

SESSION OF 2013

**CONFERENCE COMMITTEE REPORT BRIEF
HOUSE BILL NO. 2261**

As Agreed to April 3, 2013

Brief*

HB 2261 would create “Celebrate Freedom Week” in public schools for kindergarten and grades one through eight, extend fund flexibility for public school districts, and amend current law related to school districts’ bullying policies.

Celebrate Freedom Week

The bill would designate the week containing September 17 (or any other full school week as determined by the local school board) as “Celebrate Freedom Week,” during which public schools would be required to teach to grades kindergarten through eight the history of the country’s founding, with particular emphasis on the *Declaration of Independence* and the *U.S. Constitution*. The bill would prohibit censorship of religious references in the writings of the founding fathers when presented as part of the instruction.

On or before December 31, 2013, the State Board of Education would be responsible for adopting rules and regulations to require history and government curriculum for grades kindergarten through eight that includes instruction on the meaning and context of the *Declaration of Independence* and the *U.S. Constitution*, including their relationship to the nation’s diversity by way of immigration; major wars; and

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social movements in American history. The State Board of Education, along with other volunteers, would be required to promote “Celebrate Freedom Week”.

Fund Flexibility

The bill would allow a school district to continue to transfer unencumbered cash balances for the 2013-2014 school year and each school year thereafter for general operating expenses of the district from each of the following funds: at-risk education, bilingual education, contingency reserve, professional development, summer program, one-third of textbook and student materials, one-third of special education, virtual school, and vocational education. The maximum amount allowed to be transferred from the unencumbered funds could not exceed \$250 multiplied by the adjusted enrollment of the district.

The bill would state the public policy goal of the State of Kansas is at least 65 percent of the aggregate of all unencumbered balances authorized for expenditure by the bill would be expended in the classroom or for instruction as defined in KSA 72-64c01.

The bill would remove any cap on the amount of moneys that could be maintained in the contingency reserve fund. (Current law allows a district to keep up to 10 percent of the district’s general fund budget in a contingency reserve fund.)

The bill would require the superintendent of a school district to report the unencumbered balances in each of the funds named in the bill to the local board of education at the board’s July meeting, and to the State Board of Education by July 15 of each year.

Policies Regarding Bullying

Finally, the bill would amend current law related to school district policies on bullying. Current law defines

“bullying” as an intentional gesture or threat creating an intimidating environment for a student or staff member. The bill would clarify the definition of bullying to mean any threat by a student, staff member, or parent toward a student or by any student, staff member, or parent toward a staff member. The bill would define “parent” to include a guardian, custodian, or other person with authority to act on behalf of a child. The bill would define “staff member” to mean any person employed by the school district. Finally, the bill would require these changes be reflected in the school districts’ policies and plans to address bullying.

Conference Committee Action

The Conference Committee amended HB 2261 to require the superintendent of a school district to report the unencumbered balances in each of the funds named in the bill to the local board of education at the board’s July meeting (rather than the June meeting), and to the State Board of Education by July 15 of each year (rather than June 30).

The Conference Committee agreed to insert provisions establishing Celebrate Freedom Week (HB 2280) to the bill and amended the provisions by making them applicable only to grades kindergarten through eight.

Finally, the Conference Committee agreed to insert provisions relating to school districts’ bullying policies to the bill (HB 2222).

Background

HB 2261 was introduced as a continuation, in perpetuity, of school districts’ fund flexibility first put into place for the 2011-12 school year. Proponents of the bill included representatives of the Kansas Association of School Boards, Kansas Policy Institute, and United School Administrators of Kansas. A representative of the Wichita School District

presented neutral testimony. There were no opponents.

The House Committee amended the bill by removing a requirement that 65 percent of the aggregate of all unencumbered balances authorized to be expended by the bill be spent in the classroom or for instruction. Instead, the Committee added a statement indicating the 65 percent was a “public policy goal.”

Proponents at the Senate Committee hearing included representatives of the Kansas Association of School Boards, the Kansas Policy Institute, and the United School Administrators of Kansas. No neutral or opposing testimony was received.

The Senate Committee amended the bill by requiring the school district superintendent’s report on unencumbered balances be sent to the State Board of Education.

The fiscal note by the the Division of the Budget, on the bill as introduced, stated enactment of the bill would have no effect on state aid payments to school districts.

HB 2280 – Celebrate Freedom Week – was introduced by Representative Meigs and cosponsored by multiple representatives. Representative Meigs provided testimony in support of the bill. A board member from the Mainstream Coalition appeared as an opponent of the bill at the House Committee hearing.

The House Committee on Education amended the bill to require the State Board of Education adopt rules and regulations on or before December 31, 2013. The original bill had required the adoption of rules and regulations on or before December 31, 2014. A technical amendment also was made.

The fiscal note from the Division of the Budget on the bill, as introduced, indicated the bill would have no fiscal effect.

HB 2222, related to school district's bullying policies, was introduced by the House Committee on Education. Proponents of the bill included four parents, two students, and a special education advocate/developmental disability case manager. A representative of the Kansas Association of School Boards also was a proponent *via* written testimony. Neutral testimony was provided by representatives of the Kansas Children's Service League and Kansas National Education Association. There were no opponents.

The House Committee amended the bill to specify that threats against a student or staff member by a staff member or parent would be clearly delineated in school districts' bullying policies and plans.

The fiscal note by the Division of the Budget on the original bill indicated the bill would have no fiscal effect.

Education; Celebrate Freedom Week; bullying policies

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