

Approved: 3-29-11
Date

MINUTES OF THE EDUCATION BUDGET COMMITTEE

The meeting was called to order by Chairwoman Lana Gordon at 9:00 am on March 28, 2011, in Room 159-S of the Capitol.

All members were present except:
Rep. Landwehr - excused.

Committee staff present:
Jason Long, Revisor, Office of the Revisor of Statutes
Bernadine Lloyd, Committee Assistant

Conferees appearing before the Committee:
Mike O'Neal, Speaker of the House
Bill Reardon, Kansas Public Schools, Kansas City
Mark Tallman, Assoc. Executive Director, KASB
Diane Gjerstad, Wichita Public Schools
Mike Mathes, Superintendent, Seaman USD 345

Others attending:
See attached list.

Hearing on:
HB 2397 - Adequacy of state provision for finance of educational interests of the state.

Jason Long, Revisor, Office of Revisor of Statutes, gave a short synopsis of the bill.

Proponents:
Mike O'Neal, Speaker of the House, submitted and presented testimony he is in support of this bill which adds a provision to our current statutes dealing with school finance litigation. He also states the bill makes it clear that the federal government cannot pass along mandates to the state that impact the State's constitutional funding obligation. ([Attachment 1](#))

Opponents:
Bill Reardon, Kansas Public Schools, Kansas City submitted and presented testimony that if the state is not responsible for providing the resources for such things as insurance, utilities, accounting and a host of other costs related to operating a school district, there is only one option available to USDs and that is to dramatically increase local property taxes to cover these necessary expenses. ([Attachment 2](#))

Mark Tallman, Assoc. Executive Director, KASB, submitted and presented testimony they believe the bill would attempt to narrow the state Legislature's constitutional duty to "provide suitable funding for the educational interests of the state" in a way that falls short of the constitutional mandate to promote educational improvement. He also presented charts on Public School Regulations, Statutes and Requirements. ([Attachment 3](#))

Diane Gjerstad, Wichita Public Schools, submitted and presented testimony that the bill would seek to limit state funding provisions of education approved by the legislature as first meeting the educational interest of the state as defined in K.S.A.72-1101 requirements for elementary schools including reading, writing, arithmetic, geography, spelling, history, government citizenship and health. She also stated the bill excludes any educational programs districts are required to provide by federal law. ([Attachment 4](#))

Mike Mathes, Superintendent, Seaman USD 345, submitted and presented testimony about Kansas requirements: curriculum and instruction, and Federal requirements: goals and mandates which included the No Child Left Behind (NCLB) and Individuals with Disabilities Act (IDEA). ([Attachment 5](#))

The next meeting will be March 28, 2011 at 3:30 pm in 159-S.

The meeting adjourned at 10 am.

EDUCATION BUDGET COMMITTEE

3:30pm

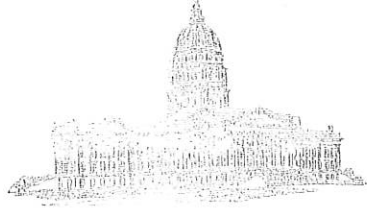
Room 159S, State Capitol

GUEST LIST

DATE:

NAME	REPRESENTING
Maryonie Wervly	ESU
Bill Brady	SFFF
BILL REARDON	USD 500 (KC)
Cheryl Sennott	USA/Kansas
Mike Mathes	USD 345
Mark Tallman	KASB
Dodie Wellshear	USA/KS
Tom KRCBS	KASD
MARK DEBOTT	KNET
Berend Koops	Hein La Firm
Shannon Bell Little	Little Government Relations

STATE OF KANSAS
HOUSE OF REPRESENTATIVES



MICHAEL R. (MIKE) O'NEAL
SPEAKER

TESTIMONY IN SUPPORT OF HB 2397

March 28, 2011

Madam Chairman and members of the Committee, I appear in support of HB 2397, which adds a provision to our current statutes dealing with school finance litigation. In 2005 we passed reforms governing future school finance litigation and today we find ourselves once again having to defend a school finance lawsuit. Taxpayers are finding it hard to understand why school districts with millions of dollars in cumulative cash reserves are suing the State when the state is having to cut essential social and public safety services to address an almost one-half billion dollar deficit.

It has been suggested that Kansas simply define the "suitable education" that the state would have a constitutional obligation to fund. Such a definition was in fact in statute at one time for purposes of commissioning a cost study but was then ignored after the session was over in favor of a cost survey of all educational offerings in the state. Kansas already defines a statutorily required curriculum that it expects each child in the state to have access to. HB 2397 references those statutorily required courses.

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House Education Budget Committee

Date: March 28, 2011

Attachment #: 1

Simply stated, HB 2397 would require a court considering a suit challenging the adequacy of funding to assume that monies appropriated for the schools was spent by those schools toward providing this essential curriculum. We have school districts demanding additional funds while stockpiling funds in various funding silos. The unencumbered balances statewide have been increasing. HB 2395, another bill I had introduced, would free up over \$350M in unencumbered funds to offset reductions in BSAPP. Remarkably, the educational community didn't ask for the flexibility. Most wanted to continue to sock funds away, on the one hand, and demand more appropriations, on the other.

Without regard to how the funds are actually spent, the State has the right to expect that the funds be applied to provide the education we mandate. The burden should be on the schools to prove that sufficient funds were not appropriated to fund the required courses, notwithstanding what the money was actually used for.

Finally, HB 2397 makes it clear that the federal government cannot pass along mandates to the State that impact the State's constitutional funding obligation. Any federal requirement, partially funded or unfunded, would not be included in any calculation of what funds the state is constitutionally required to provide.



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HOUSE EDUCATION BUDGET COMMITTEE

HB 2397

March 28, 2011

Madam Chairperson and Members of the Committee,

What is the purpose of HB 2397? Why was it introduced ten days before first adjournment? I don't have definitive answers to these questions, but I do have my hunches. I suspect that HB 2397 was introduced as "Plan B" in the event that HCR 5010 does not receive the necessary two-thirds vote in the Legislature.

Will it achieve its purpose? It would seem highly unlikely that the Kansas Supreme Court would allow the Constitution to be defined by a new statute in order to avoid a possible unwanted Supreme Court ruling in a pending education funding case.

Passage of HB 239⁷~~0~~, however, potentially creates some very real and very negative consequences. If the state is not responsible for providing the resources for such things as insurance, utilities, accounting and a host of other costs related to operating a school district, there is only one option available to USDs – dramatically increase local property taxes to cover these necessary expenses.

It is doubtful that the passage of HB 2397 would have any effect on the Supreme Court, but it does have the potential to create a nightmare scenario for all USDs in Kansas and the children they serve -- and possibly for legislators who voted to abdicate the state's responsibility to fund Kansas schools by transferring a significant portion of these costs to Kansas property taxpayers.

For these reasons, the Kansas City, Kansas Public School District opposes the passage of HB 2397.

Bill Reardon, KCKPS Lobbyist



Testimony before the
House Education Budget Committee
on
HB 2397

by
Mark Tallman, Associate Executive Director for Advocacy

March 28, 2011

Madam Chair, Members of the Committee:

Thank you for the opportunity to appear today on **HB 2397**. We believe the bill would attempt to narrow the state Legislature's constitutional duty to "provide suitable funding for the educational interests of the state" in a way that falls short of the constitutional mandate to promote educational improvement. The bill would also attempt to create further abandonment of the state responsibility for educational programs and costs mandated by the state. The result, if accepted by the Courts, would either be a reduction in the quality and outcomes of K-12 education, or a shifting of financial responsibility to local districts with dramatically unequal local revenue sources.

1. **HB 2397 would direct the Courts to consider state funding going to expenditures where it cannot legally be spent.**

The bill says "all state moneys appropriated, distributed or otherwise provided must be deemed to have first been applied" to the cost of a certain list of required courses listed on page three.* We note that since school districts cannot raise or spend most revenues without authorization of the state, it is unclear what moneys are *not* either directly appropriated or "otherwise provided" by the state. However, even if it is determined to mean state appropriations, school districts receive state funds restricted to purposes other than those listed in the bill. Just a few examples include: special education, transportation, food service, vocational education, KPERS payments for employees working outside of listed subjects, and capital improvement aid.

2. Funding cannot be adequate or suitable if it covers just one set of mandates but does not cover other programs, courses and outcomes that are equally required by the state.

HB 2397 suggests that state funding is adequate or suitable if it covers the cost of certain required courses. However, school districts are also required by the state to do many things beyond what is listed in **HB 2397**. We are including in our testimony a representative list of state regulations, statutes and other requirements. KASB believes that all state mandates adopted by the Legislature and Kansas State Board of Education are part of the "educational interests of the state," which the Constitution identifies as the Legislature's responsibility for funding. If these requirements are not part of the educational interests of the state, on what basis has the state Legislature and State Board imposed these on all public schools?

3. Federal requirements should be included in the scope of the educational interest of the state.

Section (c) of the bill excludes federal requirements from determining the cost of adequate finance. We strongly disagree for two reasons. First, the U.S. Constitution is the supreme law of the nation. As a state within the federal union, federal education laws that are binding on the states are certainly an educational interest of the state of Kansas as a whole, not of individual districts. The state Legislature is responsible for establishing the system of public education in Kansas.

Second, many federal requirements are not absolute legal requirements but are conditions of receiving federal aid. Major examples are special education, No Child Left Behind, and school meal programs. The state, not local districts, decides whether to accept both money and the strings attached to it. On what basis would the Legislature or State Board take this action if not in "the educational interest of the state?"

4. HB 2397 would leave out the cost of the state's own requirements for educational improvement.

The bill implies that the only responsibility of the state is to pay for the cost of teaching courses. But the real increases in educational costs have been in attempting to ensure that students actually *learn* what is being *taught*. That is the great shift that occurred when Kansas adopted an accreditation system based on "measurable improvement in student outcomes," *as required by the Legislature in 1992*. Significantly, each of the statutes listed in this bill was last amended before the transition to quality performance accreditation. The requirements in **HB 2397** are decades behind the actual requirements of "providing for intellectual, educational, vocational and scientific improvement" as directed by the Kansas constitution.

Since 1992, the significant growth in educational costs has not been a result of extravagant local curriculum and program choices, but of state actions to improve performance, particularly for student groups that have traditionally lagged behind, such as special education, at-risk and bilingual students, and expenditures for vocational programs, early childhood education and for student and instructional supports.

5. The Legislature has options to reduce educational costs without shifting the burden to local districts and taxpayers.

Rather than attempting to exclude mandatory programs from its own area of responsibility, the Legislature could reduce the cost and scope of mandatory programs. If state requirements are not part of the

educational interests of the state, they should be repealed. If the Legislature does not want to fund the cost of State Board requirements, it should direct the State Board to repeal them. If the Legislature does not want to fund federal requirements, it should work with the state's Congressional Delegation, the National Conference of State Legislatures and others to change them. If the Legislature believes the cost of meeting ever accelerating student outcomes is impractical or impossible, it should amend current statutes and stop adding new ones.

Failing to stop the increase in mandated educational costs means that **HB 2397** will simply shift that responsibility to local school districts, and require local taxpayers to make up the cost of what the state chooses not to pay. The result will be lower educational attainment, higher property taxes and less equal educational opportunity across the state.

KASB has previously presented information to this committee and others on the improvements in Kansas educational outcomes since the current education article was adopted in 1966. These improvements have been critical to raising Kansas economic output because educational attainment has become increasingly linked to economic security and development. Yet the cost of operating the K-12 system compared to Kansas personal income is actually less than it was in 1966. Kansas needs to provide suitable funding for education now more than ever. KASB does not believe **HB 2397** advances the education interests of the state.

Thank you for your consideration.

***Areas of Instruction Listed in HB 2397**

72-1101. Required subjects in elementary schools. Every accredited elementary school shall teach reading, writing, arithmetic, geography, spelling, English grammar and composition, history of the United States and of the state of Kansas, civil government and the duties of citizenship, health and hygiene, together with such other subjects as the state board may determine. The state board shall be responsible for the selection of subject matter within the several fields of instruction and for its organization into courses of study and instruction for the guidance of teachers, principals and superintendents. (Last amended 1979.)

72-1103. Required courses of instruction; graduation requirements. All accredited schools, public, private or parochial, shall provide and give a complete course of instruction to all pupils, in civil government, and United States history, and in patriotism and the duties of a citizen, suitable to the elementary grades; in addition thereto, all accredited high schools, public, private or parochial, shall give a course of instruction concerning the government and institutions of the United States, and particularly of the constitution of the United States; and no student who has not taken and satisfactorily passed such course shall be certified as having completed the course requirements necessary for graduation from high school. (Last amended 1984)

72-1117. Kansas history and government, required course; duties of state board. (a) The state board of education shall provide for a course of instruction in Kansas history and government, which shall be required for all students graduating from an accredited high school in this state. (b) The state board of education shall prescribe the school year, not later than the 1990-91 school year, in which the requirement of subsection (a) shall become applicable and may provide for such waivers from the requirement as the board deems appropriate. (Last amended 1988)

Public School Regulations, Statutes and Requirements
(This summary for information purposes only)

1 – Index of State Regulations

Kansas State Regulatory Requirements for School Districts (Se Appendix K for full text)	
<ul style="list-style-type: none"> • 91-31-33 Accreditation • 91-31-35 Graduation Requirements • 91-31-34 Staffing • 91-31-34 Student Credit • 91-31-34 Record Retention • 91-31-32 Performance Criteria • 91-31-32 Quality Criteria • 91-31-41 Public Notice of Accreditation • 91-31-36 External Technical Assistance Team • 91-15-1 Staff Policies • 91-15-1 Legal Review • 91-26-1 Food Service Program • 91-26-3 Food Service Program Documentation • 91-26-3 Reimbursement • 91-38-3 Transportation Supervisor • 91-38-3 Driver Training Meetings • 91-38-3 Records Retention • 91-38-2 School Bus Requirements • 91-38-6 Bus Driver Licensing Requirements • 91-38-8 Bus Procedures • 91-38-5 School Bus Inspection • 91-38-4 Restrictions Limiting School Bus Use • 91-38-7 Additional School Bus Procedures • 91-38-9 School Bus Emergency Procedures and Education • 91-40-7 Child Find • 91-40-10 Evaluation of child with exceptionality • 91-40-10 Evaluation report • 91-40-33 Discipline of students with disabilities • 91-40-33 Due Process • 91-40-36 Student with Disability Suspension • 91-40-36 Change in Placement • 91-40-35 Student with Disability Suspension • 91-40-35 Required Services 	<ul style="list-style-type: none"> • 91-40-38 Student with Disability Suspension • 91-40-38 Manifestation Determination • 91-40-28 Mediation • 91-40-24 Parental Consent • 91-40-8 Evaluation Procedures • 91-40-12 Independent Educational Evaluation • 91-40-9 Assessment Instruments • 91-40-3 Hearing Aids • 91-40-3 Testing • 91-40-3 Gifted Children • 91-40-3 Extended School Year Services • 91-40-2 Reevaluation Required • 91-40-25 Access to Records • 91-40-25 Parent Participation • 91-40-27 Parental Consent Required for Evaluation • 91-40-26 Parental Notice • 91-40-26 Translation • 91-40-21 Student with Disability • 91-40-21 Placement • 91-40-21 LRE Required • 91-40-42 Child Find • 91-40-42 Students Enrolled in Private Institutions • 91-40-45 IEP, Services Plan • 91-40-45 Student with Disability Enrolled in Private School • 91-40-47 Transporting private school students for special education services • 91-40-17 Parental Notification • 91-40-17 Parent Participation • 22-18-2 Fire and tornado drills in schools

2– Index of State Statutes

Kansas Statutes Chapter 72. – SCHOOLS

Article 9 – Special Education

K.S.A. 72-965 – State and federal funds; distribution and allocation; payments; adjustments; grants and contributions; early intervening Services

K.S.A. 72-966 – Duties of boards of education in meeting requirements of law; responsibilities of state board of education and other state agencies; interagency agreements; dispute resolution

K.S.A. 72-967 – Methods of compliance with requirements of act; powers and duties of boards of education

K.S.A. 72-971 – Reports by state board; furnishing of data by districts and state agencies

K.S.A. 72-972a – Due process hearing; initiation of; complaint notice; response to notice

K.S.A. 72-973 – Due process meeting; due process requirements; time limitations; access to records; hearing officers

K.S.A. 72-973a – Same; list and appointment of hearing officers; Procedure

K.S.A. 72-975 – Administration of oaths; issuance of subpoenas; extension of time; costs; hearing for additional evidence

K.S.A. 72-976 – Requirements for education of children with disabilities in regular classes, exception; admission to state institutions

K.S.A. 72-979 – Manner of payments determined by state board; disposition; overpayments; underpayments; forms; reports

K.S.A. 72-983 – Catastrophic state aid; computation of amounts; apportionment; limitations

K.S.A. 72-985 – Assessment programs; participation by children with disabilities; reports to public

K.S.A. 72-986 – Initial evaluation of children prior to provisions of services; parental consent; reevaluation; notice; procedure; duties of IEP team; child no longer eligible for services, duties

K.S.A. 72-987 – Individualized education program or family service plan; contents; development; duties of IEP team; IEP meetings; postsecondary goals; transfer of child during school year

K.S.A. 72-988 – Parental rights

K.S.A. 72-989 – Rights of child with disability upon reaching 18 years of age

K.S.A. 72-990 – Notice of parental rights; contents

K.S.A. 72-991a – Change in placement of child with disability to alternative setting as disciplinary action for certain behavior; duties of IEP team and hearing officer; behavioral assessment and intervention plan; determination and review procedure

K.S.A. 72-993 – Same; placement of child during pendency of due process Proceedings

K.S.A. 72-995 – Crimes committed by child with disability, reports to law enforcement and judicial authorities; transmittal of special education and disciplinary records

K.S.A. 72-996 – Dispute resolution through mediation; procedures; list of mediators; costs; time and location; agreements; confidentiality

K.S.A. 72-997 – Transfer of records of an exceptional child when child changes school

K.S.A. 72-998 – Medicaid replacement state aid; computation of amount; limitations

Article 11 – School Attendance, Curriculum and Accreditation

K.S.A. 72-1101 – Required subjects in elementary schools

K.S.A. 72-1103 – Required courses of instruction; graduation Requirements

K.S.A. 72-1106 – School term; exceptions; conditions; employment of noncertificated person

K.S.A. 72-1106b – School term; exceptions not to affect employee contracts; immunity from ability for boards of education.

K.S.A. 72-1107 – Age of eligibility for school attendance

K.S.A. 72-1113 – Same; noncompliance; duties of boards of education, secretary of social and rehabilitation services, county and district attorneys; agreements between secretary and county or district attorneys, duties; notification of absence to parents

K.S.A. 72-1117 – Kansas history and government, required courses; duties of state board

K.S.A. 72-1123 – Same; providing instruction to all students

K.S.A. 72-1124 – Same; individualized education plan

K.S.A. 72-1127 – Accredited schools; mandatory subjects and areas of instruction; legislative goals

Article 12 – Hearing Tests

K.S.A. 72-1205 – Free tests required; when and by whom tests performed; reports to parents

K.S.A. 72-1206 – Forms and records

Article 13 – Teachers’ Certificates

K.S.A. 72-1390 – Payment of salaries unlawful, when

K.S.A. 72-1398 – National board for professional teaching standards certification incentive program

Article 14 – Mentor Teacher Programs

K.S.A. 72-1413 – Establishment and maintenance authorized; state grants, application, award, reports

Article 19 – Charter Schools

K.S.A. 72-1908 – Transportation of pupils

K.S.A. 72-1910 – Technical advice and assistance; evaluation of charter schools; compilation of evaluations and submission to governor and legislature

Article 36 – Parent Education

K.S.A. 72-3604 – Development and operation of programs authorized; interlocal and cooperative agreements; contracts; grants of state moneys, application and eligibility requirements; reports

Article 37 – Technology Education

K.S.A. 72-3714 – Same; teacher training programs

K.S.A. 72-3715 – Same; determining full-time equivalent enrollment; state aid; virtual school fund

Article 41 – School Textbooks

K.S.A. 72-4107 – Free textbooks authorized to be provided by school districts; revolving fund for textbooks authorized

K.S.A. 72-4107 – Free textbooks required, when

K.S.A. 72-4142 – Same; no-fund warrants or tax levies to purchase textbooks

Article 45 – Adult Education Programs

K.S.A. 72-4520 – Basic education programs; establishment and operation by local boards; standards and criteria; cooperative agreements

K.S.A. 72-4521 – Establishment/operation agreements state board; approval of applications/programs

K.S.A. 72-4525 – Supplementary education programs; establishment; maintenance; tuition, fees; fund, establishment and sources; expenses

K.S.A. 72-4526 – Teacher qualifications; certificate of accomplishment; regulations; participation by nonresidents; authority of teachers and administrators

Article 50 – Driver Training

K.S.A. 72-5017 – Same; rules and regulations by state board; list of schools conducting driver training courses; eligibility

Article 51 – Food Service Programs

K.S.A. 72-5118 – Determination of amounts; reports; payments

K.S.A. 72-5119 – Food service fund established; sources; expenses; unlawful transfers; nonpublic schools, fund accounting

K.S.A. 72-5120 – Appointments of authorized representatives responsibilities

K.S.A. 72-5125 – School breakfast programs

Article 52 – Health Programs

K.S.A. 72-5201 – Annual free dental inspection; exceptions

K.S.A. 72-5202 – Inspectors; regulations

K.S.A. 72-5205 – Basic vision screening required, exception, eye examination for conditions impairing reading ability

K.S.A. 72-5209 – Same; certification of completion required, alternatives; duties of school board

K.S.A. 72-5213 – Certification of health; form and contents; expense of obtaining; alternative certification

K.S.A. 72-5215 – Information on immunizations applicable to school age children

Article 53 – Miscellaneous Programs

K.S.A. 72-5308 – Patriotic exercises; flag etiquette; observation of holidays

K.S.A. 72-5386 – School records of pupils, withholding prohibited; school district property, return or payment

for, exception

K.S.A. 72-5393 – Same; conditions for provision; location; transportation

K.S.A. 72-53,106 – Pupil identification; proof required upon first enrollment in a school; duties of school and law enforcement agencies

Article 54 – Teachers' Contracts

K.S.A. 72-5410 *et seq.* – Negotiations

K.S.A. 72-5437 – Continuation of teachers' contracts; notice of termination/nonrenewal; change of terms.

K.S.A. 72-5446 – Abridgement of constitutional rights; procedure for Determination

K.S.A. 72-5438 – Teachers' contracts; notice of nonrenewal or termination, contents; request for hearing; hearing officers, list, selection, qualification, eligibility.

K.S.A. 72-5439 – Due process hearing; time for commencement; procedural Requirements

K.S.A. 72-5452 – Notice of nonrenewal or rejection of administrator's contract; change of terms

Article 62 – Federal Funds

K.S.A. 72-6214 – Federal laws and regulations; right of privacy policies definitions

Article 64 – School District Finance and Quality Performance

K.S.A. 72-6414 – At-risk pupil weighting; use of moneys derived from weighting; required expenditures for mastery of basic reading skills, exemption

K.S.A. 72-6419 – Certification of enrollment data and budget

K.S.A. 72-6439 – School performance accreditation system; pupil assessments; curriculum standards, establishment and review by state board; performance levels to represent academic excellence; school site councils

Article 64c – State Aid to School Districts

K.S.A. 72-64c01 – Sixty-five per cent of moneys to be spent on Instruction

Article 67 – School Unification Acts

K.S.A. 72-6760 – School district expenditures over \$20,000; requirements relating to bids and bidders; exemptions

K.S.A. 72-6761 – General obligation bonds; purpose for issuance; when election required; contest of validity; limitations; temporary notes, tax

Article 75 – State Board of Education

K.S.A. 72-7534 – Basic reading skills; mastery program; report to legislature.

K.S.A. 72-7538 – Disability history and awareness; objectives, guidelines and goals.

Article 82 – Organization, Powers and Finances of Boards of Education

K.S.A. 72-8201c – Contracts; mandatory provisions

K.S.A. 72-8202a – Boards of education; president and vice-president; election; terms of office; duties

K.S.A. 72-8202b – Superintendent of schools; assistant superintendents; supervisors; principals; appointment and powers

K.S.A. 72-8202c – Clerk; appointment and duties

K.S.A. 72-8202d – Treasurer; appointment and duties; surety bond required

K.S.A. 72-8204a – Annual budget and tax levy; certification

K.S.A. 72-8204c – Budget/summary proposed budget; notice of availability; needs assessment of attendance centers

K.S.A. 72-8204d – Profile of school district; contents; notice of availability

K.S.A. 72-8205 – Boards of education; meeting times; quorum; abstention from voting; general powers; legal counsel for officers and employees.

K.S.A. 72-8212 – Kindergarten, grade and unit of instruction requirements; alternative provision; general powers of boards; attendance subdistricts; disposition of unneeded property; acquisition of property

K.S.A. 72-8220 – Same; annual notice to county clerk

K.S.A. 72-8221 – Same; transfer of final balance

K.S.A. 72-8231 – Academic achievement testing program; report

K.S.A. 72-8241 – Inventory of community services; recommendations for further services

K.S.A. 72-8248 – Special liability expense fund; uses of money

K.S.A. 72-8249 – Special reserve fund; uses of money

K.S.A. 72-8250 – Textbook and student materials revolving fund; uses of money

K.S.A. 72-8252 – Policies to allow student to self-administer certain Medication

K.S.A. 72-8253 – Compilation and report of expenditures; verification by department.

K.S.A. 72-8254 – Reporting of expenditures to state board

K.S.A. 72-8256 – Bullying, school district policies

Article 83 – Transportation of Students

K.S.A. 72-8302 – Transportation of pupils; authorization to provide or furnish; required under certain conditions; suspension or revocation of privilege or entitlement under certain circumstances; fees, authorization to prescribe and collect, limitations, disposition

K.S.A. 72-8306 – Transportation of nonpublic school pupils

K.S.A. 72-8308 – Compliance with uniform act regulating traffic on highways; additional regulation

K.S.A. 72-8318 – Transportation of pupils; use of school bus required; when.

Article 89 – Suspension and Expulsion of Pupils

K.S.A. 72-8902 – Duration of suspension or expulsion; notice; hearings, opportunity afforded, waiver, time, who may conduct

K.S.A. 72-8903 – Procedural due process requirements; record of appeal, costs; report of findings and result of hearing; information regarding behavior improvement programs

K.S.A. 72-8904 – Notice of hearing results; appeal to board of education; hearing officers; procedure

K.S.A. 72-8906 – Powers and duties of person conducting hearings

Article 89a – Weapon-Free Schools

K.S.A. 72-89a02 – Policies requiring expulsion of pupils for possession of weapons, adoption, filing; hearings; modification of requirement authorized; referral procedure; annual report; circumstances when policy not applicable

Article 89b – School Safety and Security Act

K.S.A. 72-89b03 – Information regarding identity of specified pupils, disclosure requirements; criminal acts, reports to law enforcement agencies and state board of education; school safety and security policies, availability; civil liability, immunity

Article 89c – School Safety Violations, Suspension of Driving Privileges

K.S.A. 72-89c02 – Suspension or revocation of driver's license or privilege upon certain school safety violations; procedure

Article 90 – Evaluation of Certified Personnel

K.S.A. 72-9003 – Policy of personnel evaluation; adoption; forms; contents; Time

K.S.A. 72-9004 – Evaluation policies; criteria; development; procedure; evaluation required prior to contract nonrenewal

K.S.A. 72-9005 – Evaluation documents; presentation to employee; acknowledgement; limited availability

Article 91 – Traffic and Parking on School Grounds

K.S.A. 72-9101 – Motor vehicles on school grounds; parking; permits and misuse of areas; penalties

Article 95 – Bilingual Education

K.S.A. 72-9502 – Standards and criteria; qualified teachers

K.S.A. 72-9509 – Bilingual education fund; establishment; sources; reports to the state board

Article 96 – State Inservice Education Opportunities

K.S.A. 72-9604 – Boards of education required to establish and maintain programs; standards and criteria; methods of compliance

3 – State-Required Annual and Additional Notices

Kansas School District Required Annual Notices	
<p>February 1 - Notice must be given to negotiate on new items or to amend contract. K.S.A. 72-5423.</p> <p>Third Friday in May - The Board must give written notice of intent to terminate or non-renew a teacher's or administrator's contract. K.S.A. 72-5411, K.S.A. 72-5437, K.S.A. 72-5452</p> <p>May 15 - The Board will notify parents of the provisions of the immunization act and any board policies. K.S.A. 72-5209.</p> <p>June 1 - Statutory declaration of impasse date. K.S.A. 72-5413.</p> <p>June - Fourteen days after the third Friday in May, teachers and administrators have until this day to give written notice that they do not wish to continue their contracts. K.S.A. 72-5411, K.S.A. 72-5452</p> <p>June 30 - Last day of the fiscal year. K.S.A. 72-8204.</p> <p>July Board Meeting - Elect the President and Vice-President, set the regular meeting times and dates, and meeting place. K.S.A. 72-8202a, K.S.A. 72-8205.</p> <p>July 15 - Parent or guardian of a student that lives 10 miles or more from the school can apply to have transportation to and from school to the sending school district. K.S.A. 72-1046b.</p> <p>August 1 - Give the state board social security numbers and other information that they require of each person that has completed a vocational education program operated by the vocational education institute or proprietary school during the preceding fiscal year. K.S.A. 72-4452.</p> <p>August 25 - Certify to the state board a copy of the district's budget. K.S.A. 72-6419.</p> <p>August 31 - If a child reaches the age of six (or 5 for kindergarten) on or before this date, the child is eligible to attend school. K.S.A. 72-1107.</p> <p>September 1 - The board shall designate a person by this date that will report to the secretary of social and rehabilitation services and that person will be in contact with the secretary when any child that is supposed to attend school under law is not in attendance. K.S.A. 72-1113.</p> <p>September 1 - Report by any association with a majority of high schools as members. The report is for the preceding calendar year and contains a complete and detailed financial statement. K.S.A. 72-130.</p> <p>September 15 - If a local board adopts a policy that the school term will be in hours instead of days, it has until this day to notify the state board. K.S.A. 72-1106.</p> <p>September 20 - Determine the total number of full-time equivalent pupils in the school district. K.S.A. 72-978.</p> <p>October 10 - Superintendent or clerk shall send a report to the state board showing the total enrollment by grade, post secondary education enrollment, vocational education enrollment, special education enrollment, bilingual education enrollment, and at-risk pupil enrollment. K.S.A. 72-6419.</p>	
<p>Additional Notifications</p> <ul style="list-style-type: none"> • Notice of School Board Meetings • Bond Election Notices • Published Resolution of a Lease-Purchase Agreement • Notice of School District Elections • School Board Vacancy Notices • Publication of a Tax Levy • School Building Bonds 	<ul style="list-style-type: none"> • Local Option Budget • Closing School Buildings • Transfer of School District Territory • Notice of Exclusion for Failure to Immunize Students • Suspension and Expulsion • Educational Placement for Children with Disabilities • IEP Team Meetings

4 – Federal Requirements

Federal Requirements for School Districts – Employee Rights	
<p>CONSTITUTIONAL RIGHTS First Amendment Freedoms/Freedom of Speech/Speech Protected by the First Amendment</p> <ul style="list-style-type: none"> • Prior Restraints on Speech • Freedom of Association • Political Affiliation • Union Activity • Personal Relationships • The Religion Clauses • The Free Exercise Clause • The Establishment Clause • Religious Expression of Employees • Fourth Amendments Rights • Searches of Employee Property • Consequences of an Illegal Search • Drug or Alcohol Testing of Employees 	<p>STATUTORY AND CONTRACTUAL RIGHTS</p> <ul style="list-style-type: none"> • FAIR LABOR STANDARDS ACT • THE KANSAS WAGE PAYMENT ACT • FAMILY AND MEDICAL LEAVE ACT • OTHER EMPLOYEE LEAVE PROVISIONS • UNEMPLOYMENT INSURANCE • WORKERS COMPENSATION • COORDINATING EMPLOYEE BENEFITS • SECTION 125 EMPLOYEE BENEFIT PLANS <p>DISCRIMINATION LAWS</p> <ul style="list-style-type: none"> • THE AMERICANS WITH DISABILITIES ACT OF 1990 • SECTION 504 OF THE REHABILITATION ACT OF 1973 • TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 • TITLE VII OF THE CIVIL RIGHTS ACT OF 1964 • TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 • EQUAL PAY ACT OF 1963 • KANSAS ACTS AGAINST DISCRIMINATION • SEXUAL HARASSMENT
NCLB and Other Federal Requirements	
<p>ANNUAL FEDERAL NOTICES No Child Left Behind Act</p> <ul style="list-style-type: none"> • Annual report cards • Progress reviews • Schools identified for school improvement corrective action, or restructuring • Parental involvement policies • State education agency complaint procedures • Teacher and paraprofessional qualifications • Non-highly qualified teachers • Student achievement information • Meeting and information and on Title I, Part A • A variety of information about the status of English language learners 	<p>ADDITIONAL FEDERAL REQUIREMENTS</p> <ul style="list-style-type: none"> • Federal Education Rights and Privacy Act • Protection of Pupil Rights Amendment • Child Nutrition Programs • The McKinney Vento Act • The Asbestos Hazard Emergency Response Act • Title IX • Individuals with Disabilities Education Act • Health Insurance Portability and Accountability Act

5 – Kansas State Department of Education

Kansas State Department of Education (KSDE) – Curriculum	
Assessed Standards: <ul style="list-style-type: none"> • Mathematics • Reading • Social Studies • Science • Writing • English To Speakers of Other Languages 	Model Standards: (Non-Assessed) <ul style="list-style-type: none"> • Communication • Dance and Creative Movement • Driver Education • Environmental Education • Health Education • Library Media and Technology • Music • Physical Education • School Counseling • Theatre • Visual Arts • World Languages
21st Century Skills Please refer to http://www.p21.org/ for additional information.	
Kansas Course Codes <ul style="list-style-type: none"> • 2010-2011 KCCMS File Specifications • District Assurance Certificate • Import File Layout • Kansas Course Code Levels • Kansas Course Code Management System Training • Kansas Course Code Management System User Guide • Kansas Course Codes (Secondary School Course Classification System: School Codes for the Exchange of Data) • Private and Special Purpose School Assurance Letter • VE2 Suggested Course Mapping for the KCC 	
KSDE- Budget Packet Documents	
Manuals <ul style="list-style-type: none"> • 18E Instruction Manual5/20/2010 • 2010 Counting KIDS Workshops7/26/2010 • 2010-11 Driver's Ed Reimbursement Application Manual11/24/2010 • 2010-11 JDC User's Guide11/15/2010 • 2010-11 PBR Report-Blank Form9/7/2010 • 2010-11 PBR User's Guide9/13/2010 • 2010-11 SO66 User's Guide9/13/2010 • 2010-11 SO66-Blank Form9/7/2010 • Counting KIDS Handbook 2010-117/26/2010 	
Guidelines <ul style="list-style-type: none"> • 1,116 Hours School Year Requirement2/4/2011 • Building Needs Assessment (Academic)6/17/2010 • Capital Outlay Guide10/7/2010 • Child Care Facility Licensure Requirements6/17/2010 • Compulsory Attendance and Dropout Form (K.S.A. 72-1111)9/24/2010 • Department of Administration Division of Purchases6/17/2010 • Fair Labor Standards Act4/24/2009 • Fuel Excise Tax7/8/2009 • Guideline for Financial Reporting6/10/2010 • Investment of Idle Funds (Includes Local Public Funds Deposits)4/24/2009 • IRS Rules on Meal Reimbursement4/24/2009 • Kansas Accounting Handbook4/24/2009 • Kansas Department of Administration Division of Accounts and Reports Municipal Services • Kansas Retailer's Sales Tax Exemptions4/24/2009 	

<ul style="list-style-type: none"> • Proper Treatment of Retirement Incentive Payments6/9/2009 • Qualified Zone Academy Bonds6/17/2010 • Record Keeping Requirements4/24/2009 • School Bond Guide9/21/2009 • Selecting Quality Internet Classes4/24/2009 • Tax Guide for Schools and Educational Institutions6/17/2010 	
KSDE - Credit Card Guidelines	
<ul style="list-style-type: none"> • Credit Card Purchase Log (Sample Form)4/24/2009 • Credit Card Responsibilities (Sample Document)4/24/2009 • Credit Card User Agreement (Sample Form)4/24/2009 • Credit Card User Authorization (Sample Form)4/24/2009 • Tips and Resources for Safe Online Purchasing4/24/2009 	
KSDE – Wellness Policies	
<ul style="list-style-type: none"> • <u>Background Information</u> about the laws governing wellness policy requirements and the process used to develop the Kansas model guidelines. • <u>How to Implement a School Wellness Policy</u> - Step-by-step instructions on how to develop and implement an effective policy. It includes a link to the Quick Reference for KSDE's online Wellness Policy Builder. • <u>Wellness Policy Guidelines Booklet</u> - This publication provides background information and the complete wellness policy guidelines for all components of school nutrition, nutrition education and physical activity. Highlighted wording intended to clarify the vending guidelines was added on June 24, 2010. These clarifications do NOT change any aspect of the guidelines. • <u>Vending Guidelines</u> - All accredited K-12 schools in Kansas must implement the advanced level of the Kansas School Wellness Policy Model Guidelines for vending machines by August 1, 2010, and implement the exemplary level by August 1, 2011. Highlighted wording intended to clarify the vending guidelines was added on June 24, 2010. These clarifications do NOT change any aspect of the guidelines. • <u>Questions and Answers about Implementation of the Vending Guidelines - Revised 7/20/10</u> • <u>Wellness Policy Implementation Plans - Microsoft Word Templates</u> • <u>Nutrition Calculators</u> - This series of Microsoft Excel spreadsheets evaluate calorie, fat and sugar content of products in comparison to the Kansas School Wellness Policy Model Guidelines. • <u>Creating Healthier Schools Brochures</u> - This series of brochures can be downloaded and duplicated for local use. • <u>Resources from Other Organizations</u> • <u>Comparison of 2006 & 2009 Wellness Policy Statewide Aggregate Data</u> 	
Cark Perkins Act of 2006: The Official Guide	
<ul style="list-style-type: none"> • Mission and Responsibilities • Career and Technical Education Forms and Documents • CTE Consultants • Listserv Registration for Technical Education • Career Cluster Guidance Handbook – DRAFT – 12/15/10 Edition 	
<u>Carl D. Perkins Federal Accountability</u> <ul style="list-style-type: none"> • High Schools That Work (HSTW) • Non-Traditional Careers • CTE Student Organizations (CTSO) • Math-In-CTE • CTE Podcasts <u>16 Career Clusters</u> <ul style="list-style-type: none"> • Agriculture, Food & Natural Resources • Architecture & Construction • Arts, Audio/Video Technology, & Communications • Business & Administration 	<ul style="list-style-type: none"> • Education & Training • Finance • Government & Public Administration • Health Science • Hospitality & Tourism • Human Services • Information Technology • Law, Public Safety, Corrections & Security • Manufacturing • Marketing • Science, Technology, Engineering & Mathematics • Transportation, Distribution, & Logistics

6 – Kansas Board of Regents

Kansas Board of Regents			
Qualified Curriculum		Scholars Curriculum	
English 9	1	English 9	1
English 10	1	English 10	1
English 11	1	English 11	1
College Prep English 12	1	College Prep English 12	1
Chemistry or Physics	1	Biology	1
Courses selected from		Chemistry of Physics	1
Biology, Advanced Biology,			
Chemistry, Anatomy and		Algebra	1
Physiology, Botany/		Geometry	1
Environmental Science or		Advanced Algebra	1
Physics	2	Advanced Math (FST or Higher)	1
Algebra	1		
Geometry	1	World History	1
Advanced Algebra		Civics	0.5
(3 unites of math, Algebra I		U.S. History	1
and Above)		American Government	0.5
Middle School math			
will NOW apply	1	Computer or pass a	
		proficiency exam at	
World History	1	a Regents University	1
Civics	0.5	Foreign Language	
U.S. History	1	(2 years of one language)	2
American Government	0.5		



House Education Budget Committee
Rep. Gordon, Chair

H.B. 2397 – educational finance provision

Submitted by: Diane Gjerstad
March 28, 2011

Madame Chair and members of the committee:

H.B. 2397 would seek to limit state funding provisions of education approved by the legislature as first meeting the educational interests of the state as defined in K.S.A. 72-1101 requirements for elementary schools including reading, writing, arithmetic, geography, spelling, history, government citizenship and health; K.S.A. 72-1103 government; K.S.A. 72-1117 Kansas history; and K.S.A. 76-717 commonly referred to as the Regents' curriculum. Finally, the bill excludes any educational programs districts are required to provide by federal law. We oppose this bill which would narrow the state's responsibility for funding Kansas schools.

The Kansas constitution and territorial organizational documents clearly demonstrate the importance of education during Kansas' establishment as a territorial and into statehood. From statehood public education as been a principal duty of the legislature. The state constitution provides for broad goals and financing in Article VI:

Article VI, section 1. **Schools and related institutions and activities.** The legislature shall provide for intellectual, educational, vocational and scientific improvement by establishing and maintaining public schools, educational institutions and related activities which may be organized and changed in such manner as my be provided by law.

Section 6. **Finance.** (b) The legislature shall make suitable provision for finance of the educational interests of the state.

Because the constitutional protections for a number of student groups, most prominently students with disabilities, are largely found in federal statute and case law, section 1 (c) would seem to exclude from their constitutional rights for a free and appropriate public education from the state's responsibility for funding public schools under H.B. 2397. Wichita Public Schools educates nearly 8000 students with disabilities. State and federal funding is not adequate to meet the costs of providing an education to special education students. As a result the district annually transfers nearly \$20 million from the general fund to cover the excess costs not covered by state or federal funding. This bill would not recognize the state's responsibility to fund special education students.

House Education Budget Committee
Date: March 28, 2011
Attachment #: 4

Financial costs of educating students are not limited to strictly the curriculums found in the statutes referenced in section 1 (a). The costs of education include providing and maintaining school buildings, safe transportation of students, student health (school nurses), safety (security) and environmental surroundings. Today's school buildings are required by federal and state regulations to meet a number of safety criteria including building codes, air quality standards, water quality standards, asbestos, bus regulations, and storage of chemicals to name a few. State funding resources are required to provide not only the strict letter of curriculum requirements but also the safe, secure facilities within our students learn. Those expenditures are part of the adequacy of the educational experience and should not be ignored when evaluating state funding for schools.

Another example of a federal mandate omitted in H.B. 2397 is Section 504, a civil rights law, protecting students or staff with a disability affecting a major life activity. Districts are required to provide accommodations, however there is no federal or state funding to cover the costs. This mandate would be excluded from the state's responsibility for funding under H.B. 2397.

Career and Technical Education, an issue this legislature has voiced strong support, is structured under federal guidelines. New federal rules are requiring reconfiguring the entire CTE delivery system and course guidelines. Under the provisions of this bill, those costs incurred for new classes and technology to meet Career Clusters criteria would not be a state responsibility to fund.

Schools cannot ignore federal laws such as students with disabilities or Section 504. Schools must meet the educational requirements of *all* students; we cannot "opt out" of high cost regulations or laws.

The bill would ignore the basic costs involved in running any organization, including school districts, such as human resources, insurance, risk management, repair and maintenance, technology, or administration. The bill appears to also exclude librarians, libraries, fine arts, and athletics from state funding requirements.

A *system* of public schools where the educational needs of all students can be met is not one which can ignore federal requirements or the operational costs of an effective school. The duty to establish, maintain and finance public schools is the duty of the legislature.

Why should Kansans care about this debate? Because we are debating our state's economic future.

In December the CEO of Hawker Beechcraft spoke to then-Governor Parkinson during a press conference announcing the company's commitment to Wichita and Kansas. He said, "To be successful we must have the right product and the right people". **The 2010 Kansas Economic Report** projects the largest growth rates looking forward to 2018 are in occupations that require more advanced education and training. The largest growth is projected among occupations requiring a doctoral degree, followed closely by those that require an associate degree and those requiring masters. This is indeed good news for our state and is likely, in part, a reflection of the legislature's decision to invest tens of millions into bio-technology research and expansion. Our state's ability to fill those jobs will come from within our public schools. Jobs requiring post-secondary education cannot be adequately filled by short-changing K-12. Today's bill would seek to reduce the state's commitment to today's classrooms where tomorrow's scientists, engineers, and manufacturers are learning.

Madame Chair, strong economies with staying power require highly skilled workers. Today's bill is not an investment in tomorrow's economy. We urge the committee to reject H.B. 2397. Thank you.

House Education Budget Committee

Testimony on HB 2397

Delivered by: Mike Mathes, Superintendent, Seaman USD 345

March 28, 2011

Thank you for the opportunity to appear today in opposition to HB 2397. Accountability for preparing students for post-secondary education and the workforce has never been higher. At both the federal and state levels, Kansas has supported policies that increase expectations for student performance, establish rigorous goals for student outcomes and ensure each child receives a quality education.

We recognize that there is a lot of interest in discussing how education is funded and talking about the state's total contribution to education. However, as you consider HB 2397, administrators would encourage you to consider:

- When the State Board of Education and Board of Regents increases requirements and strengthens outcomes for schools and students, there are increased costs and they would likely still be covered by the statutes included in this bill.
- The potential loss of federal dollars should we not meet the requirements and expectations set forth in federal law.

Kansas requirements: curriculum and instruction

The State Board of Education and the Board of Regents have clearly stated roles in determining the academic requirements and measurable outcomes for students. When the State Board of Education and Board of Regents increase requirements and strengthen outcomes for schools and students, there are increased costs and they would likely still be covered by the statutes included in this bill.

K.S.A. 72-1101 delineates specific requirements for elementary education, but then states "...together with such other subjects *as the state board may determine.*" This same statement is carried forward and applied in 72-1103 and 72-1117. Certainly, there are other subject areas that the State Board has deemed necessary and appropriate; for example, career and technical education programs are important to a large number of our students. In fact, even the Board of Regents has included those courses in the menu of electives for Qualified Admissions.

Every seven years, the Kansas State Department of Education reviews and modifies the assessed standards. Reading, mathematics, writing and history are all either being reviewed or are scheduled for review this year. This review cycle coincides with the recent adoption of the **Common Core Standards**.

Kansas is one of forty-one states that has adopted these more rigorous standards. The Common Core standards are designed to be relevant to the real world, reflecting the knowledge and skills that our students need for success in college and the workforce. The State Department of

House Education Budget Committee

Date: March 28, 2011

Attachment #: 5

Education (KSDE) is currently rewriting state standards for math and language arts and will be phasing in new state assessments over the next three years. This will require new textbook adoptions, instructional support materials and professional development.

At the same time, K.S.A. 76-717, Section 9(b) states that “the board of regents may prescribe a precollege curriculum which includes, *but need not be limited to*, four units of English, three units of mathematics, three units of social studies and three units of natural science.” Recently, the Kansas Board of Regents amended the Qualified Admissions criteria. Effective this Fall, high school freshman will be required to meet additional math requirements prior to graduation to meet the Qualified Admissions criteria.

The point is that when we increase requirements and strengthen outcomes for our schools and students, there is an increased cost.

Federal requirements: goals and mandates

As administrators, we share your frustration that the funding for federal education programs has not been commensurate with the goals and mandates set forth in law. We recognize that this results in additional burdens on the state and on local school districts.

However, the decision to exclude federal requirements when determining the adequacy of the state’s provision for finance does not change the fact that school districts must comply with federal law. Failure to comply with federal requirements would likely result in a loss of federal funds and other sanctions.

The following two federal programs are examples of where we most often refer to being “under” funded:

- **No Child Left Behind (NCLB)** demands that 100 percent of our students demonstrate proficiency in math and language arts by 2014 – this includes our at-risk, special education, and non-English speaking students. The State Accountability Plan, approved by the U.S. Department of Education, establishes benchmarks that increase annually.
- **Individuals with Disabilities Act (IDEA)**. IDEA has included a commitment by the federal government to pay 40 percent of the average per student cost for every special education student since it was first passed in 1975. At no time since then, has the federal government met that goal of 40 percent.

Regardless of whether Congress appropriates sufficient funds for these programs, schools throughout Kansas will continue to instruct and assess students; we will continue to provide services to those students with special needs.

In addition to these programs, there are many others – some academic and some administrative – that are either unfunded or under-funded.

Again, I appreciate the opportunity to speak with you today. Administrators remain committed to working with you to address your concerns in a way that is ultimately beneficial to the public school students of Kansas.