

MINUTES OF THE SENATE EDUCATION COMMITTEE

The meeting was called to order by Chairman Jean Schodorf at 1:40 p.m. on March 21, 2006, in Room 123-S of the Capitol.

Committee members absent: Chris Steineger – excused

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

Conferees appearing before the committee: Representative Bill Otto
Ann Foster, Kaw Valley CARES
Representative Edward O'Malley
Representative Clay Aurand
Mark Tallman, Kansas Association of School Boards

HB 2585–School board member districts

Representative Bill Otto testified in support of **HB 2585**. He explained that the improved version of the bill was passed by the Senate Education Committee last year (**HB 2252**), but that bill was killed after being amended on the Senate floor. (Attachment 1) He went on to say that school boards prefer to take office on July 1 because it works better. He stated, “You did a good job last year. One person, one vote is important.” At the request of a committee member, he explained further, “Several school boards across the state do not reflect ‘one person, one vote.’ Like in Iola, we have one district within the school district that represents about 100 people whereas I have another one that represents about 1,000 or better people. What happens is, over the years, a lot of the school districts have not changed their districts since 1966, which is consolidation. In the existing structure, to make them do that you have to sue your own school district, which people are very reluctant to do, and this just makes the county attorney responsible for that. I had it based on every ten years, and then you approved it so that urban school districts like Desoto can do it more often because they may have a population shift more frequently.”

Theresa Kiernan, Revisor of Statutes Office, explained that the bill required the school board to draw the boundaries in a manner so that they are as compact and equal as possible. It is keyed off whether the districts are at least five percent above or below the mean population of all other member districts in the school district. If the board fails to redraw member district boundaries, the county or district attorney will notify the board to do so. If the board does not respond within 60 days, the county or district attorney would be required to file an action in district court compelling the school board to change member district boundaries.

Ann Foster, Kaw Valley CARES, testified in support of **HB 2585**. She related her experience in the school district in which she lives, USD 321, where a school board election in 2003 was fueled by one issue, the restructuring of the district to include one combined high school, one middle school, and four K-5 schools which would have saved the district over \$500,000 a year and at the same time increased education opportunities. New board members were elected, and the restructuring plan was reversed. After the election, the district recognized that the basic right of “one man, one vote” was not being met and requested that the local board reapportion member districts to come into compliance. The local board discussed the reapportionment question only after their attorney requested that the subject be put on their agenda. In October 2004, the board approved a new map, bringing the district into compliance with “one man, one vote.” In her opinion, **HB 2585** is a step in the right direction to improve patrons’ voting rights with regard to local school board elections. (Attachment 2)

There being no others wishing to testify, the hearing on **HB 2585** was closed.

Senator Teichman moved to recommend **HB 2585** favorably for passage, seconded by Senator Pine. The motion carried.

CONTINUATION SHEET

MINUTES OF THE Senate Education Committee at 1:40 p.m. on March 21, 2006, in Room 123-S of the Capitol.

Senator Schodorf opened a discussion on a previously heard bill, **HB 2722** which would establish a pilot program providing state matching of contributions by low-income participants in postsecondary savings accounts (Learning Quest). She recalled that the Committee was concerned that the \$340,000 fiscal note on the bill included \$100,000 for marketing and administration of the program, and the question arose whether the brokerage company for Learning Quest, American Century, would be responsible for some of the marketing expenses. Senator Allen commented that, after the Committee considered the bill at the March 16 meeting, she had a discussion with the sponsor of the bill, Representative Edward O'Malley, about an amendment Senator Vratil had proposed.

Noting that the thoughts he had for the Committee were twofold, Representative O'Malley stated, "If the Committee feels the need to reduce the fiscal note, I think that's fine. I would encourage you not to ask American Century to do that, mainly because American Century won't be doing that. Every account holder will end up paying that burden. In the fee structure that they put into place, it's put into place because they are obviously a for profit company, and they have an objective here to make a profit. I think if you ask them to handle the marketing for this program, what you will really be doing is asking every Kansan that participates in this program already to help pay for the marketing of the program. If that's your intent, that's fine. My thought is that this is a responsibility that the state should incur going forward. The other issue, and perhaps a more complicated one, deals with how do you ensure the money is truly spent on education. The original bill said that the money must be paid out directly to an institution of higher learning. The Treasurer's Office brought an amendment trying to provide a little more flexibility. It doesn't matter to me which direction you head, but I would encourage you to think about the following point. Right now, my wife and I participate in the Learning Quest Program for our two toddlers. If someday we utilize that money for something different than higher education, there will be a penalty that we will have to pay. As we talked about during the hearing, right now, there is a matching program going on in the State of Kansas with the Learning Quest Program. It's kind of an indirect matching program, but because my wife and I participate in this program, there are more dollars in my pocket at the end of the year than there would be if not for the state involvement in the Learning Quest matching program. If we fully fund our Learning Quest Program each year for each of our toddlers, we'll have almost \$800 more in our pocket at the end of the year because of the tax benefit. Now, if we someday use that money, the money in the Learning Quest account, for something different than higher education, there's a penalty to pay. The state never comes back and asks my wife and I for some of that \$800 each year that's in our pocket. The penalty is the punishment, and under this type of program, if you feel the need to tighten the language, I think that's fine. I believe that we need to keep in mind though that a matching program in philosophical terms already exists, and we never go back and ask people currently participating in the Learning Quest Program to pay back money that they receive. We don't ask them to do anything more than the penalty that is on the books for withdrawing that money early, just like the penalties on the books for 401-K withdrawal early or a Roth IRA withdrawal. The final thing that I would mention is, again, the amendments the Committee decides to adopt or not adopt don't matter to me as much as the fact that this program moves forward. This is a pilot program, and it was created as a pilot program for two reasons – number one to discover if this type of matching opportunity is an incentive for low-income Kansans to save. We might discover it's not. Other states have discovered that it is, but in Kansas we might discover that this isn't going to work. If we discover that in three years, this program goes away all by itself. However, I believe we may discover it is the way to encourage low-income Kansans to save. The reality though is, in this next three years during the pilot program, the likely hood that any of the participants will save money and then spend that money on higher education during the pilot period is very slim to none. So if we have great concern about ensuring that the money is spent on higher education, I understand you feel you need to make amendments. I guess what I'm suggesting to you is that I believe that during this pilot period, we will have plenty of opportunity to talk about whether the mechanism in place is the appropriate mechanism."

Senator Vratil presented two proposed amendments, one to limit the amount of money which can be spent for marketing and administration of the program and one which clarifies a section in the bill. He commented, "After talking with Representative O'Malley, he has convinced me that we need to try this pilot study for three years. I'm still not totally satisfied with how it operates mechanically, and I believe there are opportunities for people to take advantage of this program. But I think the intentions of the program are good and it needs to be test driven to determine whether worthy program going forward."

CONTINUATION SHEET

MINUTES OF THE Senate Education Committee at 1:40 p.m. on March 21, 2006, in Room 123-S of the Capitol.

Senator Vratil moved to amend **HB 2722** on page 2, line 15, by inserting after the period the phrase, “no money shall be appropriated for the purposes of the marketing or administration or implementation of this program in an amount which exceeds \$50,000,” seconded by Senator Allen. The motion carried.

Senator Vratil distributed copies of a second proposed amendment. (Attachment 3) He explained that subsection (g) on page two of the bill was written in a difficult to understand manner; therefore, he requested that the revisor rewrite it without changing the substance to make it understandable.

Senator Vratil moved to amend **HB 2722** on page two, subsection (g) as shown in the balloon he distributed, seconded by Senator Allen. The motion carried.

Ms. Kiernan called attention to the language on page 2, lines 12 and 13, “No application shall be approved after June 30, 2009.” She suggested that the statement be rephrased. Representative O’Malley commented that the intent of the bill was that, after three years, no additional money would be provided to any participant unless the Legislature would decide to continue the program.

Senator Vratil moved to amend **HB 2722** on page 2, beginning on line 12, by changing the sentence to read, “No matching contributions shall be made after June 30, 2009,” seconded by Allen. The motion carried.

Senator Vratil moved to recommend **HB 2722** favorably for passage amended, seconded by Senator Allen. The motion carried.

HB 2613–School districts; transfer of pupils residing outside the district

Representative Clay Aurand testified in support of **HB 2613**. He noted that, over the years, school consolidation and the closing of attendance centers has left many families in the unfortunate position of residing in a district whose schools are substantially farther away than a neighboring district’s school. To remedy this situation, current law allows for students who meet certain criteria to board a bus at their home and ride to their hometown school. He explained that **HB 2613** was an attempt to help families by removing one criteria in current law. It would remove a barrier for some children who are unable to access a bus in order to attend the school that best fits their situation. He noted that the bill would affect only a very small number of families. (Attachment 4)

Mark Tallman, Kansas Association of School Boards (KASB), testified in opposition to **SB 2613**. He asked the Committee to consider whether the bill helps or hurts local efforts to try to run the most efficient districts. One concern that KASB staff and members have about the transfer of students to another district is that the loss of revenue will have an impact on the remaining children in the district. KASB is also concerned that the bill would make it harder for school districts to consider school or district consolidation. (Attachment 5)

Senator Schodorf pointed out that Johnson, Sedgwick, Shawnee, and Wyandotte Counties were not included in the bill. She noted that the bill would help families in rural Kansas. There being no others wishing to testify, she closed the hearing on **SB 2613**.

Senator Apple discussed the recommendations by the subcommittee on **SB 566**, which would establish the Teacher Education Grant Program. (Attachment 6) He distributed copies of the amendments recommended by the subcommittee. (Attachment 7) Senator Schodorf proposed that the Committee adopt the balloon amendments, and then amend **SB 566** into a similar House scholarship bill scheduled for debate on the Senate floor.

Senator Apple moved to adopt the balloon amendments to **SB 566**, seconded by Senator Pine. The motion carried.

Senator Apple moved to direct staff to draft language to amend **SB 566** to establish a two-part program, from an associate degree to a teaching certificate or from a Bachelor’s level teaching certificate to a Masters level, and that the administration of the program be moved from the Kansas Department of Education to the Kansas Board of Regents, seconded by Senator Pine. The motion carried.

CONTINUATION SHEET

MINUTES OF THE Senate Education Committee at 1:40 p.m. on March 21, 2006, in Room 123-S of the Capitol.

Senator Vratil commented, "I'm picking up on the desire of the subcommittee to replace 'state board' with the term 'executive officer.' But that requires some further changes, striking state board where it just isn't appropriate."

Senator Vratil moved to allow the revisor to further amend **SB 566** to substitute the term "executive officer" for "state board" wherever it appears and any other necessary and appropriate changes, seconded by Senator Pine. The motion carried.

The meeting was adjourned at 2:35 p.m.

The next meeting is scheduled for March 22, 2006.

**SENATE EDUCATION COMMITTEE
GUEST LIST**

DATE: March 21, 2006

NAME	REPRESENTING
Ann Foster	Kaw Valley, Kaw Valley Caus
Jeff Wagaman	state treasurer's office
Scott Gates	STAT Treasurer's office
Bud Burke	United School Administrators
Jin Edwards	KASB
Mark Tallman	KASB
Ed O'Malley	Rep - # 24
Bill Brady	SFFF
John Peterson	American Century
TERRY FORSYTH	KNEA
Shannon Bell	LGR
BILL REARDON	KCK (USD 500)
Beth Innes	Huttles Govt Relations
Val DeFever	SQF

STATE OF KANSAS
HOUSE OF REPRESENTATIVES

SERVING: ALLEN, ANDERSON, FRANKLIN
COFFEY, AND WOODSON COUNTIES

102 9th Street
LeRoy, KS 66857
620-964-2355

9th District
State Capitol, Room 180-W
Topeka, KS 66612-1504
785-296-7636
otto@house.state.ks.us



BILL OTTO

Testimony HB2585

HB2585 is the same bill that you passed last year. It is the improved version you passed before it was amended on the floor and then killed.

It makes one person, one vote, the law for Kansas school boards the same as everyone else.

*Senate Education Committee
3-21-06
Attachment 1*

Kaw Valley CARES



Kaw Valley Citizens Alliance for Reformed and Excellent Schools
P.O. Box 25, St. Marys, KS 66536-0025 kawvalleycares@yahoo.com

Testimony on **HB 2585**
Before the
Committee on Education

By

Ann Foster
Of Kaw Valley CARES, Inc.

March 21, 2006

Madam Chairperson, and members of the Committee:

My name is Ann Foster and I live near Rossville, Kansas which is part of Kaw Valley Unified School District No. 321. I am the President for Kaw Valley CARES, Inc., the Citizens Alliance for Reformed and Excellent Schools, a Kansas non-profit organization focused on improving education in our local district and also statewide. Thank you for the opportunity to appear here today in support of House Bill No. 2585. I appeared before this committee last year in support of similar legislation and this year I would like to say we still "CARE" and urge you to pass this bill out of committee.

In 2003, we experienced a school board election, which was fueled by one issue, the restructuring of our district to include one combined high school, one middle school and four K-5 grade schools. This would have resulted in an estimated savings for our district of over \$500,000 per year while increasing education opportunities to our students by adding or regaining 26 courses to the high school curriculum. Needless to say new board members were elected and the restructuring plan was reversed.

After the election, we recognized that the basic right of "one man one vote" was not being met. Kaw Valley U.S.D. 321 consists of three member districts with two board members elected from each member district and one member at-large. Based on 2000 census data our member districts included populations ranging from 1,390 to 2,801 with the third district's population being 2,280. Our least

*Senate Education Committee
3-21-06
Attachment 2*

populous member district was enjoying twice the representation of the areas of our district with more population.

In January of 2004 we requested that our local board reapportion member districts to come into compliance with "one man one vote" in our testimony we mentioned that if the board did not redraw boundaries a patron's only recourse was to sue alleging violations of constitutional rights. I believe the only item in our two page testimony that was heard by the board was "sue", and in one local paper it was suggested that we try "honey not vinegar". We then went in search of honey. The journey included; certified letters to Attorney General Phil Kline and Pottawatomie County Attorney Barry Wilkerson, conversations with the League of Women Voters, Mary Galligan of the Legislative Research Department, Kevin Ireland an attorney with State Dept. of Education, a follow up phone call with Barry Wilkerson and finally testimony to the State Board of Education. Not to say that we got stung on our search for "honey", but we confirmed that our only recourse was to sue the school district, vinegar.

Our local board did discuss reapportionment at their May meeting, but only placed the subject on the August agenda at the request of our attorney. The school board continued with their debate of the reapportionment question and on October 31, 2004 they voted 4 to 3 to approve a new map finally bringing our district into compliance with "one man one vote".

Yes, you could say that the system worked we were able to use an attorney and the threat of legal action to convince our board to reapportion. The prospect that a patron would have to sue in order to enforce a basic right of our democracy was foreign to all of us. We assumed that reapportionment of member districts was a standard policy of the local board similar to the process the Legislature accomplishes after every census. Imagine our surprise to discover reapportionment had never been done in our district and that many other school boards across the state have ignored their constitutional duty to reapportion. Our district had not experienced a change in member district configuration since unification. The political realities in our district had been frozen in place for 40 years, so why would we expect changes in the location of attendance centers to be any more flexible. Even as our board voted to accept the reapportioned map, they still argued that they should represent communities and not equal numbers of patrons. They only voted to approve the new maps because their attorney had advised them to, not because they swore an oath to uphold the Constitution of the State of Kansas and the United States.

Since last years session I have read in both "The Holton Recorder" and "The Smoke Signal", a Wamego publication, the conversations the Jackson Heights and Rock Creek School Boards have had in regards to reapportioning member districts. These two boards had the same reservations and clouded discussions of the "one man one vote" concept, dismissing it as an unnecessary chore.

We feel that HB 2585 is a step in the right direction to improve patrons voting rights in regards to local school board elections. This law will "require" school boards to reapportion member districts instead of just "directing" them to make adjustments. This bill will make reapportionment a regular maintenance priority, a constitutional requirement which can no longer be ignored as it has been by so many school boards. HB 2585 will also place enforcement in the hands of the county or district attorney and not the patrons, allowing us to be patrons of the school district and not plaintiffs against the school district.

We also have concerns about other school board election statutes which we consider antiquated and harmful to districts that need to move forward to better serve the children of this state. We would be happy to share our thoughts on this matter as well.

Thank you for the opportunity to appear here today. I would be happy to respond to any questions.

to the treasurer in the manner and form required by the treasurer. Applications shall be accompanied by any information deemed necessary by the treasurer.

(e) During fiscal year 2007, the treasurer may approve no more than 400 applications. Each fiscal year thereafter, the treasurer may approve up to 400 applications in addition to those approved in the previous fiscal year. In each fiscal year, the treasurer shall approve no more than 100 applications from residents of a single district. If 100 applications from residents of a district are not approved in any fiscal year, the treasurer may approve additional applications submitted by residents of the remaining districts. The treasurer shall provide written notice, to an applicant, of the approval or nonapproval of such person's application. No application shall be approved after June 30, 2009.

(f) ~~The provisions of this subsection shall be subject to the limitations of appropriations.~~ The amount of contributions made to an account by a participant who establishes a family postsecondary savings account pursuant to K.S.A. 75-640 et seq., and amendments thereto, shall be matched by the state on a dollar-for-dollar basis if the participant contributes at least \$100 in each calendar year in which the account is open. The aggregate of all matching amounts for any participant shall not exceed \$600 in any calendar year.

~~(g) Between January 1 and January 31 of each calendar year, the treasurer shall transfer the amount determined by the treasurer to meet the matching obligations under subsection (f) for the preceding calendar year to the family postsecondary savings account for each participant.~~

~~(h) All withdrawals shall be used to pay the cost of qualified higher education expenses. Withdrawals of matching funds shall be paid directly to the institution of postsecondary education in the same manner provided for qualified withdrawals under K.S.A. 75-640 et seq., and amendments thereto.~~

(i) On or before January 15, 2009, the treasurer shall prepare and submit to the governor and legislature a report on the program. Such report shall include the number of accounts opened under the program, the amount of moneys contributed to such accounts by participants, the amount of matching moneys transferred by the treasurer pursuant to subsection (g), the average income of the participants, an analysis of the success of the program in meeting the purpose of the program and any other information deemed appropriate by the treasurer.

(j) The provisions of this section shall be part of and supplemental to the Kansas postsecondary education savings program.

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

(g) Between January 1 and January 31 of each year, ***the director of accounts and reports shall transfer from the state general fund to the Kansas postsecondary education savings program trust fund the amount, as certified by the treasurer, necessary to meet the matching obligations under subsection (f) for the preceding calendar year. On or before January 31 of each year, the treasurer shall transfer from the Kansas postsecondary education savings program trust fund to the account of each participant the amount determined by the treasurer to meet the matching obligation due to such participant under subsection (f) for the preceding calendar year.***

(h) ***The treasurer shall ensure that all withdrawals of matching funds are used for qualified withdrawals under KSA 75-640 et seq., and amendments thereto.***

Senate Education Committee
3-21-06
Attachment 3

HOUSE OF
REPRESENTATIVES

REPRESENTATIVE, 109TH DISTRICT
JEWELL, MITCHELL,
REPUBLIC AND SMITH COUNTIES

ROOM 381-W
STATE CAPITOL
TOPEKA, KANSAS 66612-1504
(785) 296-7662
FAX: (785) 368-7168



CLAY AURAND
MAJORITY LEADER

Testimony on HB 2613

I appreciate this opportunity to testify on HB 2613. First a little background.

Through the years unification, consolidation and the closing of attendance centers has left many families in the unfortunate position of residing in a district whose schools are substantially farther away than a neighboring district's school. Families who find themselves in this situation have always been able to go to a school outside their district with approval of that school. However, unless the students' home school district allowed it, the receiving school could not send buses to the students' homes to pick them up.

To remedy this the legislature enacted the current law that allows for students, meeting certain criteria, to board a bus at their house and ride to their hometown school. What a radical concept.

The bill before you is an attempt to help individual families by removing one of the criteria that is in the current law. The problem is that some children are unable to access a bus in order to attend the school that best fits their situation. Removing one more barrier can only make life easier for families, especially those whose work location is distant from their home districts school.

The trend of closing attendance centers in rural Kansas continues. Let's do what we can to make this difficult reality less of a problem for parents and kids.

Thank you

Senate Education Committee
3-21-06
Attachment 4

KANSAS
ASSOCIATION



OF
SCHOOL
BOARDS

1420 SW Arrowhead Road • Topeka, Kansas 66604-4024
785-273-3600

Testimony on **HB 2613**
before the
Senate Education Committee

by

Mark Tallman, Assistant Executive Director/Advocacy
Kansas Association of School Boards

March 21, 2006

Madam Chair, Members of the Committee:

Thank you for the opportunity to comment on **HB 2613**. Under current law, in certain circumstances school districts are allowed to send a bus into another district, to pick up a child to attend a school in that non-resident district. Prior to this law, the school district where the child lived had to give permission for another district to pick up and transport a child.

One of the main justifications for the original law was the safety and convenience of the child. Among other factors, it required the school outside of the child's resident school district be closer than the school where the child would attend in the resident district. **HB 2613** would remove this requirement.

As we expressed before this committee during the hearing on **SB 514**, KASB believes the committee needs to carefully consider the impact of this change, not only on the child in question but on other children in the district. For better or worse, under our school finance formula, the number of students in a district determines the budget. When a child attends another district, the "money follows the child." However, district expenses do not exactly reflect small changes in enrollment. It may seem "selfish" for a district to oppose the transfer of a student to another district. But in fact, that loss of revenue will have an impact on the remaining children in the district.

KASB's particular concern is whether the change proposed in this bill will make it harder for school districts to consider school or district consolidation. School closing, in particular, is always an emotional, divisive issue. Some districts may be considering action to close a school building in order to operate more efficiently or offer a more comprehensive educational program. However, if they lose a significant number of students through such an action, those benefits may be lost.

Because of these concerns, KASB cannot support **HB 2613**. We urge the committee to consider all ramifications of this change before acting on the bill. Thank you for your consideration.

*Senate Education Committee
3-21-06
Attachment 5*

Subcommittee Report on Senate Bill No. 566

SB 566 As Introduced

SB 566 as introduced would establish the Teacher Education Grant Program. The program would award grants to:

- a licensed teacher enrolled in a program leading to a Master's degree; or
- a person with an associate's degree enrolled in a program leading to licensure as a special education teacher.

Under the program, qualified students would receive up to 100 percent of the cost of attendance in a teacher education program if that student is enrolled at a state university or an amount equal to 100 percent of the average cost of attendance at the state universities if the student is enrolled at a Kansas institution other than the state universities.

SB 566 would require a service obligation of the recipient. The student must complete the course of study; teach on a full-time basis in Kansas for not less than ten years or teach on a part-time basis in Kansas for a period of time which would equate to ten years full-time; and begin teaching within six months of licensure. If the service obligation is not met, the student must repay the amount received plus interest.

Administration of the program would reside within the Department of Education. The student would apply through the Board of Regents which would determine eligibility for the program. Qualified applications would then be forwarded to the Department of Education.

The bill would also create two funds to handle nonattendance and repayment monies.

Subcommittee Recommendation

The Subcommittee on SB 566 recommends the following changes to the bill:

1. Adjust the service obligation to equal one year of service for each 15 credit hours of assistance received. This length of obligation more closely matches other service scholarship programs in statute.

2. Change the amount of the assistance received to not more than 100 percent of tuition and fees. As many of the students involved will be adult professionals who continue working while continuing their education, the Subcommittee believes that housing and other costs should not be included.

3. Move administration of the program from the Department of Education to the Board of Regents. The state's other service scholarship programs are administered by KBOR and the staff has the expertise necessary.

4. Add an employment requirement of four years to the definition of a qualified student. The Subcommittee believes that this requirement will reduce the numbers of students who withdraw from the program and change majors while ensuring that those students who remain are truly dedicated to a career in teaching.

*Senate Education Committee
3-21-06
Attachment 6*

5. Change the name of the program from a "Grant" to a "Scholarship." This more closely aligns this program to other service obligation programs in the state.

While not making a specific recommendation on the issue, the Subcommittee notes its concern regarding consistency in out-year appropriations. The Subcommittee requests that, should future appropriations be reduced, that full funding of individuals already in the program be given a higher priority for the use of funds rather than a lower level of funding for an increased number of recipients.

Senator Apple

Senator Goodwin

Senator Pine

SENATE BILL No. 566

By Senators Wilson and D. Schmidt

2-14

9 AN ACT concerning teachers; enacting the teacher education grant pro-
10 gram act; providing for the administration of the teacher education
11 grant program.

scholarship **

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

14 Section 1. Sections 2 through 8, and amendments thereto, shall be
15 known and may be cited as the teacher education grant program act.

16 Sec. 2. As used in this act:

17 ~~(a) "State board" means the state board of education.~~

18 ~~(b) "Department" means the Kansas department of education.~~

a) 19 ~~(c)~~ "Executive officer" means the chief executive officer of the state
20 board of regents appointed under K.S.A. 74-3203a, and amendments
21 thereto.

b) 22 ~~(d)~~ "Qualified student" means a person who: (1) Is a resident of the
23 state of Kansas; (2) is licensed as a teacher or a person who holds an
24 associate's degree; (3) (A) has been accepted for admission to, or is en-
25 rolled in, a course of instruction leading to a master's degree in the field
26 of education in the case of a person who is licensed as a teacher or (B)
27 holds an associate's degree and has been accepted for admission to, or is
28 enrolled in, a course of instruction leading to licensure and full endorse-
29 ment as a special education teacher; and (4) has qualified for the award
30 of a grant under the teacher education grant program act on the basis of
31 having demonstrated scholastic ability, or who has previously so qualified
32 and remains qualified for renewal of the scholarship on the basis of re-
33 maining in good standing and making satisfactory progress toward com-
34 pletion of the requirements of the course of instruction in which enrolled.

and has been employed as a
teacher for at least four years

and has been employed for at
least four years

35 (e) "Program" means the teacher education grant program.

36 Sec. 3. (a) There is hereby established the teacher education grant
37 program. Such program shall be administered by the state board. Subject
38 to the provisions of appropriations therefor, a grant may be awarded and
39 renewed under such program to any qualified student.

40 (b) A grant awarded under the program shall provide for payment to
41 a qualified student of (1) an amount not to exceed 100% of the cost of
42 attendance for an academic year at the teacher education school in which
43 the qualified student is enrolled if such teacher education school is main-

fees and tuition

Senate Education Committee
3-21-06
Attachment 7

1 tained by a state educational institution or (2) an amount not to exceed
2 100% of the average amount of the cost of attendance for an academic
3 year at the teacher education schools maintained by the state educational
4 institutions if the teacher education school in which the qualified student
5 is enrolled is not a state educational institution.

fees and tuition

6 Sec. 4. (a) The executive officer shall determine whether a student
7 is qualified to receive a grant under the program. An applicant for des-
8 ignation as a qualified student and for the award of a grant under the
9 program shall provide to the executive officer, on forms supplied by the
10 executive officer, information required by the executive officer and the
11 state board. ~~The executive director shall forward to the state board the~~
12 ~~application of any applicant designated as a qualified student.~~

executive director **

Delete sentence

13 (b) As a condition to awarding a grant under this act, the state board
14 and the applicant shall enter into an agreement which requires the ap-
15 plicant to:

16 (1) (A) Complete the required course of instruction leading to a mas-
17 ter's degree in the case of a qualified student who is licensed as a teacher
18 or (B) leading to licensure and full endorsement as a special education
19 teacher in the case of a qualified student who holds an associate's degree;

20 (2) comply with the terms and conditions as may be specified by such
21 agreement;

22 (3) commence teaching on a full-time basis in Kansas in an accredited
23 public or private elementary or secondary school in accordance with the
24 agreement and continue teaching on a full-time basis for a period of not
25 less than ~~10 years~~ or commence teaching on a part-time basis in Kansas
26 in an accredited public or private elementary or secondary school in ac-
27 cordance with the agreement and continue teaching on such a part-time
28 basis for a period of time that is equivalent to full-time, as determined
29 by the state board;

one year for each 15 credit hours
of assistance received

30 (4) commence teaching in Kansas on a full-time or part-time basis
31 within six months after licensure is obtained and continue teaching for
32 the period of time required by the agreement;

and full-endorsement

33 (5) maintain records and make reports to the state board as required
34 by the state board to document the satisfaction of the obligations under
35 this act and the agreement; and

36 (6) repay to the state amounts as provided in section 5, and amend-
37 ments thereto, if the student fails to satisfy any obligation under any
38 agreement entered into under the program.

39 Sec. 5. (a) Except as provided in section 6, and amendments thereto,
40 upon the failure of any person to satisfy the obligation under any agree-
41 ment entered into pursuant to the program, such person shall pay to the
42 state board an amount equal to the total amount of money received by
43 such person pursuant to such agreement plus accrued interest at a rate

3-2

1 which is equivalent to the interest rate applicable to grants made under
 2 the federal PLUS program at the time such person first entered into an
 3 agreement plus five percentage points. Amounts of payment under this
 4 section shall be adjusted proportionately for full years of the obligation
 5 that have been satisfied. Installment payments of any such amounts may
 6 be made in accordance with the provisions of the agreement entered into
 7 by the grant recipient or if no such provisions exist in such agreement, in
 8 accordance with rules and regulations of the state board, except that such
 9 installment payments shall commence six months after the date of the
 10 action or circumstances that cause the failure of the person to satisfy the
 11 obligations of such agreements, as determined by the state board based
 12 upon the circumstances of each individual case. Amounts paid under this
 13 section to the state board shall be deposited in the teacher education
 14 grant repayment fund in accordance with section 8, and amendments
 15 thereto.

16 (b) The state board is authorized to turn any repayment account arising
 17 under the program over to a designated collection agency with the
 18 state not being involved other than to receive payments from the collection
 19 agency at the interest rate prescribed under this section.

20 Sec. 6. (a) Except as otherwise specified in the agreement, an obligation
 21 under any agreement entered into under the program shall be postponed:
 22 (1) During any required period of active military service; (2)
 23 during any period of service as a part of volunteers in service to America
 24 (VISTA); (3) during any period of service in the peace corps; (4) during
 25 any period of service commitment to the United States public health
 26 service; (5) during any period of religious missionary work conducted by
 27 an organization exempt from tax under section 501(c)(3) of the federal
 28 internal revenue code as in effect on December 31, 2005; (6) during any
 29 period of time the person obligated is unable because of temporary medical
 30 disability to teach; (7) during any period of time the person obligated
 31 is enrolled and actively engaged on a full-time basis in a course of study
 32 leading to a degree in the field of education which is higher than that
 33 formerly attained; (8) during any period of time the person obligated is
 34 on job-protected leave under the federal family and medical leave act of
 35 1993; or (9) during any period of time the state board determines that
 36 the person obligated is unable because of special circumstances to teach.
 37 Except for clauses (6), (8) and (9), an obligation under any agreement
 38 entered into as provided in the program shall not be postponed more
 39 than five years from the time the obligation was to have been commenced
 40 under such agreement. An obligation under any agreement entered into
 41 as provided in the program shall be postponed under clause (6) during
 42 the period of time the medical disability exists. An obligation under any
 43 agreement entered into as provided in the program shall be postponed

1 under clause (8) during the period of time the person obligated remains
2 on FMLA leave. An obligation to engage in teaching in accordance with
3 an agreement under the program shall be postponed under clause (9)
4 during the period of time the state board determines that the special
5 circumstances exist. The state board shall adopt rules and regulations
6 prescribing criteria or guidelines for determination of the existence of
7 special circumstances causing an inability to teach, and shall determine
8 the documentation required to prove the existence of such circumstances.

9 (b) An obligation under any agreement entered into as provided in
10 the program shall be satisfied: (1) If the obligation has been completed
11 in accordance with the agreement; (2) if the person obligated dies; (3) if,
12 because of permanent physical disability, the person obligated is unable
13 to satisfy the obligation; (4) if the person obligated fails to satisfy the
14 requirements for a graduation from a teacher education program or post-
15 graduate program after making the best effort possible; (5) if the person
16 obligated fails to satisfy all requirements for licensure, or renewal thereof,
17 to teach in Kansas or has been denied such licensure after applying there-
18 for and making the best effort possible to obtain such license; or (6) if
19 the person obligated is unable to obtain employment as a teacher after
20 making the best effort possible to obtain such employment and the person
21 obligated otherwise completes the terms, conditions and obligations of
22 the agreement.

23 Sec. 7. (a) The state board shall adopt rules and regulations for ad-
24 ministration of the program and shall establish terms, conditions and ob-
25 ligations which shall be incorporated into the provisions of any agreement
26 entered into between the state board and an applicant for the award of a
27 grant under the program. The terms, conditions and obligations shall be
28 consistent with the provisions of law relating to the program and shall
29 include, but not be limited to, the circumstances under which eligibility
30 for financial assistance under the program may be terminated, the amount
31 of financial assistance to be provided, the circumstances under which
32 obligations may be discharged or forgiven, the amount of money required
33 to be repaid because of failure to satisfy the obligations under an agree-
34 ment and the method of repayment.

35 (b) The executive officer shall cooperate with the state board in the
36 administration of the program and shall provide such assistance deemed
37 necessary by the state board in the administration of the program.

38 Sec. 8. (a) There is hereby created in the state treasury the teacher
39 education grant program fund. The state board shall remit all moneys
40 received under the program, which are paid because of nonattendance
41 or discontinuance by grant recipients, to the state treasurer in accordance
42 with the provisions of K.S.A. 75-4215, and amendments thereto. Upon
43 receipt of each such remittance, the state treasurer shall deposit the entire

7-2

1 amount in the state treasury to the credit of the teacher education grant
2 program fund. All expenditures from the fund shall be for grants awarded
3 under the program and shall be made in accordance with appropriation
4 acts upon warrants of the director of accounts and reports issued pursuant
5 to vouchers approved by the executive officer or by a person designated
6 by the executive officer.

7 (b) There is hereby created in the state treasury the teacher education
8 grant repayment fund. The executive officer shall remit all moneys re-
9 ceived under the program, which are for payment of amounts pursuant
10 to section 5, and amendments thereto, to the state treasurer in accordance
11 with the provisions of K.S.A. 75-4215, and amendments thereto. Upon
12 receipt of each such remittance, the state treasurer shall deposit the entire
13 amount in the state treasury to the credit of the teacher education grant
14 repayment fund. All expenditures from such fund shall be for grants
15 awarded under the program and shall be made in accordance with ap-
16 propriation acts upon warrants of the director of accounts and reports
17 issued pursuant to vouchers approved by the state board or by a person
18 designated by the state board.

19 Sec. 9. This act shall take effect and be in force from and after its
20 publication in the statute book.

5-2