

STATE OF KANSAS

SENATE CHAMBER

MADAM PRESIDENT:

I move to amend **Substitute for SB 269**, on page 9, following line 28, by inserting:

"(b) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

Office of education inspector general.....\$228,300

Provided, That all expenditures from the office of education inspector general account of the above agency shall be for the establishment of an office of education inspector general under the direction and supervision of the state treasurer and to establish a full-time program of audit, investigation and performance review to provide increased accountability, integrity and oversight of elementary and secondary public education and the implementation and execution of the Kansas school equity and enhancement act, K.S.A. 72-5131 et seq., and amendments thereto, to assist in improving department of education and school district efficiency, and to assist in deterring and identifying waste, misuse of funds and illegal acts: *Provided further*, That the education inspector general shall be appointed by the state treasurer, shall serve at the pleasure of the state treasurer and shall be assigned specific duties by the state treasurer: *And provided further*, That such duties may include, but not be limited to, overseeing, auditing, investigating or making performance reviews of various aspects of public elementary and secondary education in Kansas, including, but not limited to, the implementation and execution of the Kansas school equity and enhancement act, K.S.A. 72-5131 et seq., and amendments thereto, or any distribution or formula for distribution of state moneys to the department of education, state board of education or any school district: *And provided further*, That the education inspector general shall be independent and free from political influence and selected without regard to political affiliation and on the basis of integrity and capacity for effectively carrying out the duties of the office of education inspector general: *And provided further*, That the education inspector general shall possess demonstrated knowledge, skills, abilities and experience in conducting audits or investigations and shall be familiar with the programs subject to oversight by the office of education inspector general: *And provided further*, That the education inspector general shall exercise independent judgment in performing the duties of the office of education inspector general: *And provided further*, That no former or current manager of any agency subject to oversight by the office of education inspector general may be appointed education inspector general within two years of that individual's period of service with such agency: *And provided further*, That the education inspector general shall hold at the time of appointment certification as a certified inspector general from a national organization that provides training to inspectors general: *And provided further*, That the education inspector general shall be in the unclassified service and shall receive an annual salary in an amount equal to the annual salary paid by the state to the state treasurer: *And provided further*, That the education inspector general shall have general managerial control over the office of education inspector general and shall organize the office as the education inspector general deems appropriate to carry out the responsibilities and functions of

the office: *And provided further*, That the state treasurer may hire such employees in the unclassified service as are necessary to administer the office of education inspector general: *And provided further*, That the education inspector general may obtain the services of certified public accountants, qualified management consultants, professional auditors or other professionals necessary to independently perform the functions of the office: *And provided further*, That the education inspector general or any employee of the office of education inspector general shall have access to all pertinent information, confidential or otherwise, except for personally identifiable student data, and to all personnel and facilities of a school district, state agency and any local governmental agency that are necessary to perform the duties of the office: *And provided further*, That school districts, state agencies and local governmental agencies shall provide the education inspector general requested information, assistance or cooperation: *And provided further*, That the education inspector general shall have the power to compel by subpoena the attendance and testimony of witnesses and the production of documents, electronic records and papers directly related to any audit, investigation or performance review: *And provided further*, That the education inspector general shall make a report regarding the office's investigations, audits or performance reviews to the department of education, state board of education, the legislative post auditor, the senate committees on ways and means and education, the house of representatives committees on appropriations and K-12 budget, the attorney general and the governor: *And provided further*, That such report shall include, but not be limited to, a detailed summary of the investigations undertaken and the results of such investigations, if any: *And provided further*, That such summaries shall comply with confidentiality laws and requirements: *And provided further*, That the education inspector general may make recommendations for changes in law, rules and regulations, policy or procedures to carry out the provisions of law or to improve efficiency: *And provided further*, That the scope, timing and completion of any audit, investigation or performance review conducted by the education inspector general shall be within the discretion of the education inspector general: *And provided further*, That any audit conducted by the office of education inspector general shall adhere to and comply with all provisions of generally accepted governmental auditing standards promulgated by the United States government accountability office: *And provided further*, That the education inspector general and all employees and former employees of the office of education inspector general shall be subject to the same duty of confidentiality imposed by law on any such person or agency with regard to any such information, and shall be subject to any civil or criminal penalties imposed by law for violation of such duty of confidentiality: *Provided, however*, That the education inspector general may furnish all such information to the state treasurer or attorney general when the education inspector general determines that a possible criminal act, false claim or any instances of misfeasance, malfeasance or nonfeasance by a public officer or employee has been committed and that any such information may be disclosed in criminal or other proceedings instituted and prosecuted by the attorney general and may be entered into evidence in any such proceedings: *And provided further*, That all investigations conducted by the education inspector general shall be conducted in a manner that ensures the preservation of evidence for use in criminal prosecutions, civil actions or agency administrative actions.";

On page 35, in line 16, by subtracting \$228,300 from the dollar amount and by adjusting the dollar amount in line 16 accordingly

Senator _____