B. Identification of Policy Objectives

While both the federal government and the State of Kansas have identified vocational-technical education as an important aspect of public education and there are federal programs to aid states in providing such education, there are problems in implementation at the state and local level. Vocational-technical education is a way to reach even the hardest to reach student, and can provide more traditional students with the skills to help them succeed in an increasingly competitive job market. However, as the world market becomes more sophisticated, the educational system that will allow the nation and the state of Kansas to compete in such a market needs to focus on enhancing skills as an objective of vocational-technical education.

Another objective the state should examine is promoting the economic development of the state through vocational-technical education. While it is not currently at the forefront of vocational-technical education, it is important to understand the relationship between vocational-technical training and economic development. In other words, how should Kansas provide workers for its economy to draw industry and brighten the state's economic future? In order to be effective, vocational-technical education must be effective in turning out employable people and is an essential element in promoting the economic development of the state.

Addressing problem students is another objective for the state of Kansas in vocational-technical education. It is important to examine what role vocational-technical education plays in the state's education system, and what role it should play. Traditionally, vocational-technical education has been the arena of the "problem student" or those students who did not desire to pursue a four-year post-secondary degree. However, as the need for blue-collar workers erodes, these students still have a need for training that provides them with the skills they need to obtain good jobs. In addition, it is possible that more students than just the non-traditional student would benefit from some sort of skills training. Perhaps vocational-technical education should be provided in a new model more available to all students.

Another objective for the state of Kansas is improving the cost effectiveness of vocational-technical education. As stated previously, there are various federal programs that provide aid to states for vocational-technical education. However, as these funds become less available and state budgets are cut on the whole, it may be necessary to explore other methods of funding to make vocational-technical education cost-effective for the state.

C. Identification of Policy Alternatives

The objectives identified for vocational-technical education could be accomplished in many ways. Other states and organizations have proposed and in some cases implemented different options that could be feasible for the state of Kansas.

1. Content/Subject Matter

Although all of the alternatives should be considered in light of their potential to achieve the policy objectives, the different alternatives can be grouped by how they would change vocational-technical education. One alternative would be for the state of Kansas to form public/private partnerships with employers already established in the state. Employers in the state would be contacted to become involved in developing the content and subject matter of vocational-technical education programs.

Another alternative in this category is for the legislature to target the leading industry in the state and take a look at what other types of industry the state would like to draw. Vocational-technical education could be developed accordingly, perhaps with some sort of an incentive to employers who are not currently located in the state to move here. The key will be identifying the type of worker the employer desires and then

working with employers on a larger scale to develop curriculum in vocational-technical programs that will result in providing employers with the type of worker employers desire.

A third alternative is creating employability content standards that work in tandem with the state's academic content standards like the state of Alaska has done. The content standards would provide the benefits of vocational-technical education to all students by incorporating it into all facets of education.

2. Improve Delivery/Schools

One alternative in this area involves changing the structure of schools. Career academies are "schools-within-schools" organized around career themes. (NCSL, Bib. B.1). They integrate academic and vocational instruction, provide work-based learning opportunities for students and prepare students for postsecondary education and employment. (NCSL, Bib. B.1).

Another alternative builds on research indicating that students perform better and are more likely to stay in school if the school they attend is smaller. (NCSL, Bib. B.2). Simply reducing the size of schools can better meet the needs of all students, including problem students. One way to do this is to restructure the students, staff and space of an existing school. Small schools can be housed within larger schools, but they resemble small, freestanding schools rather than "programs" within comprehensive schools.

3. Improving/Increasing Funding

One alternative in the area of funding is taking full advantage of federal funding programs already available to the state of Kansas. As stated above, the Carl D. Perkins Vocational and Technical Education Act is administered through the United States Department of Education. Funds are available to states to assist the state in providing vocational-technical assistance to youth and adults on the basis of state population in certain age groups and their per capita income. The federal government is in the process of studying the effectiveness of the program at the state level. (USDE, Bib. B.3). In addition, the federal government also offers a program described above as the Workforce Investment Act. The goal of the Act is not only to help provide vocational-technical education to several different sectors of the population, but also to work with employers in meeting their need for employees. (USDE, Bib. B.4).

A second way Kansas can ease the problems of funding vocational-technical education is to work with the local and state boards of education to increase funding for vocational-technical education in their budgets. As business communities can help to put pressure on the school boards to allocate more education funds for increasing the quality of vocational-technical education in the state.

D. Identification of Affected Interests

Kansas students, parents and educators will be most directly affected by the method or model that is used to provide vocational-technical education to students. Pushing vocational-technical education to the forefront and providing all parties with information is an important step. The more aware students, parents and educators are of the options vocational-technical education offers, the more likely it is that fewer students will be left behind and that more students will discover an environment where they will have opportunities to succeed in school and become an employable member of society.

Kansas employers and consumers will be most affected by the Content/Subject Matter alternatives. Obviously, the more the state has to offer consumers in terms of goods and services, the more likely consumers will be to spend their money in Kansas. The key to a strong economy is a work force that is properly educated for its jobs. Obviously, employer involvement in reforming and continuing to provide quality vocational-technical education to all students in the state of Kansas is essential to the economic future of the state.

All of the parties will obviously be very affected by funding. The bottom line is that the more funding the state can provide for vocational-technical education, the higher quality the programs will be and the more likely they will prove beneficial to all of the parties involved. Therefore, it is necessary to explore and take advantage of all of the options available.

II. ANALYSIS OF POLICY ALTERNATIVES

A. Improving Content/Subject Matter

The content and subject matter of the courses vocational-technical schools currently offer could be examined to ensure that they are adequately preparing students to join the work force. The key to the success of vocational-technical schools is producing an employable graduate.

One way to improve or change the content of courses offered by vocational-technical schools is to get industry involved. Industry would better be able to evaluate whether the content of the courses provided by vocational-technical schools really prepares students for certain occupations. Industry advisory committees, surveys of the needs of employers, follow-up surveys of graduates, student work experience such as internships and faculty externships (work experience for the teachers in the career field they teach) are all options currently used by programs to ensure that courses teach appropriate job skills and produce an employee that is valuable to local industry. (NCSL. Bib. C.1). Faculty externships are particularly key as changing the content of vocational-technical programs requires that the teachers actually be able to teach the subject matter. (NCSL. Bib. C.1). Externships would ensure that the faculty be trained in the most recent, realistic manner.

Private-public partnerships are an ideal way for vocational-technical schools to get information and guidance from the source. Who better to give feedback on whether the programs are educating students effectively to make them good employees than the industries that will be employing the students? While it may be difficult to get industries involved on a volunteer basis, there are some incentives the state could offer that could make it a bit easier. For example, Kansas could provide a corporate income tax credit for employers who would participate in state-approved programs that combine high school study and part-time employment, modeling the programs after states like Connecticut that already provide them. (NCSL. Bib. C.2). Another idea would be to give a tax credit to industries that get involved in various youth vocational programs, as does the state of Illinois. (NCSL. Bib. C.2). Getting industry involved would be the key, and economic incentives have a good chance of making that happen. Once industry is involved, programs would need to be flexible and be able to incorporate the input that industry provides in order to make their programs more effective. Because improving the content of courses benefits all involved, it seems that these partnerships could be very effective in achieving that goal.

Another way to improve the content of vocational-technical courses is to target specific industries. The legislature would need to focus on the leading industries in the state and make sure that the vocational-technical programs are giving them what they need as far as employees go. In addition, the legislature could focus on what type of industry they would like to draw to the state and work with those industries to ensure that if and when the industry located in the state, there would be employees here that would be an asset to the industry. This would involve similar partnerships as those discussed above, but would be more focused on the economic development of the state and how the vocational-technical system can improve it.

Targeting specific industries would be an effective way of improving or changing the content of courses offered by vocational-technical schools, but the legislature must find a way of ensuring some sort of follow through. The state of Kansas can try to bring in various industries by assuring the industries the state can provide them with skilled workers, but there needs to be some sort of certainty that industry will locate in the state before the legislature can spend money revamping the vocational-technical education system. One way to make targeting more effective would be to pair it with other incentives, such as tax incentives, to industries to locate in the state. If the state is unable to provide a "package" to industry and get commitments from industry in return, the state probably would not be able to justify spending money on changing the content of vocational-technical courses.

Another way to improve vocational-technical schools is to set standards to hold vocational-technical schools more accountable for the education they are providing. The state of Alaska has integrated employability content standards with the state's academic content standards. (NCSL. Bib. C.4). They are used

to ensure the education system is providing a more well-rounded student and are designed to promote successful student transition from school to work. (NCSL. Bib. C.4). These standards would be very helpful in keeping a closer eye on what vocational-technical programs are teaching their students. If the focus is on employability and the programs are held to certain standards that are designed with an eye toward that goal, the schools will definitely be improved.

The more vocational-technical programs focus on employability, the more likely they will be to produce graduates whose needs have been met and who possess the skills they need to find a good job. Setting standards is a fairly painless way to do this. It will not involve a great deal of funding, but mostly research as to what works in other states and then the standards actually have to be set and followed. It may be a bit of a struggle to get the school boards to focus on vocational-technical schools and monitor their progress, but overall few resources need to be used to achieve it.

Improving the content and subject matter of vocational-technical programs would take Kansas a long way toward achieving the policy objectives of vocational-technical education. Other states have had great success in involving industry in developing the curriculum for such programs, which has resulted in better preparation of students for the type of work they will be doing. Employees with better skills will only help industry, and strong industry helps the economic development of the state. Vocational-technical education does suffer from a sort of stigma, however, in that it is geared toward "problem" students. Overcoming this should be no problem if some aspects of the plan the state of Alaska has implemented are incorporated into Kansas' vocational-technical education programs. Changing the content of the programs will not be cost-effective in the beginning, as it will probably require some sort of government incentive to get industry involved. However, looking long-term, some tax incentives are probably a small price to pay for information and involvement in vocational-technical programs by the best source, the industries themselves.

B. Improve Delivery/Schools

In order for the vocational-technical programs offered in the state of Kansas to be effective, it may be necessary to examine the set up of the schools themselves and delivery of the subject matter to the students. As they currently exist, many vocational-technical programs offer alternative education to students who don't fit in at standard liberal arts high schools. However, it is not certain that these students are being reached in vocational-technical programs either. In addition, the world is changing and a global market is emerging, necessitating some sort of vocational-technical education reform.

One way to provide more individualized education for students in vocational-technical education programs would be to structure the programs as career academies. These are "schools within schools" that are organized around career themes. They integrate academic and vocational instruction, provide work-based learning opportunities for students and prepare students for employment. (NCSL. Bib. C.4). It would be necessary to build upon the partnerships with industry discussed above so that local employers could provide program planning guidance, mentors and work internships.

Research indicates that students are more successful when they attend smaller schools. (USDE. Bib. C.5). It would benefit all students if the schools offered an education that was more tailored to the students own strengths and weaknesses and allowed the students to focus their education on a certain career goal. The main drawback to this option is that it will be costly. Because the focus of most school districts is traditional education, it will be extremely difficult to convince school districts and the state as a whole to put money toward reforming vocational-technical education. Educating all parties as to the potential of these programs would be key, and gaining the vocal support of industry would be crucial.

Another way to improve vocational-technical programs would be simply to reduce the size of schools. This has been an issue in education for a long time now, and is just as important in vocational-technical programs as it is in the traditional setting. Schools can be restructured in order to form small schools within existing school buildings. However, the schools would operate as small freestanding schools rather than programs within larger schools and would run fairly independently of the other small schools.

This option again builds upon the research indicating that students are more successful in smaller schools and because many vocational-technical students have problems in traditional school settings, a smaller learning group is especially important to their success. (USDE. Bib. C.6,7). Unfortunately, school districts and the state lack the flexibility that is necessary to take on this sort of in-school restructuring. (USDE. Bib. C.8,9). Flexibility is essential to implementing smaller learning communities. Examining this lack of flexibility will be the first step, but it may be feasible as all aspects of education will probably benefit from a more flexible governing body.

Changing the structure of vocational-technical programs will achieve some of the policy objectives, but not all. Particularly problematic is cost-effectiveness. Smaller schools and reorganization of entire schools will no doubt be costly, and the debate will involve whether the result will be worth the cost. It is important to point out that the enhancing skills and dealing with problem students objectives will be clearly met through these changes, and this should outweigh the cost.

C. Improve/Increase Funding

Funding is an issue in all forms of education across the state today, but it is especially important in the area of vocational-technical education. Vocational-technical education is under-utilized, but money needs to be put toward it to make it work for the state.

One way to improve funding of vocational-technical programs would be to take advantage of the federal funding already available to the state through the U.S. Department of Education. Kansas, like many other states, is not currently taking full advantage of funds provided to it through programs such as the Carl D. Perkins Vocational and Technical Education Act and the Workforce Investment Act. (USDE. Bib. C.10,11). It does not seem that there would be any drawbacks to this option as the money is there to aid the state in providing quality vocational-technical education to its students. The state simply has to make providing quality vocational-technical education a priority and take the time to take advantage of federal funding options.

One of the most problematic options to increase funding for vocational-technical education would be to convince local and state boards to increase the amount of the budget that is allocated toward vocational-technical education. It is problematic because, as described above, the main focus of these bodies has been traditional liberal arts education. This is yet another area where partnerships with industry could have an impact, as industry has a vested interest in the quality of vocational-technical programs. It would be impossible to implement this option in a timely manner. Instead, this option would have to be part of a larger reform of vocational-technical programs in general.

III. LEGAL ANALYSIS

Education is always a topic under consideration by the Kansas Legislature. The content and subject matter of courses is something that is extremely important to the people of Kansas, regardless of whether the subject is vocational-technical schools or other types of schools. Article VI of the Kansas State Constitution requires the legislature to provide and maintain education for the state. The Constitution goes on to give the legislature the power to provide for a state board of education which shall have general supervision over the public schools. (KSC. Bib. D.1). The State Board of education has broad supervisory authority over state public schools delegated to it by the legislature. (KLR. Bib. D.2). The Board is responsible for maintaining standards and guidelines over curriculum development, guiding local school districts through standards that must be met in order to maintain sufficient state accreditation. (KLR. Bib. D.3,4). A clear separation of powers exists between locally elected school boards and the State Board of Education, with the State Board responsible for general supervision and the local boards undertaking development and implementation of specific criteria. (KLR. Bib. D.4). As a part of its education responsibilities, the Kansas legislature is also responsible for providing for finance of the educational interests of the state. (KSC. Bib. D.5).

It seems unlikely that any major legal issues would emerge if any of the options for improving the content and subject matter of vocational-technical schools were undertaken. In order to implement the options discussed to obtain the goal of improving content and subject matter, it is possible that existing legislation dealing with vocational-technical schools could be amended. As K.S.A. § 72-4408 et. seq. are currently worded, they are extremely vague in reference to course requirements for vocational-technical schools. It may be possible for the legislature to strengthen the wording or add new legislation to give a clearer picture of what standards the curriculum of each vocational-technical school must meet. However, it is more likely that the vague wording of the statutes is preferable, and that the legislature may be able to set forth a legislative directive or some other sort of legislative encouragement to the State Board of Education and school district boards in order to get them to work together to develop curriculums that would be specific to the districts' needs as far as vocational-technical education goes. The legislature could hold hearings and pass a resolution to encourage the boards to move in that direction. In addition, the legislature could provide incentives in the form of grants for the boards that are active in improving vocational-technical education. Flexibility from district to district would be key, and the focus for each district would be the type of industry located in the area, and the education required to make students employable. While there are conditions the federal government imposes for funds like the Carl D. Perkins Program, these are fairly vague in reference to any specific curriculum requirements and will not be a problem for the State in improving content and subject matter of vocational-technical schools. (USDE. Bib. D.7).

Improving delivery of education and the structure of vocational-technical schools themselves involves breaking from the traditional school system set up, where vocational-technical schools are a "school of last resort" for students who do not fit into any other educational category. As with content and subject matter of vocational-technical schools, the Kansas statutes give little guidance as to the actual structure of the schools. While it would be possible to enact specific legislation mandating a certain structure for vocational-technical schools, it seems more realistic for the legislature to give that task to the state board of education and the school district boards, again through a legislative mandate or some other sort of legislative encouragement. The legislature could hold hearings and pass resolutions as discussed previously. Each district will have different needs and it would be more effective to let the district take a look at different options and decide which they can implement given the cost and other requirements. While "schools within schools" may be feasible for one district, reducing class size may be a better option for another district. As with content and subject matter, it is unlikely that there would be any major legal problems with improving delivery and schools.

Funding is the key to any sort of vocational-technical education reform. Under current law, "major funding from the state for vocational education is in the form of a weight in the school finance formula for secondary students enrolled in vocational education programs. (USDE. Bib. D.8). While the current formula recognized the generally higher cost of vocational programs, it is possible to amend the law to dedicate even more funding to vocational-technical education. (USDE. Bib. D.8). As long as the proper procedures are followed, there probably would not be any legal problems with this option. In addition to or instead of amending the law, the school districts can be assigned the task of increasing funding for vocational-technical schools out of their own budgets through legislative directives. It is possible that this would result in variations among local districts as to the quality of education. According to Judge Terry Bullock in his pre-trial opinion in *Mock v. Kansas*, Article VI of the Kansas Constitution requires the Kansas legislature to make sure that public schools are financed in such a way as to provide equal education for students. (MvK. Bib. D.9). While the ruling did not dispose of the case, Judge Bullock's opinion has received serious consideration by the Kansas Legislature. (WL. Bib. D.10). In 1992 the current public school financing law was enacted in an attempt to provide greater equality among the school districts. (WLJ. Bib. D.10). Judge Bullock's words are not binding on the legislature, but should be carefully considered if local school boards wish to increase funding for vocational-technical schools independently.

There is no doubt that the Kansas Constitution gives the Kansas legislature authority over education. The legislature, in turn, has delegated some aspects of education to the State Board of Education and local boards. It is clear that the most legally problematic alternative will be funding, but careful action on the part of the legislature should keep any changes constitutional. No new government institutions will have to be created to deal with new or amended legislation for any of the alternatives. It is important to focus on the fact that the availability of vocational-technical education is not to be limited or focused on certain groups but instead expanded and improved. Although this is a goal that may impact the future of the state of Kansas, it is clear that funding is the key and will continue to be a difficult area for all parties to deal with.

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