

SENATE BILL No. 349

By Committee on Education

1-21

1 AN ACT concerning education; relating to the Kansas state high school
2 activities association and the system for classification of high schools;
3 requiring the association to use a multiplier factor to adjust a private
4 school's student attendance for purposes of classification of such school
5 for activities; amending K.S.A. 72-7114 and repealing the existing
6 section.

7

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

9 New Section 1. (a) All private schools shall be subject to a student
10 attendance multiplier factor for the purpose of determining such school's
11 classification for activities regulated by the association described in K.S.A.
12 72-7114, and amendments thereto. A private school's student attendance
13 shall be multiplied by such school's multiplier factor as determined under
14 subsection (e), and the resultant product shall be such school's student
15 attendance for the purpose of school classification. A private school shall
16 not be classified higher than one class above its student attendance
17 classification as determined without the application of its multiplier factor.
18 The multiplier factor shall be used to determine a school's classification for
19 all activities, except that a school's multiplier factor shall not be used to
20 change a school's classification from six-person football to eight-person
21 football or from eight-person football to 11-person football. A private
22 school's change in classification due to the application of a multiplier
23 factor shall not be appealable.

24 (b) (1) A private school that has won five or more state
25 championships during the immediately preceding five school years shall
26 be subject to a championship multiplier factor. The championship
27 multiplier factor shall be determined as follows:

28 (A) For a school that has won at least five such state championships
29 but not more than nine such state championships, the championship
30 multiplier factor shall be 1.15; and

31 (B) for a school that has won 10 or more such state championships,
32 the championship multiplier factor shall be 1.3.

33 (2) The number of state championships won is determined by
34 calculating the cumulative number of state championships in all team
35 activities won by teams from such school during the immediately
36 preceding five school years.

1 (c) (1) If a private school is subject to a championship multiplier
2 factor as determined under subsection (b), then such private school shall
3 also be subject to a geographic population multiplier factor. The
4 geographic population multiplier factor shall be determined as follows:

5 (A) For a school located within the school attendance territory of a
6 public school that is classified as either class 5A or class 6A, the
7 geographic population multiplier factor shall be 0.3;

8 (B) for a school located within the school attendance territory of a
9 public school that is classified as either class 3A or class 4A, the
10 geographic population multiplier factor shall be 0.15; and

11 (C) for a school located within the school attendance territory of a
12 public school that is classified as either class 1A or class 2A, the
13 geographic population multiplier factor shall be 0.

14 (2) The geographic location of a private school shall be determined
15 by the physical address of such school.

16 (d) (1) If a private school is subject to a championship multiplier
17 factor as determined under subsection (b), then such private school shall
18 also be subject to a socio-economic population multiplier factor. The
19 socio-economic population multiplier factor shall be determined as
20 follows:

21 (A) For a school that does not have more than 20% of its students
22 receiving free or reduced meals under the national school lunch act, the
23 socio-economic population multiplier factor shall be 0.15; and

24 (B) for a school that has more than 20% of its students receiving free
25 or reduced meals under the national school lunch act, the socio-economic
26 population multiplier factor shall be 0.

27 (2) If a private school does not collect or report student data for
28 determining eligibility for free or reduced meals, then such school shall be
29 deemed to have 0% of such school's students receiving free or reduced
30 meals.

31 (e) A private school's multiplier factor shall be determined by
32 calculating the sum of the multiplier factors determined under subsections
33 (b), (c) and (d).

34 (f) As used in this section:

35 (1) "Private school" means any school that offers any of the grades
36 nine through 12 and is not operated by a unified school district; and

37 (2) "public school" means any school operated by a unified school
38 district that offers any of the grades nine through 12.

39 (g) This section shall expire on June 30, 2031.

40 Sec. 2. K.S.A. 72-7114 is hereby amended to read as follows: 72-
41 7114. (a) Any association with a majority of the high schools of the state
42 as members and the purpose of which association is the statewide
43 regulation, supervision, promotion and development of any of the

1 activities defined in K.S.A. 72-7117, and amendments thereto, and in
2 which any public high school of this state may participate directly or
3 indirectly shall:

4 (1) On or before September 1 of each year make a full report of its
5 operation for the preceding calendar year to the state board of education.
6 The report shall contain a complete and detailed financial statement under
7 the certificate of a certified public accountant;;

8 (2) file with the state board a copy of all reports and publications
9 issued from time to time by such association;;

10 (3) be governed by a board of directors, which shall exercise the
11 legislative authority of the association and shall establish policy for the
12 association;;

13 (4) submit to the state board of education, for its approval or
14 disapproval prior to adoption, any amendments, additions, alterations or
15 modifications of its articles of incorporation or bylaws. If Any articles of
16 incorporation, bylaws or any amendment, addition or alteration thereto is
17 disapproved by the state board of education, the same shall not be
18 adopted;;

19 (5) Establish a system for the classification of member high schools
20 according to student attendance: and a multiplier factor as determined
21 under section 1, and amendments thereto;

22 (6) be subject to the provisions of the Kansas open meetings law act;
23 and

24 (7) be subject to the provisions of the open records law act.

25 (b) (1) The board of directors shall consist of not less than 60
26 members as follows:

27 (A) At least eight directors shall be members of boards of education,
28 elected by local boards of education. At least two of such directors shall be
29 elected from each congressional district of the state;

30 (B) at least two directors shall be representatives of the state board of
31 education, appointed by the state board;

32 (C) (i) directors who are representatives of the senior high schools
33 which that are affiliated with a league shall be elected by the league;

34 (ii) the senior high schools which that are not affiliated with a league
35 shall be represented by at least one director;

36 (D) at least four directors shall be representatives of the middle/junior
37 middle and junior high schools, elected by the middle/junior middle and
38 junior high schools;

39 (E) at least one director shall be representative of and selected by
40 athletic administrators;

41 (F) at least one director shall be representative of and selected by
42 coaches;

43 (G) at least one director shall be representative of and selected by

1 speech communications educators;

2 (H) at least one director shall be representative of and selected by
3 music educators; and

4 (I) at least one director shall be representative of and selected by
5 scholars' bowl coaches.

6 (2) The directors appointed by the state board of education from the
7 public at-large prior to July 1, 2014, whose terms are set to expire after
8 July 1, 2014, may continue to serve on the board of directors until such
9 director's term expires. Upon the expiration of the term of any such
10 director, the governor shall appoint a successor member of the board of
11 directors. In the event of a vacancy or the expiration of the term of any such
12 director appointed by the governor, the governor shall appoint a successor
13 member of the board of directors. Any person appointed by the governor
14 shall not be employed by any school affiliated with a league in the Kansas
15 state high school activities association, nor shall such person be a member
16 of the state board of education. The governor shall be provided a list of
17 those directors appointed pursuant to subsection (b)(1). The governor shall
18 make appointments pursuant to this subsection in order to attain, when
19 necessary, and insofar as possible, representation of ethnic minority groups
20 and both genders on the board of directors and to ensure that a resident
21 from each congressional district is appointed to the board of directors.

22 (3) All directors are limited to six consecutive years of service.

23 (c) (1) An executive board, which shall be responsible for the
24 administration, enforcement and interpretation of policy established by the
25 board of directors, shall be elected by the board of directors from its
26 membership, provided that a director shall serve at least one year as a
27 member of the board of directors prior to being elected to the executive
28 board.

29 (2) At least two members of the board of directors elected to the
30 executive board shall be directors appointed by the governor under
31 subsection (b)(2), provided such directors are eligible for election to the
32 executive board under this subsection. Members of the executive board
33 elected pursuant to this paragraph shall only be eligible to serve on the
34 executive board during the second, fourth and sixth years of such director's
35 term.

36 (3) ~~Insofar as~~ *To the extent* possible, membership on the executive
37 board shall be representative of ethnic minority groups, both genders, and
38 all geographical areas of the state.

39 (d) (1) An appeal board, which shall be responsible for conducting
40 hearings provided for in K.S.A. 72-7118, and amendments thereto, shall be
41 elected as provided in this subsection. The appeal board shall consist of
42 eight members. The membership of the appeal board shall include:

43 (A) Four members who are board of education members, elected by

1 the boards of education of the member schools of the association; and
2 (B) four members who are school administrators, elected by the
3 member schools of the association.

4 (2) No member of the board of directors shall be eligible for election
5 to membership on the appeal board. All members of the appeal board are
6 limited to six consecutive years of service.

7 (e) The executive board is authorized to employ an executive director
8 and such other personnel as may be necessary to the exercise of the powers
9 and the performance of the functions and duties of the board of directors,
10 the executive board; and the appeal board. The executive director and all
11 other personnel, except custodial, clerical or maintenance personnel,
12 employed by the executive board pursuant to this subsection, shall file
13 written statements of substantial interests, as provided by K.S.A. 46-248
14 through 46-252, and amendments thereto.

15 Sec. 3. K.S.A. 72-7114 is hereby repealed.

16 Sec. 4. This act shall take effect and be in force from and after its
17 publication in the statute book.