

MINUTES OF THE COMMITTEE ON HIGHER EDUCATION.

The meeting was called to order by Chairperson Tom Sloan at 3:30 p.m. on March 24, 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
Theresa Kiernan, Revisor's Office
Mona Gambone, Committee Secretary

Conferees appearing before the committee: None

Others attending: See attached list.

Chairman Sloan opened the hearing on **SB 7** and distributed newly drafted amendments to the bill (Attachment #1).

Representative Horst moved to amend the bill on page 1, Sec. 1, (c), by adding "or before"; Representative Neighbor seconded the motion; the motion carried.

In new Sec. 4, (c), Representative Pottorff moved to include new Sec. 4 with the following exceptions: to strike the words "and health benefits" and not include (d) in this motion; Representative Storm seconded the motion; the motion carried.

In new Sec. 4, Representative Storm moved that (d) be adopted; Representative Kuether seconded the motion; the motion carried.

Representative Horst moved that new Sec. 3 and new Sec. 6 be adopted; Representative Pottorff seconded the motion; the motion carried.

Representative Carlin moved that on page 1, Sec. 4, Sub. Sec. ©) the words "or before" be deleted; Representative Neighbor seconded the motion; the motion carried.

Representative Kuether moved that **SB 7**, as amended, be passed out favorably for passage; Representative Neighbor seconded the motion; the motion carried.

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

There are no further meetings scheduled.

SENATE BILL No. 7

By Legislative Educational Planning Committee

1-8

*Does not include
capital fund authority
which was approved*

AN ACT concerning technical colleges; relating to the governing body thereof; amending K.S.A. 72-4470 and repealing the existing section.

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

Section 1. K.S.A. 72-4470 is hereby amended to read as follows: 72-4470. (a) ~~Subject to the provisions of section 2, and amendments thereto,~~ the governing body of a technical college shall be the board of the former area vocational school or the board of control of the former area vocational-technical school, whichever is applicable. Such board or board of control shall operate, control and manage a technical college in the same manner and to the same extent that was provided by law for the operation, management and control of the former area vocational school or area vocational-technical school and nothing in this act shall be applied or construed in any manner so as to change or affect any power, duty or function of a board or board of control with respect to such operation, management and control.

*approved
Sunset*
Except as provided by

(b) The board or board of control of a technical college, in addition to such other powers expressly granted by law and subject to rules and regulations of the state board of regents, is hereby granted the following powers:

- (1) To determine the vocational, technology, and general education courses of instruction that will comprise the associate of applied science degree programs of the college;
- (2) to establish the requirements for satisfactory completion of the associate of applied science degree programs of the college;
- (3) to confer the associate of applied science degree upon students who successfully complete an associate of applied science degree program of the college and to award a certificate or diploma to students who successfully complete a vocational education program of the college; and
- (4) to appoint teaching staff and to fix and determine teacher qualifications, duties and compensation. No teacher appointed to teach courses comprising the associate of applied science degree programs of the college shall be required to meet certification requirements greater than the required in the state educational institutions.

*approved
Sunset*
2009

(c) *The provisions of this section shall expire on June 30, 2005.*

*House Higher Educ.
3/24/03
Attach # 1*

Sec. 2. (a) On or before July 1, 2005, all technical college boards shall develop and present to the state board of regents a plan to replace the governing body described in K.S.A. 72-4470, and amendments thereto, with a new governing board, which shall be separate and independent of any board of education of any school district, to operate, control and manage the technical college. The plan shall provide:

approved
include, but not be limited to, provisions relating to

- (1) The composition of the independent governing board;
- (2) the territory of the technical college;
- (3) the method of election or appointment and the terms of service of the members of the independent governing board;
- (4) the date upon which the independent governing board shall assume management and control of the technical college; and
- (5) the manner, terms upon which and extent to which the facilities, ~~faculty, employees and students of the technical college~~ will be transferred to the independent governing board;

approved
and the division of other assets and indebtedness and other liabilities; *- added*

(b) Upon approval of the plan by the state board of regents, and on the date determined in the approved plan, the independent governing board established under subsection (a) of this section shall operate subject to the rules, regulations and supervision of the state board of regents in the same manner as other technical colleges, technical schools and area vocational technical schools.

option a or b
(6) the manner and terms upon which faculty, employees and students will be transferred to the independent governing board. Subject to the provisions of section (4) and amendments thereto, such provisions shall specify terms of employment and address other personnel matters; and
(7) the payment schedule of amounts owed to the school district pursuant to section 3, and amendments thereto.

(c) In addition to such other powers expressly granted by law and subject to the provisions of subsection (b), the governing board shall have the power to:

and sec 6
any
approved
and the governing body of the technical college

- (1) Determine the vocational, technology and general education courses of instruction that will comprise the associate of applied science degree programs of the college;
- (2) establish the requirements for satisfactory completion of the associate of applied science degree programs of the college;
- (3) confer the associate of applied science degree upon students who successfully complete an associate of applied science degree program of the college and to award a certificate or diploma to students who successfully complete a vocational education program of the college; and
- (4) appoint teaching staff and to fix and determine teacher qualifications, duties and compensation. No teacher appointed to teach courses comprising the associate of applied science degree programs of the college shall be required to meet certification requirements greater than those required in the state educational institutions.

See attached

Sec. 3. K.S.A. 72-4470 is hereby repealed.
Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.

2

New Sec. 3. (a) The governing board of a technical college established pursuant to section 2, and amendments thereto, shall make payments to the school district which issued bonds to finance capital improvements for buildings and facilities transferred to the technical college pursuant to the plan approved under section 2, and amendments thereto. Such payments shall be equal to the amount of state aid which school districts would receive as state aid pursuant to K.S.A. 75-2319, and amendments thereto, on the outstanding bonds issued to finance such capital improvements.

(b) Any moneys received by a school district pursuant to this section shall be credited to the bond and interest fund of the school district to be used for the purposes of such fund.

Sec. 4. Any faculty member or employee whose employment is transferred pursuant to section 2, and amendments thereto, shall become a faculty member or employee of the governing board of the technical college. Such person shall retain all retirement benefits, including the right to retain active participation in the retirement system which the officer or employee belonged to on the effective date of the transfer, and rights of civil service which had accrued to or vested in such person prior to the effective date of the transfer. The service of each such person so transferred shall be deemed to have been continuous.

*30 of Regents prev.
No - KNEA
with the Board in School*

New Sec. 4. (a) Any faculty member or employee of a school district whose employment is transferred to a technical college pursuant to section 2, and amendments thereto, shall retain all accrued sick leave, vacation leave and personal leave accrued at the time of such transfer.

b) Any faculty member or employee of a school district whose employment is transferred to a technical college pursuant to section 2, and amendments thereto, shall remain eligible for any early retirement incentive program or benefits as if no transfer had occurred.

c) Any faculty member or employee of a school district whose employment is transferred to a technical college pursuant to section 2, and amendments thereto, shall retain salary and health benefits as if no transfer occurred.

d) Any faculty member or employee of a school district whose employment is transferred to a technical college pursuant to section 2, and amendments thereto, shall retain earned due process protections and rights if no transfer had occurred.

KNEA & Wichita Public Schools

Separate

*2 yr
waiting period
but receiving
agency can
waive waiting
period*

*KNEA yes
Wichita Public Schools no*

Approved

Sec. 5. (a) On or before September 1, 2003, the state board of regents shall appoint an advisory committee of unclassified professional staff to advise the board and the council of presidents. Such advisory committee shall have the same powers and duties as the council of faculty senate presidents and the students advisory group.

b) On or before September 1, 2003, the state board of regents shall appoint an advisory committee of classified employees to advise the board and the council of presidents. Such advisory committee shall have the same powers and duties as the council of faculty senate presidents and the students advisory group.

1-6

1-6

Sec. 6. K.S.A. 2002 Supp. 75-2319 is hereby amended to read as follows: 75-2319.(a) There is hereby established in the state treasury the school district capital improvements fund. The fund shall consist of all amounts transferred thereto under the provisions of subsection (c).

(b) In each school year, each school district which is obligated to make payments from its bond and interest fund shall be entitled to receive payment from the school district capital improvements fund in an amount determined by the state board of education as provided in this subsection. The state board of education shall:

(1) Determine the amount of the assessed valuation per pupil (AVPP) of each school district in the state and round such amount to the nearest \$1,000. The rounded amount is the AVPP of a school district for the purposes of this section;

(2) determine the median AVPP of all school districts;

(3) prepare a schedule of dollar amounts using the amount of the median AVPP of all school districts as the point of beginning. The schedule of dollar amounts shall range upward in equal \$1,000 intervals from the point of beginning to and including an amount that is equal to the amount of the AVPP of the school district with the highest AVPP of all school districts and shall range downward in equal \$1,000 intervals from the point of beginning to and including an amount that is equal to the amount of the AVPP of the school district with the lowest AVPP of all school districts;

(4) determine a state aid percentage factor for each school district by assigning a state aid computation percentage to the amount of the median AVPP shown on the schedule, decreasing the state aid computation percentage assigned to the amount of the median AVPP by one percentage point for each \$1,000 interval above the amount of the median AVPP, and increasing the state aid computation percentage assigned to the amount of the median AVPP by one percentage point for each \$1,000 interval below the amount of the median AVPP. The state aid percentage factor of a school district is the percentage assigned to the schedule amount that is equal to the amount of the AVPP of the school district, except that the state aid percentage factor of a school district shall not exceed 100%. The state aid computation percentage is 5% for contractual bond obligations incurred by a school district prior to the effective date of this act, and 25% for contractual bond obligations incurred by a school district on or after the effective date of this act;

(5) determine the amount of payments in the aggregate that a school district is obligated to make from its bond and interest fund and, of such amount, compute the amount attributable to contractual bond obligations incurred by the school district prior to the effective date of this act and the amount attributable to contractual bond obligations incurred by the school district on or after the effective date of this act;

(6) multiply each of the amounts computed under (5) by the applicable state aid percentage factor;

(7) add the products obtained under (6). *Subject to the provisions of subsection (f)*, the amount of the sum is the amount of payment the school district is entitled to receive from the school district capital improvements fund in the school year.

(c) The state board of education shall certify to the director of accounts and reports the entitlements of school districts determined under the provisions of subsection (b), and an amount equal thereto shall be transferred by the director from the state general fund to the school district capital improvements fund for distribution to school districts. All transfers made in accordance with the provisions of this subsection shall be considered to be demand transfers from the state general fund, except that all such transfers during the fiscal year ending June 30, 2003, shall be considered revenue transfers from the state general fund.

(d) Payments from the school district capital improvements fund shall be distributed to school districts at times determined by the state board of education to be necessary to assist school districts in making scheduled payments pursuant to contractual bond obligations. The state board of education shall certify to the director of accounts and reports the amount due each school district entitled to payment from the fund, and the director of accounts and reports shall draw a warrant on the state treasurer payable to the treasurer of the school district. Upon receipt of the warrant, the treasurer of the school district shall credit the amount thereof to the bond and interest fund of the school district to be used for the purposes of such fund.

(e) The provisions of this section apply only to contractual obligations incurred by school districts pursuant to general obligation bonds issued upon

approval of a majority of the qualified electors of the school district voting at an election upon the question of the issuance of such bonds.

(f) The state board of education shall reduce the amount of the entitlement of a school district under this section by an amount equal to any payment received by the school district pursuant to section 3, and amendments thereto.

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8-1

b-1

New Sec. 3. (a) The governing board of a technical college established pursuant to section 2, and amendments thereto, shall make payments to the school district which issued or authorized the issuance of bonds prior to July 1, 2003, to finance capital improvements for buildings and facilities the ownership of which is transferred to the technical college pursuant to the plan approved under section 2, and amendments thereto. Such payments shall be equal to the amount of state aid the school district would receive as state aid pursuant to K.S.A. 75-2319, and amendments thereto, on the outstanding bonds issued to finance such capital improvements.

(b) Any moneys received by a school district pursuant to this section shall be credited to the bond and interest fund of the school district to be used for the purposes of such fund.

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