

MINUTES OF THE SENATE EDUCATION COMMITTEE

The meeting was called to order by Chairman Jean Schodorf at 1:30 p.m. on March 5, 2009, in Room 446-N of the Capitol.

All members were present except:
Senator Anthony Hensley- absent

Committee staff present:
Kristen Kellems, Office of the Revisor of Statutes
Theresa Kiernan, Office of the Revisor of Statutes
Martha Dorsey, Kansas Legislative Research Department
Sharon Wenger, Kansas Legislative Research Department
Dorothy Gerhardt, Committee Assistant

Conferees appearing before the Committee:
Blake Flanders, Vice-President for Workforce Development, Kansas Board of Regents
Deanna Lieber, General Counsel, Kansas Department of Education
Mark Desetti, KNEA

Others attending:
See attached list.

Hearing on **HB 2003 - Career technical education; funding formula; update in terminology**

Kristen Kellems, Office of the Revisor of Statutes, presented a summary of **HB 2003**. This bill was introduced by the Legislative Educational Planning Committee at the request of the State Board of Regents. The bill implements the recommendations of the Postsecondary Technical Education Authority. **HB 2003** amends various statutes relating to technical education with the goal of updating outdated language, repealing irrelevant statutes, and codifying proviso language. The major statutory changes are as follows:

1. Amendments to sections two through seven reflect the name and terminology changes in the Carl D. Perkins Career and Technology Act of 2006 and the state plan.
2. Amendments to sections eight through 12 replace outdated language with currently used terminology. These changes mainly consist of striking "vocational education" and replacing it with "career technical education" or "career and technical education". Section eight subsection (d) contains one of the House Education Committee amendments which was to strike "vocational" and replace it with "career technical".
3. Amendments to section 13 pertain to participation in the federal Job Training Partnership Act which has expired. The proposed changes are to update this statute to reflect the current federal law, the Workforce Investment Act, and its public law number.
4. Section 14 contains another House Education Committee amendment which changed "job training partnership" to workforce investment".
5. Section 24 amends K.S.A. 72-4482, which was enacted in 2007 and delineates the delegated powers and duties of the postsecondary technical education authority (TEA). Such powers include reviewing requests for state funding and making recommendations to the Kansas Board of Regents regarding the amounts and distribution of these funds. The proposed amendment in subsection (11)(A) adds the language from the 2007 appropriations bill proviso directing the TEA to develop and recommend a new funding structure for postsecondary technical education programs.

The bill also repeals several statutes that are outdated or for other reasons no longer needed.

The fiscal note does not indicate whether enactment of the bill would have any fiscal effect.

CONTINUATION SHEET

Minutes of the Senate Education Committee at 1:30 p.m. on March 5, 2009, in Room 446-N of the Capitol.

Blake Flanders, Vice-President for Workforce Development, Kansas Board of Regents, ([Attachment 1](#)) spoke in support of the passage of **HB 2003**. He stated this legislation is essentially a clean-up of other statutes; many of the changes reflect changes in current terminology; and removes statutes that are no longer needed. He feels it is the first step in the technical clean-up of existing statutes and lays the groundwork for potential new legislation and policy revisions.

The hearing on **HB 2003** was closed.

Hearing on **SB 290 - Teachers at the school for the deaf and the school for the blind under the professional negotiation act**

Theresa Kiernan, Office of the Revisor of Statutes, presented a summary of the provisions included in **SB 290**. This legislation was introduced by the Committee on Ways and Means in response to an order issued by the Public Employee Relations Board (PERB) in May, 2007. When realigning existing public employee bargaining units, PERB included the unclassified teaching staff at the Kansas State School for the Deaf (KSSD) and the Kansas State School for the Blind (KSSB) into two bargaining units with other public employees (Units 2 and 4). PERB also recognized the Kansas Organization of State Employees (KOSE) as the bargaining unit representative for those two units.

As a result of the order, teachers at KSSD and KSSB will be treated differently than every other teacher in Kansas for the purpose of professional negotiations. The Department of Administration and KOSE entered into a memorandum of understanding which established uniform employment terms and conditions for all employees within Units 2 and 4. In order to comply with the holiday and vacation pay requirements under the agreement, the State Board of Education estimates it spend an additional \$931,000 annually.

The State Board has petitioned PERB to remove the teaching staff from the bargaining units. The State Board believes that the teachers are covered under the Professional Negotiations Act (PNA), not the Public Employer-Employee Relations Act which exempts employees subject to the PNA. Rather than risking a negative ruling from PERB, the State Board opted to seek legislation to clarify the statute.

The bill amends the definition section of the PNA. The amendment would include the State Board of Education within the definition of "board of education" when exercising its authority to control and supervise KSSD and KSSB. A professional employee of a board of education would negotiate under the PNA.

The fiscal note indicates there would be additional expenditures of approximately \$900,000 if the bill is not enacted.

Deanna Lieber, General Counsel, Kansas Department of Education, ([Attachment 2](#)) provided testimony in support of **SB 290**. She stated this legislation basically clarifies that teachers at the Kansas State School for the Deaf and the Kansas State School for the Blind are professional employees and allows them to negotiate with teachers under the Professional Negotiations Act. Mark Desetti, KNEA ([Attachment 3](#)) also provided testimony in support of the legislation.

The hearing on **SB 290** was closed.

The next meeting is scheduled for March 9, 2009.

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



KANSAS BOARD OF REGENTS

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Senate Education Committee
March 5, 2009

Testimony in Support of HB 2003

Blake Flanders
Kansas Board of Regents
Kansas Postsecondary Technical Education Authority

Good afternoon Madam Chair and members of the Committee. My name is Blake Flanders and I am the Vice President for Workforce Development with the Kansas Board of Regents and provide executive support to the Kansas Postsecondary Technical Education Authority. I am here at your request to provide testimony regarding proposed statute changes related to career technical education in Kansas as presented in HB 2003.

The Postsecondary Technical Education Authority (TEA) was established under the auspices of the Kansas Board of Regents by the 2007 legislature through statutes resulting from the Senate Substitute for House Bill 2556. The legislation delegates authority from the Board of Regents to the TEA to coordinate state-wide planning for postsecondary technical education, review and recommend approval for new and existing technical programs, recommend a new approach to funding technical education, develop accountability indicators, and coordinate the development of a seamless system between secondary and postsecondary education levels.

A comprehensive listing of statutes related to technical education was compiled by the Kansas Legislative Research staff. These statutes and the proposed changes were reviewed by KBOR staff, recommended for approval by the TEA and approved by the Kansas Board of Regents. These statute revisions were also included in the conclusions and recommendations section of the final report of the Kansas Technical College and Technical School Commission. During the inclusive review process various statutes were identified as needing revision to reflect legislative intent, new federal legislation, current terminology, or found to be obsolete. The statutes presented for revision and/or repeal in HB 2003 are a starting point for technical clean up of existing statutes and lay the groundwork for potential new legislation and policy revisions to improve the technical education system in the future.

Proposed Changes to Codify Proviso Language and Current Practice;

- K.S.A. 72-4482, enacted in 2007, delineates the delegated powers and duties of the postsecondary technical education authority which includes the reviewing requests for state funding and making recommendations to KBOR regarding the amounts and distribution of these funds. The proposed amendment adds the specific verbiage from the 2008

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appropriations bill proviso [2008 SB 534, Sec. 116(a)] directing the TEA to develop and recommend a new funding structure for postsecondary technical education programs.

- The proposed changes to the three statutes pertaining to postsecondary aid (K.S.A. 72-4430, 72-4431, 72-4433) are requested to codify proviso language and intent of the legislature with regard to the distribution of postsecondary aid and eliminate the wording requiring annual KBOR approval of tuition rates for coordinated institutions.

Proposed Changes to Reflect Current Federal Legislation

- The proposed changes to the statutes directly related to the federal Carl Perkins legislation (K.S.A. 72-4408, 72-4411, 72-4412, 72-4413, 72-4414 and 72-4415) reflect the changes in the name and terminology used within the reauthorized Carl D. Perkins Career and Technology Act of 2006.
- K.S.A. 72-4427 pertains to the states participation in the federal Job Training Partnership Act which has expired. The proposed changes will update this statute to reflect the current federal law (the Workforce Investment Act) and its public law number.

Proposed Changes to Reflect Current Terminology

- Proposed changes are being requested for a selected number of statutes (K.S.A. 72-4418, 72-4421, 72-4422, 72-4423, 72-4425, 72-4466, 72-4467, 72-4470a, 72-4471, 71-1507, 74-3201b, and 74-32,141) to replace outdated verbiage by replacing the term "vocational education" with currently used terminology ("career technical education or career and technical education") as appropriate.
- Proposed changes to the statutes related to the Kansas Training Information Program (K.S.A. 72-4450, 72-4451, and 72-4452) are to update the terminology as well as extend the time line for institutions to report information to KBOR.

Proposed Changes to Remove Wording or Statutes No Longer Needed

- K.S.A. 72-4416 specifies the process for establishing area vocational schools. Since all area vocational schools were required to merge or affiliate with an existing technical or community college or become an independent technical college, this statute is no longer needed. Repeal of this statute and elimination of the moratorium language in subsections (b) and (c) of K.S.A. 72-4412 is recommended.
- K.S.A. 72-4429 pertains to interstate agreements for secondary students from another state and is being recommended for repeal because it is no longer needed.
- Repeal of the statutes pertaining to the vocational education instructional equipment aid and the state pool of instructional equipment (K.S.A. 72-4436, 72-4437, 72-4438, 72-4439, 72-4444, 72-4445, 72-4446, 72-4447, 72-4448, and 72-4449) is recommended because these programs no longer exist.
- Repeal of K.S.A. 72-4470 is being recommended because the powers and duties of governing bodies for technical colleges as outlined in this statute are duplicative, in that all of these powers and duties are restated in K.S.A. 72-4470a. In addition, this statute is set to expire on June 30, 2009.
- Three statutes that were part of the Higher Education Coordination Act (K.S.A. 74-3205a, 74-3205b, and 74-3205c) were set to expire on June 30, 2003, and as such are recommended for repeal.

Thank you for the opportunity to comment. I will be happy to answer any questions.

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Statute	Contents	Recommended Action
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Technical Education Authority

<p>(HB 2556) K.S.A. 72-4481</p>	<p>Established 12 member postsecondary technical education authority (TEA)</p> <ul style="list-style-type: none"> • 9 appointments and 3 ex-officio (voting) – commissioner of education, secretary of labor and secretary of commerce • Quorum is 5 voting members 	<ul style="list-style-type: none"> • No Change
<p>K.S.A. 72-4482</p>	<p>Defined TEA charge and priorities Stated all recommendations by the TEA must be considered by the state board of regents within 45 days of submission <i>(not changing or limiting TEA authority, merely clarifying what is happening & identifying specific considerations)</i></p>	<ul style="list-style-type: none"> • Amend to add proviso language
<p>K.S.A. 72-4483</p>	<p>Subject to appropriation, KBOR shall provide staff, facilities & other assistance</p>	<ul style="list-style-type: none"> • No Change
<p>K.S.A. 72-4484</p>	<p>All provisions and amendments expire on June 30, 2014</p>	<ul style="list-style-type: none"> • No Change
<p>K.S.A. 72-4479</p>	<p>Plans for merger/affiliation of tech schools be submitted to state board of regents by July 1, 2008</p>	<ul style="list-style-type: none"> • No Change
<p>K.S.A. 72-4485) Adopted: 2007</p>	<p>Established the Kansas technical college and technical school commission to sunset on December 31, 2008</p>	<ul style="list-style-type: none"> • No Change—scheduled to expire

State Plan Statutes

<p>K.S.A. 72-4408 Adopted: 1969 Last Amended: 2001</p>	<p>Assigns state board to prepare state plan and supervise administration. Changes board responsibility from board of education to board of regents on July 1, 2004</p>	<ul style="list-style-type: none"> • Amend to reflect Perkins IV legislation and terminology; delete regarding changing of responsible state agency"
<p>K.S.A. 72-4411 Adopted: 1969 Last Amended: 1986</p>	<p>States the purpose of the act</p>	<ul style="list-style-type: none"> • Amend to reflect Perkins IV legislation and terminology;

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Statute	Contents	Recommended Action
<p>K.S.A. 72-4412 Adopted: 1969 Last Amended: 2002</p>	<p>Definitions; moratorium on establishment/designation of avts/avts, provisions for governance/operation of avts.</p> <ol style="list-style-type: none"> a. Board b. Area vocational school c. Area vocational-technical school d. School district e. Community College f. Municipal university g. State educational institution h. Technical college i. State Board j. School Year k. Vocational education l. Technology Education m. State plan n. Associate of applied science degree program 	<ul style="list-style-type: none"> • Amend to change "vocational" to "career technical" and delete moratorium and obsolete wording
<p>K.S.A. 72-4413 Adopted: 1969 Last Amended: 1999</p>	<p>Describes the allowable provisions for the state plan</p>	<ul style="list-style-type: none"> • Amend to reflect new Perkins IV legislation, add "substantive" to subsection (a) and delete Perkins III requirements in subsections (b) through (i).
<p>K.S.A. 72-4414 Adopted: 1969 Last Amended: never</p>	<p>Allows for the board of regents to enter into contracts with any party/parties for purposes directly related to research in the matter of vocational education.</p>	<ul style="list-style-type: none"> • Amend to change "vocational" to "career technical"
<p>K.S.A. 72-4415 Adopted: 1969 Last Amended: 1987</p>	<p>Requires that the state board be responsible for allocation and distribution of state/federal funds for vocational ed in accordance with the state plan; report to the governor and legislature each year in Feb.</p>	<ul style="list-style-type: none"> • Amend to change "vocational" to career technical; repeal subsections (b) and (c) same accountability information reported through KTIP legislation
<p>K.S.A. 72-4416 Adopted: 1969 Last Amended: 1989</p>	<p>Describes necessary elements of a plan for establishing an area vo-tech school – may be a department/division of a school district, community college, state educational institution or a municipal university.</p>	<ul style="list-style-type: none"> • Repeal—obsolete—also eliminating moratorium language in 72-4412
<p>K.S.A. 72-4416a Adopted: 1984 Last Amended: never</p>	<p>Describes necessary elements of a joint plan between certain school districts and Johnson County Community College for establishing an area vo-tech school.</p>	<ul style="list-style-type: none"> • No Change

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Statute	Contents	Recommended Action
K.S.A. 72-4417 Adopted: 1969 Last Amended: 1999	Describes liability of tuition and fees payment for secondary and postsecondary students	<ul style="list-style-type: none"> • No Change
K.S.A. 72-4417a Adopted: 1972 Last Amended: 1992	Rules for scheduling the payment of student tuition by the school district to area vo-tech schools and community colleges	<ul style="list-style-type: none"> • No Change
K.S.A. 72-4418 Adopted: 1969 Last Amended: 1999	Describes the rules for admission/enrollment of secondary and postsecondary students vocational program(s) in another district or a postsecondary institution	<ul style="list-style-type: none"> • Amend to change "vocational" to career technical.
K.S.A. 72-4419 Adopted: 1969 Last Amended: 1985	Identifies the vocational ed fund as the source for student tuition payment from school district funds; authorizes transfers from the general fund when vocational ed funds are insufficient	<ul style="list-style-type: none"> • No Change
K.S.A. 72-4421 Adopted: 1969 Last Amended: 1999	Authorizes agreements between boards; conditions; terms; financing; approval; modifications; property ownership & disposition—vocational education agreements between boards	<ul style="list-style-type: none"> • Amend to change "vocational" to career technical
K.S.A. 72-4422 Adopted: 1969 Last Amended: 1986	Admission and tuition/fees for out-of-state students	<ul style="list-style-type: none"> • Amend to change "vocational" to career technical.
K.S.A. 72-4423 Adopted: 1969 Last Amended: 1983	Allows for boards to receive gifts, grants and bequests for vocational ed programs	<ul style="list-style-type: none"> • Amend to change "vocational" to career technical
K.S.A. 72-4425 Adopted: 1969 Last Amended: never	Allows for state board to request reports and coordinate audits and inspections of local boards and facilities	<ul style="list-style-type: none"> • Amend to change "vocational" to career technical
K.S.A. 72-4427 Adopted: 1969 Last Amended: 2004	Requires joint participation of the state board and the secretary of commerce in the federal job training partnership.	<ul style="list-style-type: none"> • Amend—Workforce Investment Act (P.L. 105-220)

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Statute	Contents	Recommended Action
K.S.A. 72-4428 Adopted: 1972 Last Amended: never	Financing certain student centers—allows a local school board to use funds from tax levy to contribute to the cost of construction improvements or facilities for a student center on the campus of any avts	<ul style="list-style-type: none"> No Change
K.S.A. 72-4429 Adopted: 1972 Last Amended: 1999	Limitations and conditions of interstate agreements for vocational education	<ul style="list-style-type: none"> Repeal
Postsecondary Aid		
K.S.A. 72-4430 Adopted: 1974 Last Amended: 1992	Definitions (a) Area vocational school, area vocational-technical school, board, state board, community college, and school year (b) Postsecondary student (c) Operating budget (d) Federal aid (e) State aid (f) Postsecondary aid (g) Local cost (h) Total enrollment (i) Local cost per enrollment (j) Total postsecondary enrollment (k) School	<ul style="list-style-type: none"> Amend to change “vocational” to career technical and change PSA definition to “amount determined pursuant to 72-4482 and amendments thereto
K.S.A. 72-4431 Adopted: 1974 Last Amended: 1981	Provides for postsecondary aid for some technical programs at 87.5% of local cost per enrollment hour until 6/30/1982, and 85% thereafter—PSA calculation	<ul style="list-style-type: none"> Amend to reflect current practice—institutions eligible for PSA in amount determined pursuant to 72-4482 and amendments thereto
K.S.A. 72-4432 Adopted: 1974 Last Amended: 2004	Describes the timing and distribution of state aid payments and the reconciliation of underpayments or overpayments	<ul style="list-style-type: none"> No Change
K.S.A. 72-4433 Adopted: 1974 Last Amended: 2002	Allows for different per hour tuition rates (postsecondary) to be fixed by local boards and approved by the state board annually	<ul style="list-style-type: none"> Amend to delete last sentence requiring annual KBOR approval of tuition
K.S.A. 72-4435 Adopted: 1987 Last Amended: never	Scholarships for postsecondary students—prohibits institution from using public funds for postsecondary student scholarships; revenue from investment of public funds not required by law to be used for specific purpose may be used for this purpose	No Change

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Statute	Contents	Recommended Action
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Vocational Education Instructional Equipment Aid

<p>K.S.A. 72-4436 Adopted: 1988 Last Amended: 2003</p>	<p>Definitions (a) Area vocational school, area vocational-technical school, board, state board, and school year (b) Operating budget (c) School (d) Vocational education instructional equipment aid</p>	<p>• Repeal</p>
<p>K.S.A. 72-4437 Adopted: 1988 Last Amended: 2003</p>	<p>Distribution of vocational education instructional equipment aid as determined by the secretary of commerce</p>	<p>• Repeal</p>
<p>K.S.A. 72-4438 Adopted: 1988 Last Amended: never</p>	<p>Establishes a vocational education instructional equipment fund in every vo-tech school for the receipt of instructional equipment aid funding</p>	<p>• Repeal</p>
<p>K.S.A. 72-4439 Adopted: 1988 Last Amended: never</p>	<p>Allows for transfers from operating funds to vocational education instructional equipment fund</p>	<p>• Repeal</p>
<p>K.S.A. 72-4440 Adopted: 1977 Last Amended: 1986</p>	<p>Definitions a. Area vocational school, area vocational-technical school, board, state board, and school year b. Operating budget c. School d. Vocational education capital outlay aid</p>	<p>• No Change</p>
<p>K.S.A. 72-4441 Adopted: 1977 Last Amended: 1983</p>	<p>Establishes vocational education capital outlay fund in every vo-tech school</p>	<p>• No Change</p>
<p>K.S.A. 72-4442 Adopted: 1977 Last Amended: 2001</p>	<p>Authorizes state board to determine and coordinate distribution of capital outlay funds</p>	<p>• No Change</p>

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Statute	Contents	Recommended Action
K.S.A. 72-4443 Adopted: 1977 Last Amended: never	Allows for transfers from operating fund to vocational education capital outlay fund	• No Change
State Pool of Instructional Equipment		
K.S.A. 72-4444 Adopted: 1985 Last Amended: 1999	Definitions a. Area vocational school, area vocational-technical school b. Community college c. School d. Instructional equipment e. Vocational education f. State board	• Repeal
K.S.A. 72-4445 Adopted: 1985 Last Amended: never	Authorizes the state board to establish, maintain and operate a state pool of instructional equipment	• Repeal
K.S.A. 72-4446 Adopted: 1985 Last Amended: never	Describes rules for the use of equipment from the state pool	• Repeal
K.S.A. 72-4447 Adopted: 1985 Last Amended: never	Allows the state board to establish a schedule of charges	• Repeal
K.S.A. 72-4448 Adopted: 1985 Last Amended: never	Allows for the establishment of a state instructional pool fund to hold the collection of monies	• Repeal
K.S.A. 72-4449 Adopted: 1985 Last Amended: never	Rules and Regulations—authorizes state board to adopt rules and regulations for implementation and administration of this act.	• Repeal
Kansas Training Information Program		
K.S.A. 72-4450 Adopted: 1987 Last Amended: 2006	Definitions a. Vocational education program b. Vocational education institution c. Area vocational school, area vocational-technical school, community college, municipal university, state educational institution, and state postsecondary education institution d. Program	• Amend to change "vocational" to career technical and specifically include technical colleges

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Statute	Contents	Recommended Action
K.S.A. 72-4451 Adopted: 1987 Last Amended: 2006	Requires establishment of the Kansas training information program that reports placement rates and salaries of vocational education program completers	<ul style="list-style-type: none"> Amend to change "vocational" to career technical and adjust reporting timeline
K.S.A. 72-4452 Adopted: 1987 Last Amended: 2006	Transmittal of student information for training program reporting purposes	<ul style="list-style-type: none"> Amend to change "vocational" to career technical and adjust reporting timeline
K.S.A. 72-4453 Adopted: 1991 Last Amended: 1999	Requires transfer agreements be crafted between community colleges and vo-tech schools for like programs/courses to be approved by the state board	<ul style="list-style-type: none"> No Change
K.S.A. 72-4454 Adopted: 1991 Last Amended: 1999	Requires state board to develop policy requiring articulation agreements among vocational school, vo-tech schools, community college, technical colleges and state educational institutions	<ul style="list-style-type: none"> No Change
Vocational Education Scholarship Program		
K.S.A. 72-4460 Adopted: 1986 Last Amended: 1999	Definitions a. Vocational education scholarship b. Vocational education scholar c. Vocational education program d. Designated educational institution e. Program term f. School year g. Board of regent	<ul style="list-style-type: none"> No Change
K.S.A. 72-4461 Adopted: 1986 Last Amended: 1998	Grants authority to board of regents to grant vocational education scholarships	<ul style="list-style-type: none"> No Change
K.S.A. 72-4462 Adopted: 1986 Last Amended: never	Sets scholarship ceiling of \$500 (for each program term – not to exceed 2 program terms) for full-time, eligible, vocational education students	<ul style="list-style-type: none"> No Change
K.S.A. 72-4463 Adopted: 1986 Last Amended: 2001	Requires that board of regents adopt rules and regulations for administration of the scholarship program.	<ul style="list-style-type: none"> No Change

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Statute	Contents	Recommended Action
K.S.A. 72-4464 Adopted: 1986 Last Amended: never	Conditions for times and method of scholarship payment	• No Change
K.S.A. 72-4465 Adopted: 1986 Last Amended: never	Responsibilities (application, examination fee payments) for scholarship applicants	• No Change
Kansas Innovative Technology an Technology Internship Program		
K.S.A. 72-4466 Adopted: 1991 Last Amended: 1999	Definitions a. Area vocational school, area vocational-technical school, and community college b. Vocational education institution c. Board d. Program	• Amend to change "vocational" to career technical
K.S.A. 72-4467 Adopted: 1991 Last Amended: never	Establishes technology innovation and internship program to be administered by the state board to support start up of innovative technical courses or programs and faculty/industry coop-work experiences	• Amend to change "vocational" to career technical
K.S.A. 72-4468 Adopted: 1994 Last Amended: 1999	Describes procedures, factors, standards, etc. for converting an area vo-tech school to a technical college.	• No Change
Technical Colleges		
K.S.A. 72-4469 Adopted: 1994 Last Amended: 1999	Places the technical colleges under the general supervision of the board of regents	• No Change
K.S.A. 72-4470 Adopted: 1994 Last Amended: 2005	Describes the powers and duties of governing bodies for technical colleges	• Repeal—set to expire 06/30/09; all powers/duties repeated in 72-4470a
K.S.A. 72-4470a Adopted: 2003 Last Amended: 2005	Describes the rules for establishing independent governing bodies for technical colleges (composition, territory, election/appointment, etc.) and describes the powers/duties of governing bodies for technical colleges	• Amend to change "vocational" to career technical

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Statute	Contents	Recommended Action
K.S.A. 72-4470b Adopted: 2005 Last Amended: never	Indemnification or hold harmless provision requirements of contracts entered into by technical colleges and/or their governing bodies	<ul style="list-style-type: none"> No Change
K.S.A. 72-4470c Adopted: 2005 Last Amended: never	Requires that contracts entered into by technical colleges and/or their governing bodies be governed by Kansas law	<ul style="list-style-type: none"> No Change
K.S.A. 72-4470d Adopted: 2005 Last Amended: never	States the mandatory provisions of contracts entered into by technical colleges and/or their governing bodies	<ul style="list-style-type: none"> No Change
K.S.A. 72-4471 Adopted: 1994 Last Amended: never	States that all legislation that applies to area vocational schools and/or area vocational technical schools shall also apply to technical colleges and authorizes technical colleges to provide technical education to secondary students	<ul style="list-style-type: none"> Amend to change "vocational" to career technical
K.S.A. 72-4472 Adopted: 1995 K.S.A. 72-4473 Adopted: 1995 K.S.A. 72-4474 Adopted: 1996 K.S.A. 72-4475 Adopted: 1996 K.S.A. 72-4476 Adopted: 2000 K.S.A. 72-4477 Adopted: 2001 L.2008, Ch. 119, §8	Official designation—Wichita area technical college Official designation—Flint hills technical college Official designation—North central Kansas technical college Official designation—Manhattan area technical college Official designation—Northeast Kansas technical college Official designation—Northwest Kansas technical college Official designation---Salina Area Technical College	<ul style="list-style-type: none"> No Change No Change No Change No Change No Change No Change No Change No Change
K.S.A. 72-4478- Adopted: 2003 Last Amended: never	Protects salary/benefits of faculty/employees moving from school district to technical college pursuant to KSA 2006 Supp. 72-4470a	<ul style="list-style-type: none"> No Change
K.S.A. 72-4480 Adopted: 1999 Last Amended: never	Requires state board to monitor core indicators of quality performance to determine eligibility and distribution of quality performance grants and to establish a data management system for aggregating and reporting information that documents effectiveness of schools and colleges	<ul style="list-style-type: none"> No Change.

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Statute	Contents	Recommended Action
K.S.A. 72-6810 Adopted: 1974 Last Amended: 1986	Definitions a. State scholarship b. State scholar c. Full-time, in-state student d. Financial need e. Eligible institution f. Open enrollment g. Board of regents h. Term i. Semester j. Program period	<ul style="list-style-type: none"> • No Change
K.S.A. 71-1507 Adopted: 1988 Last Amended: 1999	Authorizes state board to approve transfer of programs between area vo-tech schools and community colleges	<ul style="list-style-type: none"> • Amend to change "vocational" to career technical
K.S.A. 71-1701 Adopted: 1992 Last Amended: never	Authorization for consolidation of area vocational schools/AVTS with community colleges if approved by KBOR—control of community colleges not affected.	<ul style="list-style-type: none"> • No Change)
K.S.A. 71-1702 Adopted: 1992 Last Amended: 1999	Describes the provisions required for consolidation agreements; KBOR notification, review, approval; conflict resolution	<ul style="list-style-type: none"> • No Change
K.S.A. 71-1703 Adopted: 1992 Last Amended:	Establishes former governing boards as advisory boards when community colleges and vo-tech schools merge; permits program area advisory councils for consolidated programs	<ul style="list-style-type: none"> • No Change
K.S.A. 71-1704 Adopted: 1992 Last Amended: never	Judicial, administrative and criminal action rights; preserved regardless of consolidation. K.S.A. 71-1705—expired	<ul style="list-style-type: none"> • No Change
K.S.A. 71-1706 Adopted: 1992 Last Amended: never	Community college agreement with school districts that enables them to receive state categorical aid for enrollment of secondary students	<ul style="list-style-type: none"> • No Change

Kansas Technical Education - Statute Chart

2009 Changes

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Statute	Contents	Recommended Action
<p>K.S.A. 74-3201b Adopted: 1999 Last Amended: 2006</p>	<p>Definitions</p> <ol style="list-style-type: none"> a. State board of regents or state board b. State educational institution c. Municipal university d. Community college e. Technical college f. Vocational education school g. Public university h. Postsecondary educational institution i. Private postsecondary educational institution and out-of-state postsecondary educational institution j. Adult basic education program and adult supplementary education program k. Representative of a postsecondary educational institution 	<ul style="list-style-type: none"> • Amend to change "vocational" to career technical
<p>K.S.A. 74-3202c Adopted: 1999 Last Amended: 2002</p>	<p>Outlines powers, functions and duties of board of regents; preserves certain powers, duties and functions of community college boards of trustees</p>	<ul style="list-style-type: none"> • No Change
<p>K.S.A. 74-3205a Adopted: 1999 Last Amended: 2002</p>	<p>Describes membership and purpose of three commissions within KBOR—community colleges; technical institutions; and public universities—Expired June 30, 2003</p>	<ul style="list-style-type: none"> • Repeal
<p>K.S.A. 74-3205b Adopted: 1999 Last Amended: 2002</p>	<p>Established the commission for community colleges, technical colleges, and vocational education schools; meetings, powers, duties—Expired June 30, 2003</p>	<ul style="list-style-type: none"> • Repeal
<p>K.S.A. 74-3205c Adopted: 1999 Last Amended: 2002</p>	<p>Established the commission for public universities; meetings, powers, duties—Expired June 30, 2003</p>	<ul style="list-style-type: none"> • Repeal
<p>K.S.A. 74-3205d Adopted: 1999 Last Amended: 2002</p>	<p>Established the commission for higher education; meetings, powers and duties; expiration date, certain provisions; powers and duties transferred to state board; authorizes other advisory bodies. Subsection (a) expired; duties in subsection (b) revert to KBOR; subsection (c) gives KBOR authority to establish/organize commissions, committees, advisory councils or other groups as it deems necessary and appropriate to the fulfillment of its constitutional and statutory responsibilities</p>	<ul style="list-style-type: none"> • No Change
<p>K.S.A. 74-32,141 Adopted: 1999 Last Amended: 2000</p>	<p>Establishes supervision and coordination role of the state board of regents relative to technical colleges, area vocational schools and area vo-tech schools; preserves certain powers, duties and functions of their governing boards</p>	<ul style="list-style-type: none"> • Amend to change "vocational" to career technical

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Kansas Technical Education - Statute Chart 2009 Changes

Statute	Contents	Recommended Action
State Student Assistance Programs		
K.S.A. 74-32,145 Adopted: 1996 Last Amended: never	Kansas national guard education assistance act – for eligible members of the Kansas national guard	• No Change—KBOR Financial Aid Unit
K.S.A. 74-32,151 Adopted: 2002 Last Amended: 2005	Workforce development loan program act – administered by the board of regents – loans awarded to qualified applicants with financial need	• No Change—KBOR Financial Aid Unit
K.S.A. 74-32,152 Adopted: 2002 Last Amended: never	Workforce development loan conditions and requirements	• No Change—KBOR Financial Aid Unit
K.S.A. 74-32,153 Adopted: 2002 Last Amended: never	Workforce development loan forgiveness and interest rate	• No Change—KBOR Financial Aid Unit
K.S.A. 74-32,154 Adopted: 2002 Last Amended: never	Workforce development loan repayment rules and regulations	• No Change—KBOR Financial Aid Unit
K.S.A. 74-32,155 Adopted: 2002 Last Amended: never	Established workforce development loan fund with the state treasury for deposits and expenditures	• No Change—KBOR Financial Aid Unit
K.S.A. 74-32,156 Adopted: 2002 Last Amended: never	State treasurer’s duties, rules and regulations as the loan program receiving agent	• No Change—KBOR Financial Aid Unit
K.S.A. 74-32,157 Adopted: 2002 Last Amended: never	Exceptions to repayment and regular terms of loan	• No Change—KBOR Financial Aid Unit
K.S.A. 74-32,158 Adopted: 2002 Last Amended: never	Changes in repayment obligation resulting from changes in compliance	• No Change—KBOR Financial Aid Unit
K.S.A. 74-32,159 Adopted: 2002 Last Amended: never	Authorizes state board to adopt rules and regulations for administration of loan program	• No Change—KBOR Financial Aid Unit



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Date: March 3, 2009

To: Senate Education Committee

From: Deanna Lieber, General Counsel, Kansas Department of Education

The State Department of Education and the State Board of Education recommend changing the definition of "board of education" as that term is used in the Professional Negotiations Act and defined in K.S.A. 72-5413(b) to state as follows:

b) 'Board of education' means *the State Board of Education pursuant to its authority under K.S.A. 76-1001a and K.S.A. 76-1101a and any amendments thereto*, the board of education of any *unified* school district, the board of control of any area vocational-technical school, and the board of trustees of any community college.

The Public Employer-Employee Relations Act (PEERA), K.S.A. 75-4321 et seq., authorizes public employees to form bargaining units. In May 2007, the Public Employee Relations Board (PERB) realigned existing public employee bargaining units by condensing 46 units into 17. In doing so, PERB incorporated unclassified teaching staff at the Kansas State School for the Blind (KSSB) and the Kansas State School for the Deaf (KSSD) into two bargaining units with public employees. Some KSSB and KSSD teaching staff were realigned into a bargaining unit with administrative assistants (Unit 2), while others were realigned in a bargaining unit with counselors and social workers (Unit 4). The PERB order also recognized the Kansas Organization of State Employees (KOSE) as the bargaining unit representative for these two units. In May 2008, the Department of Administration entered into a Memorandum of Agreement (MOA) with KOSE setting uniform employment terms and conditions for all employees within Units 2 and 4.

Combining these KSSB and KSSD teaching staff with the public employees in Unit 2 and Unit 4 creates at least two significant problems for the schools. First, teaching staff at KSSB and KSSD will be treated differently than every other teacher in Kansas. Second, the State must increase appropriations to KSSB and KSSD by at least \$931,000 annually to comply with holiday and vacation pay requirements required by the KOSE MOA. This is because teaching staff at the two schools are contracted to work for approximately nine months from August to May, while the other employees in the two units work under 12 month schedules. But the MOA does not recognize this distinction and requires the teaching staff at the two schools that are under nine-month contracts to be treated as if they have a twelve-month work agreement.

In May 2008, the State Board of Education (State Board), as the supervisory and controlling authority for KSSB and KSSD, filed a petition with PERB to remove the teaching staff from bargaining Units 2 and 4. The State Board believes its teaching staff is not subject to

PEERA because they are included in the definition of “professional employees” under the Professional Negotiations Act, K.S.A. 72-5413 et seq, which authorizes teachers to form bargaining units under that Act. K.S.A. 2008 Supp. 72-5413(c). PEERA specifically exempts professional employees subject to the Professional Negotiations Act from its definition of “public employee.” K.S.A. 2008 Supp. 75-4322(a). At this writing, PERB has not ruled on the State Board’s petition, but if PERB determines that KSSB and KSSD teaching staff are not “professional employees” subject to the Professional Negotiations Act, it will have the two negative impacts described above.

The recommended amendment to K.S.A. 72-5413(b) modifies the definition of “Board of education.” K.S.A. 76-1001a and K.S.A. 76-1101a establish the State Board as the governing body for KSSB and KSSD. Thus, the amendment clarifies the intent to include teaching staff at KSSB and KSSD in the Professional Negotiations Act.



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**Mark Desetti, Testimony
Senate Education Committee
March 5, 2009**

Senate Bill 290

Madame Chair, members of the committee, thank you for the opportunity to appear before you on **Senate Bill 290**.

Back on March 7, 2007, we supported HB 2422, the bill to make teacher salaries at the Kansas School for the Deaf and Kansas School for the Blind competitive. That bill tied their salaries to the Olathe School District.

At that time, however, we noted that the bill was a "fix that would not be needed if teachers at those institutions were treated the same as their peers throughout Kansas. We believe that the Legislature should put the teachers at the Schools for the Deaf and Blind under the professional negotiations act. By doing so, you would give those teachers a say in their salaries, benefits, and working conditions and empower them to be a part of the solution."

While HB 2422 addressed the issue of salary, it failed to give these teachers any control over their own work lives. The Olathe teachers should not be negotiating for teachers not in their bargaining unit. The teachers at the Schools for the Deaf and Blind should be empowered to negotiate their own salaries.

We support the passage of **SB 290** as a means for professionalizing the work of teachers at the Schools for the Deaf and Blind and providing parity with their professional colleagues throughout the state. Simply put, it is the right thing to do.