

Substitute for SENATE BILL No. 393

By Committee on Education

2-16

1 AN ACT concerning career technical education; relating to secondary
2 students; amending K.S.A. 72-4417 and 72-4419 and K.S.A. 2011
3 Supp. 71-201 and repealing the existing sections.
4

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

6 New Section 1. (a) The state board shall conduct a study of, or
7 contract for the study of, the implementation of requiring each district to
8 maintain an individual career plan of study for each pupil enrolled in the
9 district in grades eight through 12. On or before January 15, 2014, the state
10 board shall prepare and submit a report to the legislature on the findings of
11 such study and whether the state board intends to initiate implementing
12 such requirements.

13 (b) For purposes of this section, the term "individual career plan of
14 study" means a proposed individualized coherent sequence of classes
15 focused on a career pathway that will enable seamless transition into a
16 postsecondary program.

17 (c) The provisions of this section shall take effect and be in force
18 from and after July 1, 2013.

19 New Sec. 2. (a) The board of regents shall establish a career technical
20 education incentive program. Each school year, to the extent there are
21 sufficient moneys appropriated to the program, the board of regents shall
22 make an award to those school districts who have at least one pupil who
23 graduates from a high school in the school district having obtained an
24 industry-recognized credential in an occupation identified by the secretary
25 of labor as an occupation in highest need of additional skilled employees.
26 Such school districts shall receive an award in an amount equal to \$1,000
27 for each such pupil graduating from a high school in the school district.
28 Such awards shall be paid at such times as established by the board of
29 regents. Such awards may be expended for any expenses occurred in
30 operating the school from which the pupils graduated as determined by the
31 board of education of the school district.

32 (b) Each school year, at such time as agreed to by the secretary of
33 labor and the commissioner of education, the secretary shall provide the
34 state board of education with a list of those occupations in highest need of
35 additional skilled employees.

36 (c) The state board of education shall certify to the board of regents

1 and the director of accounts and reports the amounts due to each school
2 district pursuant to this section. Such certification, and the amount
3 payable, shall be approved by the director of the budget. The director of
4 accounts and reports shall draw warrants on the state treasurer payable to
5 the district treasurer of each school district entitled to payment of such
6 award amount, pursuant to vouchers approved by the board of regents.
7 Upon receipt of such warrant, each district treasurer shall deposit the
8 amount of such award in the general fund of the school district.

9 (d) The board of regents and the state board of education may adopt
10 such rules and regulations necessary to implement and carry out the
11 provisions of this section.

12 New Sec. 3. (a) Provided a particular career technical education
13 program is not offered in a particular service area, the governing board of a
14 community college, technical college or institute of technology located
15 outside such service area, in coordination with one or more school districts
16 located within such service area, may apply to the board of regents for
17 permission to establish such career technical education program to be
18 taught at a location in such service area. An application for such
19 permission shall be submitted in such form and manner as prescribed by
20 the board of regents. In reviewing any such application, the board of
21 regents shall consider the ability and willingness of any postsecondary
22 educational institution located in such service area to offer such career
23 technical education program. If no such career technical education
24 program is offered in such service area and no postsecondary educational
25 institution located in such service area intends to offer such career
26 technical education program, then the board of regents may approve such
27 application to establish such career technical education program. Upon
28 approval of its application by the board of regents, the governing board of
29 a community college, technical college or institute of technology may
30 purchase or otherwise acquire land or land and improvements in such
31 service area for the purpose of providing such career technical educational
32 program.

33 (b) The board of regents may adopt such rules and regulations
34 necessary to administer the provisions of this section.

35 (c) For purposes of this section:

36 (1) The terms "career technical education," "community college,"
37 "institute of technology" and "technical college" have the same meaning as
38 such terms are defined in K.S.A. 72-4412, and amendments thereto.

39 (2) "Postsecondary educational institution" has the same meaning as
40 such term is defined in K.S.A. 74-3201b, and amendments thereto.

41 (3) "Service area" means: (A) For community colleges, a designated
42 geographic area of the state established pursuant to agreement of the
43 presidents of the community colleges and adopted in policy by the state

1 board of regents; (B) for technical colleges, the territory set forth in the
2 college's plan submitted to the board of regents pursuant to K.S.A. 72-
3 4470a, and amendments thereto; and (C) for the institute of technology,
4 Shawnee county.

5 (d) The provisions of this section shall take effect and be in force
6 from and after July 1, 2013.

7 New Sec. 4. (a) The state board of regents shall initiate the
8 development of a statewide articulation agreement on career technical
9 education programs among the high schools, community colleges,
10 technical colleges and the institute of technology.

11 (b) For the purposes of this section, the term "articulation agreement"
12 means an agreement entered into to provide for the transferability of
13 substantially equivalent courses of study or programs.

14 Sec. 5. From and after July 1, 2013, K.S.A. 2011 Supp. 71-201 is
15 hereby amended to read as follows: 71-201. (a) The board of trustees, in
16 accordance with the provisions of law and the rules and regulations of the
17 state board of regents, shall have custody of and be responsible for the
18 property of the community college and shall be responsible for the
19 operation, management and control of the college. The board of trustees
20 shall hold at least one regular meeting each month at a time prescribed by
21 the board. The board shall make an annual report in the manner prescribed
22 by the state board of regents. Members of the board of trustees shall be
23 paid subsistence allowances, mileage and other actual and necessary
24 expenses incurred in the performance of their official duties.

25 (b) For effectuation of the purposes of this act, the board of trustees in
26 addition to such other powers expressly granted to it by law and subject to
27 the rules and regulations of the state board of regents is hereby granted the
28 following powers:

29 (1) To select its own chairperson and such other officers as it may
30 deem desirable, from among its own membership. The secretary may be
31 chief administrative officer of the college.

32 (2) To sue and be sued.

33 (3) To determine the educational program of the college subject to
34 prior approval thereof as provided in this act and to grant certificates of
35 completion of courses or curriculum.

36 (4) To appoint and fix the compensation and term of office of a
37 president or chief administrative officer of the college.

38 (5) To appoint upon nomination of the president or the chief
39 administrative officer members of the administrative and teaching staffs, to
40 fix and determine within state adopted standards their specifications,
41 define their duties and to fix their compensation and terms of employment.
42 No community college teacher shall be required to meet licensure
43 requirements greater than those required in the state educational

1 institutions.

2 (6) Upon recommendation of the chief administrative officer, to
3 appoint or employ such other officers of the college, agents and employees
4 as may be required to carry out the provisions of law and to fix and
5 determine within state adopted standards their qualifications, duties,
6 compensation, terms of office or employment and all other items and
7 conditions of employment.

8 (7) To enter into contracts.

9 (8) To accept from any government or governmental agency, or from
10 any other public or private body, or from any other source, grants or
11 contributions of money or property which the board may use for or in aid
12 of any of its purposes.

13 (9) To acquire by gift, purchase, lease-purchase, condemnation or
14 otherwise, and to own, lease, use and operate property, whether real,
15 personal, or mixed, or any interest therein, which is necessary or desirable
16 for community college purposes. Any lease-purchase agreement entered
17 into under authority of this subsection shall be subject to the conditions set
18 forth in K.S.A. 10-1116c, and amendments thereto. The term of any lease
19 entered into under authority of this subsection may be for not to exceed 10
20 years. Such lease may provide for annual or other payment of rent or rental
21 fees and may obligate the community college to payment of maintenance
22 or other expenses. Any lease or lease-purchase agreement entered into
23 under authority of this subsection shall be subject to change or termination
24 at any time by the legislature. Any assignment of rights in any lease or
25 lease-purchase made under this subsection shall contain a citation of this
26 section and a recitation that the lease or lease-purchase agreement and
27 assignment thereof are subject to change or termination by the legislature.
28 To the extent that the provisions of the cash-basis and budget laws conflict
29 with this subsection in such a manner as to prevent the intention of this
30 subsection from being made effective, the provisions of this subsection
31 shall control. This provision is subject to the provisions of subsection (d).

32 (10) To enter into lease agreements as lessor of any property, whether
33 real, personal, or mixed, which is owned or controlled by the community
34 college. Any such agreement may specify the purposes for which the
35 property may be used, require that the property be maintained and
36 operated by the lessee, and may contain such restrictions or limitations on
37 the use of the property, be entered into for such period of time, and include
38 such other terms and conditions as the board of trustees determines to be
39 necessary and proper. Every such agreement shall be subject to change or
40 termination at any time by the legislature. Any assignment of rights under
41 any such agreement shall be subject to approval by the board of trustees
42 and shall contain a citation of this section and a recitation that the lease
43 agreement and assignment of rights thereunder are subject to change or

1 termination by the legislature.

2 (11) To determine that any property owned by the college is no longer
3 necessary for college purposes and to dispose of the same in such manner
4 and upon such terms and conditions as provided by law.

5 (12) To exercise the right of eminent domain, pursuant to chapter 26
6 of Kansas Statutes Annotated.

7 (13) To make and promulgate such rules and regulations, not
8 inconsistent with the provisions of law or with rules and regulations of the
9 state board of regents, that are necessary and proper for the administration
10 and operation of the community college, and for the conduct of the
11 business of the board of trustees.

12 (14) To exercise all other powers not inconsistent with the provisions
13 of law or with the rules and regulations of the state board of regents which
14 may be reasonably necessary or incidental to the establishment,
15 maintenance and operation of a community college.

16 (15) To appoint a member to fill any vacancy on the board of trustees
17 for the balance of the unexpired term. When a vacancy occurs, the board
18 shall publish a notice one time in a newspaper having general circulation
19 in the community college district stating that the vacancy has occurred and
20 that it will be filled by appointment by the board not sooner than 15 days
21 after such publication.

22 (16) To contract with one or more agencies, either public or private,
23 whether located within or outside the community college district or
24 whether located within or outside the state of Kansas for the conduct by
25 any such agencies of education for students of the community college, and
26 to provide for the payment to any such agencies for their contracted
27 educational services from any funds or moneys of the community college,
28 including funds or moneys received from student tuition and fees, funds
29 received from the state of Kansas or the United States for education, or
30 taxes collected under K.S.A. 71-204, and amendments thereto. Any
31 contract made under this subsection with an institution of another state
32 shall be subject to the provisions of K.S.A. 71-202, and amendments
33 thereto.

34 (17) To authorize by resolution the establishment of a petty cash fund
35 in an amount not to exceed \$1,000, and to designate in such resolution an
36 employee to maintain such petty cash fund. The employee designated in
37 any resolution provided for in this subsection receiving such funds shall
38 keep a record of all receipts and expenditures from the fund, and shall
39 from time to time, and at the end of the fiscal year, prepare a statement for
40 the board showing all receipts, expenditures, and the balance in the petty
41 cash fund. The board of trustees may authorize the employee designated to
42 maintain any petty cash fund to make a claim for replenishment of the
43 fund to its original amount in advance of approval by the board of trustees

1 if, at any time during the period between regular monthly meetings of the
2 board of trustees, the balance remaining in the fund is insufficient to make
3 needed expenditures for any purpose for which the petty cash fund is
4 maintained. No petty cash fund may be replenished more than one time
5 during each period between regular monthly meetings of the board of
6 trustees. If a petty cash fund is replenished prior to the end of the fiscal
7 year in accordance with the foregoing authorization, the employee
8 authorized to maintain the petty cash fund shall keep an accurate record of
9 all expenditures made therefrom, and the purpose therefor, and shall
10 submit the record to the board of trustees at the next regular monthly
11 meeting thereof. The petty cash fund shall be replenished by payment from
12 the appropriate funds of the community college to the petty cash fund
13 upon proper claim. The fund shall be kept separate from all other funds
14 and shall be used only for authorized expenditures and itemized receipts
15 shall be taken for each expenditure. No part of such fund may be loaned or
16 advanced against the salary of an employee. All employees entrusted with
17 such funds under this subsection shall be bonded by the community
18 college district.

19 (c) Subject to the provisions of subsection (d), the board of trustees
20 may purchase or otherwise acquire land or land and improvements and
21 may acquire, construct, reconstruct, repair or remodel improvements
22 thereon or additions thereto, including furnishings, equipment, and
23 architectural and incidental expense related thereto, and for such purposes
24 the board of trustees is authorized to issue and sell general obligation
25 bonds, the cumulative total not to exceed the following amounts: Where
26 the community college district has a taxable tangible valuation of less than
27 \$90,000,000 or is located in a county designated as urban under the
28 provisions of K.S.A. 19-3524, and amendments thereto, not to exceed 5%
29 of the taxable tangible property of the community college district, and
30 where the community college district has a taxable tangible valuation of
31 more than \$90,000,000 not to exceed 3% except as provided above for any
32 community college district located in a county designated as urban under
33 the provisions of K.S.A. 19-3524, and amendments thereto, of the taxable
34 tangible property of the community college district. If any increase in the
35 valuation of a community college district results in an outstanding bonded
36 indebtedness in excess of that provided in this subsection, such increase
37 shall not constitute a violation of this subsection. No such bonds shall be
38 issued until the question of their issuance shall have been submitted to a
39 vote of the electors of the community college district at a regular election
40 or at a special election called for that purpose and the majority of the
41 electors voting on the proposition in such community college district shall
42 have voted in favor of the issuance of the bonds. Such election shall be
43 called, noticed and held and the bonds issued, sold, delivered and retired in

1 accordance with the provisions of the general bond law except as herein
2 otherwise expressly provided.

3 (d) (1) *Except as provided in section 3, and amendments thereto*, the
4 board of trustees of a community college may purchase or otherwise
5 acquire land or land and improvements within: ~~(1)~~ (A) The community
6 college district; or ~~(2)~~ (B) the service area of the community college.
7 Nothing in this subsection shall be construed or operate in any manner to
8 require a board of trustees to sell, convey or otherwise dispose of land or
9 land and improvements located outside the community college district or
10 the service area of the community college and owned or being acquired by
11 the community college on the effective date of this act.

12 (2) For the purposes of this subsection, "service area" means a
13 designated geographic area of the state established pursuant to agreement
14 of the presidents of the community colleges and adopted in policy by the
15 state board of regents.

16 Sec. 6. K.S.A. 72-4417 is hereby amended to read as follows: 72-
17 4417. (a) Students admitted to a ~~vocational~~ *career technical* education
18 course or program which is conducted by the school district in which the
19 student is enrolled may be charged fees but shall not be charged tuition.

20 (b) Postsecondary students admitted to a ~~vocational~~ *career technical*
21 education course or program shall pay tuition and fees as provided by laws
22 applicable thereto.

23 ~~(c) (1) Except as provided in paragraph (2) of this subsection,~~
24 *Secondary* students admitted to a ~~vocational~~ *career technical* education
25 course or program which is conducted by a community college shall pay
26 tuition and fees as provided by laws applicable to community colleges and
27 the provisions of this section shall not apply thereto, nor shall any
28 provisions of this act which are inconsistent with laws relating to
29 community college tuition and fees apply to community colleges,
30 *technical college or institute of technology may be charged fees, but shall*
31 *not be charged tuition.*

32 (2) Students admitted to a vocational education course or program
33 under the provision of K.S.A. 71-1706 and which is conducted by a
34 community college which is consolidated with an area vocational school
35 or area vocational-technical school may be charged fees but tuition shall
36 be paid as provided in paragraph (2) of subsection (d). Nothing in this act
37 shall be construed to amend, repeal or in any way change laws relating to
38 community college student or out-district tuition *For purposes of this*
39 *subsection:*

40 (A) "*Fees*" means those charges assessed against a student by a
41 community college, technical college or the institute of technology for
42 student services, such as health clinics, athletic activities and technology
43 services, or for books, supplies or other materials necessary for a

1 particular course or program, the expense of which is not covered by
2 tuition.

3 (B) "Tuition" means those charges assessed against a student by a
4 community college, technical college or the institute of technology on a
5 per credit hour, per course or per term basis, and that are charged to
6 cover the general expense of providing instructional services.

7 (d) Students admitted to a vocational education course or program
8 which is not conducted by the school district in which the student is
9 enrolled shall be charged tuition and fees determined in accordance with
10 subsection (e), subject however to the following: (1) Tuition or fees, or
11 tuition and fees may be paid for the student in accordance with any
12 agreement made under K.S.A. 72-4421, and amendments thereto; or

13 (2) if tuition of a student is not paid under ~~provision~~ *paragraph* (1) of
14 this subsection, the tuition of the student shall be paid by the school
15 district in which the student is enrolled. No school district shall pay tuition
16 for a student who is a postsecondary student, and no school district shall
17 be required to pay tuition or fees of a student who is eligible to have
18 tuition and fees for the course or training the student selects paid by any
19 state or federal agency from moneys, funds or appropriations made
20 available under any one or more *state or* federal programs. Any state
21 agency administering any one or more such programs shall pay such
22 tuition and fees upon proper application by a student therefor.

23 (e) All tuition and fees charged for ~~vocational~~ *career technical*
24 education by any board shall be in such amounts as are authorized by rules
25 and regulations adopted by the state board which shall establish general
26 guidelines for tuition and fee schedules in ~~vocational~~ *career technical*
27 education courses and programs, except that tuition of postsecondary
28 students shall be fixed in accordance with K.S.A. 72-4433, and
29 amendments thereto. The particular tuition and fee schedule of every
30 ~~vocational~~ *career technical* education program shall be subject to annual
31 approval of the state board. A current complete schedule of tuition and fees
32 for each ~~vocational~~ *career technical* education course and program of each
33 board as approved by the state board shall be maintained on file in the
34 office of the state board, and shall be open for public inspection at any
35 reasonable time.

36 Sec. 7. K.S.A. 72-4419 is hereby amended to read as follows: 72-
37 4419. The school district in which a student is enrolled shall pay the tuition
38 of such student to attend any ~~vocational~~ *career technical* education course
39 or program when such attendance is approved as provided in K.S.A. 72-
40 4418, and amendments thereto, from its vocational education fund, except
41 that any board receiving funds under an agreement under K.S.A. 72-4421,
42 and amendments thereto, shall pay such tuition when the student is
43 enrolled in a school district which is a party to the agreement if the

1 agreement so provides. In the case of a school district which is not a party
2 to an agreement under K.S.A. 72-4421, and amendments thereto, should
3 there be insufficient or no moneys in the ~~vocational~~ *career technical*
4 education fund to pay such tuition, the board of education shall transfer
5 from the general fund to the ~~vocational~~ *career technical* education fund
6 such amount as will satisfy the insufficiency.

7 Sec. 8. K.S.A. 72-4417 and 72-4419 are hereby repealed.

8 Sec. 9. From and after July 1, 2013, K.S.A. 2011 Supp. 71-201 is
9 hereby repealed.

10 Sec. 10. This act shall take effect and be in force from and after its
11 publication in the statute book.