

## MINUTES OF THE SENATE EDUCATION COMMITTEE

The meeting was called to order by Chairman Jean Schodorf at 1:40 p.m. on January 26, 2006, in Room 123-S of the Capitol.

Committee members absent: Pat Apple- excused

Committee staff present: Carolyn Rampey, Kansas Legislative Research Department  
Theresa Kiernan, Revisor of Statutes  
Shirley Higgins, Committee Secretary

Conferees appearing before the committee: Reginald L. Robinson, President and CEO, Kansas Board of Regents  
Barbara Hinton, Legislative Post Auditor

Senator Schodorf called attention to a memorandum which was prepared at her request by Kathie Sparks, Kansas Legislative Research Department. The memorandum regarded Dr. Art Hall's testimony before the Senate Commerce Committee on January 12, 2006, concerning the requirements placed on K-12 education between 1972 and the present. ([Attachment 1](#))

Reginald L. Robinson, President and CEO, Kansas Board of Regents, outlined the Board's reaction to the Governor's proposed budget for higher education for FY 2007. In addition, he gave a brief overview of the Board's recent actions on education issues, and he reviewed the bills requested by the Board in 2006 which related to the Senate Education Committee. ([Attachment 2](#)) As he discussed the Board's Adult Education Program, he referred to a November 1, 2005, press release in which the Board of Regents announced that the program was selected by the U.S. Department of Education as a "Best Practice" state. ([Attachment 3](#)) He went on to call attention to an outline of the Governor's recommendations for FY 2007 which included a table comparing the Board's budget request with the Governor's recommendations. ([Attachment 4](#)) As he discussed nursing student admissions and the Board's concern over the nursing shortage in Kansas, he called attention to a report which the Board of Regents prepared in consultation with the Kansas Board of Nursing, the Kansas State Nurses Association, and deans and directors from the state's postsecondary nursing education programs. ([Attachment 5](#)) He also pointed out that his handout included a copy of a resolution opposing the Taxpayer's Bill of Rights (TABOR) which the Board of Regents adopted in October 2005. ([Attachment 6](#))

Barbara Hinton, Legislative Post Auditor, distributed memorandums which she prepared in response to questions raised by Committee members at previous meetings as they discussed the Legislative Post Audit cost study analysis of K-12 education in Kansas using two approaches. The first memorandum was in response to a question raised by Senator Apple regarding what the total amount of state and local funding would be under the different cost study scenarios and how those amounts compared to the current funding formula. Ms. Hinton noted that the tables attached to the memorandum showed estimated funding with and without the hold harmless provision. ([Attachment 7](#)) The second memorandum was in response to a concern expressed by Senator Vratil about over-identifying bilingual students if state funding for bilingual education was based on headcount as was done in the cost study. Ms. Hinton discussed the process established by the Department of Education to identify bilingual students. She explained that the use of a standardized assessment test to identify bilingual students reduces over-identification regardless of whether the program is funded on the basis of headcount or FTE. ([Attachment 8](#)) The third memorandum corrected the hold harmless information provided on January 17, 2006, regarding the percentages for the number of districts that would be held harmless and those affected by the new formula for 2006-07. ([Attachment 9](#)) The fourth memorandum regarded a correction to the table showing the impact of the estimated costs of meeting future performance standards provided on January 18, 2006. ([Attachment 10](#))

The meeting was adjourned at 2:20 p.m.

The next meeting is scheduled for January 30, 2006.

**SENATE EDUCATION COMMITTEE  
GUEST LIST**

**DATE:** Jan. 26, 2006

NAME	REPRESENTING
SCOTT FRANK	LEGISLATIVE POST AUDIT
Barb Hinton	Post Audit
Kip Peterson	KBOR
Bob Vancouver	JCCC
Jim Edwards	KASB
Howard Smith	P777SBURG STATE
Debra Kideaux	FHSM
Michael White	KATSC
John Dougherty	ESU
George Wray	Ruffin Co
Junie Rose	KACCT
David Monical	Washburn
CHRIS SHEPARD	DAMRON & ASSOCIATES
Phil Hursey	PAT HURLEY & CO
ERIC SEXTON	WSU
Ruby Garard	KNEA
Amy GILLILAND	KNEA - OSAGE CITY
Chris Huntman	NEA - Topeka
Jennifer Gilbreath	NEA - Topeka



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January 19, 2006

**To:** Senate Education Committee  
**From:** Kathie Sparks, Principal Analyst  
**Re:** Dr. Art Hall's Testimony to Senate Commerce Committee January 12, 2006

Per your request, the following memorandum provides information about requirements placed on K-12 Education between 1972 and the present. The requirements have three things in common: additional personnel, time, and money on educators.

- Special Education Requirements

Congress enacted the Education for All Handicapped Children Act (Public Law 94-142), in 1975, to support states and localities in protecting the rights of, meeting the individual needs of, and improving the results for infants, toddlers, children, and youths with disabilities and their families. This landmark law currently is enacted as the Individuals with Disabilities Education Act (IDEA), as amended in 2004. Attachment 1 shows selected information on special education expenditures and personnel from FY 1983 through estimates for FY 2007. This information is readily available on the Kansas Legislative Research Department's website. Also, it should be noted that this program requires school districts to hire specialized teachers and administrators to implement the requirements and to report results. In addition, this population is growing in Kansas, as Attachment 1 points out, especially, with the improvements in health care that have occurred over the past 30 years.

- School Breakfast Program

The School Breakfast Program was established by Congress as a permanent entitlement program in 1975 to assist schools in providing nutritious morning meals to the nation's children. According to "School Breakfast Scorecard 2005" by the Food Research and Action Center, there are 13 million children in America, the Census Bureau and U.S. Department of Agriculture report, who live in families that do not have enough resources to purchase an adequate, balanced diet. The report also compares all states' participation in the program for school year 2004-2005 (Attachment 2).

*Senate Education Committee  
1-26-06  
Attachment 1*

- English Language Learners, English as a Second Language Learners, or Bilingual Education

The Supreme Court recognized that leaving English language learners to “sink or swim” in English-only classrooms made “a mockery of public education” – which must be equally available to all students. The court’s decision in the landmark *Lau v. Nichols* case required schools to take “affirmative steps” to overcome language barriers impeding children’s access to the curriculum. Congress immediately endorsed this principle in the Equal Educational Opportunity Act of 1974. Neither the Bilingual Education Act nor the *Lau* decision requires any particular methodology for teaching bilingual students. Civil rights laws do require educational programs that offer equal opportunities for bilingual children. To enforce this principle, the federal courts and the federal Office for Civil Rights (OCR) apply a three-step test to ensure that schools provide:

- Research-based programs that are viewed as theoretically sound by experts in the field;
- Adequate resources—such as staff, training, and materials—to implement the program; and
- Standards and procedures to evaluate the program and a continuing obligation to modify a program that fails to produce results.

- Title IX, Gender Equity Requirements

Title IX of the Education Amendments of 1972 is a federal statute that prohibits sex discrimination in education programs that receive federal financial assistance. Nearly every educational institution is a recipient of federal funds and, thus, is required to comply with Title IX. Title IX is enforced by the OCR of the U.S. Department of Education. OCR has authority to develop policy on the regulations it enforces. In regard to athletics programs, OCR developed an Intercollegiate Athletics Policy Interpretation that was issued in December of 1979, which remains as current policy.

- No Child Left Behind

No Child Left Behind requires that public schools provide extra help with learning in the form of free tutoring and extra help with school work if the school has been “in need of improvement” for at least two years. The law requires states to test every child in reading and math every year in grades 3-8. Every child also will be tested at least once in high school. Every school is required to meet adequate yearly progress as outlined in the state plan approved by the U.S. Department of Education. In addition, teachers are required to meet the training and educational requirements to be classified as “a highly qualified teacher” and para-professionals also must meet requirements to be considered “highly qualified para-professionals.”

- Due Process Hearings

The right to a due process hearing today applies to students under special education or as a process for expulsion, and to teachers and administrators prior to termination.

- State and Federal Mandates

Attachment 3 is an unaudited list of state- and federal-mandated programs that require teacher and schools to administer resources to comply.

- Juvenile Detention Facilities

As of 1987, the school districts are required to provide education to all juvenile detention facilities students in the state, in KSA 76-3203 and KSA 76-12a21 as amended by *1987 Session Laws*, Chapter 357.

- Bus Driver Safety

Congress passed the Drug-Free Workplace Act of 1988. That, in turn, spawned the creation of federal Mandatory Guidelines for Federal Workplace Drug Testing Programs (Section 503 of PUBLIC LAW 100-71). The Federal Motor Carriers Safety Administration requires that all holders of a commercial driver's license, which is a requirement to be a school bus driver, be tested for drugs (regulation part 382.100-121). Attachment 4 provides a list of the regulations, statutes, and mandates for school bus safety in Kansas.

- The Clean Air Act of 1990

Congress passed the Clean Air Act of 1990, which includes the requirements for open-air burning. Kansas, in KAR 28-19-45, implements the open-burning restrictions.

- The Occupational Safety and Health Administration

All schools are required to follow the blood-borne pathogens and needle-stick prevention guidelines and to maintain a log of injuries from contaminated pathogens or needle sticks. In addition, yearly training is required. See Attachment 5.

- Hazardous Materials Disposal Requirements

The federal Environmental Protection Agency (EPA) has outlined procedures and reporting requirements for such things as hazardous waste, which can include paint, asbestos, lead, mercury, mold, oil spills, pesticides, radon, recycling, and

waste. In addition, in 1998, the Lead-Free Drinking Water Act required schools and day care centers to test and report lead quantity in drinking water accessible to children. The 2000 regulations of the EPA also require yearly training for all maintenance and custodial personnel. See Attachment 6.

- Testing Requirements

According to the Department of Education, state assessments were required in the 1980s by the State Board of Education. In the School Finance Act of 1992, state assessments became a state statutory requirement; prior to that date, local boards had control over all testing and frequency of testing.

- Technology Issues

Every school district now provides classes and training in the world of technology. Computers have become a necessity in every school in Kansas. Training needs to be provided to teachers and administrators in the use, care, and safety issues that come with technology.

- Reporting Requirements for Health-Related Issues

Schools are required to keep and report findings of abuse and neglect, serious illness, and food safety, to name only a few.

- Dropouts

Kansas schools have made a concerted effort in the last ten years to address student needs by providing dropout recovery programs for people lacking a high school diploma. There are currently 75 programs statewide. These programs have enhanced the chances of better employment opportunities for Kansas youth and young adults.

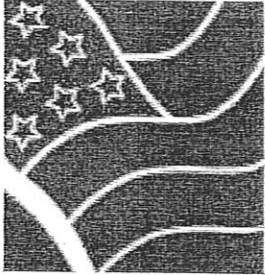
I hope this memorandum answers your question with regard to changes in requirements for unified school districts and schools in Kansas. If you have additional questions, please do not hesitate to contact me.

SELECTED INFORMATION ON SPECIAL EDUCATION EXPENDITURES—FY 1983—FY 2007 (EST.)

Fiscal Year	Total Expenditures for Special Education (in thousands)	% Change from Prior Year	Special Education Excess Costs at 100.0% (in thousands)	% Change from Prior Year	Special Education Categorical Aid (in thousands)	% Change from Prior Year	Categorical Aid as a Percent of Excess Cost	Federal Funding—IDEA	% Change from Prior Year	Medicaid Reimbursement	% Change from Prior Year	Teaching Units	% Change from Prior Year	Amount per Teacher	% Change from Prior Year	Headcount Enrollment	% Change from Prior Year
1983	\$ 118,784	—	\$ 63,716	—	\$ 57,440	—	90.1	NA	—	NA	—	5,149	—	\$ 9,580	—	54,296	—
1984	129,361	8.9	69,523	9.1	62,662	9.1	90.1	NA	—	NA	—	5,360	4.1	10,135	5.8	53,615	(1.3)
1985	143,097	10.6	78,282	12.6	70,418	12.4	90.0	NA	—	NA	—	5,493	2.5	11,210	10.6	52,650	(1.8)
1986	162,035	13.2	93,405	19.3	76,384	8.5	81.8	NA	—	NA	—	5,726	4.2	11,855	5.8	52,784	0.3
1987	166,926	3.0	94,007	0.6	76,443	0.1	81.3	NA	—	NA	—	5,759	0.6	11,298	(4.7)	54,263	2.8
1988	173,278	3.8	99,797	6.2	89,785	17.5	90.0	NA	—	NA	—	5,457*	(5.2)	14,450	27.9	55,222	1.8
1989	192,199	10.9	108,143	8.4	101,260	12.8	93.6	NA	—	NA	—	5,753	5.4	15,440	6.9	55,972	1.4
1990	214,650	11.7	119,626	10.6	113,643	12.2	95.0	15,161	—	NA	—	6,132	6.6	16,200	4.9	56,599	1.1
1991	239,321	11.5	151,261	26.4	125,562	10.5	83.0	14,828	(2.2)	NA	—	6,463	5.4	16,945	4.6	58,205	2.8
1992	250,529	4.7	157,439	4.1	121,078	(3.6)	76.9	17,465	17.8	NA	—	6,568	1.6	15,800	(6.8)	59,569	2.3
1993	281,214	12.2	174,840	11.1	149,026	23.1	85.2	14,953	(14.4)	NA	—	7,097	8.1	18,250	15.5	61,634	3.5
1994	305,736	8.7	190,236	8.8	149,026	0.0	78.3	19,698	31.7	NA	—	7,424	4.6	17,400	(4.7)	63,221	2.6
1995	325,609	6.5	212,115	11.5	177,289	19.0	83.6	21,684	10.1	NA	—	7,839	5.6	19,675	13.1	65,651	3.8
1996	345,533	6.1	223,370	5.3	185,815	4.8	83.2	23,349	7.7	NA	—	8,182	4.4	19,825	0.8	67,387	2.6
1997	363,622	5.2	236,973	6.1	190,393	2.5	80.3	25,483	9.1	NA	—	8,591	5.0	19,170	(3.3)	68,992	2.4
1998	389,403	7.1	250,952	5.9	200,848	5.5	80.0	29,292	15.0	NA	—	9,004	4.8	19,245	0.4	70,730	2.5
1999	418,349	7.4	256,990	2.4	218,843	9.0	85.2	33,604	14.7	15,800	—	9,558	6.2	19,815	3.0	72,877	3.0
2000	443,316	6.0	272,167	5.9	228,759	4.5	84.9	39,615	17.9	13,042	(17.5)	10,040	10.9	19,700	(0.9)	74,534	2.3
2001	471,282	6.3	272,250	0.0	247,991	8.4	91.2	46,903	18.4	21,000	61.0	10,335	2.9	20,800	5.6	76,255	2.3
2002	507,120	7.6	286,898	5.4	242,679	(2.1)	85.0	56,490	20.4	24,930	18.7	10,535	1.9	19,625	(5.6)	76,776	0.7
2003	535,238	5.5	298,131	3.9	250,832	3.4	85.0	68,396	21.1	20,000	(19.8)	10,759	2.1	19,715	0.5	79,005	2.9
2004	558,978	4.4	301,703	1.2	250,993	0.1	83.2	81,392	19.0	35,011	50.1	10,891	1.2	19,420	(1.5)	80,404	1.8
2005	578,595	3.5	307,242	1.8	255,744	(0.1)	81.6	90,733	11.5	37,476	7.0	11,149	2.4	18,770	(3.3)	80,301	(0.1)
2006 (est.)	629,581	8.8	327,890	6.7	282,217	12.6	86.1	96,060	5.9	35,000	(6.6)	11,499	3.1	20,170	7.5	80,300	—
2007 (est.)	659,747	4.8	351,164	7.1	N/A	—	N/A	100,060	4.2	35,000	0.0	11,699	1.7	N/A	—	N/A	—

\* Paraprofessionals were counted as 0.5 FTE teaching unit through FY 1987 and as 0.4 teaching unit beginning in FY 1988.





# SCHOOL BREAKFAST SCORECARD: 2005

*December 2005*

**Food Research and Action Center**  
1875 Connecticut Avenue, N.W. Suite 540  
Washington, DC 20009  
Phone: (202) 986 7700 Fax: (202) 986 7525

Attachment 7-2-1

Table 3: TOTAL STUDENT PARTICIPATION IN SCHOOL BREAKFAST PROGRAM (SBP)  
School Year 2004-2005

State	Free (F) SBP Students		Reduced Price (RP) SBP Students		Total F&RP SBP Students		Paid SBP Students		Total SBP Students
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	
Alabama	138,241	76.6%	14,265	7.9%	152,505	84.5%	27,910	15.5%	180,416
Alaska	8,914	69.3%	1,482	11.5%	10,396	80.8%	2,466	19.2%	12,862
Arizona	141,736	74.2%	17,550	9.2%	159,286	83.4%	31,627	16.6%	190,913
Arkansas	101,644	73.8%	11,923	8.7%	113,567	82.5%	24,148	17.5%	137,715
California	745,944	77.4%	109,158	11.3%	855,102	88.8%	108,049	11.2%	963,151
Colorado	51,948	69.2%	7,229	9.6%	59,176	78.8%	15,946	21.2%	75,122
Connecticut	41,573	78.1%	3,966	7.5%	45,538	85.6%	7,684	14.4%	53,222
D.C.	15,083	81.7%	938	5.1%	16,022	86.8%	2,442	13.2%	18,463
Delaware	15,450	62.3%	1,905	7.7%	17,355	70.0%	7,440	30.0%	24,795
Florida	412,382	72.0%	51,044	8.9%	463,426	80.9%	109,293	19.1%	572,719
Georgia	322,297	69.4%	44,676	9.6%	366,974	79.0%	97,377	21.0%	464,351
Hawaii	20,365	53.0%	4,446	11.6%	24,811	64.5%	13,635	35.5%	38,446
Idaho	31,607	64.7%	5,831	11.9%	37,438	76.6%	11,429	23.4%	48,867
Illinois	184,485	81.8%	12,697	5.6%	197,183	87.4%	28,393	12.6%	225,576
Indiana	107,722	70.9%	14,100	9.3%	121,822	80.2%	30,061	19.8%	151,884
Iowa	41,856	56.3%	7,407	10.0%	49,263	66.2%	25,121	33.8%	74,384
Kansas	52,923	65.5%	9,893	12.2%	62,816	77.7%	18,011	22.3%	80,827
Kentucky	146,063	68.7%	19,529	9.2%	165,592	77.8%	47,156	22.2%	212,748
Louisiana	194,480	78.7%	17,022	6.9%	211,501	85.6%	35,506	14.4%	247,008
Maine	18,001	59.3%	3,069	10.1%	21,070	69.4%	9,297	30.6%	30,367
Maryland	77,199	62.5%	14,400	11.7%	91,599	74.2%	31,885	25.8%	123,484
Massachusetts	93,087	76.4%	8,056	6.6%	101,143	83.1%	20,626	16.9%	121,770
Michigan	171,449	74.7%	17,394	7.6%	188,843	82.3%	40,560	17.7%	229,404
Minnesota	66,236	57.0%	14,795	12.7%	81,031	69.7%	35,195	30.3%	116,225
Mississippi	149,633	81.8%	13,182	7.2%	162,815	89.0%	20,167	11.0%	182,982
Missouri	133,567	68.5%	17,816	9.1%	151,384	77.6%	43,708	22.4%	195,091
Montana	13,398	65.9%	2,126	10.5%	15,524	76.4%	4,808	23.6%	20,332
Nebraska	27,666	60.5%	4,733	10.4%	32,399	70.9%	13,303	29.1%	45,702
Nevada	36,682	70.5%	5,072	9.7%	41,754	80.2%	10,284	19.8%	52,038
New Hampshire	8,616	45.3%	1,438	7.6%	10,053	52.9%	8,946	47.1%	18,999
New Jersey	101,338	72.6%	13,049	9.3%	114,387	81.9%	25,281	18.1%	139,668
New Mexico	74,844	73.5%	10,112	9.9%	84,956	83.4%	16,900	16.6%	101,856
New York	375,779	73.7%	43,698	8.6%	419,477	82.3%	90,227	17.7%	509,704
North Carolina	242,315	70.9%	31,532	9.2%	273,847	80.2%	67,772	19.8%	341,619
North Dakota	8,648	53.1%	1,580	9.7%	10,228	62.8%	6,061	37.2%	16,289
Ohio	190,052	74.7%	17,793	7.0%	207,844	81.7%	46,495	18.3%	254,340
Oklahoma	123,675	70.8%	18,268	10.5%	141,943	81.2%	32,798	18.8%	174,741
Oregon	87,979	69.0%	12,376	9.7%	100,355	78.7%	27,110	21.3%	127,464
Pennsylvania	164,335	69.3%	19,402	8.2%	183,737	77.5%	53,359	22.5%	237,096
Rhode Island	18,769	74.8%	1,958	7.8%	20,728	82.6%	4,365	17.4%	25,093
South Carolina	152,852	76.5%	15,777	7.9%	168,629	84.4%	31,240	15.6%	199,869
South Dakota	14,192	67.5%	1,943	9.2%	16,134	76.8%	4,879	23.2%	21,013
Tennessee	166,431	72.3%	19,988	8.7%	186,420	81.0%	43,832	19.0%	230,252
Texas	979,607	76.1%	111,662	8.7%	1,091,269	84.7%	196,761	15.3%	1,288,029
Utah	35,211	68.3%	6,182	12.0%	41,393	80.2%	10,197	19.8%	51,590
Vermont	10,165	54.7%	1,983	10.7%	12,148	65.4%	6,428	34.6%	18,576
Virginia	124,760	64.3%	18,949	9.8%	143,709	74.1%	50,257	25.9%	193,966
Washington	102,626	71.0%	16,804	11.6%	119,429	82.7%	25,041	17.3%	144,470
West Virginia	54,526	61.3%	9,828	11.0%	64,354	72.3%	24,664	27.7%	89,017
Wisconsin	51,372	63.4%	8,273	10.2%	59,644	73.7%	21,332	26.3%	80,976
Wyoming	7,041	59.4%	1,571	13.3%	8,612	72.6%	3,245	27.4%	11,857
<b>TOTAL</b>	<b>6,656,763</b>	<b>72.6%</b>	<b>839,871</b>	<b>9.2%</b>	<b>7,496,634</b>	<b>81.8%</b>	<b>1,670,716</b>	<b>18.2%</b>	<b>9,167,350</b>

1-7

Table 4: ADDITIONAL PARTICIPATION AND FUNDING IN EACH STATE IF  
 55 LOW-INCOME STUDENTS WERE SERVED SCHOOL  
 BREAKFAST (SBP) PER 100 SERVED SCHOOL LUNCH (NSLP)  
 School Year 2004-2005

	Actual Total Free & Reduced Price (F&RP) SBP Students	Additional F&RP Students if 55 SBP per 100 NSLP	Total F&RP Students if 55 SBP per 100 NSLP	Additional Annual Funding if 55 SBP per 100 NSLP F&RP Students
Alabama	152,505	37,982	190,488	\$7,694,531
Alaska	10,396	7,483	17,879	\$2,418,101
Arizona	159,286	55,147	214,432	\$11,125,387
Arkansas	113,567	4,305	117,872	\$869,602
California	855,102	315,101	1,170,203	\$63,290,662
Colorado	59,176	35,612	94,788	\$7,162,908
Connecticut	45,538	30,244	75,783	\$6,136,887
D.C.	16,022	5,274	21,295	\$1,077,691
Delaware	17,355	3,732	21,087	\$752,992
Florida	463,426	106,923	570,349	\$21,570,936
Georgia	366,974	15,619	382,593	\$3,141,825
Hawaii	24,811	7,517	32,328	\$1,743,666
Idaho	37,438	8,698	46,136	\$1,734,675
Illinois	197,183	185,221	382,404	\$37,795,649
Indiana	121,822	48,401	170,224	\$9,750,955
Iowa	49,263	25,016	74,279	\$4,996,017
Kansas	62,816	20,951	83,767	\$4,176,642
Kentucky*	165,592	—	—	—
Louisiana	211,501	15,499	227,000	\$3,150,020
Maine	21,070	6,628	27,698	\$1,325,232
Maryland	91,599	31,728	123,327	\$6,325,324
Massachusetts	101,143	26,019	127,163	\$5,289,344
Michigan	188,843	66,904	255,747	\$13,558,412
Minnesota	81,031	35,842	116,873	\$7,099,655
Mississippi*	162,815	1,594	164,409	\$323,843
Missouri	151,384	25,352	176,735	\$5,104,863
Montana	15,524	5,952	21,476	\$1,192,636
Nebraska	32,399	19,626	52,025	\$3,923,706
Nevada	41,754	18,006	59,760	\$3,622,276
New Hampshire	10,053	6,856	16,909	\$1,371,737
New Jersey	114,387	62,635	177,022	\$12,623,828
New Mexico	84,956	2,830	87,786	\$569,679
New York	419,477	206,688	626,165	\$41,760,346
North Carolina	273,847	24,645	298,491	\$4,965,700
North Dakota	10,228	4,726	14,954	\$942,743
Ohio	207,844	74,620	282,464	\$15,146,602
Oklahoma*	141,943	828	142,771	\$166,238
Oregon*	100,355	—	—	—
Pennsylvania	183,737	97,495	281,232	\$19,691,487
Rhode Island	20,728	5,920	26,647	\$1,198,943
South Carolina	168,629	2,749	171,378	\$556,848
South Dakota	16,134	7,527	23,661	\$1,514,608
Tennessee	186,420	25,177	211,597	\$5,083,074
Texas*	1,091,269	24,135	1,115,404	\$4,878,714
Utah	41,393	32,140	73,534	\$6,420,398
Vermont	12,148	406	12,554	\$80,787
Virginia	143,709	35,646	179,355	\$7,152,151
Washington	119,429	40,643	160,073	\$8,136,758
West Virginia*	64,354	—	—	—
Wisconsin	59,644	64,309	123,954	\$12,881,144
Wyoming	8,612	3,999	12,611	\$792,203
<b>TOTAL</b>	<b>7,496,634</b>	<b>1,890,348</b>	<b>9,386,982</b>	<b>\$382,288,425</b>

\*The ratio of 55 free and reduced price SBP students per 100 F&RP NSLP students is the average of the top 5 ratios, and therefore an eminently attainable goal. Oregon, West Virginia, and Kentucky are excluded from the table because their ratio exceeded 55 per 100 (ranging from 55.4 to 55.9 per 100). The other states with ratios in the top 5 were Oklahoma (54.7) and Mississippi (54.5).

January 24, 2002

UNAUDITED  
STATE AND FEDERAL MANDATES

S--State Programs      F--Federal Programs      B--Both State and Federal Programs

(30) Units of credit (grades 9-12) (S)  
 Age discrimination in employment act (B)  
 Approval of Claims (S)  
 Appointment of Superintendent (S)  
 Appointment of Clerk (S)  
 Appointment of Treasurer (S)  
 Appointment of Principal (B)  
 Asbestos (tightening of EPA regulations) (F)  
 Bid law (S)  
 Bilingual education (F)  
 Boiler inspections (S)  
 Budget limitations (general fund and supp. general fund) (S)  
 Budgeting process (S)  
 Cash basis law (S)  
 Certified teachers (S)  
 Child health assessment (S)  
 Closing of attendance centers (S)  
 Commercial driver's license (F)  
 Competitive bidding for goods, materials, wares, and construction (S)  
 Competitive bidding for food service procurement (S)  
 Compulsory school attendance law (S)  
 Continuing contract law (S)  
 Deductions from compensations (B)  
 Drug Education (F)  
 Due process for teachers (S)  
 Employee Tax Withholding (B)  
 Environmental Safety Requirements (i.e., blood born and air born pathogens) (F)  
 Equal pay act - discrimination in pay, etc., based on sex (F)  
 Equal employment opportunity (B)  
 Exceeding bond limitation (S)  
 Family education rights and privacy act (F)  
 Filing of selected reports (S)  
 Fire Marshall inspections (S)  
 Flying state and national flags (B)  
 Food service inspections (S)  
 Free and reduced price meals (F)  
 Free textbooks (S)  
 Gifted education (S)  
 Graduation requirements (S)  
 Hazardous communications rule (F)  
 Health and safety standards (B)  
 Health inspections (S)  
 Hearing screening for students (S)  
 Immunizations (S)  
 Independent school audits (S)  
 Inservice education plan (S)  
 Kansas open records act (S)

Kansas acts against discrimination (S)  
Kansas Public Employee Retirement System (S)  
Lettering on school vehicles (S)  
Mandated transportation for students over 2.5 miles (S)  
Mill levy limitations (S)  
Minimum wage law (B)  
Minimum required number of grades (grades K-12) (S)  
Negotiations law (S)  
Notification of student test scores (S)  
Open meetings law (S)  
Patriotic observances (S)  
Precertification testing (S)  
Professional teaching practices commission (S)  
Protective eyeglasses for students (B)  
Public notices (S)  
Record retention (S)  
Required subjects in elementary schools (S)  
Right of privacy act (nondisclosure of personally identifiable information) (S)  
School bus driver qualifications (S)  
School administrator's professional standards advisory board (S)  
School breakfast program (S)  
School district elections (S)  
School year requirements (S)  
School employee health certificates (B)  
Section 504 of the Rehabilitation Act (F)  
Security of deposit (S)  
Sickle cell anemia information (S)  
Smoking policy (S)  
Social security payment and withholding (B)  
Special assessments (S)  
Special education (B)  
Special education due process (B)  
State income tax withholding (S)  
State advisory council for special education (B)  
Student suspension and expulsion (S)  
Supplemental contracts (S)  
Surety bonds for school officials (S)  
Teacher due process (S)  
Teacher evaluations (S)  
Title IX discrimination based on sex in federally assisted programs (F)  
Title VI civil rights act 1964--non-discrimination (F)  
Tornado and fire drills (S)  
Tuition to an area vocational-technical school (S)  
Underground storage (F)  
Unemployment insurance (B)  
Use of driver education cars (S)  
Vision screening for students (S)  
Withdrawing from special education cooperative agreements (S)  
Workmen's compensation (S)

## SELECTED SCHOOL BUS SAFETY REGULATIONS, STATUTES, AND MANDATES

Listed below are some of the pupil transportation mandates to be followed by Kansas public school districts, contract transportation providers, and non-public schools. Further information is contained in the Kansas School Transportation Regulations, Standards, Statutes, and Guidelines, effective September 13, 2000. If you have any questions about these regulations, please call the School Bus Safety Education Unit in the School Finance Section at the Kansas State Department of Education, (785) 296-3551.

1. **DRIVERS MEETINGS:** The transportation supervisor is required to conduct at least 10 safety meetings per year for all school transportation providers. All regular school bus drivers, substitute drivers, and activity bus drivers are to attend, as well as drivers of passenger vehicles, if that is part of their primary job responsibilities. The supervisor must keep an agenda of the meeting and record of attendance for these meetings on file for a period of two years. [K.A.R. 91-38-3(c)(1) and (2)].
2. **LUBRICATION, MAINTENANCE, AND REPAIR RECORDS:** The transportation supervisor shall be responsible for all maintenance and repair records for vehicles used for student transportation. These records must be kept for as long as the school owns the vehicle, and for at least two years after the vehicle is sold or traded. [K.A.R. 91-38-3 (d)(1) and (2)].
3. **DRIVER QUALIFICATIONS:** A Commercial class A or B driver's license is required for all vehicles with a gross weight over 26,001 pounds and/or rated to transport 16 or more passengers. A Commercial class A, B, or C driver's license is required for vehicles with a gross weight rating of less than 26,000 pounds and/or rated for passenger capacity of 16 or more. All commercial licenses must have a passenger endorsement. Drivers of passenger vehicles and buses rated less than 26,000 pounds, for fewer than 16 passengers must maintain an appropriate non-commercial operator's license. [K.A.R. 91-38-6 (a)(1), (2), and (3)].  
  
School bus drivers in Kansas are required to obtain an "S" endorsement for their Commercial Driver's License (CDL) prior to September 1, 2005, in accordance with the provisions of K.S.A. 8-2,135.
4. **APPLICANT'S WRITTEN STATEMENT:** All school transportation provider applicants are required to sign a statement as to whether or not they have been convicted of any felony involving another person or *any* crime involving a child or any major traffic violations. The prospective driver shall also sign a statement authorizing the prospective employer to obtain his/her driving record for review. [K.A.R. 91-38-6 (b)(1), (2), and (4)].
5. **DRIVER TRAINING REQUIREMENTS:** Every school bus driver or person driving a school motor vehicle for student transportation, except employees of the school who drive school motor vehicles to provide student activity transportation in conjunction with their other supervisory duties shall comply with the following requirements:
  - a. School bus drivers shall be provided a **minimum** of 12 hours training in a school bus. Six hours of the training must be completed before the driver is allowed to transport students, but the second six-hour block may be completed while transporting students, so long as the appointed driver-trainer accompanies the trainee on the bus route or activity trip. [K.A.R. 91-38-6 (d)(2)(A)].
  - b. Each driver shall complete an approved first aid and CPR course, and certification shall be kept current. Drivers who are currently certified emergency medical service providers (First Responder, EMT, etc.), are not required to complete the first aid/CPR training so long as their EMS certification remains current. (NOTE: Transportation supervisors should obtain a photocopy of the current EMS certificate for the driver's personnel records.) [K.A.R. 91-38-6 (d)(2)(B) and (C)].
  - c. Each driver shall complete the following prior to the first date students are transported:
    1. Each newly employed driver must complete a vehicle accident prevention course approved by the Kansas State Department of Education. [K.A.R. 91-38-6 (e)(1)].  
  
Experienced drivers needing re-certification shall complete an approved accident prevention course every three years or attend an annual workshop that has been approved by the Kansas State Department of Education. [K.A.R. 91-38-6 (e)(2)(A)(B)].Documentation of this training shall be maintained in the driver's file for the duration of their employment, and for a minimum of two years after their termination.
6. **DRIVERS-ATTENDANCE AT MEETINGS:** Each school bus and activity bus driver (including substitutes) is to attend the monthly safety meetings. Supervisors may video tape the meeting to help drivers who are unable to attend a given meeting to get the information. A record of those attending each meeting must be made and kept on file for at least two years, along with the agenda for the meeting. If a new driver is hired during the school year, he/she is required to attend meetings following the date of hiring. [K.A.R. 91-38-3 (c)(1), (2), (4), and (5)].
7. **SUBSTITUTE DRIVERS:** Substitute school bus drivers shall complete the same training requirements as regular route drivers, except that substitute drivers are allowed up to 30 days following employment to complete all of the first aid/CPR and defensive driving course requirements. [K.A.R. 91-38-6 (f)(1)].

- 8. **PHYSICAL EXAMINATIONS:** School transportation providers are required to comply with physical qualification requirements of 49 C.F.R., Part 391.41 (most commonly known as a "DOT physical"). The examination shall be certified by a person licensed to practice medicine and surgery. [K.A.R. 91-38-6 (G)(1) and (2)].
  
- 9. **WAIVER OF PHYSICAL REQUIREMENTS:** A driver who does not meet the physical qualification requirements for any reason may apply for a waiver of those particular requirements by following the provisions in K.A.R. 91-38-6 (h). Once the waiver is approved (must have a unanimous approval of the local governing board), the driver will only be allowed to drive within the general area of their district. [K.A.R. 91-38-6 (h)].
  
- 10. **PHYSICAL EXAMINATION REPORTS:** A copy of the current physical examination shall be kept on file. When the driver terminates employment, the most recent physical examination file shall be kept for a minimum of two years following termination. [K.A.R. 91-38-6 (g)(4)].
  
- 11. **DAILY INSPECTION:** Drivers of school vehicles must inspect the vehicles before use to make sure it is in safe operating condition and all equipment is in place and in working order. Inspections shall be documented and kept on file for a minimum of one year. Drivers must also walk through a school bus or activity bus and visually check to make sure all passengers are off the bus. Passenger vehicle operators must perform a visual check to make sure no one is still in the vehicle. [K.A.R. 91-38-7 (a), (c), and (i)].
  
- 12. **OBSTRUCTIONS:** Drivers are responsible to see that the service door, emergency exits, and aisles are kept free from obstructions (i.e., no coolers book bags, band instruments, school projects, sports equipment, etc.) at all times. [K.A.R. 91-38-7 (f)].
  
- 13. **EMERGENCY PROCEDURES:** The governing body of each school is tasked with development and adoption of a policy for procedures to be followed when an emergency situation arises while transporting students. All students who regularly ride the bus must receive instruction in these procedures at least once each semester. [K.A.R. 91-38-9 (a) and (b)].
  
- 14. **EVACUATION DRILLS:** Students are also required to practice emergency evacuation of the school bus at least once each semester. These practice drills must be supervised by the transportation supervisor or his/her designee. Documentation of the drills shall include the date, number of student participants, and names of supervisory personnel. The documentation must be kept on file for at least two years from the date of the drill. [K.A.R. 91-38-9 (c) and (d)].
  
- 15. **ACTIVITY TRIP PROCEDURES:** Prior to each activity trip in a school bus or activity bus, a brief explanation concerning emergency evacuation procedures and location of emergency exits for the bus being used shall be given. (K.A.R. 91-38-9 (e)).
  
- 16. **USE OF SEAT BELTS IN SCHOOL PASSENGER VEHICLES:** Appropriate occupant restraining systems shall be used by all occupants being transported in school passenger vehicles. Size-and age-appropriate child safety restraining systems must be utilized when transporting infants and pre-school children. [K.A.R. 91-38-2 (f)].
  
- 17. **TRANSPORTATION AND SPECIAL NEEDS ASSESSMENT TEAMS:** Each board shall notify the transportation supervisor of any student with special health care concerns or special needs for transportation. The transportation supervisor is responsible to ensure appropriate training for drivers and attendants of students with special needs, to assure that those persons will be able to accommodate those needs and safely transport the students. By inviting the transportation supervisor or another designated transportation staff person to the portion of the IEP that pertains to a student's specific transportation needs, these requirements can be met on a timely basis. [K.A.R. 91-38-3 (e)].
  
- 18. **SCHOOL BUS SPEED LIMITS:** K.S.A. 8-1558 was amended during the 2003 Legislative Session to allow school buses to travel the posted speed limits on Kansas roadways. The local board of education is encouraged to adopt written policies when it is desired that school buses drive at lower limits than those allowed in this statute.

For more information on these and or other areas of student transportation in Kansas, please check your regulation manual. If you have further questions, please feel free to call the School Bus Safety Education Unit staff or visit our web site at: [www.ksde.org/schoolbus/safety.html](http://www.ksde.org/schoolbus/safety.html)

Larry E. Bluthardt, State Director(785) 296-4567

*Attachment 4-2*

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Safety and Health Topics

# Bloodborne Pathogens and Needlestick Prevention



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Content Reviewed  
07/05/2005

Workers in many different occupations are at risk of exposure to bloodborne pathogens such as Hepatitis B, Hepatitis C, and HIV/AIDS. First aid team members, housekeeping personnel in some settings, and nurses are examples of workers who may be at risk of exposure. In 1991, OSHA issued the Bloodborne Pathogens Standard to protect workers from this risk. In 2001, in response to the [Needlestick Safety and Prevention Act](#), OSHA revised the Bloodborne Pathogens Standard [29 CFR 1910.1030](#). The revised standard clarifies the need for employers to [select safer needle devices](#) and to [involve employees in identifying and choosing these devices](#). The updated standard also requires employers to [maintain a log of injuries from contaminated sharps](#).

### In Focus

If you are stuck by a needle or other sharp or get blood in your eyes, nose, mouth, or on broken skin:

1. Immediately flood the exposed area with water and clean any wound with soap and water or a skin disinfectant if available.
2. Report this immediately to your employer.
3. Seek immediate medical attention.

Guidelines for post-exposure follow-up:

- [Updated U.S. Public Health Service Guidelines...Post-exposure Prophylaxis](#)
- [Updated U.S. Public Health Service Guidelines ... Recommendations for Postexposure Prophylaxis.](#)

This page is maintained as a product of the Alliance between OSHA's Office of Occupational Health Nursing (OOHN), OSHA's Office of Occupational Medicine (OOM), and the American Biological Safety Association (ABSA).

The following questions link to information relevant to bloodborne pathogens and needlestick prevention in the workplace.



### [What OSHA standards apply?](#)

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### [How do I recognize bloodborne pathogens hazards?](#)

[Bloodborne Pathogens Hazards](#) | [Needlestick Hazards](#)



### [What are some examples of possible solutions for workplace hazards?](#)

[Control Programs](#) | [Safer Needle Devices](#) | [Decontamination](#)



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**Rechargeables now eligible for EnergyStar** Jan 12 - Energy efficient battery chargers will use 35 percent less energy than conventional models, with the potential to save Americans more than \$100 million annually and prevent the release of over a million tons of greenhouse gas emissions.  
[News release](#) | [More information](#)

**Refrigerator makers to cut greenhouse gas emissions** Jan 12 - Under a new voluntary program, manufacturers will significantly reduce HFC emissions released each year during manufacture of 12 million refrigerator-freezers in the United States and more than 60 million worldwide.  
[News release](#) | [More on greenhouse gasses](#)

**Michigan plating shop supervisor sentenced** Jan 12 - James Vaandering of Muskegon was sentenced on December 19 to serve 13 months in prison, repay \$151,000 in cleanup costs, and other penalties. He was found guilty of abandoning hazardous chemicals at the site of the former Sealmore Corporation electroplating facility.  
[News release](#)

**Revised fuel economy labels proposed** Jan 10 - Under new test methods designed to reflect real-world driving conditions, city mpg estimates for most vehicles would drop 10-20 percent from today's labels, 5-15 percent for highway, depending on the vehicle.  
[News release](#) | [About the proposed labels](#)

**International panel concludes U.S. has improved environmental performance** Jan 10 - The Organization for Economic Cooperation and Development reports that from 1996-2005, the U.S. reduced pollution during a period of significant population and economic increases. The review also includes 51 recommendations for the U.S. in environmental protection.  
[News release](#) | [comunicado de prensa](#)

**\$10 million will protect beaches** Jan 5 - Thirty states and five territories will get money to measure water quality at beaches and alert the public when necessary. Grants are available to coastal areas based on the length of beach season, the miles of beach and the number of people who use that beach.  
[News release](#) | [comunicado de prensa](#) | [More on BEACH Act grants](#)

**Other News**

Great Lakes [\\$1.4 million to protect Great Lakes beaches](#)

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**Web Satisfaction Survey**

**Your Air Quality**



Good Moderate Unhealthy Sensitive  
Unhealthy Very Unhealthy Hazardous  
No data available  
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**Popular Resources**

New England	<a href="#">\$10 million to protect northeast beaches</a>
AK	<a href="#">Saint George charged with drinking water violations</a>
AS	<a href="#">Explosives removed from Tafuna village</a>
CA	<a href="#">170 parties to pay \$10 million at Omega cleanup</a>
ID	<a href="#">Meridian Beartrack mine fined for water violations</a>
MA	<a href="#">Tests show PCBs cleaned up at Allendale School</a>
NJ	<a href="#">Rahway River oil spill response underway</a>
NY	<a href="#">Cleanup completed at Johnstown Superfund site</a>
PA	<a href="#">Zimmerman Foundries fined for haz waste violations</a>
VA	<a href="#">Carydale Apartments fined for lead paint violations</a>
WA	<a href="#">Tacoma Terminals fined for Right-To-Know violations</a>

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  - [Citizens guide to stormwater](#)
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#### While At Work

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### National Radon Action Month

Radon is the top cause of lung cancer among American non-smokers, accounting for more than 20,000 deaths each year. Although you can't see or smell radon, 1 in 15 homes has a high level. Protect your family: test your home. To learn more, visit the [EPA radon site](#), call your [state radon contact](#), or call the National Radon Information Line: 1-800-SOS-RADON (1-800-767-7236).

### New toys? eCycle your old ones!



Computer monitors and older TV picture tubes can pollute the environment if not recycled or disposed of properly. Take old electronics to a proper disposal facility or recycling center. Donate working electronics to save valuable resources. [More about eCycling](#)

### Stay healthy tips for older Americans

As we age, our bodies become more susceptible to environmental hazards that can make small but important changes to reduce unnecessary exposures that may accumulate in your body. Check your air quality. Use pesticides safely. [More to a healthier lifestyle. \(español\)](#)

### Chill home energy bills



The average U.S. household spends \$1,500 annually on energy bills. Small steps, taken together, can make a big difference in lowering energy bills. Seal doors and windows to prevent cold drafts. Make sure your furnace is checked and working properly. [More energy-saving ideas](#)

### Winter upgrades: a healthier stove

A wood stove adds warmth and ambiance to your home and can reduce fuel bills. But wood smoke contains a mixture of gases and fine particles that can aggravate heart or respiratory problems in people of all ages but especially children, the elderly, and those with chronic conditions. Use a properly installed, vented, EPA-certified wood stove and have it cleaned and inspected annually. [More information](#)

### ? Test Your Environment

How old is EPA?

- a. 25 years
- b. 35 years
- c. 50 years
- d. 60 years

[Answer](#) | [Previous question](#)

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# KANSAS BOARD OF REGENTS

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**Senate Education Committee  
January 26, 2006**

## **Board of Regents Overview**

**Reginald L Robinson, President and CEO  
Kansas Board of Regents**

Good afternoon Madam Chairman and Members of the Committee. I am pleased to have this opportunity to speak with you this afternoon. In my time here with you today, I hope to: 1) outline our reaction to the higher education aspect of the budget Governor Kathleen Sebelius has proposed for fiscal year 2007; 2) provide you with a brief overview of some of the Board's recent work; and 3) describe some of the Board's key legislative initiatives for the current session.

### Fiscal Year 2007 Budget Recommendations:

The Board is pleased that the Governor proposed a budget that recognizes the vital role higher education plays in the ultimate success and economic vitality of the state of Kansas, and we believe that the Governor's higher education budget enhancements are fair and reasonable given the state's constrained but improving budget environment.

As you can imagine, the state's 36 public higher education institutions face a multitude of challenges as they seek to serve the people of Kansas. Our system requires the resources necessary to recruit and retain talented faculty, to provide enhanced workforce training opportunities for Kansans, and to ensure access to a higher education, through student financial assistance programs, for all Kansans. The Governor's budget recommendations move us in the right direction.

As you may know, the Governor's budget did not include a proposal to address the dangerous deferred building maintenance backlog on the six state university campuses. This is a growing problem that any homeowner knows only gets more expensive the longer it is ignored. Just as the Statehouse is being renovated today, we also owe it to Kansas taxpayers to preserve and protect their important investments in the buildings at our state's universities.

*\*Please see distributed budget memo and chart for additional information.*

*Senate Education Committee  
1-26-06  
Attachment 2*

### Adult Basic Education:

The Board's Adult Education Program was recently selected by the United States Department of Education as one of only three "Best Practice" states in the nation. This successful program, which is built on accountability and performance goals, will soon serve as a model for the rest of the nation. The program, comprised of 31 centers with more than 91 locations statewide, is administered through the Board Office, and is funded through local, state, and federal funds. It impacts approximately 12,000 adults who need basic skills for the workforce, community participation, and family life each year. We are certainly proud to be recognized as a national leader.

*\*Please see distributed press release for additional information.*

### Nursing Study:

During the 2005 Legislative Session, the House Budget Committee, concerned over the shortage of nurses in Kansas, recommended that the Board of Regents submit a report to the Governor and the 2006 Legislature addressing the resources needed to increase the capacity in the state's higher education system for educating registered nurses by 25 percent. It was also requested that the report include a timeline for rebuilding the infrastructure to accommodate up to 250 more nursing student admissions annually.

A nursing shortage exists in Kansas due to an increased utilization of the health care system by an aging population at the same time many existing nurses will be retiring. The Kansas Department of Labor has predicted a need for 6,890 new RN positions by 2010 to meet the workforce need, in addition to 4,460 RN replacement positions needed due to retirements, for a total projected need of 11,350.

Implementing nationwide strategies and initiatives within the state, Kansas has been successful in attracting individuals to careers in health care. The issue now is no longer about filling the pipeline with students interested in nursing careers, but rather one of postsecondary program capacity. Virtually every nursing program has an extensive waiting list of qualified applicants. Increasing capacity in nursing programs is a complex process that includes the critical components of acquiring additional qualified nursing faculty, securing additional clinical instruction sites, and increasing classroom space and equipment.

*\*Please see distributed study for additional information.*

### Taxpayer Bill of Rights (TABOR):

In October 2005, the Board unanimously adopted a resolution that formally opposes any and all efforts to establish constitutional or statutory revenue and expenditure limits, such as the Taxpayer's Bill of Rights (TABOR), in the state of Kansas.

*\*Please see distributed resolution for additional information.*

#### Technical Education Sector Issues:

The Board made a commitment during its August retreat to focus on a number of issues related to the state's technical education sector. In that effort, and after some initial consultation with an array of technical education leaders, Board staff has produced a working paper that puts a number of important technical education issues on the table and proposes, as a starting point for discussion, some options for how to deal with those issues. Most of the issues and recommendations presented in the working paper relate to the structure of the technical education sector. But, there are clearly funding issues that need to be addressed as well. A cross-sector working group is presently undertaking a comprehensive review all of the mechanisms currently in place for funding higher education in Kansas.

The paper was first distributed to technical sector leaders for their review and consideration. But, because some of what the paper suggests has cross-sector implications, it has also been circulated to community college and public university leaders for their response as well. Over the coming months, we expect institutional leaders to review the paper, discuss it with their respective governing Boards and stakeholders, then present their suggestions and responses to the paper.

We expect to submit a legislative proposal on these important technical education issues no later than the 2007 legislative session.

#### In-State Tuition for Certain Undocumented Immigrants:

As you may recall, the Board supported efforts that culminated in the passage of House Bill 2145 during the 2004 legislative session that now provides in-state tuition for certain undocumented immigrants. This legislation has provided increased educational opportunities for Kansans, and the Board opposes efforts currently underway to repeal this important legislation.

#### Deferred Maintenance:

In July 2005, the Legislative Division of Post Audit submitted a performance audit entitled *Regents Institutions: Reviewing Proposals for Increased Maintenance Funding at the State's Colleges and Universities*. The audit, which focused on the Legislature's 1996 "Crumbling Classrooms" initiative and the Board's 2004 comprehensive facilities report, concluded that, among other things, the 1996 Crumbling Classrooms initiative provided a short-term maintenance funding remedy, did not provide new state funding, and reduced regular maintenance funds available to the state universities in later years. The audit also concluded that the Board's 2004 report, which identified a critical maintenance backlog of \$584 million, likely underestimated the total cost of the deferred maintenance problem.

In November 2005, the Board adopted a comprehensive plan to address the growing deferred maintenance backlog and to protect valuable state assets worth almost \$4 billion. This multi-pronged approach includes a temporary sales tax increase, a bond issue, an increase in the statewide Educational Building Fund mill levy, and new campus administrative practices that will alleviate future maintenance obligations. The Board certainly recognizes the difficulties this proposal faces, but we are encouraged by the fact that many legislators are concerned and increasingly interested in this growing problem. The Board simply serves as the landlord for buildings that are owned by the Legislature and the people of Kansas. As any homeowner knows, this problem only grows more expensive the longer it is ignored.

Additional Board Initiatives:

- Higher Education Strategic Plan
- Higher Education Efficiencies
- Higher Education Is Workforce Development

Emporia State University

Yesterday, Donna Shank, Chairwoman of the Kansas Board of Regents, issued the following statement in response to the announcement that Emporia State University's (ESU) President, Kay Schallenkamp, will depart ESU to accept a new position in her home state of South Dakota:

"It is with a mixture of deep regret and sincerest congratulations that I announce the departure of President Kay Schallenkamp from her post at Emporia State University. President Schallenkamp has been a leader and a valuable asset to Kansas higher education since she was first hired as ESU's President in 1997.

President Schallenkamp is expected to depart near the end of the fiscal year (June 30). While the Board is very sad to lose such an exceptional president, we also understand her desire to return to her home state of South Dakota. We congratulate President Schallenkamp on this new opportunity and wish her the best of luck in her new position as President of Black Hills State University.

The Board sincerely appreciates her eight and a half years of hard work and dedicated service to ESU and to the state of Kansas. ESU has certainly prospered under President Schallenkamp's leadership.

The Board will conduct a national search for ESU's new president. The process and details of the impending search will be finalized in the coming months."

KBOR 2006 Legislative Initiatives:

**SB 331 – Technical College Transition**

*\*Referred to the Senate Education Committee.*

Proposal:

In 2003 K. S. A. 74-4470a was passed. This statute, part of what was known as SB 7, allowed technical colleges in Kansas to pursue independent governance, which is required for regional accreditation, and required the colleges to provide the Board of Regents with a detailed plan for transition from school district governance to that of an independent board. The transition plans were to be submitted to KBOR before June 2005. One technical college has made the decision to remain under school district governance, stop pursuing accreditation and relinquish their authority to award degrees rather than submit a transition plan. Current statutes do not provide for this situation. Staff recommends amending K.S.A. 74-4470a to address the circumstance of a technical college reverting to a technical school.

Background:

In 1994 K.S.A. 72-4468 was enacted permitting area vocational schools or area vocational-technical schools to convert to and be established as technical colleges. Between 1995 and 2001 six technical schools transitioned to technical colleges with the authority to award associate of applied science degrees.

The technical colleges began to function in higher education, while the technical schools continued to operate and function as they had in the past. On July 1, 1999, supervision and coordination of technical colleges and technical schools was transferred from the State Board of Education to the Kansas Board of Regents (K.S.A: 74-32,141). In December 2002, the Kansas Board of Regents passed a policy requiring all degree-granting institutions of higher education to become accredited through the Higher Learning Commission of the North Central Association of Colleges and Schools. This accreditation process required significant changes in governance for the technical colleges, which was not contemplated in existing statutes. In order for the institutions to change the governance structure and to become accredited consistent with Board policy, the Kansas Board of Regents supported legislation to permit these changes. The new laws required a technical college to develop a plan to replace the existing governing board, a board closely related to or the same as the local unified school district's board of education, with a new separate, independent governing board to operate, control and manage the technical college. Under K.S.A. 72-4420a, these plans were to be submitted to the Board of Regents on or before July 1, 2005.

Five of the six technical colleges submitted comprehensive plans for the transition to independent governance that were subsequently accepted by the board. The sixth technical college, Northeast Kansas Technical College (NEKTC), submitted a letter to the Board in May of 2005 stating they do not intend to pursue independent governance nor do they intend to pursue



HLC accreditation at this time. NEKTC's action brought to light the fact that current statutes do not address the reversion of a technical college to a technical school.

Fiscal and Administrative Impact:

None.

Impact on other Agencies:

None known.

**SB 332 – State University Purchase of Insurance**

*\*Senate Education Committee hearing scheduled for Thursday, February 2.*

Issue:

Authority is sought to allow state universities, on a campus-by-campus basis, to be granted authority to determine their insurance needs and to purchase all insurance products, except employee health insurance, at the campus level.

Background:

In 2002, the State University Council of Business Officers made a comprehensive study to identify areas of where relief from state administrative procedures would result in administrative efficiencies. As a result of this study, and with the cooperation of the State Department of Administration a number of statutes and business practices were changed.

In the spirit of a continuation of this process to identify best business practices, legislation should be pursued to allow for campuses to be granted authority to determine their insurance needs and to make purchases of all insurance products except employee health insurance at the campus level when those purchases are financed from non-state general fund sources.

Fiscal and Administrative Impact:

Undetermined.

Impact on other Agencies:

None known.

## **SB 333 – Delegation of Purchasing Authority**

*\*Currently being considered by Senate Ways and Means.*

### Issue:

Authority is sought for the ability of the state Secretary of Administration and Division of Purchases to delegate purchasing authority to state agencies. Specifically, an amendment is sought to K.S.A. 75-3739 which limits delegated purchasing authority to purchases of less than \$25,000.

### Background:

K.S.A. 75-3739 allows the secretary of administration and the division of purchases to delegate purchasing authority to any state agency of less than \$25,000 under certain prescribed conditions and procedures.

The University of Kansas has had the statutory maximum \$25,000 delegated purchasing authority since February 1999.

As a result of the 2002 efficiency study by the state university Council of Business Officers and the Governor's BEST teams, KU engaged in cooperative discussions with the Division of Purchases to identify additional operational efficiencies in purchasing operations. As a result of these discussions, KU was delegated additional transaction processing responsibilities for purchases above the \$25,000 amount in the Spring of 2004.

Under this arrangement, KU has responsibility for virtually all aspects these transactions, however state law precludes the Division of Purchases from delegating complete authority. This necessitates bidding specifications and purchases to be approved by the Division of Purchases.

As with all purchases made under delegated authority, the Division of Purchases and Legislature can still review and audit all completed purchasing transactions.

KU's experience under this new arrangement has been positive, and a change in state law would allow for the Division of Purchases, on a permissive basis, to delegate purchasing authority, consistent with the requirements of state purchasing law.

### Fiscal and Administrative Impact:

A small increase in workload would occur in the campus purchasing office.

### Impact on other Agencies:

A small reduction in workload would occur within the Division of Purchases.

## SB 375 – Retirement Plan Clarification

*\*Referred to the Senate Education Committee.*

### Proposal:

To implement clean-up and clarify recent statutory amendments to the Board's retirement plans.

### Background:

Last year, the Board supported amendments to K.S.A. 74-4925, *et seq.*, to accomplish two distinct goals: to provide authority for universities to establish alternative classification systems for university support staff and to update retirement plan statutes to comply with federal law. Both initiatives were successful in 2005 SB 74 and 2005 HB 2037 respectively. However, in the course of adopting the Board's recommended legislation, the 2005 Legislature adopted K.S.A. 74-4925 twice, in two different forms. Statutory amendments are needed to fold the separate amendments of K.S.A. 74-4925 into one single statute.

Further, following adoption, staff identified two items in the retirement statutes that require clarification. First, staff identified ambiguity in the fact that the new alternatively classified university support staff could be construed as "unclassified employees" who are eligible for the KBOR retirement plans. However, the legislation authorizing an alternative classification system did not envision any alteration in the benefits provided to this group of employees. Thus, the university support staff should be expressly excluded from the retirement program to prevent confusion on this point.

Second, new provisions in K.S.A. 75-4927 provide a cash benefit to vested employees to be paid after those employees have exceeded the federal five-year maximum on receiving long term disability payments. Staff asked the Department of Administration (DOA) whether the universities must pay employer fringes, including workers compensation, KPERS death and disability, and Leave Payment Reserve Fund, based on this new cash payment. Staff noted that these cash payments are only provided to people deemed to have a long term disability, and due to their disability, these employees are not entitled to benefits from workers compensation, KPERS death and disability or the Leave Payment Reserve Fund. Despite this fact, DOA stated that unless a particular payment is exempt from fringes in statute, fringes must be assessed. Thus, an amendment is needed to exempt the KBOR long term disability cash payments from the state employer fringes.

### Fiscal and Administrative Impact:

The proposed statutory amendments have neither fiscal nor administrative impact.

### Impact on Other Agencies:

None known.

## **HB 2572 – Proprietary Schools Statutory Clean-Up**

*\*Approved by the House Higher Education Committee.*

### Proposal:

To clean up the Higher Education Coordination Act and related statutes by deleting references to the Board's regulation over "proprietary schools" and updating the language by using the terminology established in the 2004 Kansas Private and Out-of-State Postsecondary Educational Institution Act.

### Background:

In 1999, the Higher Education Coordination Act was passed by the Kansas Legislature. Among the many purposes of the Act was the transfer of proprietary school oversight from the Kansas State Department of Education to the Kansas Board of Regents. Proprietary schools are those private schools that offer training in a career or profession and offer non-degree diplomas or certificates to their graduates.

Subsequently, in 2004, the Legislature did away with the Proprietary School Act and merged the regulation of these schools with the regulation of private degree-granting schools in a new act entitled the Kansas Private Out-of-State Postsecondary Educational Institution Act. This new act no longer uses the term "proprietary school," and instead uses "out-of-state or private postsecondary educational institution." Yet the Higher Education Coordination Act and other related statutes refer to the Board's regulation of "proprietary schools."

Staff recommends cleaning up references to the Board's authority over proprietary schools by substituting in the term "out-of-state or private postsecondary educational institution" consistent with the Board's statutory authority under the new act. Although the new term is broader and includes private degree-granting institutions, the new term will more accurately reflect the Board's authority.

### Fiscal and Administrative Impact:

None.

### Impact on other Agencies:

None.

## **HB 2574 – Disposition of Bequests**

*\*Approved by the House Education Budget Committee.*

### Issue:

Regents institutions are often given real estate through bequests or trusts. The Board of Regents prefers that individuals or others making such gifts sell the real estate and give the proceeds to the intended Regents institution. However, the Regents cannot mandate such transactions and the persons managing a trust or bequeath often will not sell the land. Therefore, a Regents institution becomes the property owner. Because state law prevents a Regents institution from selling real estate without approval of the Legislature, it can miss opportunities to sell the property while the Legislature is out of session. It also prevents the expeditious return of land back to being private property. The state universities seek the authority to sell land received from gifts or trusts in the open market and in a fashion identical to the private real estate market.

### Background:

K.S.A. 74-3254 authorizes the Board of Regents to sell partial interests of real estate devised to the Board or supervised institutions and to invest the proceeds in accordance with K.S.A. 76-156a. Frequently the university is the sole beneficiary of a bequest or trust and the executor or trustee may prefer to transfer the property to the university rather than selling the property and transferring the proceeds to the university. If the gift is received late in the legislative session, the university has to wait an entire year to seek legislative approval to sell the property and incurs the costs related to property ownership in that interim period.

### Fiscal and Administrative Impact:

None known.

### Impact on other Agencies:

None known.

## **HB 2575 – Concurrent Enrollment Amendments**

*\*Approved by the House Higher Education Committee.*

### Proposal:

Last year the Board of Regents approved a revision of the concurrent enrollment policy that became effective the fall semester of 2006. The revision was approved with the knowledge that two components of the policy revision would require an amendment to the concurrent enrollment statute. These two components are (1) the inclusion of gifted students in the definition of “concurrent enrollment pupil” and (2) the inclusion of technical colleges as eligible institutions

to offer concurrent enrollment. Staff recommends approval of these amendments to the concurrent enrollment statute.

Background:

Concurrent enrollment programs that enable students to earn college-level credit while still enrolled in high school have become increasingly popular. These concurrent programs are now at the center of state-level and national education policy discussions, particularly those discussions related to the National Governors' Association High School Re-Design initiative. In Kansas, concurrent enrollment is authorized by K.S.A.72-11a01 through K.S.A.72-11a05, also known as Kansas Challenge to Secondary School Pupils Act, passed in 1993.

In October 2003, SCOCAO appointed a subcommittee to consider a range of issues related to concurrent enrollment. Lengthy discussions resulted in a revised policy adopted by the Board in May 2005.

The revised policy addresses several issues related to the quality of college courses taught at the high school by high school teachers, including but not limited to, student qualifications, faculty qualifications, and reporting/monitoring requirements. The complete policy can be found in Chapter IV, Number 8 of the KBOR Policy Manual.

The revised policy was approved with a recommendation to update the concurrent enrollment statute in two areas. First, the current statute does not allow ninth or tenth grade gifted students to enroll in concurrent courses. Second, the current statute does not include technical colleges as institutions eligible to offer concurrent enrollment, because technical colleges were not in existence at the time the statute was written.

Both SCOCAO members and staff have received complaints from representatives of high schools and from parents about the inability of gifted students to enroll in concurrent courses. The inclusion of gifted students fits well within the purposes of the statute and the revised policy. Note that the proposed amendment to the statute utilizes a definition of "gifted" already existing in the Kansas Administrative Regulations as promulgated by KSDE. The definition is as follows:

*"Gifted" means performing or demonstrating the potential for performing at significantly higher levels of accomplishment in one or more academic fields due to intellectual ability, when compared to others of similar age, experience, and environment."*

The inclusion in the statute of Technical colleges as eligible institutions to offer concurrent enrollment also broadens postsecondary opportunities available to secondary students and therefore fits well within the purposes of the statute.

Fiscal and Administrative Impact:

None.

Impact on other Agencies:

High schools across Kansas have requested that gifted students be allowed to enroll in concurrent courses.

**HB 2593 – Student Healthcare Insurance Procurement**

*\*House Higher Education hearing scheduled for Monday, January 30.*

Proposal:

To enact legislation that would enable the Board to procure health insurance for all students of the Regents institutions, including Graduate Teaching Assistants and Graduate Research Assistants, and to set an employer contribution towards coverage for eligible GTAs and GRAs.

Background:

The State Employee Health Care Commission (HCC) is the entity charged with procuring health insurance for state employees, including student employees (e.g., GTAs and GRAs). HCC has procured one plan for all students, known as the Statewide Student Insurance Plan. Any student attending a Regents institution may choose to participate in this plan, and for eligible GTAs and GRAs who choose to participate in the plan, the Regents institution pays an employer contribution.

Regents institutions have experienced some dissatisfaction with this arrangement. The institutions have maintained that they could procure a health insurance plan that would provide better benefits for students than the plan HCC has made available to students. In attempting to provide alternative insurance choices to their students, KU, KUMC, FHSU and WSU have utilized student groups on campus to procure additional health insurance choices, because neither the Board nor the universities can do so in their own right. COPs recommends legislation be proposed that would provide the Board authority to procure health insurance for students instead of the HCC. Additionally, the Board seeks authority to determine and establish the employer contribution for eligible GTAs and GRAs who would participate in the Board plan.

Fiscal and Administrative Impact:

Potentially, this legislation will result in cost savings to the Regents institutions if the health plan secured has lower premiums. Students will be positively impacted if the Regents can procure better coverage at lower premiums.

Impact on other Agencies:

The proposal will take authority to procure health insurance from the State Employees Health Care Commission. The Commission is currently housed in the Department of Administration, but will be transferred to the newly created Health Care Authority for fiscal year 2007.



# KANSAS BOARD OF REGENTS

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FOR IMMEDIATE RELEASE  
November 1, 2005

## BOARD OF REGENTS' ADULT EDUCATION PROGRAM NAMED ONE OF NATION'S BEST

### *Kansas Is One of Three States to Receive "Best Practice" Distinction*

(TOPEKA) – Today the Kansas Board of Regents announced that its Adult Education Program has been selected by the United States Department of Education (USDE) as a "Best Practice" state. Kansas is one of only three states in the nation to receive this distinction.

"We are honored to receive this impressive recognition from the U.S. Department of Education," said Reginald L. Robinson, President and CEO of the Board of Regents. "We are pleased that the Kansas model, which is built on program accountability and performance goals, will serve as a model for the rest of the nation."

In 2004, USDE's Office of Vocational and Adult Education contracted with MPR Associates, a national education consulting firm, to study various components of adult education practices that contribute to learner outcomes. The initial area that MPR Associates identified for intensive review was performance-based funding which is used in adult education to distribute federal and/or state resources to local programs based on state-defined performance outcomes. These are learner outcomes which may include individuals entering employment, entering postsecondary education, or obtaining a GED. After an extensive twelve-month review of Kansas' policies, data-collection procedures, and state and local program data, MPR Associates identified Kansas as a leader in the performance-based funding process. In January 2006, MPR Associates will conduct an on-site review of Kansas Adult Education Programs so that the Kansas model can be replicated by other states.

"Adult educators across the state at the local program level definitely deserve the credit for this national recognition," said Dianne Glass, Director of Adult Education for the Kansas Board of Regents. "Our programs have the unique ability to directly enhance the quality of life for adult learners across the state."

The Board's Adult Education Division assists Kansans in extending their learning throughout life. Adult education programs serve adults, age 16 and over, who are in need of basic skills to assist them in the workforce, community participation, and family life. The program, and 31 centers with more than 91 locations statewide, is funded through local, state, and federal funds and impacts approximately 12,000 adults in need of basic skills for the workforce, community participation, and family life each year.

Senate Education Committee  
1-26-06  
Attachment 3



The Kansas Board of Regents is the governing board of the state's six public universities and a supervising and coordinating board for nineteen community colleges, ten technical colleges and schools, and a municipal university. In addition, the Board is responsible for administering programs such as state scholarships, adult basic education, GED testing, approval of private and out-of-state schools that operate in Kansas, and federal grants.

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For more information contact  
Kip Peterson, Director of Government Relations & Communications, at (785) 296-3421.

Visit the Kansas Board of Regents on the Web at [www.kansasregents.org](http://www.kansasregents.org)

**KANSAS ADULT EDUCATION CENTERS:**

Allen County Community College Adult Education	Iola
Barton County Community College Center for Adult Education	Great Bend
Butler Community College Adult Education & Workforce Development Center	El Dorado
Cloud County Community College	Concordia
Coffeyville Community College Adult Education Center	Coffeyville
Colby Community College	Colby
Cowley County Community College Adult Education Program	Arkansas City
Dodge City Community College Adult Learning Center	Dodge City
Flint Hills Technical College USD 253 Adult Education Center	Emporia
Garden City Community College/Finney County Community Learning Center	Garden City
Highland Community College Adult Education Program	Highland
Hutchinson Community College Adult Learning Center	Hutchinson
Independence Community College Adult Education Success Center	Independence
Johnson County Community College Project Finish	Olathe
Kansas City Kansas Community College On Track	Kansas City
Kaw Area Technical School USD 501 Adult Education Center	Topeka
Labette Community College Student Success Center	Parsons
Lawrence USD 497 Adult Learning Center	Lawrence
Let's Help, Inc. Family Literacy/Employment Program	Topeka
Manhattan USD 383 Adult Learning Center	Manhattan
Neosho County Community College Adult Education Center	Chanute
Newton Public Schools USD 373 Cooper Education Center	Newton
Osawatomie USD 367 Community Learning Center	Osawatomie
Ottawa USD 290 Adult Education Center	Ottawa
Paola USD 368 Adult Education Center	Paola
Pittsburg USD 250 Adult Education Center	Pittsburg
Salina Adult Education Center USD 305	Salina
Seward County Community College Colvin Adult Learning Center	Liberal
University of Saint Mary Out Front	Leavenworth
Wichita Area Technical College Division of Adult Education	Wichita
Wichita Indochinese Center, Inc.	Wichita

**KANSAS BOARD OF REGENTS  
FY 2007 UNIFIED OPERATING BUDGET REQUEST  
COMPARED WITH GOVERNOR'S RECOMMENDATIONS**

	FY 2006 Base	FY 2007 Request	% Increase	FY 2007 Gov. Rec.	% Increase
<b>State Universities</b>	\$578,638,148				
Operating Grant Increase		\$29,222,684		\$20,000,000	
Operating Support for New Buildings		\$3,742,118		\$0	
Faculty Salary Enhancements - SB 345		\$3,333,426		\$3,333,426	
<b>Total - State Universities</b>	<b>\$578,638,148</b>	<b>\$36,298,228</b>	<b>6.27%</b>	<b>\$23,333,426</b>	<b>4.03%</b>
<b>Community Colleges</b>	\$94,618,597				
Operating Grant Increase - SB 345		\$5,086,081		\$5,086,081	
Out-District Tuition Offset		\$3,100,000		\$0	
<b>Total - Community Colleges</b>	<b>\$94,618,597</b>	<b>\$8,186,081</b>	<b>8.65%</b>	<b>\$5,086,081</b>	<b>5.38%</b>
<b>Washburn University</b>	\$11,148,267				
Operating Grant Increase - SB 345		\$455,060		\$455,060	
Out-District Tuition Offset		\$100,000		\$0	
<b>Total - Washburn University</b>	<b>\$11,148,267</b>	<b>\$555,060</b>	<b>4.98%</b>	<b>\$455,060</b>	<b>4.08%</b>
<b>Technical Schools and Colleges</b>	\$30,195,765				
Operating Increase		\$1,811,746		\$1,000,000	
<b>Total - Technical Schools</b>	<b>\$30,195,765</b>	<b>\$1,811,746</b>	<b>6.00%</b>	<b>\$1,000,000</b>	<b>3.31%</b>
<b>Student Financial Assistance</b>	\$20,120,946				
Nursing Student Scholarship				\$200,000	
Tuition Waivers		\$92,000		\$90,000	
Comprehensive Grant Program		\$1,000,000		\$1,000,000	
<b>Total - Student Financial Assistance</b>	<b>\$20,120,946</b>	<b>\$1,092,000</b>	<b>5.43%</b>	<b>\$1,290,000</b>	<b>6.41%</b>
<b>Other Postsecondary Education Programs</b>	\$3,476,002				
Adult Basic Education Federal Matching		\$200,000		\$200,000	
MHEC Dues		\$7,500		(\$82,500)	
<b>Total - Other Postsecondary Ed. Programs</b>	<b>\$3,476,002</b>	<b>\$207,500</b>	<b>5.97%</b>	<b>\$117,500</b>	<b>3.38%</b>
<b>Board of Regents Office</b>	\$3,043,203				
Base Operating/Infrastructure		\$292,882		\$213,027	
<b>Total - Board of Regents Office</b>	<b>\$3,043,203</b>	<b>\$292,882</b>	<b>9.62%</b>	<b>\$213,027</b>	<b>7.00%</b>
<b>Grand Total</b>	<b>\$741,240,928</b>	<b>\$48,443,497</b>	<b>6.54%</b>	<b>\$31,495,094</b>	<b>4.25%</b>
<b>Other Direct Appropriations</b>					
Kan-ed*	\$10,000,000	\$10,000,000		(\$2,000,000)	
Aviation Research - WSU	\$2,000,000	\$2,000,000		\$2,000,000	
Cancer Center - KUMC	\$0	\$0		\$5,000,000	
<b>Total - Direct Appropriations</b>	<b>\$12,000,000</b>	<b>\$12,000,000</b>		<b>\$5,000,000</b>	

\* Legislation changed the funding in FY 2007 from \$10 million Kansas Universal Service Fund (KUSF) to \$8 million KUSF and \$2 million SGF. \$2 million was requested in SGF but was not included in the Governor's Budget, therefore Kan-ed's budget is reduced to \$8 million.

Table reflects appropriations from State General Fund and Economic Development Initiatives Fund

*Senate Education Committee  
1-26-06  
Attachment 4*

## GOVERNOR'S RECOMMENDATIONS FOR FY 2007

The Governor's recommendations for FY 2007 postsecondary education provided by the State General Fund (SGF) totals \$38.5 million. Attached is a table which compares the Governor's FY 2007 recommendations for higher education state funding with the Board's request and with FY 2006 funding levels. The key components of the Governor's recommendations for higher education are:

- \$8.9 million appropriated to the KBOR for SB 345 funding, to complete the third year of the Governor's three-year plan to fund the \$26.6 million balance of the original SB 345 projection over FY 2005 – 2007. The funding would be appropriated as follows: \$5,086,081 for community college operating grants; \$3,333,426 for state university faculty salary enhancements; and \$455,060 for Washburn University's operating grant. These amounts are identical to those appropriated for FY 2006
- \$20 million appropriated to the KBOR for an operating grant increase for the state universities. Of this SGF increase, the Governor has estimated that it would require about \$12 million to provide a 2.5% salary increase to all university employees, consistent with the pay plan the Governor has proposed for all state employees.
- \$1 million appropriated to the KBOR for increased postsecondary aid funding for technical schools and colleges, equal to the increase appropriated for FY 2006.
- \$1 million appropriated to the KBOR to increase funding for the Comprehensive Grant Program, as requested by the Board.
- \$200,000 appropriated to the KBOR to increase the Nursing Student Scholarship
- \$90,000 appropriated to the KBOR for increased funding for the tuition waiver programs. (Foster Care and Dependents of Deceased Public Safety Officers)
- \$200,000 appropriated to the KBOR for increased funding for the Adult Basic Education program.
- \$213,027 appropriated to the KBOR for the Board of Regents Office. \$75,000 for the Postsecondary Data Base, \$46,478 for an administrative assistant position and \$91,549 for 2.5% salary increase, pay plan amortization and fringe costs.
- \$82,500 reduction to the KBOR for discontinuation of the Midwest Higher Education Compact dues.

- \$2 million reduction in the Kan-ed budget. In FY 2005, House Bill 2026 required that funds received by Kan-ed from the Kansas Universal Service Fund (KUSF) are to be reduced. In FY 2006, \$10 million; in FY 2007, \$8 million; in FY 2008, \$6 million; and in FY 2009, \$5.5 million. As funding from the KUSF is reduced, state general fund moneys are to be used to fund Kan-ed. This bill states that such funding is to be of the highest priority along with education funding. The request for \$2 million was not included in the budget.
- \$2 million appropriated to WSU for Aviation Research.
- \$5 million appropriated to KUMC for a Cancer Center.

Not included in the attached table is the Governor's recommendation of \$15 million from the Educational Building Fund for rehabilitation and repair projects at the state universities. This compares with \$7 million appropriated for FY 2005 and \$15 million appropriated for FY 2006.



# KANSAS BOARD OF REGENTS

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January 9, 2006

To: Governor Kathleen Sebelius  
Representative Doug Mays, Speaker  
Representative Ray Merrick, Speaker Pro Tem  
Representative Clay Aurand, Majority Leader  
Representative Dennis McKinney, Minority Leader  
Senator Stephen Morris, President  
Senator John Vratil, Vice President  
Senator Derek Schmidt, Majority Leader  
Senator Anthony Hensley, Minority Leader  
Members, House Appropriations Committee  
Members, Senate Ways & Means Committee

As you may recall, the FY 2006 House Budget Committee report contained the following recommendation:

*“The Budget Committee expresses concern over the shortage of nurses in Kansas and recognizes that the problem will only become worse as the current workforce nears retirement. The Budget Committee recommends that the Board of Regents submit a report to the Governor and the 2006 Legislature addressing the resources needed to increase the capacity in the state’s higher education system for educating registered nurses by 25 percent. This report should include a timeline for rebuilding the infrastructure to accommodate up to 250 more nursing student admissions annually.”*

The attached report (along with an executive summary) is submitted for your review and consideration in response to the House Budget Committee’s recommendation. Board of Regents staff prepared this report in consultation with the Kansas Board of Nursing, Kansas State Nurses Association, academic deans and directors from the state’s postsecondary nursing education programs, and other healthcare constituencies. The Board of Regents endorsed the report during its December 2005 meeting.

The executive summary provides a brief overview of the complete report highlighting the proposed recommendations and fiscal needs for implementation.

Senate Education Committee  
1-26-06  
Attachment 5

The complete report includes the following sections:

- Background information and data supporting the critical shortage of registered nurses in the state;
- The successful implementation of strategies and initiatives already occurring within the state to attract individuals to the healthcare field;
- Discussion of the current capacity of the state's registered nursing programs and the projected impact of increasing program capacity by 250 annually and the state's ability to meet industry's needs by 2010;
- Identification of barriers currently precluding program expansion which must be addressed if program capacity is to be increased;
- Initial recommendations to address program expansion barriers and the accompanying costs for implementation; and
- A timeline for implementation of the proposed recommendations.

The Board of Regents certainly appreciates the opportunity to respond to this serious issue – one that will dramatically affect the quality of health care available to all Kansans. The Board would also like to commend the Members of the House Budget Committee for their recognition of this important issue.

Thank you again for the opportunity to provide this report. The Board looks forward to working with you to address this vital issue.

Sincerely,



Reginald L. Robinson  
President & CEO

Enclosures

## A Report Addressing the Resources Needed to Increase the Capacity of the Kansas Board of Regents System for Educating Registered Nurses

### *Executive Summary*

The House Budget Committee, concerned over the shortage of nurses in Kansas, recommended that the Board of Regents submit a report to the Governor and the 2006 Legislature addressing the resources needed to increase the capacity in the state's higher education system for educating registered nurses by 25 percent. It was also requested that the report include a timeline for rebuilding the infrastructure to accommodate up to 250 more nursing student admissions annually.

A nursing shortage exists in Kansas due to an increased utilization of the health care system by an aging population at the same time many existing nurses will be retiring. The Kansas Department of Labor has predicted a need for 6,890 new RN positions by 2010 to meet the workforce need, in addition to 4,460 RN replacement positions needed due to retirements, for a total projected need of 11,350.

Implementing nationwide strategies and initiatives within the state, Kansas has been successful in attracting individuals to careers in health care. The issue now is no longer about filling the pipeline with students interested in nursing careers, but rather one of postsecondary program capacity. Virtually every nursing program has an extensive waiting list of qualified applicants. Increasing capacity in nursing programs is a complex process that includes the critical components of acquiring additional qualified nursing faculty, securing additional clinical instruction sites, and increasing classroom space and equipment.

Recommendations from KBOR with fiscal implications include the following:

	<u>Year 1</u>	<u>Year 2</u>
▪ increase the supply of nursing faculty through a ten-year tuition forgiveness program	\$ 135,000	\$2,016,552*
▪ modify facilities, provide equipment and supplies to accommodate increase in enrollments	1,490,000	682,000
▪ provide 6 patient simulation units, simulator maintenance and supplies, and supporting faculty	2,647,260	447,000
▪ increase the number of nursing program faculty by 25 to accommodate increase in enrollments	1,500,000	1,650,000
▪ form statewide nursing workforce consortium	<u>25,000</u>	<u>25,000</u>
<b>Total:</b>	<b>\$5,797,260</b>	<b>\$4,820,552</b>

*\*includes year 2 through year 10*

Additional recommendations include the following:

- create a fast-track program to train masters prepared nurses
- share less-than-full-time clinical and classroom nursing faculty and equipment
- establish statewide database of clinical partnerships
- implement the use of nontraditional clinical and program schedules
- identify a Center of Excellence for Health Care Workforce Development

# **A Report Addressing the Resources Needed to Increase the Capacity of the Kansas Board of Regents System for Educating Registered Nurses**

## **Charge from the House Budget Committee**

The House Budget Committee expressed concern over the shortage of nurses in Kansas and recognized that the problem will only become worse as the current workforce nears retirement. As a result, the committee recommended that the Board of Regents submit a report to the Governor and the 2006 Legislature addressing the resources needed to increase the capacity in the state's higher education system for educating registered nurses by 25 percent. It was also requested that the report include a timeline for rebuilding the infrastructure to accommodate up to 250 more nursing student admissions annually.

The Kansas Board of Regents appreciates the opportunity to respond to this issue. The report begins with a background of the nursing shortage drawing upon both national and Kansas studies. The next section, Filling the Pipeline, focuses on the successful efforts of various organizations in attracting more interest in the nursing profession. As a result of these efforts, a new problem has surfaced - postsecondary program capacity and growth, referred in the report as, Widening the Pipeline. The paper also addresses the various barriers to increasing capacity and growth. The report concludes with recommendations, projected costs, and a stated timeline for the project. For further information on the research and formulation of the report, see **APPENDIX**.

### **Background**

The American Hospital Association's Commission on Workforce for Hospitals and Health Systems stated, "Among the many issues facing the field of health care, none is more important to its long-term future than solving the growing workforce crisis." Hospitals and other facilities that provide patient care in Kansas, as well as nationwide, are threatened by a long-term shortage of nurses. This demand for health care professionals, specifically registered nurses, is well documented. In the 2004 article by Bleich and Hewlett, entitled "Dissipating The 'Perfect Storm' - Responses From Nursing and the Health Care Industry To Protect The Public's Health," the authors use the metaphor of converging storms to describe the current nursing shortage. In essence, this long-term shortage is due to:

- An aging population that will require increased utilization of the health care system
- An increase in the number of retirements, in this case nurses and other health care professionals
- Fewer potential workers to replace those that are retiring
- Dissatisfaction of many in the current hospital workforce with their work due to the increasing workload and faster pace, which results in harried, dissatisfied caregivers with less time at the bedside and an increased fear of dire patient outcomes

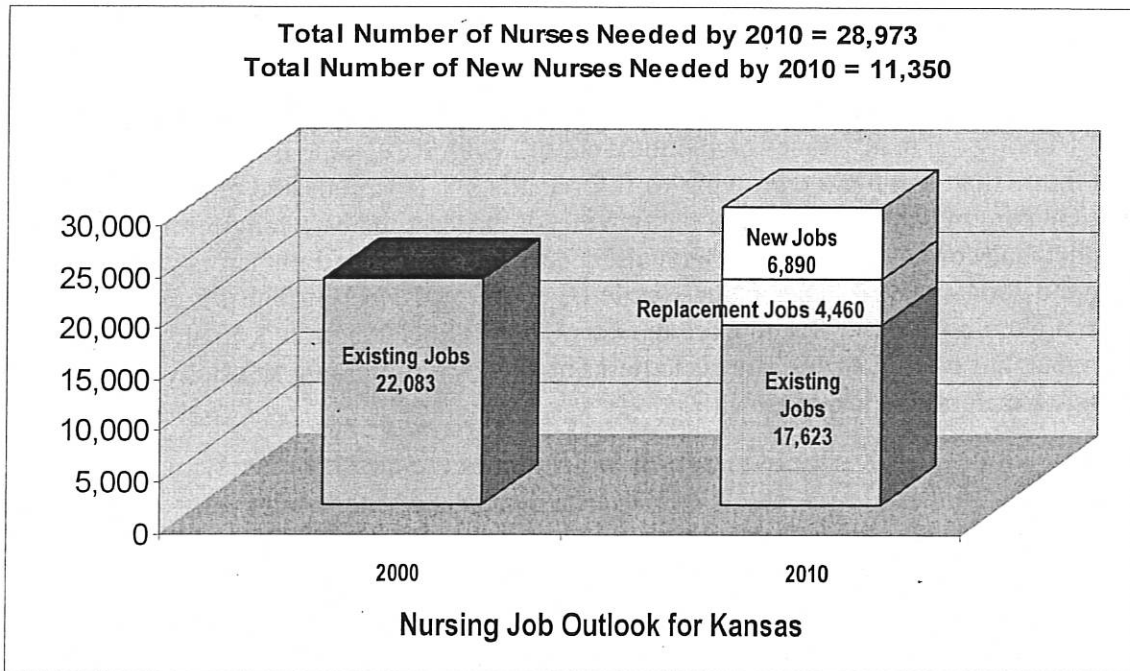
In short, the aging population will be placing greater demands on the health care system at the same time many health professionals will be retiring. In addition, the population is becoming more ethnically diverse and minorities continue to be underrepresented in the health care workforce. This issue has become more prevalent in recent years with an increase in the Hispanic population, as well as the elderly in many rural areas of Kansas.



The U.S. Department of Labor has identified Registered Nursing as one of the top occupations in terms of job growth through the year 2012. According to a U.S. Department of Health and Human Services study, by 2010 the shortage of qualified health care workers is expected to reach 12 percent nationally, and by 2020 this shortage is projected to grow to 29 percent. This translates to a need for 1,101,000 more registered nurses nationally to meet the demand by the year 2012.

The outlook in Kansas is similar to the national trend. The Kansas Occupational Outlook, published by the Kansas Department of Labor in February 2005, identified the top 10 occupations for projected growth through 2010. Registered Nurse (RN) is listed second, with a projected growth of 31.2%, or 6,890 more RN positions needed by 2010 to meet the workforce demand at that time. Coupled with 4,460 RN replacements needed due to retirements in the same time-period, the total projected need for RNs will exceed 11,350. The need for Licensed Practical Nurses (LPN) for this same time-period is projected to be 3,370 (a number that does not include replacement positions needed due to retirements).

Although the focus of this report is to increase the capacity for educating RNs, it is also sensitive to the need of more LPNs. There are 10 generic LPN programs in Kansas and 70% of these students enter the workforce while 30% continue their education to become RNs. Obviously this benefits the RN pool; however, it reduces the supply of needed LPNs for long-term care. Long-term care is the major employer of the LPN and the LPN is the major health care provider for the growing population of elderly in Kansas.



The Kansas State Nurses Association (KSNA) conducted a study entitled, "Nursing Shortage: Environmental Assessment of Nursing Education and Faculty in Kansas" estimating a projected need of 11,390 RNs over this same time-period, which varies less than one-half percent from the Department of Labor projections.

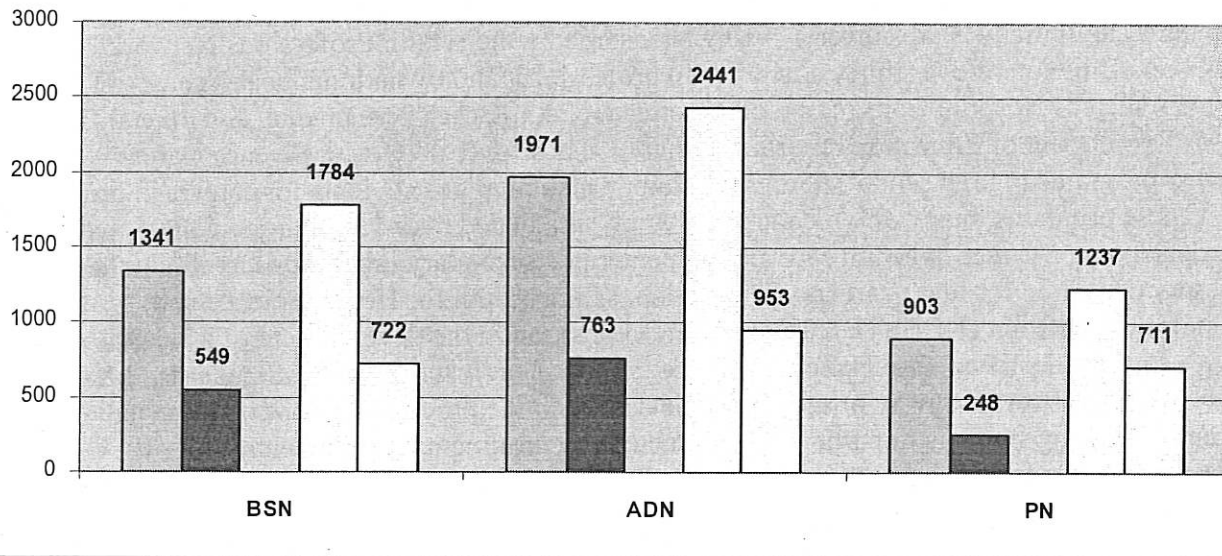
## **Filling the Pipeline**

The good news is that recent efforts at both the national and state levels have been somewhat successful in attracting more people toward careers in health care. National recruitment campaigns and initiatives are currently being sponsored by the Health Professions Network (HPN), an affiliation of over thirty allied health professions, and by national health care providers such as Hospital Corporation of America (HCA), Kaiser Permanente, and others. The Kansas Department of Education reports that there are now over 40 Health Science Career Pathway programs in high schools across the state, which prepares students for careers in health care. These programs, many of which are fairly new, graduated over 150 seniors in 2005 that have decided on a career in health care and will enter postsecondary institutions to obtain the necessary education for these careers. The National Consortium for Health Science and Technology Education (NCHSTE) has taken a lead position in the development of a Health Science Career Cluster and the National Healthcare Foundation and Pathway Standards. Many Health Science Career Pathway programs in Kansas are in the process of adopting these national standards allowing students to participate in concurrent enrollment arrangements with postsecondary institutions and obtain certification as nursing assistants (CNA) as well as other entry-level positions. This process will facilitate a quicker, more “seamless” matriculation into professional health care programs. Kansas also has a very active affiliation with Health Occupations Students of America (HOSA), a national secondary/postsecondary student organization with over 87,500 members who are very committed toward careers in health care. Additionally, a statewide nursing articulation plan has been developed by the Council for Nursing Articulation in Kansas (C-NAK). This council consists of representatives from the Practical Nurse (PN), Associate Degree in Nursing (ADN), and Bachelor of Science in Nursing (BSN) nursing programs throughout the state. The Kansas State Board of Nursing (KSBN) is also represented on this council. In December 1995, an articulation plan was adopted by all nursing programs in Kansas. This process allows nurses to transition, at the undergraduate level, from the PN to ADN or BSN and, at the graduate level, to a Master of Science in Nursing (MSN). PN and ADN program directors have estimated that up to 80 percent of the PN program graduates articulate to the ADN level and become RNs.

## **Widening the Pipeline**

As a result of the intensive on-going efforts to encourage students to pursue health care careers, the issue in Kansas, as well as in most states, has not been one of getting students interested, but rather, the issue is one of postsecondary program capacity and growth. Admission data for 2005 provided by KSBN indicates that almost all nursing programs have full admissions and waiting lists of potential students. Applicant data was obtained from the Kansas State Nurses Association (KSNA) study, “Nursing Shortage: Environmental Assessment of Nursing Education and Faculty in Kansas,” published in August 2005 and revised in November 2005. The data from both of these entities includes information from both public and private nursing programs. The following graph and table depict that in the fall of 2004 the acceptance rate for nursing programs—BSN, ADN, and LPN—ranged from 27.5 percent to 40.9 percent of the applicants. In 2005, the acceptance rate for these same programs ranged from 39 percent to 57.5 percent of the applicants. The overall acceptance rate for all programs over this two year period is 40.8 percent. However, it must be noted that some students apply to more than one nursing program, due to waiting lists. Therefore, application numbers may be somewhat inflated, as they do not differentiate duplicate admissions among institutions.

**Acceptance Rates for Nursing Program Applicants**  
 (Data from the Kansas Board of Nursing and Kansas State Nursing Association)



Fall 04 Applicants	1341	1971	903
Fall 04 Admissions	549	763	248
Total 05 Applicants	1784	2441	1237
Total 05 Admissions	722	953	711

Data reported by institutions responding to a community college nursing survey conducted by the Kansas Association of Community College Trustees (KACCT) also indicates that the number of applications consistently exceed the current admission capabilities of nursing programs in Kansas community colleges.

As the regulatory agency for nursing programs, KSBN approves the maximum enrollments requested by nursing programs based on resources such as the classroom size, equipment, the number of nursing faculty, clinical instructors, as well as clinical site availability for every nursing program. The number of actual enrollments has averaged 85% of the maximum allowed by KSBN over the last five years because of faculty, clinical site and resource limits.

On the bright side, Wichita State University recently announced that it will expand the baccalaureate nursing class from 80 to 120 students per year, a 50% increase, beginning in spring 2006. Fort Hays State University has redesigned its baccalaureate nursing program to be more accessible and flexible by providing students courses on campus, off campus, online or through a combination of instructional media.

In addition to looking at program application and admissions data, the number of nursing program graduates and National Council Licensure Examination (NCLEX) pass rates for both Registered Nursing and Practical Nursing students, depicted on the following tables, is also an important factor when considering elements that impact the number of licensed nurses entering the workforce. It is understood that pass rates on the NCLEX are beyond the direct control of

5-7

the various partners responsible for the reduction of the nursing shortage; however, it is important for the reader to understand that the NCLEX pass rate is an influence factor that must be addressed in the matrix that calculates the number of admissions, the number of graduates, and workforce needs. It should also be stated, the NCLEX may be repeated several times; therefore, the pass rates are variable. Additionally program graduates have up to two years to take the NCLEX examination, and not all graduates opt to take this exam at their first opportunity for various personal reasons. The length of time it takes for an individual to complete the nursing program curriculum also varies. Therefore an exact correlation between the year of admission and the year of graduation cannot be drawn. For this reason the examination candidate number may vary from the graduate number for a given year. Finally, the data are a representation of a point in time and are subject to variation by semester and by year.

New First Time NCLEX – RN Candidates Educated in Kansas

	2002	2003	2004	2005 (Through 9/30/05)
Total RN Candidates	1,000	1,015	1,057	1,300
Total Passing Exam	829	839	927	1,111
First-Time Pass Rate	82.9%	82.7%	87.7%	85.5%

New First Time NCLEX – LPN Candidates Educated in Kansas

	2002	2003	2004	2005 (Through 9/30/05)
Total PN Candidates	587	609	642	658
Total Passing Exam	518	534	584	627
First-Time Pass Rate	88.3%	87.7%	91.0%	95.3%

Using data provided by the Kansas State Board of Nursing, the five-year average of total Kansas annual RN program admissions from 2000 through 2004 is 1,331 students, the average number of students graduating RN programs is 1,213 and the average number of these graduates passing the NCLEX the first time during this same period is 851. These annual averages are reflected on the first line of the following chart. To meet the Department of Labor’s projected need of approximately 11,350 (from 2000 to 2010) would require an approximate increase of 1,135 more nurses per year entering the workforce.

Applying the five-year averages to each of the academic years 2000-2004 , the state began the 2005-2006 academic year with 1,420 fewer nurses than needed to meet projected number of 11,350 new nurses by 2010. Fall 2005 admissions to RN programs actually increased to 1,675 students. By applying the five year average NCLEX examination candidate rate (percentage of graduates that become examination candidates) of 85.2% and the five-year average NCLEX examination pass rate of 82.3%, it is estimated that approximately 1,071 nursing students will pass the NCLEX examination and be ready to enter the workforce in 2006. If the fall 2005 admission numbers can be sustained for 2006, allowing time for nursing program expansion recommendations to be implemented, and the additional 250 student admissions can be maintained for 2007, 2008, and 2009 the state will still be approximately 1,259 nurses short of the projected number of nurses needed by 2010 based on first time NCLEX pass rates. If repeat test takers (approximately 750 individuals over this same period) are factored into the equation, it is anticipated that the state will be 509 nurses short of meeting the goal of 11,350 nurses.

Academic Years	Number of Admissions	Number of Graduates	Number NCLEX Candidates	Number Passing NCLEX	Workforce Demand	Difference
2000-2004	6,653	6,066	5,171	4,255	5,675	-1,420
2005-2006	1,675	1,527	1,302	1,071	1,135	-64
2006-2007	1,675	1,527	1,302	1,071	1,135	-64
2007-2008	1,925	1,755	1,496	1,231	1,135	96
2008-2009	1,925	1,755	1,496	1,231	1,135	96
2009-2010	1,925	1,755	1,496	1,231	1,135	96
					11,350	-1,259
					<i>Estimated # of NCLEX Repeat Test Takers</i>	750
						-509

In a survey of the academic deans of institutions with nursing programs, the vast majority cannot accommodate more students unless more qualified nursing faculty are available, facilities expanded, and the issue of clinical access is addressed.

### Barriers to Increasing Capacity

On September 15, 2005, an Innovation in Health Science Education Summit was held in Topeka. Ninety nursing and allied health care program directors, representing one-, two- and four-year programs, from across the state were asked to identify the barriers that currently prevent them from admitting additional students into the nursing and allied health programs in Kansas colleges and universities. Their primary responses included: (1) an insufficient number of qualified available faculty, (2) competition among programs for clinical placement sites, (3) classroom and laboratory space, and (4) additional equipment needs. Institutions responding to the KACCT community college nursing survey, likewise, identified these same issues as barriers to nursing program expansion.

#### Availability of Qualified Faculty

Nurse educators for BSN and ADN programs are required by the KSBN to possess at least a master's degree in nursing (MSN). Program administrators/directors for practical nurse programs are also required to possess an MSN. Nursing faculty responsible for course and/or clinical instruction in a practical nursing program must possess at least a baccalaureate nursing degree (BSN).

The KSNA surveyed deans and directors of nursing programs to project retirements based on their knowledge of individual faculty. The startling results indicate the median age of nursing faculty in Kansas is in the fifties, with a projected retirement of 32, of the 470, MSN and PhD prepared nursing faculty during the next three years. Additionally, 26, out of 65, of the PhD-prepared nursing faculty and 97, of the 317, MSN-prepared nursing faculty will retire within nine years. Fifty-five percent of nursing educators have an MSN, and 96 percent of these masters-prepared educators teach in BSN and ADN programs. Additionally, 34.7 percent of nurse educators teach only part-time. Recently, the School of Nursing at KU began offering an online Ph.D. program to address the needs of place-bound students and ideally, the faculty shortage issue.

Contributing to the shortage of nursing faculty is the salary disparity between nurse educators and advanced practice nurses. The salary issue is a common reason given by nurse educators leaving the classroom. Results of the KSNA study show that salaries of masters-prepared faculty, with a nine month contract pro-rated to twelve months, fall within a range of \$44,947 to \$60,000, which is well below the average masters-prepared nurse salary of \$70,642 in Kansas (American Academy of Nurse Practitioners, 2004). Calculating actual salaries, based on a nine-month contract, the disparity between nurse educators and advanced practice nurses can reach \$40,000 annually. KSBN has granted 12 faculty qualification exemptions this past year. These individuals are new faculty hires that do not currently possess the required qualifications. They have one academic year in which to prepare a faculty degree plan outlining their intent to obtain all the necessary qualifications. They then have a total of six years to obtain the required degree. These plans must be approved by KSBN.

#### Direct Program Costs

Nursing programs require concentrated faculty resources. For clinical education sites, the Kansas State Board of Nursing requires a maximum student-to-faculty ratio of 10 students to each clinical faculty member to ensure proper and safe oversight of students in the actual health care environment. The low student-to-clinical-faculty ratio, as compared to non-health care programs, and other costs associated with clinical education, such as travel, insurance, and extensive laboratory equipment needs, all contribute significantly to the delivery cost of nursing programs. In fact, these delivery cost are typically much higher than the revenue generated through student tuition, fees and state aid.

#### Clinical Access Issues

The limited availability of clinical education sites, as well as the competition among health care programs for the existing sites, is a critical issue that must be addressed if programs are to expand the number of students served. As a result of the limited number of both accessible clinical sites and clinical instructors, many professional nursing programs have not admitted the maximum number of students allowed by KSBN. Programs currently operating at full KSBN approved capacity also are unable to expand to accommodate additional students given the current status of clinical education site availability. Students in nursing programs in several rural areas of the state must drive significant distances, sometimes out of the state, to obtain the required clinical training component of the nursing program. Nursing education programs need to investigate the possibility of implementing alternative clinical education scheduling and improve collaboration among peer nursing programs to maximize the available clinical sites. Recently, Washburn University School of Nursing announced the use of a Mobile Health Clinic van to provide students with the opportunity to deliver health care services to culturally diverse populations. This creative idea addresses clinical access and needed healthcare. Increased utilization of human patient simulation units (which include adult, child, and infant simulators) could also be a tool to reduce the burden on clinical sites by better preparing the students in specific techniques before they enter the clinical site, thus reducing the total time spent at clinical sites.

#### Classroom, Laboratory and Equipment Needs

Many of the nursing and allied health program directors attending the Education Summit in September voiced concerns regarding the lack of adequate physical space, both classroom and laboratory, that precludes them from increasing the capacity of the existing programs. Insufficient instructional space leads to the overcrowding of students and results in an inadequate

learning environment. Equipment concerns expressed by the Summit participants focused on the increased usage and demand that a larger student population would place on existing equipment.

### **Recommendations**

Providing nursing education programs the capability to accommodate more students, specifically admitting (and graduating) up to 250 additional nursing (RN) students annually, will require multiple strategies, as there are multiple barriers to overcome.

Faculty Availability. Enrollment cannot be increased without sufficient qualified faculty to provide the education and training required.

- It is recommended that the legislature appropriate additional funds to support a Tuition Forgiveness Program targeted specifically toward BSN nurses willing to obtain a MSN degree, remain in Kansas, and become nurse educators in a postsecondary educational institution for a specified amount of time. Information provided by the School of Nursing at the University of Kansas indicates that it takes approximately two years, if attending full time, for an individual with a BSN to obtain an MSN degree; and the average cost of tuition, books, and fees for Kansas residents would be approximately \$15,000. The loan forgiveness program would be administered by KBOR.
- It is also recommended that Kansas universities, in conjunction with the Board of Nursing, investigate the creation of fast-track programs to train masters prepared nurses in a shorter period of time while maintaining quality standards. A fast-track program would need the approval of KSBN.
- Educational institutions should also investigate the “sharing” of less-than-full-time clinical and classroom nursing faculty and equipment, thus increasing utilization of scarce resources.
- Finally, masters-prepared nurses are not seeking teaching positions in significant numbers because faculty salaries are not competitive with the clinical salaries of nurse practitioners. A final recommendation in this area would be to conduct a salary review of nurse educators, with the intended outcome being a reduction in the salary disparity possibly through a legislative appropriation to supplement salaries of nurse educators.

Clinical Site Availability. Even with sufficient faculty, clinical site availability remains another critical issue among nursing programs.

- An ad hoc Clinical Site Availability Committee, comprised of clinical educators, should be established to investigate and recommend alternative clinical scheduling and other clinical options to the Nursing Workforce Consortium.
- To improve collaboration and sharing of resources among nursing programs, a statewide database of clinical partnerships needs to be developed and maintained to increase the transparency of clinical site usage and assist in identifying additional opportunities for clinical instruction.
- Nursing programs, working collaboratively with clinical education providers, should explore and implement the use of alternative (non-traditional) clinical and program schedules, such as weekend, evening and nighttime classes and clinical schedules, as long as these delivery models can remain educationally sound.
- The purchase and statewide strategic placement of six additional patient simulation units would provide students training and experience in working in a simulated health care environment which could be used to augment the time required at an actual clinical site.

- To expand the flexibility and utilization of existing clinical education sites, partnerships between clinical sites and educational institutions need to be explored and developed. These partnerships would focus on facilitating the training and preparation of hospital clinicians who then could become adjunct faculty, yet remain on the hospital's payroll. These types of partnerships have proven very beneficial in allowing more nursing students to be accommodated; however, these partnerships are currently limited to urban areas. By expanding these partnerships to more rural areas of the state, a comprehensive rural clinical education model could be developed that will help in meeting needs of both the educational institutions and the clinical sites.

#### Classroom, Laboratory and Equipment Needs.

- It is recommended that KBOR explore the possibility of addressing the projected funding needs to increase the number of nursing students through a special weighted funding formula for specific, high-cost, critical-need educational programs such as nursing.
- It is also requested that the legislature approve capital outlay expenditures of \$750,000 for nursing education programs needing facility renovations to accommodate an increase in nursing student enrollments as requested.
- Partnerships involving nursing programs, the health care industry, foundations and other health care related philanthropic organizations should be enhanced to provide financial assistance in the form of classroom and laboratory equipment.

#### Center of Excellence for Health Care Workforce Development.

- To assist educational institutions, health care professionals, health care industry and policymakers in responding to this and other challenges of educating and managing a health care workforce capable of meeting the needs of Kansas into the future, a center committed to health care workforce issues is recommended. The center should be established following the guidelines found in the Kansas Board of Regents Policy and Procedures Manual relative to Centers of Excellence for Workforce Development.

#### Managing Program Effectiveness and Funding Accountability.

- Studies focused on the projected job outlook for nursing through 2015 and 2020 should be conducted by the Kansas Department of Labor, and/or others, to document the ongoing needs of the health care industry and outcomes of these studies could be utilized to monitor the effectiveness of nursing program expansion efforts in meeting the needs of the industry. In addition, a study of rural versus urban health care industry needs should be conducted to ensure funds and expansion efforts are distributed equitably throughout the state based on need.
- An accountability system would be created to ensure appropriated funds are utilized as intended to increase the capacity of nursing programs by 25 percent.

#### A Statewide Nursing Workforce Consortium.

- A statewide nursing workforce consortium led by KBOR Career and Technical Education and funded by the legislature should be formed to serve as an implementation task force to address these recommendations, formulate additional recommendations, and implement workable solutions with a designated timeline. This workforce consortium should be comprised of at least one representative from each of the following: Kansas Council of Licensed Practical Nurse Educators, The Kansas



Associate Degree Nurse Educators, the Kansas Association of Colleges of Nursing, Kansas State Board of Nursing, Kansas State Nurses Association, the Kansas Hospital Association, the Kansas Association of Homes and Services for the Aging, the Kansas Health Care Association, the Kansas Organization of Nurse Leaders, and KBOR. This workforce consortium will investigate the on-going workforce needs of the health care industry, as well as the educational capacity of our nursing programs, and will develop both short-term and long-term recommendations to ensure Kansas has an adequate supply of nurses well into the future.

Collaborative Partnerships. There are multiple barriers to be addressed if the capacity of the state's nursing programs is to be increased. There will also be obligations by multiple partners. These partners, along with their respective suggested obligations are:

- KBOR: KBOR should seek funding to support a loan forgiveness program for nurse educators and address immediate and sustainable funding issues for nursing and allied health programs, if these programs are to accommodate more students. KBOR should also encourage nursing and allied health educational programs to share resources, look at alternative educational and clinical scheduling, and expand the use of on-line programs.
- KSBN: The Kansas State Board of Nursing should assist with the collection and distribution of relevant data concerning nursing programs in Kansas and review faculty requirements and regulations as needed to assure accepted recommendations can be implemented. KSBN also may need to review the actual amount of clinical time required for specific nursing programs.
- Health Care Industry: The health care industry should identify funding sources for additional nursing program equipment and scholarship development to enable programs to accommodate more students, especially minorities. The industry should also assist with the identification and establishment of more clinical education sites and preceptors. Finally, the industry needs to address its health care retention issues.
- Educational Programs: The professional nursing programs should explore modifying and expanding clinical rotation schedules and investigate the possibility of utilizing non-traditional times such as weekends and evening and nighttime clinical rotations and class times. The programs should increase the sharing of clinical faculty, resources such as laboratory space, increase utilization of patient simulation units, and other (especially clinical) educational alternatives. Programs also should look at augmenting classroom education with more on-line education. Finally, programs need to increase recruitment efforts of non-white, Black and Hispanic students.

These recommendations are a series of initial suggestions based on preliminary work and available data. Additional time and input will be required to develop a comprehensive strategic plan, including timelines with specific responsibilities assigned, to ensure long-term sustainability in meeting the health care workforce needs of Kansas.

## Projected Costs

The state currently has 18 public Associate Degree Nursing (ADN) programs, including satellite programs, and 6 public Baccalaureate Nursing degree (BSN) programs. Five institutions providing ADN instruction, representing urban and rural institutions, were surveyed to project a cost estimate for increasing the capacity of their nursing programs by 25 percent. Responses included one-time expenses such as facility modifications and additional classroom equipment purchases as well as on-going expenses for faculty salaries and other program costs such as supplies, insurance, and equipment maintenance.

Using the responses from this sampling of programs, the estimated projected cost to increase the capacity of all nursing programs by 250 students is approximately \$5,637,260 for the first year. Included in this amount are modest facility modifications and classroom equipment requests (\$870,000), the purchase of six patient simulation units (\$2,347,260), the cost for personnel dedicated to the operation of the simulators (\$300,000), salaries for an additional 25 nursing faculty (\$1,500,000), and other estimated program costs (\$620,000), such as classroom and laboratory supplies, insurance, clinical travel expenses, and equipment maintenance. (See **ATTACHMENT**)

Projected cost for the on-going expenses to maintain this level of program expansion after the first year is approximately \$2,779,000—for faculty and simulator personnel salaries, program supplies and expenses, and annual maintenance of the six patient simulation units.

In addition, another \$2,151,552 will be needed over the next ten years to fund a targeted tuition forgiveness program as an incentive to encourage current BSN prepared nurses and educators to obtain a master's in nursing degree. As a condition of participation in this program, recipients would agree to become nurse educators in Kansas postsecondary institutions for a specified period of time after obtaining their MSN degree.

## Timeline

- |              |  |
|--------------|--|
| January 2006 | • Convene statewide nursing workforce consortium and establish necessary subcommittees and partnerships  |
| Spring 2006  | • Legislature appropriates funding for nursing initiative<br>• Implement an ad hoc Clinical Site Availability subcommittee to investigate and recommend alternative clinical scheduling and other clinical options |
| Summer 2006  | • Market Nurse Educator Scholarships   |
| Fall 2006    | • Implement facility modifications where necessary<br>• Purchase and install patient simulator units at designated institutions<br>• Hire personnel to operate patient simulator units                             |
| Winter 2006  | • Provide staff development/training on utilization of patient simulator units   |
| Summer 2007  | • Hire additional qualified nursing faculty as requested by institutions   |
| Fall 2007    | • Increase enrollment capacity of nursing programs by admitting an additional 250 students   |
| Fall 2008    | • Nursing programs maintain the 250 student increase in nursing program enrollments  |

**ATTACHMENT: Estimated Costs Required to Increase Capacity of Kansas Nursing Programs by 25%**

<b>Facilities-Equipment-Personnel-Supplies</b>			
<b>Year 1</b>			
Salaries-Faculty	25	1,500,000	
Salaries-Simulators	6	300,000	
<i>Total Salaries</i>			1,800,000
Simulators/Initial Supplies	6		2,347,260
Estimated Facility Modifications			750,000
Estimated Additional Classroom Equipment			120,000
Estimated Supplies/Other			620,000
<b>Total Estimated Costs for Year 1</b>		<b>\$5,637,260</b>	
<b>Year 2</b>			
Salaries-Faculty	25	1,650,000	
Salaries-Simulators	6	330,000	
<i>Total Salaries</i>			1,980,000
Simulator Maintenance	6		117,000
Supplies			682,000
<b>Total Estimated Continuing Costs for Year 2</b>		<b>\$2,779,000</b>	

<b>Nurse Educator Scholarships</b>			
	Tuition/Fees	Recipients	Awards
Year 1	15,000	9	135,000
Year 2	16,500	9	148,500
Year 3	18,150	9	163,350
Year 4	19,965	9	179,685
Year 5	21,962	9	197,654
Year 6	24,158	9	217,419
Year 7	26,573	9	239,161
Year 8	29,231	9	263,077
Year 9	32,154	9	289,384
Year 10	35,369	9	318,323
<b>Total Scholarship Awards</b>		<b>90</b>	<b>\$2,151,552</b>

<b>Statewide Nursing Workforce Consortium Leadership</b>			
<b>Year 1</b>			
Salary	0.5		25,000
<b>Year 2</b>			
Salary	0.5		25,000
<b>Total Estimated Cost</b>			<b>\$50,000</b>

## **APPENDIX: Research and Formulation of Nursing Shortage Report for the Kansas Governor and the 2006 Legislature**

In 2005, the Kansas Legislature asked the Kansas Board of Regents to submit a report to the Governor and the 2006 Legislature addressing the resources needed to increase the capacity in the state's higher education system for educating registered nurses by 25 percent. The report is to include a timeline for rebuilding the infrastructure to accommodate up to 250 more nursing student admissions annually.

The following is a description of the research and methodology used to construct the report entitled, "A Report Addressing the Resources Needed to Increase the Capacity of the Kansas Board of Regents System for Educating Registered Nurses."

During summer 2005, preliminary discussions between KBOR staff relative to the outline and format of the proposed paper determined that the report should include the following:

- Charge from the Legislature
- Background and current status of the problem
- Filling the pipeline
- Issue of capacity
- Barriers to increasing capacity
- Recommendations for implementation
- Projected costs
- Timeline

In developing the background, multiple sources addressing the nursing shortage were reviewed. These were both national as well as Kansas specific sources. Sources identified were:

- The American Hospital Association Commission on Workforce for Hospitals and Health System's 2002 publication entitled, *In Our Hands, How Hospital Leaders Can Build A Thriving Workforce*.
- The Bureau of Health Professions' HRSA publication entitled, *Projected Supply, Demand, and Shortages of Registered Nurses: 2000-2010*.
- *Nursing Shortage: Environmental Assessment of Nursing Education and Faculty in Kansas*. An article in *The Kansas Nurse*, August 2005, Vol. 80.
- The Kansas Department of Labor's *Kansas Occupational Outlook 2000-2010*.
- The Kansas Hospital Association's 2005 Annual STAT REPORT.
- The U.S. Department of Labor, Bureau of Labor Statistics, 2004 State Occupational Employment and Wage Estimates for Kansas.
- The Kansas Board of Nursing Annual Report for Fiscal Year 2004.

In addition, multiple professional journal articles pertaining to nursing shortages in general were reviewed by KBOR staff.

In August, a request was sent to five community colleges, ranging in location from urban to rural and in size from small to large. The request was designed to identify initial

estimates on what it would cost in faculty, space and supplies, to increase the respective institutions' nursing program by 25 percent per year. Responses from all five institutions were received and incorporated into this paper. A similar, but more expansive survey of Kansas community colleges was conducted by Sheila Frahm, Executive Director, Kansas Association of Community College Trustees (KACCT) and the responses from this survey were also reviewed and incorporated into this report.

In September, a one day nursing summit was conducted in Topeka, inviting nurse and allied health educators from all public and private one- through four-year nursing educational programs. At this summit, several nursing and allied health clinical scheduling models were described, a demonstration of the human patient simulator was given, and participants were led through several focused questions relative to barriers and what would be required for them to overcome these barriers in order to increase student capacity. Though serendipitous, these comments and suggestions were incorporated into this paper.

When reviewing the cost and resource data associated with providing enhanced patient simulators, Kathy Carver, nursing instructor at Johnson County Community College, the only nursing program in Kansas with a METI human patient simulator, and chair of the mid-west simulator trainer organization, served as a professional resource at the summit. Additional resources included the regional sales managers for the METI and Sim Man simulators, their pricing publications, and discussions with faculty from out-of-state colleges that extensively use patient simulators. This information was incorporated into the report.

As initial drafts of this paper were being formulated, Nancy Mosbaek, Education Specialist for the Kansas Board of Nursing, and Mary Blubaugh, Executive Director of the Kansas Board of Nursing agreed to review the initial drafts of the report for accuracy and to offer comments and suggestions. In addition, KBOR staff conducted face-to-face meetings with Nancy Mosbaek and Mary Blubaugh regarding this paper, and incorporated many of their suggestions into the report.

Terri Roberts, Executive Director of Kansas State Nurses Association (KSNA) and Melissa Hungerford, Executive Vice President of the Kansas Hospital Association provided professional insights and contributions to the report.

Since a problem uncovered during the study involved the apparent shortage of nursing instructors, KBOR staff made personal contact with the institutions that will prepare and supply future nursing faculty. On November 15, 2005, KBOR staff hosted a telephone conference call with the following academic nursing personnel from the state universities and Washburn University:

- Dean Karen Miller, University of Kansas Medical Center
- Chair Juanita Tate, Wichita State University
- Professor Sarah Tidwell, Emporia State University
- Chair Mary Carol Pomatto, Pittsburg State University

- Chair Liane Connelly, Fort Hays State University
- Dean Cynthia Hornberger, Washburn University

On November 16, staff provided an update on the progress of the nursing shortage study and report to the chief academic officers of the state universities and Washburn University.

Finally, a professional reviewer group was identified from the various Kansas professional health care associations that have a vested interest in the nursing shortage issue. These individuals were asked to serve as reviewers of the draft report and their comments and suggestions were considered in the final draft for the Governor and the Kansas Legislature. These individuals are:

- Ellen Carson, President, Kansas State Nurses Association
- Ann Hess, President, Practical Nurse Educators
- Patricia Hutchison, President, Associate Degree Nurse Educators
- Helen Connors, President, Baccalaureate Nurse Educators
- Deborah Stern, Vice President, Kansas Hospital Association
- Deborah Zehr, Executive Vice President, Kansas Association of Homes and Services for the Aging
- Jeff Barton, President, Kansas Organization of Nurse Leaders
- Judith Hiner, President, Kansas State Board of Nursing
- Jennifer Findley, Chair, Kansas Healthcare Education Council

KBOR staff wishes to thank all the health care professionals and other stakeholders for their time and contributions to this report.

*The Board adopted the following formal resolution:*

WHEREAS, the Kansas Board of Regents respects the important role the Kansas Constitution assigns to the State Legislature, whose Members are held accountable by a popular vote of their constituents, to determine state fiscal priorities for the benefit of the people of Kansas; and

WHEREAS, the Kansas Board of Regents believes that the State Legislature fulfills fundamental aspects of its constitutional responsibilities through the annual budget process, which results in recurring taxation and spending decisions that recognize that the state's fiscal and economic environment is not static, but instead is constantly changing; and

WHEREAS, the Kansas Board of Regents believes that constitutional or statutory limits on state revenues and expenditures would severely restrict the state's ability to invest in vital public services, such as higher education, which are critical to the state's economic growth and well-being; and

WHEREAS, the Kansas Board of Regents believes that a constitutional amendment or statutory provision that permanently and arbitrarily restricts state spending and taxation severely diminishes legislative authority, reduces legislators' responsiveness to their constituents, and limits the state's ability to respond to rapidly changing economic and community needs; and

WHEREAS, the Kansas Board of Regents is aware of the damage inflicted upon vital public services in the state of Colorado, in particular, the harm to that state's higher education system, which has occurred since Colorado adopted a constitutional revenue and expenditure limitation, known as the Taxpayer's Bill of Rights (TABOR), in 1992; and

WHEREAS, the Kansas Board of Regents believes that the state of Kansas has a long and proud tradition of making public higher education obtainable by all its citizens regardless of income, and that the Colorado experience demonstrates how constitutional or statutory revenue and expenditure limitations jeopardize this tradition, severely reducing student financial aid while dramatically raising tuition costs, pricing low and middle income students out of a college degree, ultimately making higher education affordable only for the rich; and

WHEREAS, the Kansas Board of Regents believes that access to affordable high quality educational opportunities, which would be restricted by constitutional or statutory revenue and expenditure limitations, is increasingly necessary for Kansans to succeed in today's ever-changing and competitive global economic environment.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF REGENTS OF THE GREAT STATE OF KANSAS:

That on October 19, 2005, the Kansas Board of Regents hereby expresses its grave concern about constitutional or statutory revenue and expenditure limitations that restrict the state's ability to invest in higher education and other vital public services thus diminishing the state's and individual Kansans' abilities to compete in today's knowledge-based global economy, and, therefore, **formally opposes any and all efforts, including the so-called Taxpayer's Bill of Rights, to establish such fiscal limitations in the State of Kansas.**

Furthermore, the Kansas Board of Regents hereby encourages the governing boards of the 30 institutions of higher education it coordinates to consider the adoption of similar resolutions that oppose the establishment of constitutional or statutory revenue and expenditure limitations in Kansas.

*Senate Education Committee  
1-26-06  
Attachment 6*



# MEMORANDUM

Legislative Division of Post Audit  
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TO: Members, Senate Education Committee  
FROM: Barbara J. Hinton, Legislative Post Auditor  
DATE: January 19, 2006  
SUBJECT: Total State and Local Funding Under Cost Study Results

During yesterday's meeting, Senator Apple asked us what the total amount of State and local funding would be under the different cost study scenarios, and how those amounts compared to the current funding formula. This information is presented in the accompanying tables. Table 1 shows the estimated funding without the hold harmless provision. Table 2 shows the estimated funding with hold harmless included.

Please let us know if you have any additional questions.

#### Enclosure

cc: Kathie Sparks, Legislative Research Department  
Carolyn Rampey, Legislative Research Department  
Theresa Kiernan, Revisor of Statutes Office

Senate Education Committee  
1-26-06  
Attachment 7



**TABLE 1**  
**State and Local Funding for School Districts--All Sources**  
**Current Funding Formula vs. Cost Study Results**  
**2006-07 School Year**  
**NO HOLD HARMLESS**

	Current Funding Formula	LPA Cost Study Results			Outcomes- Based
		Input-Based Class Size 25	Input-Based Class Size 18/23	Input-Based Class Size 20	
<b>TOTAL STATE/LOCAL FUNDING</b>					
<b>FOUNDATION-LEVEL</b>	\$2,752,015,150	\$3,068,189,384	\$3,271,554,653	\$3,375,707,655	\$3,151,289,271
<b>LOCAL OPTION BUDGET (a)</b>					
Local Property Taxes	\$448,806,294	\$503,979,965	\$537,563,085	\$554,465,264	\$516,106,711
State Supp. Equalization Aid	\$222,186,876	\$252,174,108	\$269,558,996	\$278,513,613	\$260,204,273
<b>TOTAL LOCAL OPTION BUDGET</b>	<b>\$670,993,170</b>	<b>\$756,154,073</b>	<b>\$807,122,080</b>	<b>\$832,978,877</b>	<b>\$776,310,983</b>
<b>OTHER STATE FUNDS</b>					
KPERS Contribution	\$175,389,495	\$193,938,986	\$205,694,132	\$211,703,114	\$198,711,460
Capital Outlay	\$19,197,016	\$19,197,016	\$19,197,016	\$19,197,016	\$19,197,016
Bond & Interest	\$57,724,510	\$57,724,510	\$57,724,510	\$57,724,510	\$57,724,510
Miscellaneous (a)	\$27,490,524	\$27,490,524	\$27,490,524	\$27,490,524	\$27,490,524
<b>TOTAL OTHER STATE FUNDS</b>	<b>\$279,801,545</b>	<b>\$298,351,036</b>	<b>\$310,106,182</b>	<b>\$316,115,164</b>	<b>\$303,123,510</b>
<b>TOTAL STATE/LOCAL FUNDING</b>	<b>\$3,702,809,866</b>	<b>\$4,122,694,493</b>	<b>\$4,388,782,916</b>	<b>\$4,524,801,696</b>	<b>\$4,230,723,765</b>
<b>ADDITIONAL STATE/LOCAL FUNDING</b>					
<b>STATE FUNDING</b>					
Foundation-Level	\$0	\$316,174,233	\$519,539,503	\$623,692,504	\$399,274,121
State Supp. Equalization Aid	\$0	\$29,987,232	\$47,372,120	\$56,326,737	\$38,017,397
KPERS Contribution	\$0	\$18,549,491	\$30,304,637	\$36,313,619	\$23,321,964
<b>ADDITIONAL STATE FUNDING</b>	<b>\$0</b>	<b>\$364,710,956</b>	<b>\$597,216,260</b>	<b>\$716,332,860</b>	<b>\$460,613,483</b>
<b>LOCAL FUNDING (LOB Property Tax)</b>	<b>\$0</b>	<b>\$55,173,671</b>	<b>\$88,756,790</b>	<b>\$105,658,970</b>	<b>\$67,300,416</b>
<b>TOTAL ADDITIONAL FUNDING</b>	<b>\$0</b>	<b>\$419,884,627</b>	<b>\$685,973,050</b>	<b>\$821,991,830</b>	<b>\$527,913,899</b>

(a) Maximum effect of cost study results if districts' local option budgets would grow at the same rate as the increases in their general fund budgets.  
Source: LPA cost study results.

**TABLE 2**  
**State and Local Funding for School Districts--All Sources**  
**Current Funding Formula vs. Cost Study Results**  
**2006-07 School Year**  
**WITH HOLD HARMLESS**

	Current Funding Formula	LPA Cost Study Results			
		Input-Based Class Size 25	Input-Based Class Size 18/23	Input-Based Class Size 20	Outcomes- Based
<b>TOTAL STATE/LOCAL FUNDING</b>					
<b>FOUNDATION-LEVEL</b>					
From Formula	\$2,752,015,150	\$3,068,189,384	\$3,271,554,653	\$3,375,707,655	\$3,151,289,271
Hold Harmless	\$0	\$35,109,190	\$6,955,918	\$673,949	\$9,351,874
<b>TOTAL FOUNDATION-LEVEL</b>	<b>\$2,752,015,150</b>	<b>\$3,103,298,574</b>	<b>\$3,278,510,571</b>	<b>\$3,376,381,604</b>	<b>\$3,160,641,145</b>
<b>LOCAL OPTION BUDGET (a)</b>					
Local Property Taxes	\$448,806,294	\$508,554,138	\$538,475,321	\$554,545,692	\$517,404,262
State Supp. Equalization Aid	\$222,186,876	\$254,634,031	\$269,968,655	\$278,551,054	\$260,574,595
<b>TOTAL LOCAL OPTION BUDGET</b>	<b>\$670,993,170</b>	<b>\$763,188,169</b>	<b>\$808,443,976</b>	<b>\$833,096,746</b>	<b>\$777,978,857</b>
<b>OTHER STATE FUNDS</b>					
KPERS Contribution	\$175,389,495	\$195,886,826	\$206,076,728	\$211,739,711	\$199,220,786
Capital Outlay	\$19,197,016	\$19,197,016	\$19,197,016	\$19,197,016	\$19,197,016
Bond & Interest	\$57,724,510	\$57,724,510	\$57,724,510	\$57,724,510	\$57,724,510
Miscellaneous (a)	\$27,490,524	\$27,490,524	\$27,490,524	\$27,490,524	\$27,490,524
<b>TOTAL OTHER STATE FUNDS</b>	<b>\$279,801,545</b>	<b>\$300,298,876</b>	<b>\$310,488,778</b>	<b>\$316,151,761</b>	<b>\$303,632,836</b>
<b>TOTAL STATE/LOCAL FUNDING</b>	<b>\$3,702,809,866</b>	<b>\$4,166,785,619</b>	<b>\$4,397,443,325</b>	<b>\$4,525,630,111</b>	<b>\$4,242,252,838</b>
<b>ADDITIONAL STATE/LOCAL FUNDING</b>					
<b>STATE FUNDING</b>					
Foundation-Level	\$0	\$351,283,423	\$526,495,421	\$624,366,453	\$408,625,995
State Supp. Equalization Aid	\$0	\$32,447,155	\$47,781,779	\$56,364,178	\$38,387,719
KPERS Contribution	\$0	\$20,497,331	\$30,687,233	\$36,350,216	\$23,831,291
<b>ADDITIONAL STATE FUNDING</b>	<b>\$0</b>	<b>\$404,227,909</b>	<b>\$604,964,432</b>	<b>\$717,080,847</b>	<b>\$470,845,005</b>
<b>LOCAL FUNDING (LOB Property Tax)</b>	<b>\$0</b>	<b>\$59,747,844</b>	<b>\$89,669,027</b>	<b>\$105,739,398</b>	<b>\$68,597,968</b>
<b>TOTAL ADDITIONAL FUNDING</b>	<b>\$0</b>	<b>\$463,975,753</b>	<b>\$694,633,459</b>	<b>\$822,820,245</b>	<b>\$539,442,973</b>
(a) Maximum effect of cost study results if districts' local option budgets would grow at the same rate as the increases in their general fund budgets. Source: LPA cost study results.					



# MEMORANDUM

## Legislative Division of Post Audit

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TO: Members, Senate Education Committee  
FROM: Barbara J. Hinton, Legislative Post Auditor  
DATE: January 23, 2006  
SUBJECT: Identifying Bilingual Students

During a recent meeting of the Senate Education Committee, Senator Vratil asked how districts identify bilingual students. He also raised questions about what would prevent districts from over-identifying bilingual students if the State funded bilingual education based on headcount, as was done in the cost study.

Here is the process the Department has established for districts to follow to identify bilingual students:

- At enrollment, districts have parents complete a home language survey. This is a simple document that asks "What is the primary language spoken in the home?" and "What is the student's first language?"
- If the answer is anything other than "English," the student must be assessed for English language proficiency using a standardized test named KELPA (Kansas English Language Proficiency Assessment). The test measures proficiency in reading, writing, speaking, listening, and comprehension in English.
- Students who do not demonstrate that they are proficient are deemed to be English Language Learners (or a bilingual student). These students are assessed every year to determine whether they have become proficient in English.
- Once a student is determined to be proficient, districts must monitor the student's progress for two additional years. They receive no State funding for the monitoring period.

The State's use of a standardized assessment test to identify bilingual students reduces over-identification, regardless of whether the program is funded on the basis of headcount or FTE. Also, during annual audits, Department staff check the assessment scores of students claimed for bilingual funding (for all or a sample of students) to ensure that those students' scores indicate they aren't yet proficient in English.

cc: Kathie Sparks, Legislative Research Department  
Carolyn Rampey, Legislative Research Department  
Theresa Kiernan, Revisor of Statutes Office

Senate Education Committee  
1-26-06  
Attachments



# MEMORANDUM

## Legislative Division of Post Audit

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TO: Senate Education Committee  
FROM: Barbara J. Hinton, Legislative Post Auditor  
DATE: January 19, 2006  
SUBJECT: Correction to Hold Harmless information provided 1/17/06

In our memo dated January 17, 2006, the hold-harmless table inadvertently contained incorrect percentages for the number of districts that would be held harmless, and those affected by the new formula for 2006-07. The following table contains the corrected percentages for that year, with 47% and 53%, respectively.

Hold Harmless (2006-07 Standards)			Hold Harmless (2007-08 Standards)	
	# of Districts	%	# of Districts	%
Hold Harmless	140	47%	17	6%
New Formula	160	53%	283	94%
Totals	300	100%	300	100%
Statewide Cost of Hold Harmless (in 2006-07 dollars)		\$9,351,874		\$295,583

cc: Carolyn Rampey, Legislative Research Department  
Kathy Sparks, Legislative Research Department  
Theresa Kiernan, Revisor of Statutes' Office

Senate Education Committee  
1-26-06  
Attachment 9



# MEMORANDUM

## Legislative Division of Post Audit

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TO: Senate Education Committee  
FROM: Barbara J. Hinton, Legislative Post Auditor  
DATE: January 20, 2006  
SUBJECT: Correction to the table showing the impact of the estimated costs of meeting future performance standards provided 1-18-06

On Wednesday, January 17, we provided you with a memo and table showing the impact of the estimated costs of meeting future performance standards using the outcomes-based approach. That table is correct.

On Thursday, January 18, I appeared before the Committee to discuss that table, and brought extra copies to talk from. That table was not correct; it had minor differences from the correct table we distributed January 17.

To avoid any confusion, I'm attaching another copy of the correct table. The \$8.3 billion figure I quoted for the cumulative estimated impact between 2006-07 and 2013-14 under the outcomes-based approach (without inflation) is still correct.

Enclosure

cc: Kathie Sparks, Legislative Research Department  
Carolyn Rampey, Legislative Research Department  
Theresa Kiernan, Revisor of Statutes Office

*Senate Education Committee  
1-26-06  
Attachment 10*

102

**Estimated Cost of Meeting Future Performance Standards  
In 2006-07 dollars (not adjusted for inflation)**

	STANDARDS							
	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14
<b>OUTCOMES-BASED</b>								
Foundation-Level	\$3,151,289,271	\$3,349,417,195	\$3,476,962,046	\$3,604,506,896	\$3,732,670,897	\$3,860,215,747	\$3,983,426,550	\$4,108,494,802
Hold Harmless	\$9,351,874	\$295,583	---	---	---	---	---	---
Supplemental Aid	\$260,574,595	\$276,748,909	\$287,387,579	\$298,033,513	\$308,731,126	\$319,377,059	\$329,661,238	\$340,100,454
KPERS Contribution	\$198,941,334	\$209,869,264	\$217,200,749	\$224,547,832	\$231,930,580	\$239,277,663	\$246,375,088	\$253,579,510
<b>TOTAL</b>	<b>\$3,620,157,075</b>	<b>\$3,836,330,951</b>	<b>\$3,981,550,373</b>	<b>\$4,127,088,241</b>	<b>\$4,273,332,603</b>	<b>\$4,418,870,470</b>	<b>\$4,559,462,876</b>	<b>\$4,702,174,765</b>
BSAPP	\$4,659	\$5,012	\$5,239	\$5,466	\$5,695	\$5,922	\$6,142	\$6,365
<b>CURRENT FORMULA</b>								
Foundation-Level	\$2,752,015,150	\$2,752,015,150	\$2,752,015,150	\$2,752,015,150	\$2,752,015,150	\$2,752,015,150	\$2,752,015,150	\$2,752,015,150
Hold Harmless	---	---	---	---	---	---	---	---
Supplemental Aid	\$222,186,876	\$222,186,876	\$222,186,876	\$222,186,876	\$222,186,876	\$222,186,876	\$222,186,876	\$222,186,876
KPERS Contribution	\$175,389,495	\$175,389,495	\$175,389,495	\$175,389,495	\$175,389,495	\$175,389,495	\$175,389,495	\$175,389,495
<b>TOTAL</b>	<b>\$3,149,591,521</b>	<b>\$3,149,591,521</b>	<b>\$3,149,591,521</b>	<b>\$3,149,591,521</b>	<b>\$3,149,591,521</b>	<b>\$3,149,591,521</b>	<b>\$3,149,591,521</b>	<b>\$3,149,591,521</b>
<b>DIFFERENCE</b>	<b>\$470,565,554</b>	<b>\$686,739,430</b>	<b>\$831,958,852</b>	<b>\$977,496,720</b>	<b>\$1,123,741,082</b>	<b>\$1,269,278,949</b>	<b>\$1,409,871,355</b>	<b>\$1,552,583,244</b>
<b>STANDARDS</b>	<b>2006-07</b>	<b>2007-08</b>	<b>2008-09</b>	<b>2009-10</b>	<b>2010-11</b>	<b>2011-12</b>	<b>2012-13</b>	<b>2013-14</b>
<b>Math</b>								
4th Grade	67%	73%	78%	82%	87%	91%	96%	100%
7th Grade	67%	73%	78%	82%	87%	91%	96%	100%
10th Grade	56%	65%	70%	76%	82%	88%	94%	100%
<b>Reading</b>								
5th Grade	70%	76%	80%	84%	88%	92%	96%	100%
8th Grade	70%	76%	80%	84%	88%	92%	96%	100%
11th Grade	65%	72%	77%	81%	86%	91%	95%	100%
<b>Graduation Rate</b>	<b>75%</b>	<b>75%</b>	<b>75%</b>	<b>75%</b>	<b>75%</b>	<b>75%</b>	<b>75%</b>	<b>75%</b>

Source: LPA cost study results.