

Selected Senate & House Education Summaries

2008 Legislative Session



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Division of Fiscal & Administrative Services

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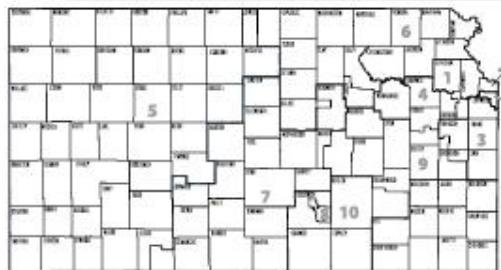
Education Priorities for a New Century

Ensure that all students meet or exceed high academic standards and are prepared for their next steps (e.g., the world of work and/or post-secondary education)

- Redesign the delivery system to meet our students' changing needs
 - Develop and implement policy on academic/vocational integration
 - Identify, replicate, and promote best practices that can be targeted to specific populations (e.g., high schools; middle school reading; early childhood)
 - Study and clarify regulations and identify challenges
 - Examine the definition of a classroom in a redesigned system
- Provide an effective educator in every classroom
 - Develop a policy on alternative compensation
 - Identify obstacles
 - Assess the effectiveness of current professional development practices
 - Identify, replicate, and promote best practice in teacher preparation and professional development
 - Improve the support system for teachers
 - Develop recruitment strategies for future teachers
 - Assess and improve the alternate licensure program
 - Promote loving, safe, supportive and nurturing environments
- Ensure a visionary and effective leader in every school
 - Identify, replicate, and promote best practices in preparation and performance
 - Identify and grow visionary leaders focused on learning
 - Study the impact of current leadership programs
- Improve communication with all constituent groups and policy partners
 - Align pre-Kdg through 12th grade systems of support in collaboration with identified partners (e.g., Kansas Board of Regents, Social and Rehabilitative Services, etc.)
 - Develop a structure for regularly communicating about education with the legislative leadership of both parties with a focus on areas of common interest
 - Keep the public informed on key policy areas
 - Resume focus group meetings in each board member district and periodic meetings with the media
 - Improve communication of relevant information with school faculty

Kansas State Board of Education
Adopted 9/2007

Board Members



An Equal Employment/Educational Opportunity Agency

The Kansas State Board of Education does not discriminate on the basis of race, color, national origin, sex, disability, or age in its programs and activities. The following person has been designated to handle inquiries regarding the non-discrimination policies:

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120 SE 10th Ave.
Topeka, KS 66612
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Dr. Alexa Posny
Commissioner of Education

SUMMARY OF SELECTED

EDUCATION LEGISLATION – 2008

INTRODUCTION

This booklet, Selected Senate & House Education Summaries – 2008 Legislative Session, is published annually to provide enrolled copies and summaries of selected education bills passed by the Kansas Legislature relating generally to Unified School Districts, Interlocal operatives, and private school.

The summaries of the bills were prepared by the Kansas Legislative Research Department in cooperation with the Kansas Department of Education.

The bills chosen include important legislative information related to education. The enrolled bills may be found and printed from <http://www.kslegislature.org>, choose Bills in the upper left-hand corner then choose Enrolled Bills Signed by the Governor. You can view the bill by choosing either Senate or House and choosing the bill by number.

Dale M. Dennis, Deputy Commissioner
Division of Fiscal & Administrative Services
June, 2008

**KANSAS STATE DEPARTMENT OF EDUCATION'S APPROVED BUDGET
FOR FISCAL YEARS 2008 AND 2009**
**2006 SENATE BILL 549, 2008 SENATE BILL 534 AND 2008 SENATE
SUBSTITUTE FOR HOUSE BILL 2946**

Program	Actual FY 2007	Approved FY 2008	Approved FY 2009
General State Aid	1,982,694,510	2,088,678,000	2,183,468,000
Supplemental General State Aid	268,208,778	307,878,000	332,659,000
School District Finance Fund	31,021,437	29,000,000	29,000,000
Capital Improvement Fund	63,697,079	69,238,000	74,238,000
Capital Outlay State Aid	20,492,154	22,939,522	25,439,522
Juvenile Detention Facilities	7,407,788	7,868,140	7,934,825
Declining Enrollment State Aid	12,376	50,000	50,000
Special Education Services	334,003,604	403,455,497	427,571,455
Mentor Teacher Program	1,019,000	1,650,000	1,650,000
Professional Development	1,747,783	1,750,000	1,750,000
School Food Service Match	2,510,485	2,510,486	2,510,486
Educable Deaf/Blind Program	109,108	110,000	110,000
Ag in the Classroom	35,000	35,000	35,000
Discretionary Grants	505,000	905,000	905,000
Parent Education	7,358,466	7,567,000	7,567,000
Pre-K Pilot	0	0	5,000,000
KPERS – Schools	192,425,537	221,379,713	249,430,859
National Board Certification	231,504	269,000	277,025
Vision Study Grant	300,000	300,000	200,000
Kansas Performance Assessment	260,171	325,000	325,000
School Safety Hotline	10,000	10,000	10,000
Challenger Learning Center	300,000	0	0
Kansas Career Pipeline	0	420,120	0
Agency Operating Expenditures	10,382,930	11,091,783	10,886,241
Total	2,924,732,710	3,177,430,261	3,361,017,413

Health Care Reform Act of 2008; Health and Insurance Statutes; Physician Workforce and Accreditation Task Force

House Sub. for SB 81 enacts the Health Care Reform Act of 2008, makes amendments to several health and insurance statutes, and establishes the Physician Workforce and Accreditation Task Force. The bill also appropriates moneys from the State General Fund for the Wichita Center for Graduate Medical Education (WCGME) in FY 2009 contingent upon a submission of a request for research-oriented grant funding from the Kansas Bioscience Authority.

Mandatory Offer—Premium Only Plans (POPs)

The bill creates new law to require insurers that offer group health insurance provide the option of establishing a premium only (cafeteria) plan (POP). The establishment of a POP or other payroll deduction plan would not be in violation of KSA 40-2404, a statute governing unfair methods of competition or unfair and deceptive acts or practices. The bill allows insurers to charge a fee for establishing a POP or use a vendor for plan establishment. An “insurer” is defined as any insurance company, fraternal benefit society, health maintenance organization.

Kansas Legislative Research Department 40 2008 Supplement II Summary of and hospital and medical service corporation authorized to transact health insurance business in this state. (A premium only cafeteria plan, POP, allows employees to pay for their portion of group insurance premiums with pre-tax dollars.)

Optional Offer—Premium Only Plans (POPs)

The bill creates new law to allow employers that provide health insurance coverage, in which any portion of the premium is payable by an employee, to offer a premium only cafeteria plan. This provision would not apply to any employer who offers health insurance through a self-insured or self-funded group health benefit plan. The term “health benefit plan” is defined to include a cafeteria plan authorized by 26 U.S.C. Section 125; and the cafeteria plan could offer the option of paying all or any portion of the premium or the option of receiving insurance coverage through a High Deductible Health Plan and the establishment of an HSA. The terms “Health Savings Account (HSA)” and “High Deductible Health Plan (HDHP)” are defined as:

“Health Savings Account” having the meaning ascribed to it in subsection (d) of 26 U.S.C. Section 223; and

“High Deductible Health Plan” meaning a policy or contract of health insurance or health care plan that meets the criteria established in subsection (c) of 26 U.S.C. Section 223 and amendments and regulations.

High Risk Pool—Amendment to the Kansas Uninsurable Health Insurance Plan Act

The bill amends KSA 40-2124 to increase the maximum lifetime benefit for participants in the state High Risk Pool (the Kansas Uninsurable Health Insurance Plan administered by the Kansas Health Insurance Association) from \$1.0 million to \$2.0 million.

State COBRA Coverage Continuation.

The bill makes amendments to three statutes in the Insurance Code (Nonprofit Medical and Hospital Service Corporations; Group Accident and Sickness Insurance; and HMOs and Medicare provider organizations) to extend the state continuation of coverage period from six to eighteen months. Amendments also are made to require employers to provide reasonable notice of the right of continuation of coverage and to require, in the case of group accident and sickness insurance policies, a terminated employee to pay premiums to the employer (rather than to the insurer, as in prior law).

Health Benefit Plans—Small Employers

The bill amends KSA 40-2209d to specify that a “health benefit plan” includes a section 125 plan which offers the option of receiving coverage through an HDHP and the establishment of an Kansas Legislative Research Department 41 2008 Supplement II Summary of Legislation House Sub. for S B81.

HSA. The terms “High Deductible Health Plan” and “Health Savings Account” also are defined (definitions are identical to those created in the Premium Only Plan provision).

Safety Net Clinics.

The bill amends two statutes in the Primary Care Safety Net Clinic Capital Loan Guarantee Act to create a definition of “provider-based indigent care clinic.” Such clinic would have to be located in a Medicare-certified hospital, nursing facility, or home health agency and will be included within the definition of a “primary care safety net clinic.” Additionally, the Secretary of the Kansas Department of Health and Environment is allowed to enter into agreements with provider-based indigent care clinics to allow such clinics to act as primary care safety net clinics.

State Employee Health Care Benefits Program

The bill amends a statute governing the State Employee Health Care Benefits Program (KSA 2007 Supp. 75-6501) to require the state’s employer contribution to any HSA plan offered to state employees be equal to the state’s employer contribution to any other state benefit plan offered to state employees.

Beginning with Plan Year 2009, the cost savings to the state for the High Deductible Health Plan are to be deposited monthly into the employee’s Health Savings Account (amount cannot exceed the federally established maximum annual amount), for as long as the employee participates in this plan. For state employees who have not previously participated in the State Health Benefits Plan, the employer is to calculate an average savings. The employer also is to allow additional voluntary contributions by the employee to his or her HSA.

Office of the Inspector General (Kansas Health Policy Authority)

The bill amends a statute (KSA 2007 Supp. 75-7427) applying to the Inspector General within the Kansas Health Policy Authority (KHPA), to provide that contractors convicted of fraud, waste, abuse, or illegal acts or whose actions have caused the State to pay fines or reimburse the federal government more than \$1.0 million in the Medicaid program, with certain exceptions, are not eligible for any state Medicaid contract. A technical change also is made to clarify the Inspector General reports to the Kansas Health Policy Authority. The bill specifies that these provisions are not to be construed to conflict with federal law or to require or permit the use of federal funds where prohibited.

Kansas Health Policy Authority—Membership; Programs

The bill adds the Commissioner of Education to the KHPA Board as a non-voting, ex-officio member. Kansas Legislative Research Department 42 2008 Supplement II Summary of Legislation House Sub. for S B81.

The bill amends two provisions enacted in 2007 SB 11 to transfer administration of the Small Employer Cafeteria Plan Development Program and the Association Assistance Plan grants and loan program from the Department of Commerce to KHPA.

Medical Home

The bill defines a “medical home” to mean “a health care delivery model in which a patient establishes an ongoing relationship with a physician or other personal care provider in a physician-directed team, to provide comprehensive, accessible and continuous evidence-based primary and preventive care, and to coordinate the patient’s health care needs across the health care system in order to improve quality and health outcomes in a cost effective manner.” The Kansas Health Policy Authority is directed to incorporate the use of the medical home delivery system within the state Medical Assistance program, the State Children’s Health Insurance Program (SCHIP), and the state MediKan program. The Kansas State Employees Health Care Commission will be required to incorporate the use of a medical home delivery system within the State Health Care Benefits Program. Compliance with a medical home delivery system would not, however, be required for those benefits’ participants who receive treatment in accordance with a religious method of healing pursuant to KSA 2007 Supp. 75-6501.

On or before February 1, 2009, the Kansas Health Policy Authority, in conjunction with the Kansas Department of Health and Environment and state stakeholders, is required to develop systems and standards for the implementation and administration of a “medical home.”

Legislative Committees

The bill amends the statutory authority of the Joint Committee on Children’s Issues to specify the Committee is to study children’s issues. Under the prior law, the Joint Committee was charged with the oversight of the implementation and operation of the

children's health insurance plans created under the provisions of the act, including the assessment of the performance based contracting's measurable outcomes as set forth in subsection (b)(4) of KSA 38-2001 and other children's issues as the Committee deems necessary.

The bill assigns this oversight of the state children's health insurance programs to the Joint Committee on Health Policy Oversight.

Program Establishment, Implementation—KHPA

The bill requires the Kansas Health Policy Authority, subject to appropriations from the State General Fund, to establish and implement the following:

Dental Coverage for Pregnant Medicaid Beneficiaries. The cost could not exceed \$545,833.

Expansion of Medicaid Eligibility up to 200 percent FPL (Federal Poverty Level) and Smoking Cessation Programs for pregnant women. The cost would be an amount of approximately \$460,000 from the State General Fund.

Statewide Community Health Records Program. The cost could not exceed \$383,600.

Program Establishment—KDHE

The bill requires the Kansas Department of Health and Environment, subject to appropriations from the State General Fund, to establish a program to increase access to screenings for colon, breast, prostate and cervical cancer and to be used in conjunction with, but not limited to, rural health and safety net clinics. The cost could not exceed \$1.5 million.

Insurance Card Standardization (Annual Publication)

The bill amends KSA 39-760 to direct the Kansas Health Policy Authority, with the Secretary of Social and Rehabilitation Services, to establish a system for reporting suspected abuse or fraud in connection with the state welfare and medical assistance programs. Additionally, notification of Medical Assistance is to be provided on an annual basis to recipients, on the medical cards issued by KHPA. (Currently, the statute applies to only the Department of Social and Rehabilitation Services and notification is required on a monthly basis (printed on medical cards issued to recipients).)

SCHIP Expansion; Premium Assistance for Employer Sponsored Insurance

A new provision will be added to the statute that authorizes the Kansas Children's Health Insurance Program to direct the Health Policy Authority to provide coverage under the program, subject to appropriations, for children living in a household having a gross income, for 2009, at or under 225 percent of the 2008 federal poverty guidelines and, for

2010 and subsequent years, at or under 250 percent of the 2008 federal poverty guidelines. Participants will be required to contribute to the coverage on the basis of a sliding scale, and new participants would not be eligible for at least eight months if they previously had comprehensive health benefit coverage through another plan and such coverage was not terminated for one of the reasons set out in the legislation.

The statute also is amended to allow that contributions for health insurance premiums in the State Children's Health Insurance Program may be made to a health savings account, if applicable. Payments for health insurance premiums could be made in conjunction with an employer-sponsored health insurance premium assistance plan (ESI), providing that supplemental benefits may be purchased outside of the capitated managed care plan.

Under new language added to the statute, any individual seeking to participate in the SCHIP program will be required to present documentary evidence of citizenship or of being a lawful alien as a condition of eligibility. The criteria for determining whether the documentation is satisfactory could not be more restrictive than that followed by the Social Security Administration to determine citizenship. Certain types of documents issued by Indian tribes would constitute satisfactory evidence of citizenship. The coverage of children in families up to 225 and 250 percent of federal poverty guidelines authorized by the bill is not to be construed as an entitlement, will be subject to state and federal funds and requirements, and, were it determined available federal funds and state appropriations are insufficient to sustain the increased levels of eligibility, a lower income level will be required to be adopted and implemented.

Premium Assistance Program

An existing statute, created by 2007 SB 11, is amended to delete all references to a phased in premium assistance plan to assist eligible low-income residents with the purchase of private insurance or other benefits that are actuarially equivalent to the Kansas State Employee Health Plan.

Establishment of Funding Priorities for FY 2009

The bill establishes funding recommendations for the following priorities:
KDHE: Safety Net Clinics, \$2.5 million.

WCGME Appropriation, FY 2009

The bill will, through a request, allow the Wichita Center for Graduate Medical Education (WCGME) to receive moneys from the Kansas Bioscience Authority in FY 2009 and would appropriate \$1.5 million (from the State General Fund) in FY 2009 for non-research expenditures (off-site or rural rotation), contingent upon the submission of the request to the Bioscience Authority for \$7.1 million in research-oriented grant funding.

Physician Workforce and Accreditation Task Force

The bill creates the Physician Workforce and Accreditation Task Force. The Task Force will be composed of 13 members as follows:

Two members of the medical faculty or administrators of the University of Kansas Medical Center appointed by the dean of the school of medicine; one from the Kansas City Campus, and one from the Wichita Campus;

Two members appointed by the Governor, practicing medicine in Kansas who are current or former participants in a Kansas graduate medical residency program; One member appointed by the Board of Regents;

One member representing Via Christi appointed by the Wichita Center for Graduate Medical Education (WCGME);

One member representing Wesley Medical Center, appointed by WCGME;

One member appointed by the Kansas Health Policy Authority (KHPA);

One member who is an administrator of a rural hospital appointed by the Kansas Hospital Association;

Four legislators, with one each appointed by the Senate President; the Speaker of the House; the Senate Minority Leader; and the House Minority Leader.

The Chairperson of the Task Force will be designated by the House Speaker from the membership, and the Vice-Chairperson will be designated by the Senate President from the membership. The Task Force meets on call of the Chairperson, or on the request of seven members, subject to the approval of the Legislative Coordinating Council. Seven members would be a quorum.

The Task Force is charged with the study and adoption of recommendations regarding the physician workforce in the state and accreditation issues at the WCGME. The Task Force will be staffed by the Revisor of Statutes, Legislative Research Department, and Legislative Administrative Services. The Task Force is required to report to the House Committee on Appropriations and the Senate Committee on Ways and Means prior to the beginning of the 2009 regular session.

Kansas Health Policy Authority—Outreach Pilot Program

The bill allows the Kansas Health Policy Authority to establish, subject to appropriations, a pilot program implementing access to care programs for outreach to increase enrollment of children in Medicaid and HealthWave with priority given to rural and safety net clinics. The cost of the two-year pilot shall not exceed \$550,000 per year.

The KHPA is required to report its findings and any recommendations it may have concerning the pilot program to the Governor, Joint Committee on Health Policy Oversight, and the Legislature annually.

Kansas Academy of Math and Science

SB 404 amends current law concerning the Kansas Academy of Mathematics and Science (KAMS).

The procedure for selecting pupils for admission to KAMS provides for admission of 20 pupils selected on a congressional district basis, with no more than five pupils from each of the four congressional districts and 20 other pupils on a state-wide basis. (KAMS will have a total of 80 students in its two classes.) The Board of Regents has the authority to expand the number of pupils specified by law and could authorize admission of nonresident and international academically talented pupils, as well as additional Kansas residents. However, at least three-fourths of the total number of pupils enrolled in KAMS will be Kansas residents.

The bill requires KAMS pupils to pay tuition in addition to fees. For pupils enrolled in a Kansas school district, the tuition and fees are paid by the school district in which the pupil is enrolled but do not exceed the total of an amount equal to the current base state aid per pupil. Fees normally paid by a Kansas high school pupil are to be paid by the pupil. For pupils not enrolled in a Kansas school district, the tuition and fees are to be paid by the pupil.

The bill requires that a school district sending a pupil to KAMS not receive school finance weightings or the amount of local option budget attributable to the pupil.

The bill also clarifies that, solely for the purpose of KAMS, pupils are not required to comply with the qualified admissions standards and are exempt from compulsory attendance requirements.

Juvenile Corrections

SB 410 clarifies existing statutory language dealing with the four current juvenile correctional facilities. In addition, the bill authorizes the appointment of a superintendent and deputy superintendents and eliminates the attorney position at the Kansas Juvenile Correctional Complex.

The bill eliminates references to the Topeka Juvenile Correctional Facility (TJCF). All references to the TJCF in contracts and documents are attributed to the Kansas Juvenile Correctional Complex. The bill allows the Commissioner of Juvenile Justice to appoint a superintendent and a deputy superintendent for each institution and permits a person to serve as a superintendent at more than one institution. Further, the bill authorizes the appointment of an acting superintendent in the case of a vacancy. The bill eliminates the statutory authority to appoint an attorney employed by the Kansas Juvenile Correctional Complex. The bill repeals the statute that finds any individual convicted of assisting or harboring an escaped juvenile from a juvenile correctional facility guilty of a misdemeanor.

Finally, the bill clarifies that any reference to the commissioner in the code means the Commissioner of Juvenile Justice or the Commissioner's designee.

Kansas Challenge to Secondary Pupils Act

SB 421 amends the Kansas Challenge to Secondary Pupils Act. The definition of “concurrent enrollment pupil” is amended to add persons enrolled in grade 10 to those eligible to concurrently enroll in high school and postsecondary educational institutions.

School Safety Violations and Teacher Contracts

SB 470 amends current law regarding school safety violations. If a pupil who is 13 years of age or older is found in possession of a weapon or illegal drugs at school or a school supervised activity, or has engaged in conduct that could result in serious bodily harm, the chief administrator of the school is required to make a report to the appropriate law enforcement agency. The report must be given to a law enforcement agency as soon as practicable, but not more than ten days from the date of the pupil's act, excluding holidays and weekends. Upon receipt of the report, the law enforcement agency will investigate the incident and give written notice to the Division of Vehicles as soon as practicable, but not more than ten days after receipt of the report. If notice is provided as required by law, the Division of Vehicles will immediately suspend the pupil's driver's license or privilege to operate a motor vehicle in Kansas for up to one year. Upon suspension of the pupil's driving privileges, the Division of Vehicles will notify the pupil in writing. If the pupil makes a written request for a hearing within 30 days, the Division will afford the pupil an opportunity for a hearing to determine whether the ten-day notice was given to the appropriate law enforcement agency and the Division of Vehicles regarding the incident. The bill expands the scope of the hearing to determine whether or not there are reasonable grounds to believe the pupil was in possession of a weapon or illegal drugs, or if the conduct could have resulted in serious bodily harm, as outlined in the incident report.

The bill also repeals current law that makes any person who has been convicted of driving under the influence of alcohol or drugs when the violation is punishable as a misdemeanor ineligible to acquire a teaching license in Kansas.

The bill also amends current law to make a conviction of (or entering into a criminal diversion agreement for) the crime of endangering a child result in a five-year ban from the teaching profession, a conviction of the crime of aggravated endangering a child result in a lifetime ban from teaching profession, and a conviction of the crime of sexual battery when the victim was under 18 or a student of the person committing the crime result in a lifetime ban from the teaching profession.

Because these requirements are covered in other statutes, the bill repeals KSA 72-5411 which requires local boards of education to notify teachers of non-continuation of contracts by May 1, and teachers not wishing to continue contracts must notify local boards of education by May 15.

Other statutes covering these issues include KSA 72-5436 *et seq.* and KSA 72-5451 *et seq.*

The bill also amends KSA 72-5437, which establishes requirements for continuation of teachers' contracts to include retired teachers who are part of the Kansas Public Employees Retirement System under the provisions of KSA 72- 5436 *et seq.*

Buildings and Other Construction Projects

Sub. for SB 485 establishes the Alternative Project Delivery Building Construction Procurement Act for counties and a separate act for school districts. The provisions in the bill are permissive and do not mandate that the entities utilize the alternative methods. The bill permits counties and school districts to use an alternative project delivery program, with both counties and school districts permitted to use a construction management at-risk process for certain projects, and only counties permitted to use a design-build procurement process for certain projects. Schools are prohibited from using the design-build procurement selection process. The bill also allows counties and school districts to award contracts for design and construction based on a best value approach to be used in the selection process. The bill authorizes counties and school districts to determine if the alternative procurement process is appropriate and to approve contracts for any such projects using the alternative selection methods. The bill also permits a technical proposal to contain certain limited references to specific elements of the cost.

Fourth Year School Finance Funding; District Consolidation Incentives; Medicaid Replacement State Aid; Creation of Special Education Funding Task Force

SB 531 addresses school finance by establishing a Base State Aid Per Pupil (BSAPP) rate of \$4,492 for the 2009-2010 school year and beyond. Specifically, the bill does the following:

Increases BSAPP by \$59 (from \$4,433 to \$4,492) for the 2009-2010 school year and beyond;

Appropriates \$37.2 million from the State General Fund in general state aid in FY 2010;

Creates the Keeping Education Promises Trust Fund with a \$0 expenditure limit in FY 2009;

Transfers \$37.2 million from the State General Fund to the Keeping Education Promises Trust Fund in FY 2009; and

Transfers the \$37.2 million back from the Keeping Education Promises Trust Fund to the State General Fund in FY 2010.

Medicaid Replacement State Aid

The bill entitles each school district providing special education and related services to pupils who receive Medicaid to receive Medicaid Replacement State Aid, subject to appropriation, in an amount not to exceed \$9.0 million per year. The State Board of Education will compute Medicaid Replacement State Aid for each district by dividing the appropriation by the number of pupils in the state receiving Medicaid special education and related services and multiplying the quotient by the number of exceptional pupils receiving Medicaid-provided special education and related services in each school district. The product is the amount of Medicaid Replacement State Aid the district is entitled to receive. School districts will certify the number of exceptional pupils receiving Medicaid services as of March 1 of each year. This provision takes effect in school year 2007-2008 and ends with school year 2009-2010.

School District Consolidation

The bill also changes current school district consolidation law. This bill provides a school district desiring to consolidate before July 1, 2011, with another district with fewer than 150 pupils, a guaranteed combined general fund budget for the year in which the consolidation takes place plus two school years. Any school district with an enrollment of less than 150 pupils desiring to consolidate after July 1, 2011, will receive only the combined general fund budget for the current year plus one year. If a district has more than 150 pupils but fewer than 200 pupils, the combined general fund budgets will be guaranteed for the current year plus three years. For a district with more than 200 pupils,

the combined general fund budgets will be guaranteed for the current year plus four years. If three or more districts wish to combine, regardless of the number of pupils enrolled in the districts, the combined general fund budget will be guaranteed for the current year plus four years. In all scenarios, a consolidated district will receive either the guaranteed general fund budget or the actual computed amount under current law, whichever is higher. The bill makes parallel changes to another provision in law relating to the disorganization of a district and the attachment of the territory of the disorganized district to another school district.

The bill also allows local boards of education desiring to consolidate school districts to enter into an agreement requiring a majority of the qualified electors of each school district proposed to be consolidated to vote in favor of the consolidation.

At-Risk Pupil Weighting

The bill also amends the high density at risk pupil weighting of the school finance plan. The bill creates a new weighting called the medium density at risk pupil weighting. of districts having an enrollment of at least 40.0 percent at risk pupils but less than 50.0 percent at risk pupils qualify to receive the medium density at risk pupil weighting, which is determined by the State Board by multiplying the number of at risk pupils in the district by a factor of .06. School districts having an enrollment of at least 50.0 percent at risk pupils or an enrollment of at least 35.1 percent at risk pupils and an enrollment density of at least 212.1 pupils per square mile continue to be eligible for the high density at risk pupil weighting which is determined by the State Board by multiplying the number of at risk pupils by a factor of .10.

Any district that becomes ineligible for the medium density at risk pupil weighting or the high density at risk pupil weighting because the district no longer meets the requirements specified in the bill receives the greater of the weighting in the current school year; the weighting in the prior school year; or the average of the weighting in the current school year and the preceding two school years.

Special Education Funding Task Force

The bill establishes a Special Education Funding Task Force consisting of 12 members, as follows:

Four members appointed by legislative leadership;

One member appointed by the Kansas National Education Association;

Three members appointed by the United School Administrators: one from a school district having an enrollment of at least 12,000 pupils; one from a school district having an enrollment of less than 12,000 pupils but more than 1,636 pupils; and one from a school district having an enrollment of 1,636 pupils or fewer; one of these three appointees shall include a school district chief financial officer and one shall be a director of special education services;

Three members appointed by the Kansas Association of School Boards, one of which is from a school district having an enrollment of at least 12,000 pupils; one from a school district having an enrollment of less than 12,000 pupils but more than 1,636 pupils; and one from a school district having an enrollment of 1,636 pupils or fewer; and
The Commissioner of Education or designee shall serve ex officio.

The Task Force will:

Study and make recommendations for changes in the existing special education formula;
Study and make recommendations regarding Medicaid reimbursement to school districts;
and

Submit reports and recommendations to the Legislature by January 14 of each year.

The Task Force sunsets on June 30, 2010.

Additional Provisions

The bill also permits students living more than ten miles from their school to attend school in an adjoining district, if the receiving district agrees to accept and provide transportation for the student.

Finally, a definition section was added to the bill to make it consistent with SB 669.

Mobile Voting Sites, Mail Ballot Election, Local Primaries, Political Yard Signs

SB 562 addresses the election topics of mobile voting sites, inactive voters in mail ballot elections, local office primary elections, and political yard signs. Details of the bill follow.

Mobile Voting Sites

The bill establishes a process whereby, beginning on January 1, 2010, every nursing facility assisted living facility, and hospital-based long-term care unit could serve as a voting place for its residents who are registered to vote. Specifically, the bill:

Permits the county election officer to contact the administrator or operator of each such facility, at least 60 days before any election other than a mail ballot election, to request that the registered voters in the facility be offered the opportunity to vote there. If the administrator agrees, a mutually agreed upon date for the voting must be established.

Requires the county election officer to appoint a special election board to administer the ballots to the residents of a participating facility. Qualifications for the board, consisting of two or more members, are established in the bill. Requires the special election board for each participating facility to follow advance voting procedures, to the extent practicable.

Permits any facility resident who is a registered voter to request a ballot from the special election board. The special election board may deliver an advance ballot to any voter who has received permanent advance voting status, instead of mailing the ballot.

Permits any voter to receive assistance from a special election board member or from a person of the voter's choice, if the person rendering assistance signs a written statement as required by law.

Requires the special election board to protect the privacy of each voter and seal each ballot in an envelope or deposit it in a locked ballot box. Security measures also are required when direct recording electronic voting systems are used. Voting materials must be returned to the county election officer at the close of voting at the facility. Tabulation procedures are specified in the bill.

Requires the county election office to post the appropriate notice at each participating facility when it is serving as a mobile voting site. Defines the terms "nursing facility," "assisted living facility," and "hospital-based long term care unit."

Makes participating facilities subject to the provisions of the electioneering crime statute, during the time when the facility is serving as a mobile voting site.

With respect to mail ballot elections, the bill prohibits a county election officer from mailing ballots to any inactive voter who: Appears to have moved to a location outside the county in which the voter currently is registered or for whom mail cannot be forwarded, based on information provided by the postal service; and has been mailed a confirmation notice as required when the postal service provides such information.

A provision exists in the bill for requesting a replacement ballot when the inactive voter believes he or she is entitled to vote in the election. These provisions are effective upon publication in the *Kansas Register*.

Local Primary Elections

Beginning on July 1, 2008, the bill revises current requirements regarding when a primary election may be held for school district boards, city officers, and community college district boards. For all three types of entities: a primary election is prohibited.^o

Unless, by holding the primary, two or more persons will be eliminated as candidates for office. If there are not more than three times the number of candidates as there are officers or board members to be elected. If there are not more than three times the number of candidates, the candidates' names must appear on the general election ballot.

A primary election must be held if needed to reduce the number of candidates for each office in the general election to no more than three candidates. With respect to school district and community college district boards, the bill deletes the current language requiring the entities to hold primary elections under certain circumstances, which differ depending on whether the district elects members from member districts or at large. Regarding city officer elections, the bill revises the number of candidates that must be eliminated and the total number of candidates existing in order to hold a primary election.

Political Yard Signs and Restrictive Covenants

The bill invalidates any provision of a restrictive covenant prohibiting the display of political yard signs, which are less than six square feet, 45 days before an election or two days after the election. The bill applies to any restrictive covenant in existence on the day the act becomes effective, which is upon publication in the *Kansas Register*.

Virtual School Act; School District Disaster Aid

SB 669 is the Virtual School Act. The bill gives general supervision and regulation of all virtual schools to the Kansas Department of Education. For each school year that a school district has a virtual school, the district is entitled to Virtual School State Aid. Virtual School State Aid is calculated by multiplying the number of full-time equivalent pupils enrolled in a virtual school times 105.0 percent of the unweighted Base State Aid per Pupil (BSAPP).

In addition, virtual schools receive a non-proficient weighting of 25.0 percent multiplied by the full-time equivalent enrollment of non-proficient pupils in an approved at-risk program offered by the virtual school.

Advanced placement course funding of 8.0 percent of the BSAPP is paid to the USD that operates a virtual school for each pupil enrolled in at least one advanced placement course if the pupil is a resident of a school district that:

- Does not offer advanced placement courses;
- Contains more than 200 square miles; or
- Has an enrollment of at least 260 pupils.

Moneys received as Virtual School Aid are required to be deposited in a Virtual School Fund. Expenses of the virtual school will be paid from this Fund. In addition, a pupil with an Individualized Education Plan (IEP) and attending a virtual school is counted as the proportion of one pupil, to the nearest tenth that the pupil's attendance at the non-virtual school bears to full-time attendance. Any student enrolled in a virtual school is not counted in the enrollment calculation. The bill requires school districts to provide adequate training to teachers who teach in virtual schools or virtual programs. The definition of a virtual school requires that students make academic progress toward the next grade level and demonstrate competence in subject matter for each class in which a student is enrolled, and it requires age-appropriate students to complete state assessment tests.

The bill also establishes procedures that address declining school district adjusted enrollment as a result of a qualified disaster. In this regard, the bill applies to the following school districts: USD 101, Erie; USD 257, Iola; USD 367, Osawatomie; USD 422, Greensburg; USD 445, Coffeyville; USD 446, Independence; USD 461, Neodesha; and USD 484, Fredonia. The school district must meet two criteria. First, a state of disaster emergency must be declared within the district by the Governor and the President of the United States (pursuant to the Stafford Act). Second, as a result of the disaster, destruction or damage to housing must have caused the district's adjusted enrollment to decline by at least 25 students or 2.0 percent of the district's enrollment.

The bill also allows qualifying districts to determine their budget using the adjusted enrollment of the district in school year 2006-2007. This calculation is used in computing

the general fund budget of a district for the second, third, and fourth years following the 2006-2007 school year.

The bill also guarantees USD 253, Emporia; USD 251, North Lyon County; USD 252, Southern Lyon County; and USD 284, Chase County, 98.0 percent of the adjusted enrollment in the 2007- 2008 base school year when calculating the general fund budget of the school district for the 2008-2009 school year. This provision is applicable only for the 2008-2009 school year.

Finally, the bill makes technical amendments to the school finance law regarding the counting of students in psychiatric residential treatment facilities.

Immunizations of School Age Children; Disposition of Fetal Remains

Senate Sub. for HB 2097 creates new law requiring school boards to provide information on immunizations to school age children and to parents and guardians of students in grades six through 12. The information includes:

A list of sources for additional information; and
Related standards issued by the National Centers for Disease Control and Prevention.

The Department of Health and Environment will be required to provide information on immunizations to school boards. If requested by a school board, the Department must provide assistance. The Department is not allowed to charge for the information or assistance it provides.

School boards are defined as the board of education of a school district or the governing authority of any nonpublic school.

The bill also requires the Kansas Department of Health and Environment to increase influenza immunization awareness and participation among parents of children age six months to five years who are enrolled in child care facilities. The Department of Health and Environment must have information on the benefits of annual immunization against influenza for children on its official website and must cooperate with the Department of Social and Rehabilitation Services in distributing information to parents and child care facilities in August and September every year.

The Department of Health and Environment also is required to conduct a study of the feasibility of establishing a school-based influenza vaccination pilot program including the costs and benefits of a pilot program, barriers to implementation and strategies for removing the program barriers, and the fiscal impact of a pilot program. The Department is required to submit a report on its findings to the Joint Committee on Health Policy Oversight prior to the 2009 Legislative Session, and the Joint Committee may introduce bills or request funding for the pilot program.

Also, the Department is authorized to seek funding for implementation of the pilot study from any public or private source.

The bill also requires every maternity center and medical care facility licensed by the Department of Health and Environment to adopt written policies and inform parents regarding their options for the disposition of fetal remains in an event of fetal death.

Interstate Compact on Educational Opportunity For Military Children

HB 2714 enacts the Interstate Compact on Educational Opportunity for Military Children. This Compact is intended to remove barriers to educational success imposed on children of military families caused by frequent moves and deployment of their parents. The Compact states it would accomplish seamless transitions for students to new schools by providing instant records transfer and facilitation of the student placement process, including qualification and eligibility for enrollment, student participation in extracurricular activities, scheduling, grading, and assessments. Provisions of the bill apply to children of active members of the military, including those members severely injured and medically discharged and those retired for a period of up to one year after retirement.

The bill provides for coordination of compliance with the Compact through creation of a state council or use of an existing body or board, which would be required to appoint a military family member to serve as liaison.

The bill also makes provisions for the Interstate Commission on Educational Opportunity for Military Children, which is formed by the states entering into the Compact and consists of one member per state.

Cyberbullying and Parents as Teachers Program

HB 2758 amends the statute that requires school districts to prohibit bullying on school property, while using school property, in school vehicles, and at school events. The bill requires districts to extend their policies to prohibit cyberbullying. In addition, the bill requires school district anti-bullying policies to prohibit bullying using school property.

The bill also expands the age of eligibility for students who qualify for parent education programs to any child under the age of eligibility for school attendance. Current law provides that parent education programs (Parents as Teachers) can be provided for infants and toddlers under the age of three.

Kansas Open Meetings Act

Senate Sub. for HB 2947 deals with the Kansas Open Meetings Act (KORA).

The bill defines “meeting” under the KORA as any gathering or assembly in person or through the use of a telephone or any other medium or any other interactive communication by a majority of the membership of a body or agency subject to the Act for the purpose of discussing the business or affairs of the body or agency.

The bill requires all meetings in a series to be open if they collectively involve a majority of the membership of the body or agency, share a common topic of discussion concerning the business or affairs of the body or agency, and are intended by any or all of the participants to reach agreement on a matter that would require binding action to be taken by the body or agency. Exempted from this provision would be legislative meetings as provided by Article 2, Section 22 of the Kansas Constitution.

The penalty imposed under KSA 75-4320 for violation of KORA as defined by this Act would not be imposed prior to July 1, 2009 (penalty not to exceed \$500).