

HOUSE BILL No. 2682

By Representative Huebert

1-20

9 AN ACT relating to schools; concerning state implementation of the fed-
10 eral no child left behind act of 2001 and other federal education
11 programs.
12

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

14 Section 1. The state board of education shall administer and imple-
15 ment federal education programs in accordance with sections 2 and 3,
16 and amendments thereto, and may adopt rules and regulations and pol-
17 icies relating thereto.

18 Sec. 2. (a) As used in this section, "school official" includes the state
19 board of education and employees thereof and local school boards and
20 employees thereof.

21 (b) School officials may:

22 (1) Apply for, receive and administer funds made available through
23 programs of the federal government;

24 (2) only expend federal funds for the purposes for which they are
25 received and are accounted for by the state or school district; and

26 (3) reduce or eliminate a program created with or expanded by fed-
27 eral funds to the extent allowed by law when federal funds for that pro-
28 gram are subsequently reduced or eliminated.

29 (c) School officials shall:

30 (1) Prioritize resources, especially to resolve conflicts between fed-
31 eral provisions or between federal and state programs, including:

32 (A) Providing first priority to meeting state standards, goals, objec-
33 tives, program needs and accountability systems as they relate to federal
34 programs; and

35 (B) providing second priority to implementing federal standards,
36 goals, objectives, program needs and accountability systems that do not
37 directly and simultaneously advance state standards, goals, objectives,
38 program needs and accountability systems;

39 (2) interpret the provisions of federal programs in the best interest
40 of students in this state;

41 (3) maximize local control and flexibility;

42 (4) minimize additional state resources that are diverted to imple-
43 ment federal programs beyond the federal moneys that are provided to

1 fund the programs;

2 (5) request changes to federal educational programs, especially pro-

3 grams that are under funded or provide conflicts with other state or fed-

4 eral programs, including:

5 (A) Federal statutes;

6 (B) federal regulations; and

7 (C) other federal policies and interpretations of program provisions;

8 and

9 (6) seek waivers from all possible federal statutes, requirements, reg-

10 ulations and program provisions from federal education officials to:

11 (A) Maximize state flexibility in implementing program provisions;

12 and

13 (B) receive reasonable time to comply with federal program

14 provisions.

15 Sec. 3. (a) In accordance with the federal no child left behind act of

16 2001 (Public Law 107-110), including section 9527, school officials shall

17 determine, as applied to their responsibilities, if the no child left behind

18 act:

19 (1) Requires the state to spend state or local resources in order to

20 comply with the no child left behind act; or

21 (2) causes the state, local school boards or schools to change curric-

22 ulum in order to comply.

23 (b) School officials shall request a waiver under section 9401 of the

24 no child left behind act of any provision of the no child left behind act

25 that violates section 9527.

26 (c) In addition to the duties described under subsections (a) and (b),

27 school officials shall request reasonable time to comply with the provi-

28 sions of the no child left behind act.

29 (d) School officials are encouraged to:

30 (1) Ask Congress for needed changes to the no child left behind act;

31 (2) ask federal education officials for relief from the provisions of the

32 no child left behind act, including waivers from federal requirements,

33 regulations and administrative burdens; and

34 (3) ask Congress and federal education officials for needed resolution

35 and clarification for conflicts between the no child left behind act and

36 the federal individuals with disabilities education act (Public Law 105-

37 17).

38 (e) In the case of conflicts between the no child left behind act and

39 the individuals with disabilities education act, the parents, in conjunction

40 with school officials, shall determine which program best meets the ed-

41 ucational needs of the student.

42 Sec. 4. This act shall take effect and be in force from and after its

43 publication in the statute book.