

## SENATE BILL No. 60

By Committee on Education

1-23

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AN ACT concerning retirement; relating to certain school retirants; employment after retirement; requiring certain duties of state board of education and legislative educational planning committee; amending K.S.A. 72-5437, 72-5445, 72-7513 and 74-4914 and K.S.A. 2002 Supp. 46-1208a and repealing the existing sections.

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

Section 1. K.S.A. 2002 Supp. 46-1208a is hereby amended to read as follows: 46-1208a. (a) The legislative educational planning committee is hereby established and shall be composed of 13 members, seven of whom shall be members of the house of representatives and six of whom shall be senators. Members of the legislative educational planning committee shall be appointed by the legislative coordinating council. The legislative coordinating council shall determine the number of members of the committee who shall be members of the majority party and the number of members of the committee who shall be members of the minority party. The committee shall be permanent with membership changing from time to time as the legislative coordinating council shall determine.

(b) The legislative educational planning committee shall plan for public and private postsecondary education in Kansas, including vocational and technical education; explore, study and make recommendations concerning preschool and K-12 education in Kansas; review implementation of legislation relating to educational matters; and consider such other matters as the legislative coordinating council may assign. The committee shall annually make a report and recommendations to the legislature and the governor and may cause the same to be published separately from other documents which are required by law to be submitted to the legislative coordinating council. The reports and recommendations of the committee shall include a developmental schedule for implementation of educational goals established by the committee. The committee shall from time to time update such schedule as new or additional information is developed or refined. *During the 2006 summer interim, the committee shall conduct a review of the utilization of retirants employed as teachers in hard-to-fill teaching disciplines pursuant to the provisions of subsection*

1 (5) of K.S.A. 74-4914, and amendments thereto, and submit as a part of  
2 the committee's annual report and recommendations to the legislature,  
3 such findings and recommendations as to the continued utilization of such  
4 retirants as teachers not subject to the provisions of subsection (5) of  
5 K.S.A. 74-4914, and amendments thereto.

6 (c) The provisions of the acts contained in article 12 of chapter 46 of  
7 the Kansas Statutes Annotated, and amendments thereto, applicable to  
8 special committees shall apply to the legislative educational planning com-  
9 mittee to the extent that the same do not conflict with the specific pro-  
10 visions of this act applicable to the committee.

11 (d) Upon request of the legislative educational planning committee,  
12 the state board of regents and the state board of education shall provide  
13 consultants from the faculties and staffs of institutions and agencies under  
14 the respective control and jurisdiction thereof.

15 (e) The legislative educational planning committee shall meet upon  
16 call of its chairperson and may introduce such legislation as it deems  
17 necessary in performing its functions.

18 Sec. 2. K.S.A. 72-5437 is hereby amended to read as follows: 72-  
19 5437. (a) All contracts of employment of teachers, as defined in K.S.A.  
20 72-5436, and amendments thereto, except contracts entered into under  
21 the provisions of K.S.A. 72-5412a, and amendments thereto, *and con-*  
22 *tracts with retirants to whom the provisions of subsection (5) of K.S.A.*  
23 *74-4914, and amendments thereto, do not apply* shall be deemed to con-  
24 tinue for the next succeeding school year unless written notice of termi-  
25 nation or nonrenewal is served as provided in this subsection. *Except as*  
26 *provided by subsection (b)*, written notice to terminate a contract may be  
27 served by a board upon any teacher prior to the time the contract has  
28 been completed, and written notice of intention to nonrenew a contract  
29 shall be served by a board upon any teacher on or before May 1. A teacher  
30 shall give written notice to a board that the teacher does not desire con-  
31 tinuation of a contract on or before May 15 or, if applicable, not later  
32 than 15 days after final action is taken by the board upon termination of  
33 professional negotiation absent a binding agreement under article 54 of  
34 chapter 72 of Kansas Statutes Annotated, whichever is the later date.

35 (b) Terms of a contract may be changed at any time by mutual con-  
36 sent of both a teacher and a board.

37 Sec. 3. K.S.A. 72-5445 is hereby amended to read as follows: 72-  
38 5445. (a) (1) Subject to the provisions of subsection (b), the provisions of  
39 K.S.A. 72-5438 through 72-5443, and amendments thereto, apply only to:  
40 (A) Teachers who have completed not less than three consecutive years  
41 of employment, and been offered a fourth contract, in the school district,  
42 area vocational-technical school or community college by which any such  
43 teacher is currently employed; and (B) teachers who have completed not

1 less than two consecutive years of employment, and been offered a third  
2 contract, in the school district, area vocational-technical school or com-  
3 munity college by which any such teacher is currently employed if at any  
4 time prior to the current employment the teacher has completed the years  
5 of employment requirement of subpart (A) in any school district, area  
6 vocational-technical school or community college in this state.

7 (2) Any board may waive, at any time, the years of employment  
8 requirements of provision (1) for any teachers employed by it.

9 (3) The provisions of this subsection are subject to the provisions of  
10 K.S.A. 72-5446, and amendments thereto.

11 (b) The provisions of K.S.A. 72-5438 through 72-5443, and amend-  
12 ments thereto, do not apply to any teacher whose certificate has been  
13 nonrenewed or revoked by the state board of education for the reason  
14 that the teacher: (1) Has been convicted of a felony under the uniform  
15 controlled substances act; (2) has been convicted of a felony described in  
16 any section of article 34 of chapter 21 of the Kansas Statutes Annotated  
17 or an act described in K.S.A. 21-3412 or K.S.A. 2001 Supp. 21-3412a,  
18 and amendments thereto, if the victim is a minor or student; (3) has been  
19 convicted of a felony described in any section of article 35 of chapter 21  
20 of the Kansas Statutes Annotated, or has been convicted of an act de-  
21 scribed in K.S.A. 21-3517 and amendments thereto, if the victim is a  
22 minor or student; (4) has been convicted of any act described in any  
23 section of article 36 of chapter 21 of the Kansas Statutes Annotated; (5)  
24 has been convicted of a felony described in article 37 of chapter 21 of  
25 the Kansas Statutes Annotated; (6) has been convicted of an attempt  
26 under K.S.A. 21-3301, and amendments thereto, to commit any act spec-  
27 ified in this subsection; (7) has been convicted of any act which is de-  
28 scribed in K.S.A. 21-4301, 21-4301a or 21-4301c, and amendments  
29 thereto; (8) has been convicted in another state or by the federal govern-  
30 ment of an act similar to any act described in this subsection; or (9) has  
31 entered into a criminal diversion agreement after having been charged  
32 with any offense described in this subsection.

33 (c) *The provisions of K.S.A. 72-5438 through 72-5443, and amend-*  
34 *ments thereto, do not apply to any teacher who is a retirant from school*  
35 *employment of the Kansas public employees retirement system to whom*  
36 *the provisions of subsection (5) of K.S.A. 74-4914, and amendments*  
37 *thereto, do not apply.*

38 Sec. 4. K.S.A. 72-7513 is hereby amended to read as follows: 72-  
39 7513. In general, but not by way of limitation, consonant with other ap-  
40 plicable statutory provisions, the state board of education shall:

41 (a) Adopt and maintain standards, criteria, guidelines or rules and  
42 regulations for the following:

43 (1) School libraries and other educational materials with the excep-

1 tion of textbooks;  
2 (2) courses of study and curriculum;  
3 (3) accreditation of schools including elementary and secondary, pub-  
4 lic and nonpublic;  
5 (4) certification of administrators, teachers, counselors, school nurses  
6 and supervisors of school districts and of the state department of edu-  
7 cation and of teachers and administrators of nonpublic schools; ~~and~~  
8 (b) administer the laws of this state concerning the matters named in  
9 this section and all other matters relating to general supervision of the  
10 public schools and institutions under supervision of the state board of  
11 education; *and*  
12 (c) *for the purposes of subsection (5) of K.S.A. 74-4914, and amend-*  
13 *ments thereto, determine and make available a list of hard-to-fill teaching*  
14 *disciplines in which there is a critical shortage of teachers. Each year, the*  
15 *board shall review and, if necessary, revise such list. Upon request of a*  
16 *school district, the board may designate a vacant position for a teacher*  
17 *in such district which is not listed as a hard-to-fill teaching discipline as*  
18 *a position in a hard-to-fill teaching discipline for such district. After re-*  
19 *view of the school district's request and any supporting documentation*  
20 *required by the board, the board may designate such position as a hard-*  
21 *to-fill teaching discipline for such school district. The board shall prom-*  
22 *ulgate rules and regulations, if necessary, to implement the provisions of*  
23 *this subsection and subsection (5) of K.S.A. 74-4914, and amendments*  
24 *thereto, relating to the employment after retirement of teachers in a hard-*  
25 *to-fill teaching discipline.*

26 Sec. 5. K.S.A. 74-4914 is hereby amended to read as follows: 74-  
27 4914. (1) The normal retirement date for a member of the system shall  
28 be the first day of the month coinciding with or following termination of  
29 employment with any participating employer not followed by employ-  
30 ment with any participating employer within 30 days and the attainment  
31 of age 65 or, commencing July 1, 1993, age 62 with the completion of 10  
32 years of credited service or the first day of the month coinciding with or  
33 following the date that the total of the number of years of credited service  
34 and the number of years of attained age of the member is equal to or  
35 more than 85. In no event shall a normal retirement date for a member  
36 be before six months after the entry date of the participating employer  
37 by whom such member is employed. A member may retire on the normal  
38 retirement date or on the first day of any month thereafter upon the filing  
39 with the office of the retirement system of an application in such form  
40 and manner as the board shall prescribe. Nothing herein shall prevent  
41 any person, member or retirant from being employed, appointed or  
42 elected as an employee, appointee, officer or member of the legislature.  
43 Elected officers may retire from the system on any date on or after the

1 attainment of the normal retirement date, but no retirement benefits  
2 payable under this act shall be paid until the member has terminated  
3 such member's office.

4 (2) No retirant shall make contributions to the system or receive serv-  
5 ice credit for any service after the date of retirement.

6 (3) Any member who is an employee of an affiliating employer pur-  
7 suant to K.S.A. 74-4954b and amendments thereto and has not withdrawn  
8 such member's accumulated contributions from the Kansas police and  
9 firemen's retirement system may retire before such member's normal  
10 retirement date on the first day of any month coinciding with or following  
11 the attainment of age 55.

12 (4) Any member may retire before such member's normal retirement  
13 date on the first day of any month coinciding with or following termination  
14 of employment with any participating employer not followed by employ-  
15 ment with any participating employer within 30 days and the attainment  
16 of age 55 with the completion of 10 years of credited service, but in no  
17 event before six months after the entry date, upon the filing with the  
18 office of the retirement system of an application for retirement in such  
19 form and manner as the board shall prescribe.

20 (5) If a retirant who retired on or after July 1, 1988, is employed or  
21 appointed in or to any position or office for which compensation for serv-  
22 ice is paid in an amount equal to \$15,000 or more in any one such calendar  
23 year, by any participating employer for which such retirant was employed  
24 or appointed during the final two years of such retirant's participation,  
25 such retirant shall not receive any retirement benefit for any month for  
26 which such retirant serves in such position or office. The participating  
27 employer shall report to the system within 30 days of when the compen-  
28 sation paid to the retirant is equal to or exceeds any limitation provided  
29 by this section. Any retirant employed by a participating employer shall  
30 not make contributions nor receive additional credit under such system  
31 for such service except as provided by this section. Upon request of the  
32 executive director of the system, the secretary of revenue shall provide  
33 such information as may be needed by the executive director to carry out  
34 the provisions of this act. The provisions of this subsection shall not apply  
35 to retirants employed as substitute teachers or officers, employees or  
36 appointees of the legislature. *Commencing July 1, 2003, and ending June*  
37 *30, 2007, the provisions of this subsection shall not apply to retirants who*  
38 *either retired under the provisions of subsection (1), or, if such retirant*  
39 *retired under the provisions of subsection (4) were retired more than 30*  
40 *days prior to July 1, 2003, and who were employed as teachers in a hard-*  
41 *to-fill teaching discipline during such period pursuant to the provisions*  
42 *of this act, except that the provisions of this act may continue to apply*  
43 *after June 30, 2007, to any such retirant still determined by such retirant's*

1 *participating employer to be teaching in a hard-to-fill teaching discipline.*  
2 *For purposes of this subsection: "Hard-to-fill teaching discipline" means*  
3 *a teaching discipline in which there is a critical shortage of teachers as*  
4 *determined and specified by the state board of education. Determination*  
5 *of whether an individual teacher is teaching in a hard-to-fill teaching*  
6 *discipline and whether the provisions of this act shall not apply to such*  
7 *individual teacher shall be made by the participating employer of such*  
8 *teacher in conformity with the determination made by the state board of*  
9 *education as provided in K.S.A. 72-7513, and amendments thereto and*  
10 *nothing contained in this act provides a continuing contractual right be-*  
11 *yond the term of the contract pursuant to this subsection or a vested right*  
12 *in any retirement benefit or other benefit provided in this subsection. The*  
13 *provisions of this subsection shall not apply to members of the legislature*  
14 *prior to January 8, 2000. The provisions of this subsection shall not apply*  
15 *to any other elected officials prior to the term of office of such elected*  
16 *official which commences on or after July 1, 2000. The provisions of this*  
17 *subsection shall apply to any other elected official on and after the term*  
18 *of office of such other elected official which commences on or after July*  
19 *1, 2000. Except as otherwise provided, commencing January 8, 2001, the*  
20 *provisions of this subsection shall apply to members of the legislature.*  
21 *For determination of the amount of compensation paid pursuant to this*  
22 *subsection, for members of the legislature, compensation shall include*  
23 *any amount paid as provided pursuant to subsections (a), (b), (c) and (d)*  
24 *of K.S.A. 46-137a, and amendments thereto, or pursuant to K.S.A. 46-*  
25 *137b, and amendments thereto. Notwithstanding any provision of law to*  
26 *the contrary, when a member of the legislature is paid an amount of*  
27 *compensation of \$15,000 or more in any one calendar year, the member*  
28 *may continue to receive any amount provided in subsections (b) and (d)*  
29 *of K.S.A. 46-137a, and amendments thereto, and still be entitled to re-*  
30 *ceive such member's retirement benefit.*

31 (6) For purposes of this section, any employee of a local governmental  
32 unit which has its own pension plan who becomes an employee of a  
33 participating employer as a result of a merger or consolidation of services  
34 provided by local governmental units, which occurred on January 1, 1994,  
35 may count service with such local governmental unit in determining  
36 whether such employee has met the years of credited service require-  
37 ments contained in this section.

38 Sec. 6. K.S.A. 72-5437, 72-5445, 72-7513 and 74-4914 and K.S.A.  
39 2002 Supp. 46-1208a are hereby repealed.

40 Sec. 7. This act shall take effect and be in force from and after its  
41 publication in the Kansas register.