

MINUTES OF THE HOUSE EDUCATION COMMITTEE

The meeting was called to order by Chairman Clay Aurand at 9:00 a.m. On March 3, 2011, in Room 784 of the Docking State Office Building.

All members were present except:

Representative Sheryl Spalding, excused
Representative Barbara Bollier, excused
Representative Amanda Grosserode, excused

Committee staff present:

Sharon Wenger, Kansas Legislative Research Department
Eunice C. Peters, Kansas Revisor of Statutes
Norm Furse, Kansas Revisor of Statutes
Jan Johnston, Committee Assistant

Conferees appearing before the Committee:

Speaker Michael O'Neal
Mark Tallman, Kansas Association of School Boards
Kathy Cook, Kansas Families for Education
Bill Reardon, Kansas City, Kansas Public Schools

Others attending, see attached sheet.

HCR 5010 - School finance; equitable distribution of public school funds in the amount and manner determined by the legislature

Representative Aurand opened the hearing on HCR 5010.

Eunice Peters, Office of the Revisor of Statutes, explained to the committee the purpose of HCR 5010.

Sharon Wenger, Kansas Legislative Research Department, gave a handout to the Committee Defining a Suitable Education. (Attachment 1)

A question and answer session followed Ms. Wenger explanation.

Speaker Michael O'Neal, appeared before the committee as a proponent of HCR 5010, a proposed constitutional amendment to clarify Art. 6, Sec. 6 of the Kansas Constitution. Until the Montoy decision, this education article in our state constitution was well understood and its interpretation by the state's highest court was consistent with the legislative history of the article's enactment by the voters of Kansas.

In considering the court's responsibility under the separation of powers, doctrine, the court noted that *"the determination of the amounts, sources, and objectives of expenditures of public moneys for educational purposes, especially at the state level, presents issues of enormous practical and political complexity, and resolution appropriately is largely left to the interplay of the interests and forces directly and indirectly affected, in the arena of legislative and executive activity. This is of the very essence of our governmental and political polity. It would normally be inappropriate, therefore, for the courts to intrude upon such decision-making."* (Attachment 2)

Mark Tallman appeared before the committee in opposition of HCR 5010. Mr. Tallman thanked the Committee for the opportunity to share his concerns about HCR 5010 which would remove the Legislature's constitutional duty to make suitable provisions for education finance and instead direct the Legislature to "provide for the equitable distribution of public school funds in a manner and amount as may be determined by the Legislature." KASB opposes this proposal because we support the current constitutional provision which gives the Legislature responsibility for providing suitable funding for the educational interests of the state, which are defined to include providing intellectual, educational, vocational and scientific improvement. (Attachment 3)

A summary for Public School Regulations, Statutes and Requirements handout by Mark Tallman. (Attachment 4)

CONTINUATION SHEET

Minutes of the House Education Committee at 9:30 a.m. on March 3, 2011, in Room 784 of the Docking State Office Building.

Chairman Aurand said we would have questions and answers after all conferees spoke to the Committee.

Kathy Cook, appeared before the committee in opposition of **HCR 5010**. Kansas has a long and proud history when it comes to public education, from Brown vs. Board of Education to the legislative body and public that made sure public education was provided for under our constitution. Article 6 of the Kansas constitution is there to protect the rights of our students, and we believe that a quality public education is a fundamental right of Kansas children. (Attachment 5)

Bill Reardon, KCKPS, appeared before the committee in opposition of **HCR 5010**. Mr. Reardon said he was certainly not a constitutional scholar. In fact, he was not sure what the impact of **HCR 5010** will have on public education in Kansas. He suspected that part of the intent of **HCR 5010** is to change the constitution before the current education lawsuit reaches the Kansas Supreme Court. He was certainly unable to divine how the court would react to this eleventh hour change in the constitution. (Attachment 6)

A question and answer session followed the presentations.

Representative Aurand closed the hearing on **HCR 5010**.

The meeting was adjourned at 10:45 a.m. The next meeting will be March 8, 2011.

DATE: 3/3/11

DATE: 3/3/11

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March 2, 2011

To: House Education Committee Members

From: Sharon Wenger, Principal Analyst



Re: HCR 5010

HCR 5010 proposes to amend Section 6 of the Constitution of the State of Kansas related to school finance.

Defining a Suitable Education: A History

Use of the term "suitable" describing the education Kansans wanted for its children began in 1966, with Article 6, the Education Article, of the *Kansas Constitution* which was redrafted and ratified.

K-12 Education Articles in the *Kansas Constitution*

The following are exempt from the *Kansas Constitution* regarding K-12 education.

Article 6, Section 1. Schools and related institutions and activities.

The legislature shall provide for intellectual, educational, vocational, and scientific improvement by establishing and maintaining public schools, educational institutions, and related activities which may be organized and changed in such manner as may be provided by law.

Section 2. State board of education and state board of regents.

(a) The legislature shall provide for a state board of education which shall have general supervision of public schools, educational institutions and all the educational interests of the state, except educational functions delegated by law to the state board of regents. The state board of education shall perform such other duties as may be provided by law.

Section 5. Local public schools.

Local public schools under the general supervision of the state board of education shall be maintained, developed and operated by locally elected boards. When authorized by law, such boards may make and carry out agreements for cooperative operation and administration of educational

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programs under the general supervision of the state board of education, but such agreements shall be subject to limitation, change or termination by the legislature.

Section 6. Finance.

(b) The legislature shall make suitable provision for finance of the educational interests of the state. No tuition shall be charged for attendance at any public school to pupils required by law to attend such school, except such fees or supplemental charges as may be authorized by law. (Emphasis added.)

Suitability Linked to Resources

In 2001, the Kansas Legislature contracted with the firm of Augenblick & Myers, Inc. (A&M) to conduct a study of school finance in Kansas to "study the adequacy of school funding in Kansas. The study's primary purpose was to determine the funding level necessary for school districts to meet the objectives of a 'suitable' education."

The underlying rationale for a study of school finance adequacy (or suitability) is to link education accountability to finance. The final report indicated that Kansas, like many other states and the federal government, was implementing a standards-based approach as part of an effort to improve student performance.

A standards-based approach includes:

- Specifying student expectations;
- Developing methods to measure students' performance at meeting expectations; and
- Holding educational providers accountable for student performance.

As the report describes: "The logic of the standards-based approach . . . implies that a state will assure that sufficient resources are available so that school districts can reasonably be expected to meet state standards."

A&M worked with the Legislative Educational Planning Committee (LEPC) to develop a definition of a "suitable" education, including numerous input items, such as course offerings, as well as indicators of student performance.

(The definition A&M developed, along with the Legislative Education Planning Committee and Kansas education leaders, is attached.)

Some of the recommendations of the A&M study included:

- The foundation level (base cost) for school district funding should be raised to a level of \$4,650 in 2000-01;
- The foundation level should be adjusted by a regional cost factor;

- The foundation should recognize additional costs associated with:
 - The operation of moderate and small school districts.
 - The needs of students in special education programs.
 - The needs of at-risk students (based upon students in free lunch programs).
 - The needs of bilingual students.
 - School districts should be expected to contribute to the foundation program based on a property tax rate of 25 mills.

In addition, the 2001 Legislature described a suitable education as "a curricular program consisting of the subjects and courses required under the provisions of KSA 72-1101, 72-1103, and 72-1117, including the following:

"... reading, writing, arithmetic, geography, spelling, English grammar and composition, history of the United States and of Kansas, civil government, the duties of citizenship, health and hygiene"

2005 Definition In Current Law

HB 2247 in 2005 contained the following requirements which are still in current law.

"In addition to subjects or areas of instruction required by K.S.A. 72-1101, 72-1103, 72-1117, 72-1126 and 72-7535, and amendments thereto, every accredited school in the state of Kansas shall teach the subjects and areas of instruction adopted by the state board of education as of January 1, 2005. (The statutes mentioned are attached.)

(b) Every accredited high school in the state of Kansas also shall teach the subjects and areas of instruction necessary to meet the graduation requirements adopted by the state board of education as of January 1, 2005.

(c) Subjects and areas of instruction shall be designed by the state board of education to achieve the following goals established by the legislature to allow for the:

- (1) Development of sufficient oral and written communication skills which enable students to function in a complex and rapidly changing society;
- (2) Acquisition of sufficient knowledge of economic, social and political systems which enable students to understand the issues that affect the community, state and nation;
- (3) Development of students' mental and physical wellness;
- (4) Development of knowledge of the fine arts to enable students to appreciate the cultural and historical heritage of others;
- (5) Training or preparation for advanced training in either academic or vocational fields so as to enable students to choose and pursue life work intelligently;

(6) Development of sufficient levels of academic or vocational skills to enable students to compete favorably in academics and the job market; and

(7) Needs of students requiring special education services.

(d) Nothing in this section shall be construed as relieving the state or school districts from other duties and requirements imposed by state or federal law including, but not limited to, at-risk programs for pupils needing intervention, programs concerning special education and related services and bilingual education."

In addition to the above requirements, are admission requirements for state universities and the qualified admissions curriculum which is attached.

Finally, the federal No Child Left Behind requirements are ever increasing. Proficiency requirements for reading and mathematics are attached.

The 2005 Legislature, during a Special Session, directed the Legislative Division of Post Audit to conduct two studies; one to be input oriented, based on statutory requirements, and the other to be outcomes oriented, based on state statutes and State Board of Education rules and regulations and standards.

The requirements identified by Legislative Post Audit are attached. The studies contained the following findings:

- Using Post Audit's input-based approach, a General Fund budget of \$3.1 billion would be needed for 2006-07; and
- Using the outcomes-based approach, the estimate was \$3.2 billion needed for the same school year.

Suitable Education Defined

Required Subjects in Elementary Schools

Every accredited elementary school shall teach.

Reading	Writing
Arithmetic	Geography
Spelling	English Grammar and Composition
Health and Hygiene	History of the U.S. and State of Kansas
Civil Government, Patriotism, and the Duties of Citizenship	

Qualified Admissions Pre-College Curriculum

English (4 Units) Students must take at least one unit of English for each year of high school. Although students are encouraged to take courses in journalism, speech, drama/theatre, and/or debate in addition to the English requirement, these courses cannot fill any part of the English requirement.

Natural Science (3 Units) Students must take three units chosen from the following courses: Biology, Advanced Biology, Physical/Earth/Space Science/General Science, Chemistry, Physics (at least one unit must be in Chemistry or Physics). There are other courses that may substitute for some of these. Students are encouraged to take one additional unit of science chosen from the previously mentioned courses.

Mathematics (3 Units) Students must take one unit each of: Algebra I, Algebra II, and Geometry. If a student completes any of the required math courses in middle school or junior high school, it can count toward the math requirement for Qualified Admissions. Completion of both applied mathematics I and II can be substituted for Algebra I only. Students are strongly encouraged to take a mathematics course every year of high school.

Social Sciences (3 Units) Students must complete the following: one unit of U.S. History, and one-half unit of U.S. Government; one unit selected from: Psychology, Economics, Civics, History, Current Social Issues, Sociology, Anthropology, Race and Ethnic Group Relations, or Geography; one-half unit selected from World History, World Geography, or International Relations. All high schools (public or private) must provide a course of instruction concerning the government and institutions of the U.S., and particularly of the Constitution of the United States. The State Board of Education will

From the Augenblick & Myers, Inc. Study of May 2002

Entitled: *Calculation of the Cost of a Suitable Education in Kansas in 2000-2001
Using To Different Analytic Approaches*

also provide a course of instruction in Kansas History and Government, which shall be required for all students graduating from an accredited high school in the state.

Computer Technology (1 Unit) Students are required to have one unit of computer technology. At some school students may fulfill this requirement by passing a proficiency examination.

Requirements for the State Scholarship Program that differ from the pre-college curriculum

Foreign Language (2 Units) This requirement is in addition to all requirements listed above for the Qualified Admissions Pre-College curriculum.

A Suitable Education Must Also Include:

Vocational Education

And a mix of the Following Programs and Services.

Student and Staff Safety	Early Childhood Programs
Extended Learning Time	Alternative Schools
Technical Education	Technical Training
Library Media Services	Foreign Language
Fine Arts	Nursing and Counseling Services
Activities Programs	Student Transportation
Qualified Teachers	

Outcomes:

In addition to the inputs represented by the required courses described above, a suitable education should also yield the following outcomes in five years.

On statewide assessment scores in reading,

70% of 5th graders must score Satisfactory or above,
65% of 8th graders must score Satisfactory or above, and
60% of 11th graders must score Satisfactory or above

And on statewide assessment scores in math,

65% of 4th graders must score Satisfactory or above,
60% of 7th graders must score Satisfactory or above; and
55% of 10th graders must score Satisfactory or above

72-1103. Required courses of instruction; graduation requirements. All accredited schools, public, private or parochial, shall provide and give a complete course of instruction to all pupils, in civil government, and United States history, and in patriotism and the duties of a citizen, suitable to the elementary grades; in addition thereto, all accredited high schools, public, private or parochial, shall give a course of instruction concerning the government and institutions of the United States, and particularly of the constitution of the United States; and no student who has not taken and satisfactorily passed such course shall be certified as having completed the course requirements necessary for graduation from high school.

72-1107. Age of eligibility for school attendance. (a) Subject to the provisions of subsection (b), any child is eligible to attend the elementary grades in the school district in which the child resides or in a school district which has entered into an agreement in accordance with and under authority of K.S.A. 72-8233, and amendments thereto, with the school district in which the child resides if (1) for the 1994-95 school year, the child will attain the age of six years on or before September 1 of the school year and (2) for the 1995-96 school year, the child will attain the age of six years on or before September 1 of the school year and (3) for any school year commencing after the 1995-96 school year, the child will attain the age of six years on or before August 31 of the school year;

(b) any child who has completed a kindergarten course entered and attended in this state in accordance with the provisions of subsection (d) or who was a resident in another state and who, while residing in such other state, had entered and was in attendance in first grade in such state or who had completed in such state a kindergarten course maintained by a public school district or by an accredited private, denominational or parochial school shall be eligible to attend first grade in this state, regardless of age;

(c) subject to the provisions of subsection (d), any child is eligible to attend kindergarten in the school district in which the child resides or in a school district which has entered into an agreement in accordance with and under authority of K.S.A. 72-8233, and amendments thereto, with the school district in which the child resides if (1) for the 1994-95 school year, the child will attain the age of five years on or before September 1 of the school year and (2) for any school year commencing after the 1994-95 school year, the child will attain the age of five years on or before August 31 of the school year;

(d) any child who was a resident in another state and who, while residing in such other state, had entered and was in attendance in kindergarten in such state shall be eligible to attend kindergarten in this state, regardless of age.

72-1126. Community service programs; duties of state board. (a) The state board of education shall provide for a community service program to be offered to all accredited high schools in this state.

(b) As used in this section, the term "community service" means a service performed by a high school student, without monetary compensation or remuneration, for the purpose of benefiting the student's community. The service performed may include, but not by way of limitation, mentoring or tutoring elementary school pupils, assisting in a nursing home or adult care center, providing lawn care or performing other tasks for senior citizens or disabled persons, assisting in a homeless shelter or a soup kitchen, organizing or assisting in fund raisers for disaster victims and other needy persons, assisting community-based nonprofit agencies that

provide programs and services for low-income people, the disabled and the elderly, assisting fraternal organizations in charitable activities.

72-7535. Personal financial literacy programs; development and implementation. (a) In order to equip students with the knowledge and skills needed to become self-supporting and to enable students to make critical decisions regarding personal finances, the state board of education shall authorize and assist in the implementation of programs on teaching personal financial literacy.

(b) The state board of education shall develop a curriculum, materials and guidelines that local boards of education and governing authorities of accredited nonpublic schools may use in implementing the program of instruction on personal financial literacy. The state board of education shall adopt a glossary of personal financial literacy terms which shall be used by school districts when implementing the program on personal financial literacy.

(c) The state board of education shall develop state curriculum standards for personal financial literacy, for all grade levels, within the existing mathematics curriculum or another appropriate subject-matter curriculum.

(d) The state board of education shall encourage school districts when selecting textbooks for mathematics, economics, family and consumer science, accounting or other appropriate courses, to select those textbooks which contain substantive provisions on personal finance, including personal budgeting, credit, debt management and other topics concerning personal financial literacy.

(e) The state board of education shall include questions relating to personal financial literacy in the statewide assessments for mathematics or social studies required under K.S.A. 72-6439, and amendments thereto. When the statewide assessments for mathematics or social studies are reviewed or rewritten, the state board of education shall examine the questions relating to personal financial literacy and rewrite such questions in order to determine if programs on personal financial literacy are equipping students with the knowledge and skills needed to become self-supporting and enabling students to make critical decisions regarding personal finances.



ADMISSION REQUIREMENTS FOR STATE UNIVERSITIES

Residents

Kansas residents who meet one of the following requirements are guaranteed admission to a state university.

Freshmen (fewer than 24 transfer credit hours):

- High school students
 - Graduates of accredited high schools must meet one of the following three requirements
 1. Achieve an ACT score of 21 or higher OR
 2. Rank in the top 1/3 of the class in the 7th or 8th semester OR
 3. Achieve a 2.0 or higher on the precollege curriculum
- Homeschooled students
 - Achieve an ACT score of 21 or higher
- GED graduates
 - Achieve an overall score of 2550 and a minimum score of 50 points on each subtest
- 21 and Older
 - Have a high school diploma
- Transfer Students
 - Earn a 2.0 or higher on 24 or more transfer credit hours

Exceptions

A university may choose to admit any Kansas resident who does not meet admissions requirements, but shows potential for success, by means of the 10% exception window.

Non-Residents

State universities may choose to admit residents of other states who meet one of the following requirements, but are not required to do so. Universities may set additional requirements for nonresidents. Institutions may choose to admit nonresidents who do not meet admissions requirements and who show potential for success, but are not required to do so.

Freshmen (fewer than 24 transfer credit hours):

- High school graduates
 - Graduates of accredited high schools must meet one of the following three requirements
 1. Achieve an ACT score of 21 or higher OR
 2. Rank in the top 1/3 of the class in the 7th or 8th semester OR
 3. Achieve a 2.5 or higher on the precollege curriculum
- Homeschooled students
 - Achieve an ACT score of 21 or higher

Transfer Students

- Earn a 2.0 or higher on 24 or more transfer credit hours

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QUALIFIED ADMISSIONS CURRICULUM

Information for High Schools

Qualified Admissions Curriculum

English: 4 approved units of English, one unit taken each year of high school.

Natural Science: 3 approved units from the following, one unit must be Chemistry or Physics:

- Biology
- Advanced Biology (2nd Year Biology)
- Earth/Space Science
- Chemistry
- Physics
- Principles of Technology

Math: 3 approved units from the following:

- Algebra I
 - Geometry
 - Algebra II
 - Any math course that has Algebra II as a prerequisite.
- Courses completed in middle school or junior high do not count toward the requirement.

Social Science: 3 approved units from the following:

- One unit of U.S. History
 - Minimum of one-half unit of U.S. Government
- Minimum of one-half unit from the following:
- World History
 - World Geography
 - International Relations
- Up to one unit selected from:
- Psychology
 - Economics
 - U.S. Government (additional course)

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- U.S. History (additional course)
- Current Social Issues
- Sociology
- Anthropology
- Race and Ethnic Group Relations

A ½ unit course may not be used to fulfill more than one requirement.

Qualified Admissions Course Content Requirements

- English
- Math
- Natural Science
- Social Science

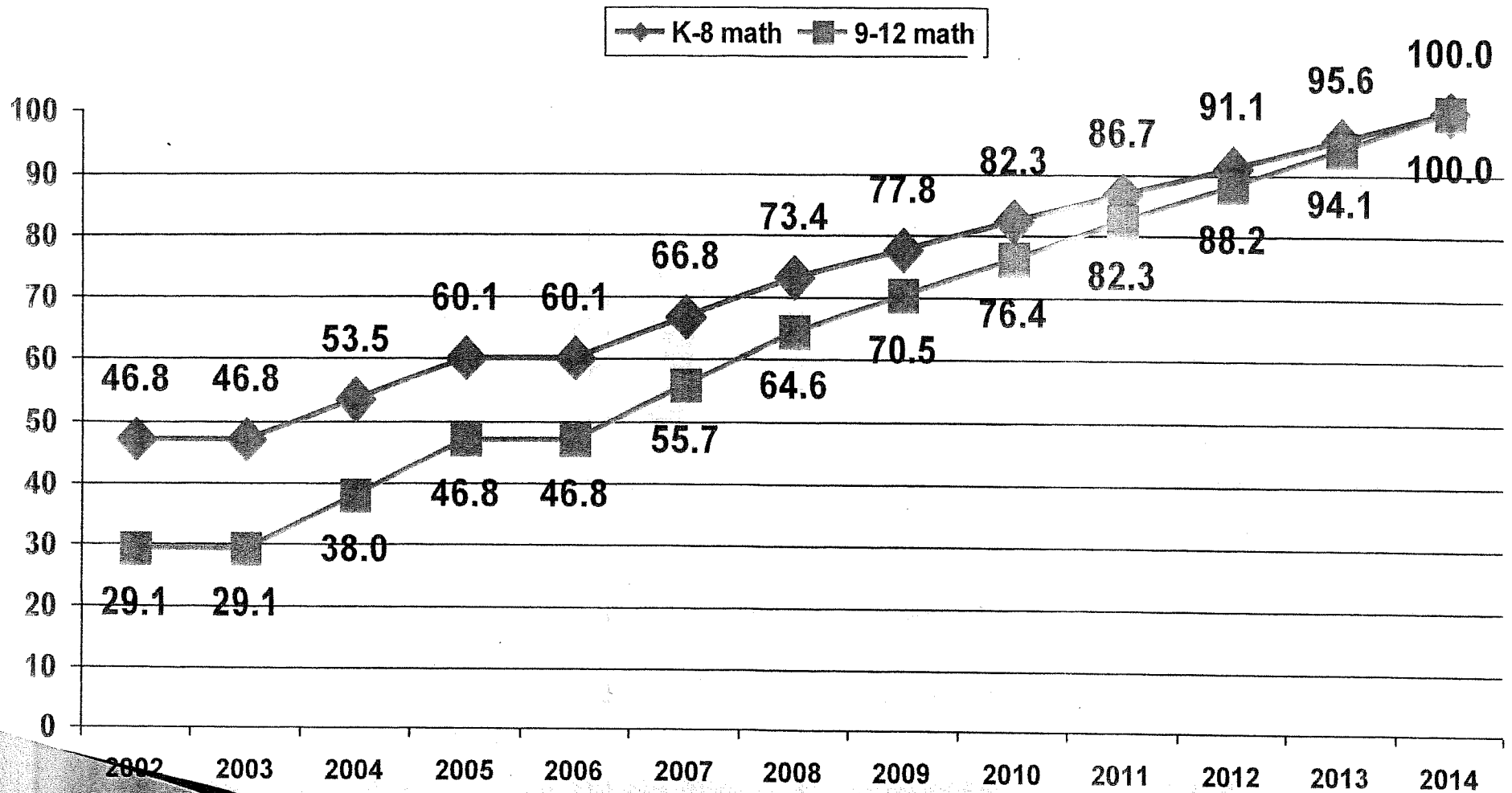
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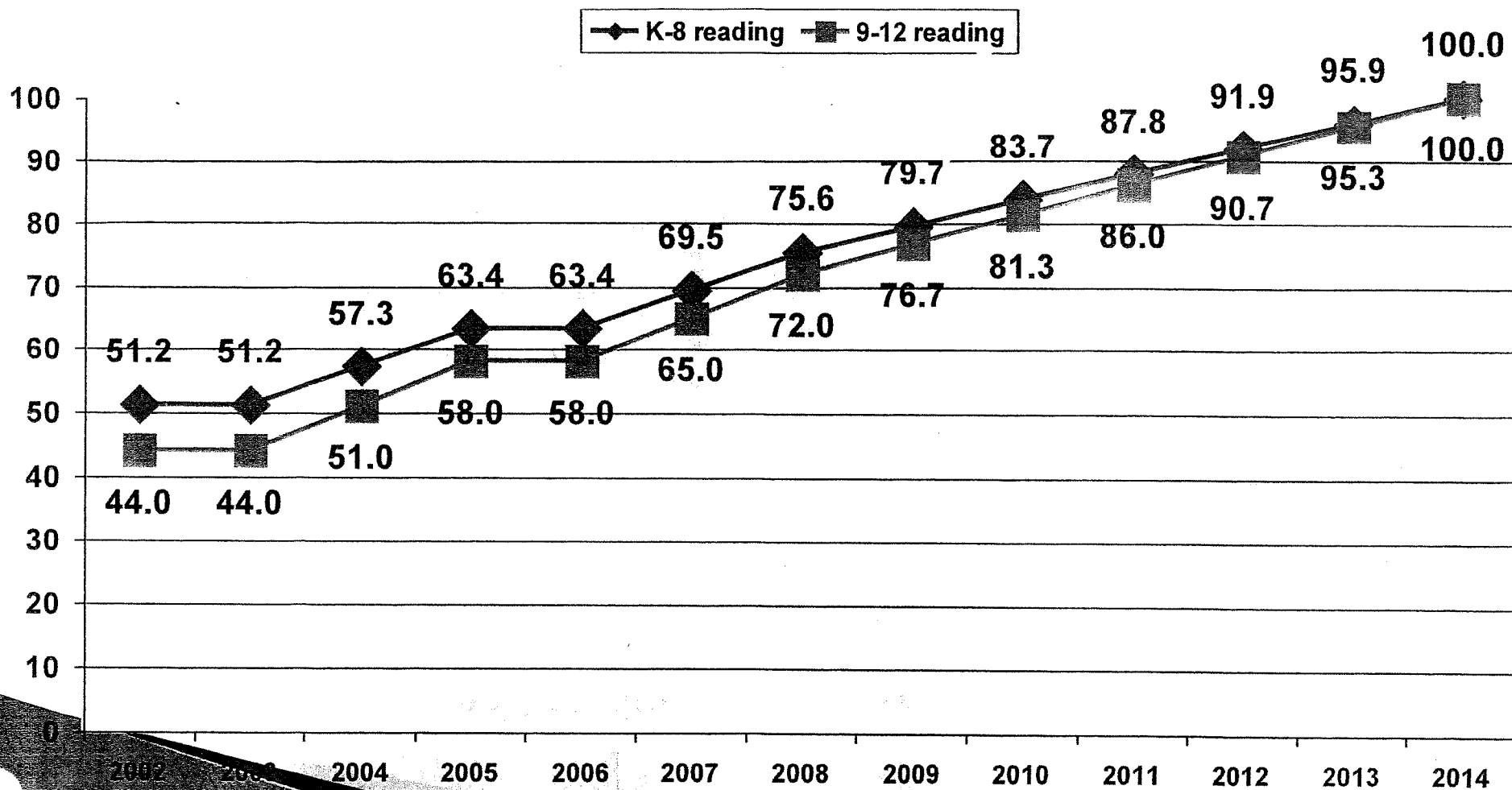
Performance Criteria: Mathematics

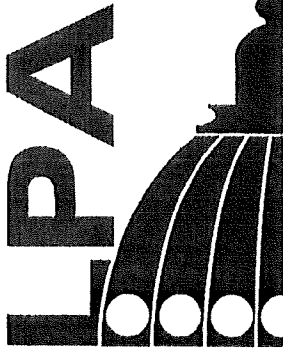
AYP Starting Point: Mathematics



Performance Criteria: Reading

AYP Starting Point: Reading





COST STUDY ANALYSIS

Elementary and Secondary Education in Kansas: Estimating the Costs of K-12 Education Using Two Approaches

**A Report to the Legislative Post Audit Committee
By the Legislative Division of Post Audit
State of Kansas
January 2006**

1.1 ESTIMATING BASE-LEVEL COSTS FOR REGULAR EDUCATION USING AN INPUT-BASED APPROACH

Conducting a cost study using an input-based approach involves identifying the type and number of resources needed to provide a certain level of services, then “pricing” those resources to determine their estimated cost. The study we conducted using the input-based approach was required by law to identify the following for regular K-12 education in Kansas:

- the estimated costs of providing the curricula, programs, and services mandated by State statute or specified in high school graduation requirements and State scholarship and college admission requirements. These could be considered the costs related to a basic education; they do not take student performance outcomes into account.
- an estimate of the reasonable costs for operating schools and school districts, including costs for instruction, administration, support staff, supplies, equipment, and building operations and maintenance.

The reader should be aware there are likely to be some district expenditures unrelated to the cost of a basic education that cannot be separately identified in the data districts report to the Department of Education. Also, previous audit work we’ve done has shown that some districts’ internal accounting records don’t treat expenditures uniformly. In this cost study, we took steps to try to minimize the impact of these factors on our cost estimates.

BACKGROUND: MANDATED REQUIREMENTS FOR REGULAR EDUCATION

The major requirements we identified are summarized in *Figure 1.1-1*. Most mandated requirements relate to the educational curricula school districts are required to provide, either at the elementary or high school level.

Figure 1.1-1 Summary of Statutory and Other Mandates, Attendance and Curriculum Requirements		
	Minimum Requirement	Mandated In...
Attendance Requirements		
School Days per Year	K - 11 186 days per year Grade 12 181 days per year	K.S.A. 72-1106
School Hours per Year	Kindergarten 465 hours per year (2.5/day)	K.S.A. 72-1106
	Grade 1-11 1,116 hours per year (6/day)	
	Grade 12 1,086 hours per year (6/day)	

Elementary Curriculum Requirements	Reading Writing Math (including arithmetic) Geography Spelling English (grammar and composition) History (U.S., Kansas) Civil Government (and Citizenship) Health and Hygiene Such other subjects as the State Board of Education may determine: Science Language Arts Computer Literacy Fine Arts Physical Education (incl. health & human sexuality)	K.S.A. 72-1101 Board of Education Quality Performance Accreditation criteria K.A.R. 91-31-32(c)(9)
High School Curriculum Requirements	21 units of credit are required for graduation. High schools must offer and teach 30 units of instruction. 4 units English 4 units Math 3 units Science 3 units History / Government 2 units Foreign Language 1 unit Computer Technology 1 unit Physical Education 1 unit Fine Arts Electives to fill out required hours/units	K.A.R. 91-31-35(b) K.S.A. 72-8212 K.A.R. 91-31-35(a) K.S.A. 72-116, 76-717, 72-6810, 72-1103, 72-1117(a)
Source: Kansas Statutes, Kansas Administrative Regulations, Quality Performance Accreditation criteria.		

Two other statutory requirements related to basic education had to do with student health exams and assessment tests.

- health exams - State law requires districts to periodically perform vision, hearing, and dental screenings for students.
- student assessments - K.S.A. 72-6439 requires assessment tests to be administered to three grade levels in the core academic areas of mathematics, science, reading, writing, and social studies. Beginning with the 2005-06 school year, the State's Quality Performance Accreditation standards required additional grades to be tested each year. Because our charge was to look only at statutory requirements, we did not consider costs that may be related to testing additional grades.

In addition to these requirements, we identified numerous other requirements in law, such as those relating to providing Special Education, transportation, and food service. These areas are addressed in other parts of this cost study, and are summarized in **Appendix 6**.

INPUT-BASED APPROACH: METHODOLOGY

The methodology we followed in estimating the cost of delivering the curricula, related programs, and services mandated by State statute, as well as reasonable costs for operating schools and school districts, is summarized below. More detail is presented in **Appendix 1.1**.

APPENDIX 6 Additional Requirements for School Districts	
Area	Requirement (with citation)
Health Exams	<ul style="list-style-type: none"> • vision screening • hearing screening • dental inspection <ul style="list-style-type: none"> • each district must provide basic vision screening of every pupil not less than once every 2 years; the screening may be performed by a teacher (KSA 72-5205) • each district must provide basic hearing screening during the first year of admission and not less than once every 3 years thereafter; the screening must be performed by someone competent in the use of a calibrated audiometer (KSA 72-1205) • each district must provide free dental inspection annually for all children; the inspection must be performed by a licensed dentist (KSA 72-5201, 72-5202)
Transportation	<ul style="list-style-type: none"> • the district must provide transportation to any student who lives more than 2.5 miles from the school the child attends, unless the student and the school building are in the same city (KSA 72-8302) • if a district provides transportation to children who attend public schools, it must also provide the same service for students who attend accredited private or parochial schools (KSA 72-8306)
Food Service	<ul style="list-style-type: none"> • the State accepts the provisions and benefits of federal acts relating to food service programs (KSA 72-5113) • participation is voluntary: participation means that the USDA's Food and Nutrition Service reimburses participating schools (through KSDE) for the meals served to students if the meals meet federal nutritional requirements, if the schools offer free or reduced price meals to eligible children, and if schools meet additional requirements (7 CFR Parts 210, 220 and 245) • each district must enter an agreement with the State Board of Education to maintain a school breakfast program (KSA 72-5125)
Special Education	each district must provide education for children with disabilities, in the regular educational environment whenever possible (KSA 72-976)
Vocational Education	<ul style="list-style-type: none"> • vocational education programs are optional; however, with KSA 72-4408, the State accepted the provisions of the federal Carl D. Perkins Vocational and Technical Education Act of 1998 • a state plan required under the Perkins Act must describe activities and levels of performance (20 USC 2342); it also is the state plan for vocational education (KSA 72-4408); state and federal moneys may be spent only for purposes specified in federal or state law (KSA 72-4415) • under the state plan, courses may be in one of 7 major areas: Agriculture, Business and Computer Technology, Family and Consumer science, Health Occupations, Marketing, Technology, Trade and Industry; teachers must be endorsed in relevant areas (Kansas Department of Education guidance)
Bilingual Education	<ul style="list-style-type: none"> • federal courts have interpreted Title VI of the Civil Rights Act of 1964 to protect access to education for students with limited English proficiency, and the federal No Child Left Behind Act of 2001 requires states to establish standards for raising the level of English proficiency • the State Board of Education may set standards for such programs that districts must meet (KSA 72-9504) to receive State funding for bilingual education • district programs must employ teachers who are certified and endorsed English as a Second Language or Bilingual Education teachers to instruct students with limited English proficiency or paraprofessionals qualified to assist certificated teachers, according to standards established by the State Board of Education (KSA 72-9501 and 72-9502, Kansas Department of Education guidance)
Programs for At-Risk Students	<ul style="list-style-type: none"> • districts receive additional funding based on the number of students eligible for free meals under the National School Lunch Act (KSA 72-6414 and 72-6407a) • districts must use about 5.2% of the additional funding to provide programs that allow students to master basic reading skills by the end of third grade (KSA 72-6414)
Student Assessments	assessments of student performance in mathematics, science, reading, writing, and social studies must be administered at three grade levels; the State Board of Education determines the grade levels and is to provide for assessments (KSA 72-6439)

STATE OF KANSAS
HOUSE OF REPRESENTATIVES



MICHAEL R. (MIKE) O'NEAL
SPEAKER

TESTIMONY IN SUPPORT OF HCR 5010
March 3, 2011

Chairman Aurand and members of the Education Committee, I appear in support of HCR 5010, a proposed constitutional amendment to clarify Art. 6, Sec. 6 of the Kansas Constitution. Until the **Montoy** decision, this education article in our state constitution was well understood and its interpretation by the state's highest court was consistent with the legislative history of the article's enactment by the voters of Kansas.

Today, however, ambiguity apparently exists since two separate Kansas Supreme Court decisions are hopelessly in conflict with regard to the proper interpretation of Art. 6, Sec. 6 of the Kansas Constitution, which requires that the legislature "make suitable provision for finance of the educational interests of the state." In the 1994 Supreme Court case of **U.S.D. #229 v. State**, the state's highest court held that in school finance litigation *"the issue for judicial determination was whether the Act provides suitable financing, not whether the level of finance is optimal or the best policy."* The court went on to hold that the *"funding of public education is a complex, constantly evolving process. The legislature would be derelict in its constitutional duty if it just gave each school district a blank check each year.... Rules have to be made and lines drawn in providing 'suitable financing'. The drawing of these lines lies at the very heart of the legislative process and the compromises inherent in the process."*

In considering the court's responsibility under the separation of powers doctrine, the court noted that *"the determination of the amounts, sources, and objectives of expenditures of*

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House Education Committee

Date 3/3/11

Attachment# 2

public moneys for educational purposes, especially at the State level, presents issues of enormous practical and political complexity, and resolution appropriately is largely left to the interplay of the interests and forces directly and indirectly affected, in the arena of legislative and executive activity. This is of the very essence of our governmental and political polity. It would normally be inappropriate, therefore, for the courts to intrude upon such decision-making."

In **Montoy**, decided in 2005, the state's highest court, did an abrupt about-face and determined that the long-standing constitutional article had another meaning altogether. Rejecting precedent the court found that "suitable provision for finance" could and would be construed to mean a certain level of funding irrespective to the interplay of the legislative process and appropriation process. Faced with yet another lawsuit the state, therefore, has and interest and responsibility to have the voters decide on the proper interpretation of the constitutional article which sets forth the legislature's responsibility in the area of education finance.

HCR 5010 would restore the education finance article to its original purpose, a requirement for a system of finance that provides for the equitable distribution of funding to the state's various and diverse school districts in amounts that are determined by the interplay of the legislative and appropriations process. A continuous cycle of school finance litigation is counterproductive and has fostered an education system more focused on chasing funds than achieving outcomes through policy-driven, competitive initiatives.

The current legislative environment with regard to school finance is the exact environment the court in **U.S.D. #229 v. State** warned us about. In considering the challenge to the new school finance law in 1994, the court noted that *"the proponents of the claims made in this issue would, in effect, rewrite Sections 5 and 6 to require the State to provide direct financial aid or the means to raise tax monies sufficient to cover what each school district determines is 'suitable financing' for the particular district's needs. Under this rationale, the legislature would have little or no role in the determination of what amount of finance was suitable for the particular district."* The court went on to conclude that *"the court will not substitute its judgment of what is 'suitable', but will utilize as a base the standards enunciated*

by the legislature and the state board of education." Today, statutes pretty well define a "suitable education". The legislature's role and responsibility is to see that those statutory requirements are funded through an equitable distribution of state funds. The legislature's role is not to sign blank checks or pay for every item or expense districts choose to offer or incur.

The court in *U.S.D. #229 v. State* got it right. We owe it to the people of the state to restore the proper interpretation and intent of the education article relating to school finance.



Testimony before the
House Committee on Education
on

HCR 5010 – Constitutional Amendment Removing “Suitable Provision for Finance” of Education

by
Mark Tallman, Associate Executive Director for Advocacy
Kansas Association of School Boards

March 3, 2011

Mr. Chairman, Members of the Committee:

Thank you for the opportunity to share our concerns about **HCR 5010**, which would remove the Legislature’s constitutional duty to make suitable provision for education finance and instead direct the Legislature to “provide for the equitable distribution of public school funds in a manner and amount as may be determined by the Legislature.” KASB opposes this proposal because we support the current constitutional provision which gives the Legislature responsibility for providing suitable funding for the educational interests of the state, which are defined to include providing intellectual, educational, vocational and scientific improvement.

We believe this proposal would weaken the Constitutional commitment to education that has served Kansas extraordinarily well, and could ultimately result in either declining support for K-12 education or a return to education programs based on local wealth and taxes (or both).

I. The people of Kansas, through their Constitution, have made educational *improvement* – not just education – a fundamental responsibility of the state.

As Kansans celebrate 150 years of statehood, we should remember that improving education has been a Constitutional duty of the Legislature since the original document made us a free state:

ART. 6, SEC. 2. The Legislature shall encourage the promotion of intellectual, moral, scientific and agricultural improvement, by establishing a uniform system of common schools, and schools of higher grade, embracing normal, preparatory, collegiate, and university departments.

Constitutions are written because, even in a democracy, we cannot always rely on any single elected body – Congress, State Legislators, or even local school boards – to secure and defend the rights of the people. Constitutional provisions provide a higher degree of protection than a simple majority in the legislative branch alone. Currently, many legislators are seeking to use the Courts, not just the electoral process, to overturn a federal law passed by a majority of Congress and signed by the President

Likewise, the citizens of Kansas (and the school boards they elect) should have the same ability to challenge school finance measures passed by the Legislature and signed by the Governor if they believe those measures fall short of constitutional standards.

II. The Constitution promotes educational improvement through a balanced system of state accountability and financial responsibility with local control, all accountable to the people.

In the 1966 amendment to the education article, the people created an extraordinarily effective system of responsibilities, checks and balances.

- An elected, independent *state board* – with no responsibility other than general supervision of K-12 education – to provide accountability for the educational interests of the state;
- *Locally-elected boards of education* to “maintain, develop and operate” the public schools, keeping management decisions closest to the patrons, parents and students most directly affected and accountability closest to the community that elects them; and
- Charging the elected *Legislature with suitable funding* of education because only the state, as a whole and not local districts, can provide the revenue required to ensure *every* child can receive an education that meets statewide standards.

The public supports equal educational opportunities. In the Patron Insight poll released Tuesday, 94% of respondents said they “strongly agree” or “agree” with the statement, “Generally speaking, all students should have access to equal educational opportunities, no matter where they live in Kansas.”

When there are conflicts among these constitutional branches, or when the people believe any part of the system is not working, they can turn to the judicial system to resolve constitutional issues.

III. This constitutional system for education has worked extraordinarily well; raising achievement and promoting prosperity at a stable cost to taxpayers.

Consider the changes in our educational results and expectations since 1966.

- Kansas high school completion increased from less than 50% to nearly 90%.
- The percent of Kansans with at least a bachelor’s degree tripled from less than 9% to 29%.
- Kansas ranks 16th in the nation (3rd in the region) in high school completion of young adults; 14th in the nation (2nd in the region) in bachelor’s degree completion; and 16th in the nation (2nd in the region) in advanced degree completion.

- Kansas has increased its national rankings as higher educational attainment has become more and more closely linked to economic prosperity. Higher-skill employees have seen real wage increases while lower-skill employees have experienced real wage declines and increases in unemployment.
- In 1966, Kansas ranked 27th in the nation in per capita income and ranked behind Iowa (16th), Colorado (22nd), Missouri (23rd) and Nebraska (25th), only leading Oklahoma (38th) in our region.

In 2008, Kansas ranked 20th in the nation and trailed only Colorado (12th), while Iowa (27th) and Missouri (32nd) have fallen behind, Nebraska is basically tied and Oklahoma remains behind (30th). The only state in the region with a higher per capita income than Kansas is Colorado, which is the only state with higher postsecondary achievement than Kansas. The only state with a lower poverty rate is Nebraska.

- At the same time the student population has become more diverse, challenged with the consequences of lower income and significant increases in special needs, schools have *raised achievement* by expanding opportunities for minorities (desegregation and civil rights), women (Title IX) and students with disabilities (special education) by increasing student support services (counseling, meal programs, transportation, safety, alternative and virtual schools); raising standards for graduation (more math, science, English and electives); college entrance (qualified admissions); and adding technology and a host of programs to meet social needs not dreamed of 45 years ago.
- Yet the system has done all of these things without requiring a larger share of personal income. State and local funding for school operating expenditures was 4.2% of Kansas Personal Income in 1966. It dropped to 3.5% in 2010, and is projected to fall to 3.2% in 2012 under the Governor's budget – the lowest point since 1974.

Therefore, Kansas should be extremely careful about changing a system that continues to perform well. We have heard experts talk about how well Kansas ranks nationally, and then are urged to copy another state that still hasn't matched the achievement levels of Kansas. While continually looking for ways to improve, we urge the Legislature to consider and preserve what Kansas has done right to make us an improving national leader. Maybe Florida has improved in part because it was copying Kansas!

And it is abundantly clear that Kansans recognize and support these results. The Patron Insight survey shows that a total of 82% of survey respondents gave their local public school district a grade of "A" or "B," while 11% said "C," and only 6% said "D" or "F." (The remainder were in the "don't know" category.) A total of 70% gave public schools statewide an "A" or "B," while 18% said "C" and less than 2% said "D" or "F." (Again, the remainder fell into the "don't know" category.)

IV. Defining “suitable finance” must reflect the cost of continuing educational improvement and the educational interests of the state as defined by the Legislature and Kansas State Board of Education.

Governor Brownback has called upon the Legislature to address the issue of suitable education or finance. The Kansas Constitution directs the Legislature, which has the power of taxation and appropriation, to make “suitable provision for finance of the educational interests of the state.”

The educational interests of the state must include:

- First, the “intellectual, educational, vocational and scientific improvement” that is the constitutional purpose of public education, including student outcomes.
- Second, all of the requirements of the State Legislature and State Board. How could any state law, mandate, rule or regulation concerning education be considered valid if it is not an educational interest of the state?
- Third, federal education laws that are binding on the state of Kansas or have been accepted by the Legislature and State Board, such as special education and No Child Left Behind.

In fact, the Legislature and State Board have already defined what is required for suitable finance by the laws, rules and regulations enacted and accepted. Any shorter list would leave off cost and duties imposed on districts. KASB has compiled a summary of those regulations (separate attachment).

The KASB Delegate Assembly has defined these requirements as follows:

Section I. F. Definition of Suitable Funding

The Kansas Constitution directs the Legislature to provide for intellectual, educational, vocational and scientific improvement by establishing and maintaining public schools and other educational institutions and activities, and to make suitable provision for finance of the educational interests of the state. A definition of “suitable provision” must reflect the changing needs of the individual and society. It should include the resources necessary to provide: all areas of instruction and all other programs, services and functions required by:

- (1) state and federal law, state accreditation standards and other relevant regulations;
- (2) programs and services required for students to meet state and federal performance standards; and
- (3) programs and services that support the education of all students to become well-rounded citizens and successfully participate in the modern world, including such areas as health and safety, technical and vocational education, fine arts and student activities and other relevant public expectations.

HCR 5010 proposes to remove the requirement to provide “suitable funding,” but doesn’t change the Constitutional standard of improving education. It seems to allow the Legislature to continue to impose requirements, but have no obligation to pay for those costs. Speaker Mike O’Neal has said that school districts should not be able to do whatever they want and send the bill to the state. We agree. We are not away of any court decision or lawsuit proposing that requirement. But neither should the *state* be able to require what ever it wants and send the bill to local districts. That is the risk of **HCR 5010**.

V. State and federal performance standards and requirements, not local curriculum and program decisions, are driving educational costs.

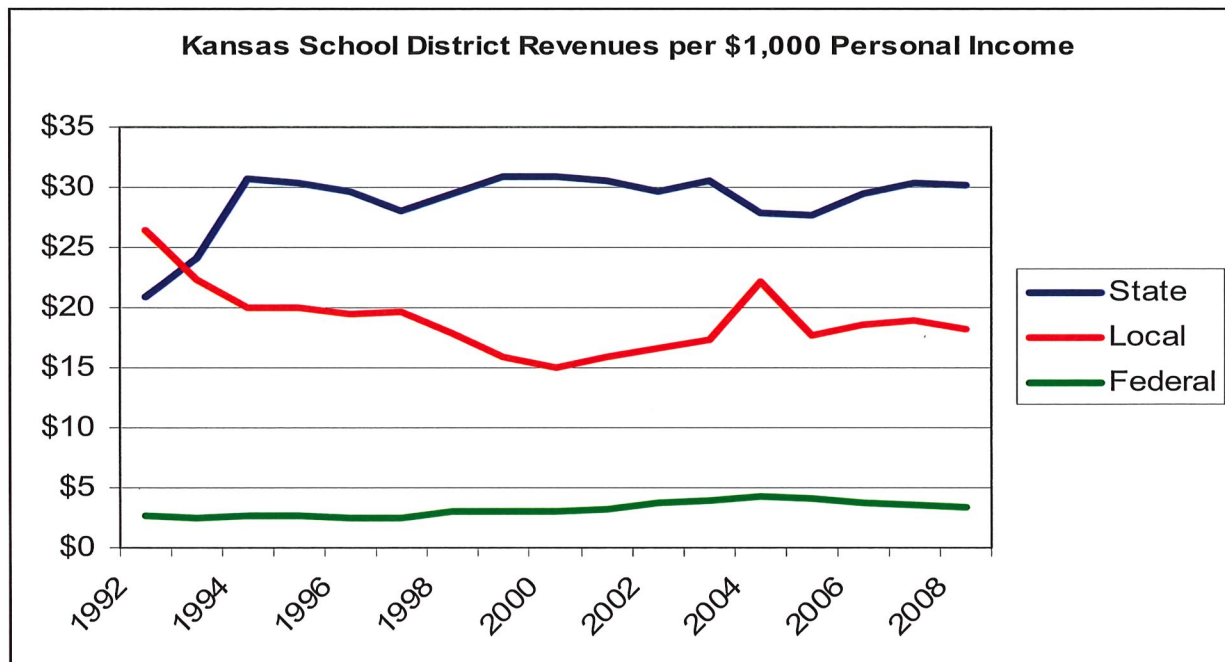
Since the state's adoption of the current school finance formula in 1993, school operating budgets, including the base budget per pupil, enrollment weightings, local option budgets and special education aid, have increase from \$2.1 billion to \$4.1 billion – about twice the rate of inflation, but less than Kansas personal income. How can we account for that \$2 billion increase?

- **Base budget per pupil funding**, which covers regular education, including the cost of most state required subjects, increased about \$400 million, *or less than half the rate of inflation.*
- The cost of **weightings**, which are set by the Legislature, increased by \$500 million, over three times the rate of inflation. Most of this increase was for at-risk and bilingual funding to meet *outcomes identified by Legislative Post Audit based on state and federal requirements.*
- **Special education** state aid increased by \$271 million, about three and one-half times the rate of inflation, to cover the “excess cost” of individual education plans *required under state and federal laws and regulations.*
- **Local option budgets** increased by \$800 million, which allow districts to fund general education and provide reasonable salary increases. *Over \$200 million of that increase was due to the Legislature's actions to increase LOB authority for local boards.*

Finally, state funding for KPERS is increasing significantly due to contributions rates and benefits determined by the state, not local districts.

Because state and federal policies and mandates, not local decisions, are the major factors in school finance increases, changing the constitution or statutes to try to limit state funding will result in either shifting these costs to local sources (primarily property taxes) or further reductions in regular education programs.

There is also nothing “unsustainable” about the current system. As the chart shows, the state share of total school districts' revenues has remained consistently around \$30 per \$1,000 of Kansas person income since the current system was fully implemented in 1994. Fundamental change is only required if the goal is to reduce the state commitment to K-12 education, either shifting cost to local districts or reducing total support compared to what our parents and grandparents contributed for us.



VI. School finance lawsuits have been about equitable treatment of students and taxpayers and the Legislature's failure to meet its *own* standards – not the “wants” of local districts.

In the 45 years since the current constitutional language was adopted, there have been essentially three major rounds of school finance lawsuits – hardly a record of constant litigation. (A brief history of Kansas school finance litigation is attached.) The first two concerned tax and funding equity issues, not the definition of “suitable” or the amount of funding. In both cases, the Legislature agreed to act without appealing to the Supreme Court, resulting in the School District Equalization Act in 1973 and the School District Finance and Quality Performance Act in 1992.

Both resulted in short-term funding increases, but in the long term funding remained stable while educational outcomes increased.

The *Montoy* case began as an equity case involving differences in student achievement among groups of students, using data from state assessments mandated by the Legislature. It was broadened to include adequacy after the Legislature's Augenblick and Myers study found deficiencies in school funding levels, and culminated in the Legislative Post Audit study report on the cost of inputs and outcomes. Essentially, the state itself made the plaintiffs' case.

The current litigation is really a continuation of *Montoy*. The Legislature has clearly failed to provide the funding levels committed to settle that case. It could have either raised the revenue to meet that commitment, or if that was politically or economically unfeasible, taken steps to reduce costs. The Legislature did neither.

HCR 5010 seems to be an attempt to reduce litigation by removing the Legislature's obligation to make suitable provision for finance. But the proposed new language, requiring “equitable distribution of public school funds” could simply open the door to more lawsuits over “equity.” We believe the way to

end or at least reduce lawsuits is to agree on what is required for educational improvement, make sure that it is reflected in state requirements, and provide fair and equitable funding for those costs.

KASB is committed to helping in that quest. We are beginning a statewide initiative to encourage every school district to convene a community process to discuss what is required to meet the constitutional standard of suitable. We will ask school leaders and patrons to consider these three questions: What are we currently doing to promote educational improvement? What else should we be doing? What can we stop doing because it doesn't promote improvement?

We cannot yet answer those questions, and therefore we believe **HCR 5010** is, at best, premature. At worst, it could weaken our commitment to what Governor Brownback has called the state's paramount function: the education of its citizens.

Changes in Students, Educators and Finance under Current Finance System

	1993	2000	2005	2009	16 Year Percent Change
STUDENTS					
Full Time Equivalent Enrollment	431,321	448,610	441,868	447,615	3.8%
Percent eligible for free or reduced lunch	28.1% (1995)	32.3%	37.5%	39.8%	41.6%
Percent Special Education	7.9% (1995)	11.0%	13.3%	13.0%	64.6%
Percent English Language Learners	NA	NA	5.2%	7.9%	97.5%
EDUCATORS					
Average Kansas Teacher Salary	\$32,637	\$38,315	\$44,421	\$53,041	62.5%
Total Certified Employees	36,059	40,010	39,481	42,437	17.7%
ECONOMIC MEASURES					
Kansas Personal Income	\$51,729.3	\$74,569.7	\$90,320.5	\$110,673	114.0%
KS Per Capita Income	\$19,784	\$27,374	\$32,836	\$37,916	91.8%
Consumer Price Index	144.5	172.2	195.3	215.3	49.0%
SCHOOL FINANCE AMOUNTS (IN MILLIONS EXCEPT FOR BASE STATE AID)					
Base State Aid Per Pupil	\$3,600	\$3,770	\$3,863	\$4,400	22.2%
Base aid without weightings	\$1,551.6	\$1,688.1	\$1,697.1	\$1,950.7	25.7%
Weightings (excluding special education aid)	\$283.6	\$472.4	\$544.7	\$791.3	179.0%
General Fund (excluding special education aid)	\$1,835.2	\$2,160.5	\$2,241.8	\$2,742.0	49.4%
Special Education State Aid	\$149.0	\$228.8	\$246.7	\$420.4	182.1%
General Fund (including special education aid)	\$1,984.2	\$2,389.3	\$2,488.5	\$3,162.4	59.4%
Total Local Option Budget	\$98.2	\$322.8	\$570.7	\$901.5	818.0%
Total General Fund, Special Ed Aid, LOB	\$2,082.4	\$2,712.1	\$3,059.3	\$4,064.0	95.2%
Total Federal Funding	\$137.3	\$220.8	\$398.7	\$413.6	201.2%
Total revenues: Includes Bonds, Cap. Outlay, Fees	\$2,370.0	\$3,402.7	\$4,289.4	\$5,666.7	139.0%

Brief history of school finance litigation in Kansas:

In 1972, a trial Court found the Kansas public education funding system unconstitutional, in *Caldwell v. State of Kansas*. The Legislature essentially conceded, and in 1973 the Legislature responded by passing the School District Equalization Act (SDEA), which established a foundation level of school funding per pupil and committed the state to fund the difference between local revenues and this target amount. The focus of this case and response was tax and spending equity.

Eighteen years later, in 1990, plaintiffs challenged the constitutionality of SDEA. A trial court issued an "Opinion in Advance of Trial." The governor created a special task force to devise a new school finance system, and in 1992 the state adopted the School District Finance and Quality Performance Act (SDFQPA). Although the new system was challenged by a number of districts, the Kansas Supreme Court upheld the new law. While this lawsuit originated in equitable funding issues, the Legislature also established an accountability system based on state academic standards and assessments.

Eleven years later, a state court dismissed a new lawsuit, *Montoy*, on the grounds that the SDFQPA had been upheld. In January 2003 the Kansas Supreme Court reversed and remanded for trial, which resulted in a decision in favor of plaintiffs in December 2003. In late 2004 and early 2005, the Kansas Supreme Court affirmed the trial court's finding that the state education finance system was violating the Kansas Constitution and set an April deadline for remedial action by the Legislature.

The plaintiffs' case originally focused on disparities in student achievement by racial minorities, students with disabilities and English Language Learners, based in part on the results of student testing mandated by the Legislature. The focus was expanded to include the results of a report by Augenblick & Myers, Inc. (A&M), commissioned to study the adequacy of school funding in Kansas for the Legislative Coordinating Council, which delegated the responsibility of monitoring the work to the Legislative Education Planning Committee (LEPC). "The primary purpose of the study was to determine the funding level necessary for school districts to meet the objectives of a "suitable" education."

The Legislature acted by the deadline, but the court found the remedy insufficient. In April, 2005 the Kansas Supreme Court ordered the legislature to provide \$290 million, the amount the cost study had recommended for the first year of a multi-year phase-in. In a special session, the Legislature enacted a bill that appropriated the amount the Court had ordered for the 2005-06 school year.

The 2005 Legislature commissioned the Legislative Division of Post Audit (LPA) to conduct a study of the cost of providing constitutionally suitable education, focusing on state curriculum and program requirements. The Supreme Court directed the study to incorporate the cost of state-required outputs as well as inputs to determine required funding levels for future years. In the event that the LPA failed to comply, the Court held that it would consider mandating additional funding for the 2006-07 school year based on the 2002 cost study. This would have resulted in an additional funding increase of \$568 million.

Upon receipt of the LPA study, which found both significantly higher costs for meeting current and future outcomes than the state was currently providing and "a nearly one-to-one relationship between spending and outcomes, the 2006 Legislature increased annual state funding by another \$466 million to be phased in over three years. Most of the new state money was targeted for low-income, ELL and

special education students. The Kansas Supreme Court held that the new system complied with its earlier decisions in *Montoy* and closed the case in July 2006.

In January 2010, lawyers for the plaintiffs filed a motion with the Court to re-open *Montoy v. State of Kansas*, alleging that substantial funding reductions for school districts imposed during the state budget crisis violated the Court's prior orders in *Montoy* and failed to make "suitable provision for finance of the educational interests of the state." On February 12, the Kansas Supreme Court denied the motion to re-open. On November 2, 2010 a coalition of 63 Kansas school districts filed a new school funding lawsuit against the state claiming that the legislature's has failed to comply with the 2006 settlement of *Montoy*.



2011 Patron Insight, Inc. Statewide Survey on Public Education

Co-funded by: Kansas Association of School Boards,

Kansas School Superintendents Association and United School Administrators of Kansas

Results Summary: March 1, 2011

In February 2011, a 10-minute telephone survey was conducted with 500 head-of-household, registered voters across the state of Kansas. (Details about the demographics of the survey participants are on the back of this page.) The subject of the research was public education, and **the results show clearly that Kansans want more than just a "suitable" education.**

In fact, it's clear from the data that Kansans place a high value on their local schools, believe public schools are a good investment of tax dollars, and believe that protecting funding for public education should be one of the state's highest priorities. A summary of the findings is as follows:

Kansans give public schools across the state positive grades for their performance, and are even more enthusiastic with their support for their own local school districts.

A total of 82% of survey respondents gave their local public school district a grade of "A" or "B," while 11% said "C," and only 6% said "D" or "F." (The remainder said, "Don't know.") A total of 70% gave public schools statewide an "A" or "B," while 18% said "C," and 2% said "D" or "F." (Again, the remainder said "Don't know.")

More than nine out of 10 Kansans agree that up-to-date school buildings and student technology are important, and that students should have access to equal educational opportunities – no matter where they live in the state.

A total of 95% said they either "strongly agree" or "agree" with the statement, "Keeping school buildings and classroom technology up-to-date is important," while 94% said they "strongly agree" or "agree" with the statement, "Generally speaking, all students should have access to equal educational opportunities, no matter where they live in Kansas."

More than eight out of 10 Kansans agree with the importance of adequately funding public education, with the statement that protecting funding for public education should be one of the state's highest priorities, and with the idea that decisions for local school districts are best left to local school boards, among other topics.

Seven additional statements received support from 81% to 89% (combined "strongly favor/favor") of Kansans, including the following:

- Decisions about what's best for local school districts should be made by local school boards, rather than at the state level. (89%)
- Public education is worth the investment of tax dollars. (89%)
- Extracurricular activities, such as sports, band and debate are an important part of an overall education. (85%)
- Protecting funding for public education should be one of the highest priorities when decisions are made by the state government. (83%)

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About the study

- Participants were randomly selected from a list of landline and cell phone numbers secured by Market Research Associates, Leawood, Kansas, from a third-party vendor.
- Calls were allocated to various regions of the state based on general population patterns. Specifically:

Region	Number of respondents	Percentage of respondents
Kansas City area	142	28%
Wichita area	105	21%
Southeast	61	12%
Southwest	61	12%
Topeka/Lawrence area	52	10%
Salina, Manhattan, Junction City area	32	6%
Northwest	24	5%
Other Northeast (besides Kansas City area)	23	5%

- Calls were placed from 7 p.m. to 9 p.m. Monday through Friday, and from noon to 6 p.m. Saturday, (February 9 - 23).
- To participate, each person had to confirm that he or she was either the male or female head of the household, and was a registered voter.
- Three attempts were made to reach each individual (if necessary), before he or she was replaced with a new potential participant, selected at random from the list of names and telephone numbers.
- Spanish-speaking interviewers were available, when needed.
- A survey of 500 completed interviews in the state of Kansas produces results with a Margin of Error of +/- 4.9%.
- Patrons from 162 school districts took part in the research.
- The entire research project was under the direction of Patron Insight, Inc., Stilwell, Kansas, (www.patroninsight.com), a leader in public school consulting.

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(This summary for information purposes only)

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K.S.A. 72-986 – Initial evaluation of children prior to provisions of services; parental consent; reevaluation; notice; procedure; duties of IEP team; child no longer eligible for services, duties
K.S.A. 72-987 – Individualized education program or family service plan; contents; development; duties of IEP team; IEP meetings; postsecondary goals; transfer of child during school year
K.S.A. 72-988 – Parental rights
K.S.A. 72-989 – Rights of child with disability upon reaching 18 years of age
K.S.A. 72-990 – Notice of parental rights; contents
K.S.A. 72-991a – Change in placement of child with disability to alternative setting as disciplinary action for certain behavior; duties of IEP team and hearing officer; behavioral assessment and intervention plan; determination and review procedure
K.S.A. 72-993 – Same; placement of child during pendency of due process Proceedings
K.S.A. 72-995 – Crimes committed by child with disability, reports to law enforcement and judicial authorities; transmittal of special education and disciplinary records
K.S.A. 72-996 – Dispute resolution through mediation; procedures; list of mediators; costs; time and location; agreements; confidentiality
K.S.A. 72-997 – Transfer of records of an exceptional child when child changes school
K.S.A. 72-998 – Medicaid replacement state aid; computation of amount; limitations

Article 11 – School Attendance, Curriculum and Accreditation

K.S.A. 72-1101 – Required subjects in elementary schools
K.S.A. 72-1103 – Required courses of instruction; graduation Requirements
K.S.A. 72-1106 – School term; exceptions; conditions; employment of noncertificated person
K.S.A. 72-1106b – School term; exceptions not to affect employee contracts; immunity from ability for boards of education.
K.S.A. 72-1107 – Age of eligibility for school attendance
K.S.A. 72-1113 – Same; noncompliance; duties of boards of education, secretary of social and rehabilitation services, county and district attorneys; agreements between secretary and county or district attorneys, duties; notification of absence to parents
K.S.A. 72-1117 – Kansas history and government, required courses; duties of state board
K.S.A. 72-1123 – Same; providing instruction to all students
K.S.A. 72-1124 – Same; individualized education plan
K.S.A. 72-1127 – Accredited schools; mandatory subjects and areas of instruction; legislative goals

Article 12 – Hearing Tests

K.S.A. 72-1205 – Free tests required; when and by whom tests performed; reports to parents
K.S.A. 72-1206 – Forms and records

Article 13 – Teachers' Certificates

K.S.A. 72-1390 – Payment of salaries unlawful, when

K.S.A. 72-1398 – National board for professional teaching standards certification incentive program

Article 14 – Mentor Teacher Programs

K.S.A. 72-1413 – Establishment and maintenance authorized; state grants, application, award, reports

Article 19 – Charter Schools

K.S.A. 72-1908 – Transportation of pupils

K.S.A. 72-1910 – Technical advice and assistance; evaluation of charter schools; compilation of evaluations and submission to governor and legislature

Article 36 – Parent Education

K.S.A. 72-3604 – Development and operation of programs authorized; interlocal and cooperative agreements; contracts; grants of state moneys, application and eligibility requirements; reports

Article 37 – Technology Education

K.S.A. 72-3714 – Same; teacher training programs

K.S.A. 72-3715 – Same; determining full-time equivalent enrollment; state aid; virtual school fund

Article 41 – School Textbooks

K.S.A. 72-4107 – Free textbooks authorized to be provided by school districts; revolving fund for textbooks authorized

K.S.A. 72-4107 – Free textbooks required, when

K.S.A. 72-4142 – Same; no-fund warrants or tax levies to purchase textbooks

Article 45 – Adult Education Programs

K.S.A. 72-4520 – Basic education programs; establishment and operation by local boards; standards and criteria; cooperative agreements

K.S.A. 72-4521 – Establishment/operation agreements state board; approval of applications/programs

K.S.A. 72-4525 – Supplementary education programs; establishment; maintenance; tuition, fees; fund, establishment and sources; expenses

K.S.A. 72-4526 – Teacher qualifications; certificate of accomplishment; regulations; participation by nonresidents; authority of teachers and administrators

Article 50 – Driver Training

K.S.A. 72-5017 – Same; rules and regulations by state board; list of schools conducting driver training courses; eligibility

Article 51 – Food Service Programs

K.S.A. 72-5118 – Determination of amounts; reports; payments

K.S.A. 72-5119 – Food service fund established; sources; expenses; unlawful transfers; nonpublic schools, fund accounting

K.S.A. 72-5120 – Appointments of authorized representatives responsibilities

K.S.A. 72-5125 – School breakfast programs

Article 52 – Health Programs

K.S.A. 72-5201 – Annual free dental inspection; exceptions

K.S.A. 72-5202 – Inspectors; regulations

K.S.A. 72-5205 – Basic vision screening required, exception, eye examination for conditions impairing reading ability

K.S.A. 72-5209 – Same; certification of completion required, alternatives; duties of school board

K.S.A. 72-5213 – Certification of health; form and contents; expense of obtaining; alternative certification

K.S.A. 72-5215 – Information on immunizations applicable to school age children

Article 53 – Miscellaneous Programs

K.S.A. 72-5308 – Patriotic exercises; flag etiquette; observation of holidays

K.S.A. 72-5386 – School records of pupils, withholding prohibited; school district property, return or payment

for, exception

K.S.A. 72-5393 – Same; conditions for provision; location; transportation

K.S.A. 72-53,106 – Pupil identification; proof required upon first enrollment in a school; duties of school and law enforcement agencies

Article 54 – Teachers' Contracts

K.S.A. 72-5410 *et seq.* – Negotiations

K.S.A. 72-5437 – Continuation of teachers' contracts; notice of termination/nonrenewal; change of terms.

K.S.A. 72-5446 – Abridgement of constitutional rights; procedure for Determination

K.S.A. 72-5438 – Teachers' contracts; notice of nonrenewal or termination, contents; request for hearing; hearing officers, list, selection, qualification, eligibility.

K.S.A. 72-5439 – Due process hearing; time for commencement; procedural Requirements

K.S.A. 72-5452 – Notice of nonrenewal or rejection of administrator's contract; change of terms

Article 62 – Federal Funds

K.S.A. 72-6214 – Federal laws and regulations; right of privacy policies definitions

Article 64 – School District Finance and Quality Performance

K.S.A. 72-6414 – At-risk pupil weighting; use of moneys derived from weighting; required expenditures for mastery of basic reading skills, exemption

K.S.A. 72-6419 – Certification of enrollment data and budget

K.S.A. 72-6439 – School performance accreditation system; pupil assessments; curriculum standards, establishment and review by state board; performance levels to represent academic excellence; school site councils

Article 64c – State Aid to School Districts

K.S.A. 72-64c01 – Sixty-five per cent of moneys to be spent on Instruction

Article 67 – School Unification Acts

K.S.A. 72-6760 – School district expenditures over \$20,000; requirements relating to bids and bidders; exemptions

K.S.A. 72-6761 – General obligation bonds; purpose for issuance; when election required; contest of validity; limitations; temporary notes, tax

Article 75 – State Board of Education

K.S.A. 72-7534 – Basic reading skills; mastery program; report to legislature.

K.S.A. 72-7538 – Disability history and awareness; objectives, guidelines and goals.

Article 82 – Organization, Powers and Finances of Boards of Education

K.S.A. 72-8201c – Contracts; mandatory provisions

K.S.A. 72-8202a – Boards of education; president and vice-president; election; terms of office; duties

K.S.A. 72-8202b – Superintendent of schools; assistant superintendents; supervisors; principals; appointment and powers

K.S.A. 72-8202c – Clerk; appointment and duties

K.S.A. 72-8202d – Treasurer; appointment and duties; surety bond required

K.S.A. 72-8204a – Annual budget and tax levy; certification

K.S.A. 72-8204c – Budget/summary proposed budget; notice of availability; needs assessment of attendance centers

K.S.A. 72-8204d – Profile of school district; contents; notice of availability

K.S.A. 72-8205 – Boards of education; meeting times; quorum; abstention from voting; general powers; legal counsel for officers and employees.

K.S.A. 72-8212 – Kindergarten, grade and unit of instruction requirements; alternative provision; general powers of boards; attendance subdistricts; disposition of unneeded property; acquisition of property

K.S.A. 72-8220 – Same; annual notice to county clerk

K.S.A. 72-8221 – Same; transfer of final balance

K.S.A. 72-8231 – Academic achievement testing program; report

K.S.A. 72-8241 – Inventory of community services; recommendations for further services

K.S.A. 72-8248 – Special liability expense fund; uses of money

K.S.A. 72-8249 – Special reserve fund; uses of money

K.S.A. 72-8250 – Textbook and student materials revolving fund; uses of money

K.S.A. 72-8252 – Policies to allow student to self-administer certain Medication

K.S.A. 72-8253 – Compilation and report of expenditures; verification by department.

K.S.A. 72-8254 – Reporting of expenditures to state board

K.S.A. 72-8256 – Bullying, school district policies

Article 83 – Transportation of Students

K.S.A. 72-8302 – Transportation of pupils; authorization to provide or furnish; required under certain conditions; suspension or revocation of privilege or entitlement under certain circumstances; fees, authorization to prescribe and collect, limitations, disposition

K.S.A. 72-8306 – Transportation of nonpublic school pupils

K.S.A. 72-8308 – Compliance with uniform act regulating traffic on highways; additional regulation

K.S.A. 72-8318 – Transportation of pupils; use of school bus required; when.

Article 89 – Suspension and Expulsion of Pupils

K.S.A. 72-8902 – Duration of suspension or expulsion; notice; hearings, opportunity afforded, waiver, time, who may conduct

K.S.A. 72-8903 – Procedural due process requirements; record of appeal, costs; report of findings and result of hearing; information regarding behavior improvement programs

K.S.A. 72-8904 – Notice of hearing results; appeal to board of education; hearing officers; procedure

K.S.A. 72-8906 – Powers and duties of person conducting hearings

Article 89a – Weapon-Free Schools

K.S.A. 72-89a02 – Policies requiring expulsion of pupils for possession of weapons, adoption, filing; hearings; modification of requirement authorized; referral procedure; annual report; circumstances when policy not applicable

Article 89b – School Safety and Security Act

K.S.A. 72-89b03 – Information regarding identity of specified pupils, disclosure requirements; criminal acts, reports to law enforcement agencies and state board of education; school safety and security policies, availability; civil liability, immunity

Article 89c – School Safety Violations, Suspension of Driving Privileges

K.S.A. 72-89c02 – Suspension or revocation of driver's license or privilege upon certain school safety violations; procedure

Article 90 – Evaluation of Certified Personnel

K.S.A. 72-9003 – Policy of personnel evaluation; adoption; forms; contents; Time

K.S.A. 72-9004 – Evaluation policies; criteria; development; procedure; evaluation required prior to contract nonrenewal

K.S.A. 72-9005 – Evaluation documents; presentation to employee; acknowledgement; limited availability

Article 91 – Traffic and Parking on School Grounds

K.S.A. 72-9101 – Motor vehicles on school grounds; parking; permits and misuse of areas; penalties

Article 95 – Bilingual Education

K.S.A. 72-9502 – Standards and criteria; qualified teachers

K.S.A. 72-9509 – Bilingual education fund; establishment; sources; reports to the state board

Article 96 – State Inservice Education Opportunities

K.S.A. 72-9604 – Boards of education required to establish and maintain programs; standards and criteria; methods of compliance

3 – State-Required Annual and Additional Notices

Kansas School District Required Annual Notices	
<p>February 1 - Notice must be given to negotiate on new items or to amend contract. K.S.A. 72-5423.</p> <p>Third Friday in May - The Board must give written notice of intent to terminate or non-renew a teacher's or administrator's contract. K.S.A. 72-5411, K.S.A. 72-5437, K.S.A. 72-5452</p> <p>May 15 - The Board will notify parents of the provisions of the immunization act and any board policies. K.S.A. 72-5209.</p> <p>June 1 - Statutory declaration of impasse date. K.S.A. 72-5413.</p> <p>June - Fourteen days after the third Friday in May, teachers and administrators have until this day to give written notice that they do not wish to continue their contracts. K.S.A. 72-5411, K.S.A. 72-5452</p> <p>June 30 - Last day of the fiscal year. K.S.A. 72-8204.</p> <p>July Board Meeting - Elect the President and Vice-President, set the regular meeting times and dates, and meeting place. K.S.A. 72-8202a, K.S.A. 72-8205.</p> <p>July 15 - Parent or guardian of a student that lives 10 miles or more from the school can apply to have transportation to and from school to the sending school district. K.S.A. 72-1046b.</p> <p>August 1 - Give the state board social security numbers and other information that they require of each person that has completed a vocational education program operated by the vocational education institute or proprietary school during the preceding fiscal year. K.S.A. 72-4452.</p> <p>August 25 - Certify to the state board a copy of the district's budget. K.S.A. 72-6419.</p> <p>August 31 - If a child reaches the age of six (or 5 for kindergarten) on or before this date, the child is eligible to attend school. K.S.A. 72-1107.</p> <p>September 1 - The board shall designate a person by this date that will report to the secretary of social and rehabilitation services and that person will be in contact with the secretary when any child that is supposed to attend school under law is not in attendance. K.S.A. 72-1113.</p> <p>September 1 - Report by any association with a majority of high schools as members. The report is for the preceding calendar year and contains a complete and detailed financial statement. K.S.A. 72-130.</p> <p>September 15 - If a local board adopts a policy that the school term will be in hours instead of days, it has until this day to notify the state board. K.S.A. 72-1106.</p> <p>September 20 - Determine the total number of full-time equivalent pupils in the school district. K.S.A. 72-978.</p> <p>October 10 - Superintendent or clerk shall send a report to the state board showing the total enrollment by grade, post secondary education enrollment, vocational education enrollment, special education enrollment, bilingual education enrollment, and at-risk pupil enrollment. K.S.A. 72-6419.</p>	
<p>Additional Notifications</p> <ul style="list-style-type: none"> • Notice of School Board Meetings • Bond Election Notices • Published Resolution of a Lease-Purchase Agreement • Notice of School District Elections • School Board Vacancy Notices • Publication of a Tax Levy • School Building Bonds 	<ul style="list-style-type: none"> • Local Option Budget • Closing School Buildings • Transfer of School District Territory • Notice of Exclusion for Failure to Immunize Students • Suspension and Expulsion • Educational Placement for Children with Disabilities • IEP Team Meetings

4 – Federal Requirements

Federal Requirements for School Districts – Employee Rights	
<p>CONSTITUTIONAL RIGHTS First Amendment Freedoms/Freedom of Speech/Speech Protected by the First Amendment</p> <ul style="list-style-type: none"> • Prior Restraints on Speech • Freedom of Association • Political Affiliation • Union Activity • Personal Relationships • The Religion Clauses • The Free Exercise Clause • The Establishment Clause • Religious Expression of Employees • Fourth Amendments Rights • Searches of Employee Property • Consequences of an Illegal Search • Drug or Alcohol Testing of Employees 	<p>STATUTORY AND CONTRACTUAL RIGHTS</p> <ul style="list-style-type: none"> • FAIR LABOR STANDARDS ACT • THE KANSAS WAGE PAYMENT ACT • FAMILY AND MEDICAL LEAVE ACT • OTHER EMPLOYEE LEAVE PROVISIONS • UNEMPLOYMENT INSURANCE • WORKERS COMPENSATION • COORDINATING EMPLOYEE BENEFITS • SECTION 125 EMPLOYEE BENEFIT PLANS <p>DISCRIMINATION LAWS</p> <ul style="list-style-type: none"> • THE AMERICANS WITH DISABILITIES ACT OF 1990 • SECTION 504 OF THE REHABILITATION ACT OF 1973 • TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 • TITLE VII OF THE CIVIL RIGHTS ACT OF 1964 • TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 • EQUAL PAY ACT OF 1963 • KANSAS ACTS AGAINST DISCRIMINATION • SEXUAL HARASSMENT
NCLB and Other Federal Requirements	
<p>ANNUAL FEDERAL NOTICES No Child Left Behind Act</p> <ul style="list-style-type: none"> • Annual report cards • Progress reviews • Schools identified for school improvement corrective action, or restructuring • Parental involvement policies • State education agency complaint procedures • Teacher and paraprofessional qualifications • Non-highly qualified teachers • Student achievement information • Meeting and information and on Title I, Part A • A variety of information about the status of English language learners 	<p>ADDITIONAL FEDERAL REQUIREMENTS</p> <ul style="list-style-type: none"> • Federal Education Rights and Privacy Act • Protection of Pupil Rights Amendment • Child Nutrition Programs • The McKinney Vento Act • The Asbestos Hazard Emergency Response Act • Title IX • Individuals with Disabilities Education Act • Health Insurance Portability and Accountability Act

5 – Kansas State Department of Education

Kansas State Department of Education (KSDE) – Curriculum	
Assessed Standards: <ul style="list-style-type: none"> • Mathematics • Reading • Social Studies • Science • Writing • English To Speakers of Other Languages 	Model Standards: (Non-Assessed) <ul style="list-style-type: none"> • Communication • Dance and Creative Movement • Driver Education • Environmental Education • Health Education • Library Media and Technology • Music • Physical Education • School Counseling • Theatre • Visual Arts • World Languages
21st Century Skills Please refer to http://www.p21.org/ for additional information.	
Kansas Course Codes <ul style="list-style-type: none"> • 2010-2011 KCCMS File Specifications • District Assurance Certificate • Import File Layout • Kansas Course Code Levels • Kansas Course Code Management System Training • Kansas Course Code Management System User Guide • Kansas Course Codes (Secondary School Course Classification System: School Codes for the Exchange of Data) • Private and Special Purpose School Assurance Letter • VE2 Suggested Course Mapping for the KCC 	
KSDE- Budget Packet Documents	
Manuals <ul style="list-style-type: none"> • 18E Instruction Manual 5/20/2010 • 2010 Counting KIDS Workshops 7/26/2010 • 2010-11 Driver's Ed Reimbursement Application Manual 11/24/2010 • 2010-11 JDC User's Guide 11/15/2010 • 2010-11 PBR Report-Blank Form 9/7/2010 • 2010-11 PBR User's Guide 9/13/2010 • 2010-11 SO66 User's Guide 9/13/2010 • 2010-11 SO66-Blank Form 9/7/2010 • Counting KIDS Handbook 2010-11 7/26/2010 Guidelines <ul style="list-style-type: none"> • 1,116 Hours School Year Requirement 2/4/2011 • Building Needs Assessment (Academic) 6/17/2010 • Capital Outlay Guide 10/7/2010 • Child Care Facility Licensure Requirements 6/17/2010 • Compulsory Attendance and Dropout Form (K.S.A. 72-1111) 9/24/2010 • Department of Administration Division of Purchases 6/17/2010 • Fair Labor Standards Act 4/24/2009 • Fuel Excise Tax 7/8/2009 • Guideline for Financial Reporting 6/10/2010 • Investment of Idle Funds (Includes Local Public Funds Deposits) 4/24/2009 • IRS Rules on Meal Reimbursement 4/24/2009 • Kansas Accounting Handbook 4/24/2009 • Kansas Department of Administration Division of Accounts and Reports Municipal Services • Kansas Retailer's Sales Tax Exemptions 4/24/2009 	

- Proper Treatment of Retirement Incentive Payments6/9/2009
- Qualified Zone Academy Bonds6/17/2010
- Record Keeping Requirements4/24/2009
- School Bond Guide9/21/2009
- Selecting Quality Internet Classes4/24/2009
- Tax Guide for Schools and Educational Institutions6/17/2010

KSDE - Credit Card Guidelines

- Credit Card Purchase Log (Sample Form)4/24/2009
- Credit Card Responsibilities (Sample Document)4/24/2009
- Credit Card User Agreement (Sample Form)4/24/2009
- Credit Card User Authorization (Sample Form)4/24/2009
- Tips and Resources for Safe Online Purchasing4/24/2009

KSDE – Wellness Policies

- Background Information about the laws governing wellness policy requirements and the process used to develop the Kansas model guidelines.
- How to Implement a School Wellness Policy - Step-by-step instructions on how to develop and implement an effective policy. It includes a link to the Quick Reference for KSDE's online Wellness Policy Builder.
- Wellness Policy Guidelines Booklet - This publication provides background information and the complete wellness policy guidelines for all components of school nutrition, nutrition education and physical activity. Highlighted wording intended to clarify the vending guidelines was added on June 24, 2010. These clarifications do NOT change any aspect of the guidelines.
- Vending Guidelines - All accredited K-12 schools in Kansas must implement the advanced level of the Kansas School Wellness Policy Model Guidelines for vending machines by August 1, 2010, and implement the exemplary level by August 1, 2011. Highlighted wording intended to clarify the vending guidelines was added on June 24, 2010. These clarifications do NOT change any aspect of the guidelines.
- Questions and Answers about Implementation of the Vending Guidelines - Revised 7/20/10
- Wellness Policy Implementation Plans - Microsoft Word Templates
- Nutrition Calculators - This series of Microsoft Excel spreadsheets evaluate calorie, fat and sugar content of products in comparison to the Kansas School Wellness Policy Model Guidelines.
- Creating Healthier Schools Brochures - This series of brochures can be downloaded and duplicated for local use.
- Resources from Other Organizations
- Comparison of 2006 & 2009 Wellness Policy Statewide Aggregate Data

Cark Perkins Act of 2006: The Official Guide

- Mission and Responsibilities
- Career and Technical Education Forms and Documents
- CTE Consultants
- Listserv Registration for Technical Education
- Career Cluster Guidance Handbook – DRAFT – 12/15/10 Edition

Carl D. Perkins Federal Accountability

- High Schools That Work (HSTW)
- Non-Traditional Careers
- CTE Student Organizations (CTSO)
- Math-In-CTE
- CTE Podcasts

16 Career Clusters

- Agriculture, Food & Natural Resources
- Architecture & Construction
- Arts, Audio/Video Technology, & Communications
- Business & Administration

- Education & Training
- Finance
- Government & Public Administration
- Health Science
- Hospitality & Tourism
- Human Services
- Information Technology
- Law, Public Safety, Corrections & Security
- Manufacturing
- Marketing
- Science, Technology, Engineering & Mathematics
- Transportation, Distribution, & Logistics

6 – Kansas Board of Regents

Kansas Board of Regents			
Qualified Curriculum		Scholars Curriculum	
English 9	1	English 9	1
English 10	1	English 10	1
English 11	1	English 11	1
College Prep English 12	1	College Prep English 12	1
Chemistry or Physics	1	Biology	1
Courses selected from		Chemistry of Physics	1
Biology, Advanced Biology,			
Chemistry, Anatomy and		Algebra	1
Physiology, Botany/		Geometry	1
Environmental Science or		Advanced Algebra	1
Physics	2	Advanced Math (FST or Higher)	1
Algebra	1		
Geometry	1	World History	1
Advanced Algebra		Civics	0.5
(3 unites of math, Algebra I		U.S. History	1
and Above)		American Government	0.5
Middle School math			
will NOW apply	1	Computer or pass a	
		proficiency exam at	
World History	1	a Regents University	1
Civics	0.5	Foreign Language	
U.S. History	1	(2 years of one language)	2
American Government	0.5		

Kansas Families for Education

Demanding Excellent Public Schools for ALL

**Kathy Cook, Executive Director
Kansas Families for Education
House Education Committee – March 3, 2011
HCR5010**

Mr. Chairman, members of the committee, thank you for the opportunity to come before you today. I am Kathy Cook, Executive Director of Kansas Families for Education and we are here today to oppose HCR 5010.

Kansas has a long and proud history when it comes to public education, from Brown vs. Board of Education to the legislative body and public that made sure public education was provided for under our constitution. Article 6 of the Kansas constitution is there to protect the rights of our students, and we believe that a quality public education is a fundamental right of Kansas children.

Removing the requirement for "suitable provision for finance" effectively takes away the responsibility of the legislature to provide adequate funding to meet the needs of students.

While the courts have found under article 6 that the legislature should be the main source for funding our schools, they have never told the legislature how much to spend. The amount determined has come from the very studies commissioned by the legislature. We appreciate the legislature commissioning the studies and we believe that they are an accurate reflection of what our schools require to produce an educated workforce. The courts should not be under attack, because they are exercising the proper constitutional role of the third branch of government: to protect the rights of citizens against overreaching by the other two branches.

We understand the economic downturn that the state has faced, but we believe that a well-educated, competitive workforce is the only way out of our problems. If we do not currently have the resources to provide education funding, then we should look for ways to solve that problem. Schools have shared in the pain of the economic situation, they have endured hundreds of millions in cuts, and they are going to take their fair share again this session.

A change in the constitution is a radical step. In this situation, it sends a dangerous signal, almost as if the state has given up on returning our state to a robust economy where we can once again fund our schools at the level necessary for our students to compete in the global economy. During the global recession, competitors such as China and India have not backed off one iota on their commitment to use education to claim global technology and economic leadership. This amendment will not punish the courts; it will only punish the children of Kansas and relegate them to second-class status in the global economy.

We urge you to reject HCR 5010. Thank you for your consideration and your time.

House Education Committee
Date 3/3/11
Attachment# 5



Kansas City, Kansas Public Schools

Unified School District No. 500

HOUSE EDUCATION COMMITTEE

HCR 5010

March 3, 2011

Mr. Chairman and Members of the Committee,

I appear today in opposition to the passage of HCR 5010. I am certainly not a constitutional scholar. In fact, I'm not sure what the impact of HCR 5010 will have on public education in Kansas. I suspect that part of the intent of HCR 5010 is to change the Constitution before the current education lawsuit reaches the Kansas Supreme Court. I am certainly unable to divine how the Court would react to this eleventh hour change in the Constitution.

My main question to the Education Committee is this. Why would you devote time and energy to passing HCR 5010? It is my opinion that it would be more appropriate to direct this time and energy to providing assistance to the 289 Kansas school districts that have lost over 300 million dollars over the past 3 years. Dollars that are needed to educate yours and my children and grandchildren.

This, I believe, should be the focus of the Kansas Legislature during these difficult economic times. For these reasons, the Kansas City Public Schools opposes the passage of HCR 5010.

Thank you, Mr. Chairman. I will be happy to try to answer any questions.

Bill Reardon, KCKPS Lobbyist