

HOUSE BILL No. 2335

By Representative Huebert

2-7

9 AN ACT relating to schools; concerning state general fund revenues tar-
10 geted for teacher salary increases on a merit and market rate basis;
11 relating to site councils; amending K.S.A. 2004 Supp. 72-6439 and
12 repealing the existing section.
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14 *Be it enacted by the Legislature of the State of Kansas:*

15 New Section 1. (a) Whenever the state general fund revenue esti-
16 mates pursuant to K.S.A. 75-6701, and amendments thereto, in any April
17 are increased from the prior year's April revenue estimates, the provisions
18 of this section shall be applicable to such estimated increased state general
19 fund revenues.

20 (b) Subject to appropriations therefor, 25% of the increased state
21 general fund estimated revenues, up to a limit of \$25 million, shall be
22 targeted for teachers' salary increases to be awarded on a merit pay and
23 market rate basis. The appropriated money will be distributed to school
24 districts on a per pupil basis. Merit and market rate salary increases au-
25 thorized by this subsection shall not be subject to mandatory negotiations
26 pursuant to K.S.A. 72-5413 et seq., and amendments thereto, but shall
27 be a permissible topic of negotiations.

28 (c) The award of teacher salary increases pursuant to subsection (b)
29 shall be in addition to salary increases which are negotiated pursuant to
30 K.S.A. 72-5413 et seq., and amendments thereto.

31 (d) As used in this act, "market rate" means a salary level needed to
32 attract and retain teachers who teach subjects in which there is a shortage
33 of qualified teachers.

34 (e) The center for innovative school leadership shall provide the state
35 board of education and school districts with advise and assistance in con-
36 sidering or adopting merit and market rate salary increases.

37 (f) The state board of education shall provide assistance and guide-
38 lines to school boards implementing merit and market rate salary in-
39 creases but the final determinations relating thereto shall be within the
40 sole discretion of the school board. Both objective and subjective meas-
41 ures are recommended, including the use of peer review to include teach-
42 ers in the merit and market pay process.

43 New Sec. 2. (a) Site councils created pursuant to K.S.A. 72-6439, and

1 amendments thereto, are authorized to make recommendations to the
2 board of education regarding modifications to the current school year
3 budget. Such recommendations may include reductions in expenditures
4 in particular areas and reallocation of such reductions to provide a pool
5 of money for the award of merit and market rate pay increases. Imple-
6 mentation of budget modifications shall require the approval of the board
7 of education of the school district.

8 (b) In the event a board of education approves a recommendation
9 which provides a pool of money for merit and market rate pay increases,
10 such merit and market rate pay increases shall not be subject to manda-
11 tory negotiations pursuant to K.S.A. 72-5413 et seq., and amendments
12 thereto, but shall be a permissive topic of negotiations. The award of merit
13 and market rate pay salary increases shall be in addition to salary increases
14 negotiated pursuant to K.S.A. 72-5413 et seq., and amendments thereto.

15 Sec. 3. K.S.A. 2004 Supp. 72-6439 is hereby amended to read as
16 follows: 72-6439. (a) In order to accomplish the mission for Kansas ed-
17 ucation, the state board of education shall design and adopt a school
18 performance accreditation system based upon improvement in perform-
19 ance that reflects high academic standards and is measurable.

20 (b) The state board of education shall provide for assessments in the
21 core academic areas of mathematics, science, reading, writing, and social
22 studies, and shall establish curriculum standards for such core academic
23 areas. The assessments shall be administered at three grade levels, as
24 determined by the state board. The curriculum standards shall be equal
25 to the best standards and shall be reviewed at least every three years. The
26 state board shall ensure compatibility between the statewide assessments
27 and the curriculum standards. Nothing in this subsection shall be con-
28 strued in any manner so as to impinge upon any district's authority to
29 determine its own curriculum.

30 (c) The state board of education shall determine performance levels
31 on the statewide assessments, the achievement of which represents ex-
32 cellence in the academic area at the grade level to which the assessment
33 applies. The state board should specify the measure of excellence both
34 for individual performance and school performance on the assessments.

35 (d) Each school in every district shall establish a school site council
36 composed of the principal and representatives of teachers and other
37 school personnel, parents of pupils attending the school, the business
38 community, and other community groups. *Reasonable effort shall be made*
39 *to have at least one-third of the members of the site council made up of*
40 *parents who have children in the school, if possible.* School site councils
41 shall be responsible for providing advice and counsel in evaluating state,
42 school district, and school site performance goals and objectives and in
43 determining the methods that should be employed at the school site to

1 meet these goals and objectives. Site councils may make recommenda-
2 tions and proposals to the school board regarding budgetary items and
3 school district matters, including but not limited to, identifying and im-
4 plementing the best practices for developing efficient and effective ad-
5 ministrative and management functions. Site councils also may help
6 school boards analyze the unique environment of schools, enhance the
7 efficiency and maximize limited resources, including outsourcing arrange-
8 ments and cooperative opportunities as a means to address limited budg-
9 ets. *Site councils may make recommendations and proposals regarding*
10 *procedures relating to teacher compensation, market rates payable to*
11 *teachers and merit pay increases. These recommendations are limited to*
12 *the development of procedures and the inclusion of processes and checks*
13 *and balances to continually improve the use of merit and market rate pay.*
14 *Site councils shall not be directly involved in the evaluation of teacher*
15 *performance.*

16 Sec. 4. K.S.A. 2004 Supp. 72-6439 is hereby repealed.

17 Sec. 5. This act shall take effect and be in force from and after its
18 publication in the statute book.