AN ACT concerning career technical education; relating to secondary students; amending K.S.A. 72-4417 and 72-4419 and K.S.A. 2011 Supp. 71-201 and 72-6413 and repealing the existing sections.

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

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

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

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

New Sec. 2. (a) The state board of regents shall establish the career technical education incentive program.

(b) (1) Each school year, to the extent there are sufficient moneys appropriated to the career technical education incentive program, the state board of regents shall make an award to those school districts who have at least one pupil who graduates from a high school in the school district having obtained an industry-recognized credential in an occupation that has been identified by the secretary of labor, in consultation with the state board of regents and the state board of education, as an occupation in highest need of additional skilled employees at the time the pupil entered the career technical education course or program in the school district. Such school districts shall receive an award in an amount equal to $1,000 for each such pupil graduating from a high school in the school district. Such awards shall be paid at such times as established by the state board of regents. Such awards may be expended for any expenses occurred in the expenses incurred by the board of education of the school district under subsection (b)(2), and any moneys remaining after distribution in accordance with subsection (b)(2) may
be expended as determined by the board of education of a school district towards operating the school from which the pupils graduated as determined by the board of education of the school district.

(2) (A) Except as provided by subsection (b)(2)(B), upon application by a pupil who has not attained a high school diploma and is currently or was previously enrolled in a career technical education course or program in the school district, the board of education of each school district shall pay the costs of the industry-recognized credential assessment specified in such application in an amount not to exceed $1,000. Such industry-recognized credential assessment shall be related to the career technical education course or program which such pupil is currently or was previously enrolled as determined by the board of education.

(B) No board of education shall be required to pay for three or more industry-recognized credential assessments for the same or substantially the same industry-recognized credential for a pupil if such pupil fails to earn the industry-recognized credential within two attempts of taking the industry-recognized credential assessment.

(3) The state board of education shall certify to the state board of regents and the director of accounts and reports the amounts due to each school district pursuant to this subsection. Such certification, and the amount payable, shall be approved by the director of the budget. The director of accounts and reports shall draw warrants on the state treasurer payable to the district treasurer of each school district entitled to payment of such award amount, pursuant to vouchers approved by the state board of regents. Upon receipt of such warrant, each district treasurer shall deposit the amount of such award in the general fund of the school district.

(c) (1) Each school year, to the extent there are sufficient moneys appropriated to the career technical education incentive program, the state board of regents shall make an award to a community college, technical college or institute of technology who has at least one secondary student who is currently or was previously admitted to a career technical education course or program in accordance with subsection (c) of K.S.A. 72-4417, and amendments thereto, and such secondary student is regularly enrolled in and attending a private secondary school. The purpose of such award is to reimburse such community college, technical college or institute of technology for the costs of paying for an industry-recognized credential assessment in an occupation that has been identified by the secretary of labor, in consultation with the state board of regents and the state board of education, as an occupation in highest need of additional skilled employees at the time the secondary student was admitted into such
career technical education course or program.

(2) (A) Except as provided by subsection (c)(2)(B), upon application by a secondary student who is currently or was previously enrolled in a career technical education course or program in accordance with subsection (c) of K.S.A. 72-4417, and amendments thereto, and is regularly enrolled in and attending a private secondary school, the governing body of the community college, technical college or the institute of technology which admitted such secondary student shall pay the costs of the industry-recognized credential assessment specified in such application in an amount not to exceed $1,000. Such industry-recognized credential assessment shall be related to the career technical education course or program in which such secondary student is currently or was previously enrolled as determined by such governing body of a community college, technical college or institute of technology.

(B) No governing body of a community college, technical college or institute of technology shall be required to pay for three or more industry-recognized credential assessments for the same or substantially the same industry-recognized credential for a secondary student if such secondary student fails to earn the industry-recognized credential within two attempts of taking the industry-recognized credential assessment.

(3) Each governing body of a community college, technical college or institute of technology which has made payments of the costs specified in subsection (c)(2) may file an application with the state board of regents for state aid and shall certify to the state board of regents the amount of such payments. The application and certification shall be on a form prescribed and furnished by the state board of regents, shall contain such information as the state board of regents shall require and shall be filed at the time specified by the state board of regents.

(4) In each school year, each governing body of a community college, technical college or institute of technology is entitled to receive from appropriations for the career technical education incentive program an amount which is equal to the amount certified to the state board of regents in accordance with the provisions of subsection (c)(3). The state board of regents shall certify to the director of accounts and reports the amount due each governing body of a community college, technical college or institute of technology. The director of accounts and reports shall draw warrants on the state treasurer payable to the treasurer of each governing body of a community college, technical college or institute of technology entitled to payment under this subsection upon vouchers approved by the state board of regents.
(5) Moneys received by a state board of regents under this subsection shall be deposited in the postsecondary technical education fund of each community college and at Washburn university for the Washburn institute of technology or the general operating fund in the technical college in accordance with K.S.A. 2011 Supp. 71-1808, and amendments thereto, and shall be considered reimbursements to the community college, technical college or institute of technology.

(b) Each school year, at such time as agreed to by the secretary of labor, the president of the state board of regents and the commissioner of education, the secretary shall provide the state board of regents with a list of those occupations in highest need of additional skilled employees. If the occupations identified in such list are not substantially the same as those occupations identified in the list from the prior year, reasonable notice of such changes shall be provided to school districts, community colleges, technical colleges and the institute of technology.

(c) The state board of education shall certify to the board of regents and the director of accounts and reports the amounts due to each school district pursuant to this section. Such certification, and the amount payable, shall be approved by the director of the budget. The director of accounts and reports shall draw warrants on the state treasurer payable to the district treasurer of each school district entitled to payment of such award amount, pursuant to vouchers approved by the board of regents. Upon receipt of such warrant, each district treasurer shall deposit the amount of such award in the general fund of the school district.

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

New Sec. 3. (a) Provided a particular career technical education program is not offered in a particular service area, the governing board of a community college, technical college or institute of technology located outside such service area, in coordination with one or more school districts located within such service area, may apply to the state board of regents for permission to establish such career technical education program to be taught at a location in such service area. An application for such permission shall be submitted in such form and manner as prescribed by the state board of regents. In reviewing any such application, the state board of regents shall consider the ability and willingness of any postsecondary educational institution located in such service area to offer such career technical education program. If no such career technical education program is offered in such service area and no postsecondary educational institution located in such service area intends to offer such career technical education program, then the board of regents may approve
such application to establish such career technical education program. Upon approval of its application by the state board of regents, the governing board of a community college, technical college or institute of technology may purchase or otherwise acquire land or land and improvements in such service area for the purpose of providing such career technical educational program.

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

(c) For purposes of this section:

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

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

(3) "Service area" means: (A) For community colleges, a designated geographic area of the state established pursuant to agreement of the presidents of the community colleges and adopted in policy by the state board of regents; (B) for technical colleges, the territory set forth in the college's plan submitted to the board of regents pursuant to K.S.A. 72-4470a, and amendments thereto; and (C) for the institute of technology, Shawnee county.

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

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

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

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

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

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

(2) To sue and be sued.

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

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

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

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

(7) To enter into contracts.

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

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

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

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

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

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

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

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

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

(17) To authorize by resolution the establishment of a petty cash fund in an amount not to exceed $1,000, and to designate in such resolution an employee to maintain such petty cash fund. The employee designated in any resolution provided for in this subsection receiving such funds shall keep a record of all receipts and expenditures from the fund, and shall from time to time, and at the end of the fiscal year, prepare a statement for the board showing all receipts, expenditures, and the balance in the petty cash fund. The board of trustees may authorize the employee designated to maintain any petty cash fund to make a claim for replenishment of the fund to its original amount in advance of approval by the board of trustees if, at any time during the period between regular monthly meetings of the board of trustees, the balance remaining in the fund is insufficient to make needed expenditures for any purpose for which the petty cash fund is maintained. No petty cash fund may be replenished more than one time during each period between regular monthly meetings of the board of trustees. If a petty cash fund is replenished prior to the end of the fiscal year in accordance with the foregoing authorization, the employee authorized to maintain the petty cash fund shall keep an accurate record of all expenditures made therefrom, and the purpose therefor, and shall submit the record to the board of trustees at the next regular monthly meeting thereof. The petty cash fund shall be replenished by payment from the appropriate funds of the community college to the petty cash fund upon proper claim. The fund shall be kept separate from all other funds and shall be used only for authorized expenditures and itemized receipts shall be taken for each expenditure. No part of such fund may be loaned or advanced against the salary of an employee. All employees entrusted with such funds under this subsection shall be bonded by the community college district.

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

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

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

Sec. 6. K.S.A. 72-4417 is hereby amended to read as follows: 72-
4417. (a) Students admitted to a vocational career technical education
course or program which is conducted by the school district in which the
student is enrolled may be charged fees but shall not be charged tuition.
(b) Postsecondary students admitted to a vocational career technical
education course or program shall pay tuition and fees as provided by laws
applicable thereto.

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

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

(A) "Community college" means any community college
established in accordance with chapter 71 of the Kansas Statutes
Annotated, and amendments thereto.

(B) "Fees" means those charges assessed against a student by a
community college, technical college or the institute of technology for
student services, such as health clinics, athletic activities and technology
services, or for books, supplies or other materials necessary for a
particular course or program, the expense of which is not covered by
tuition.

(C) "Institute of technology" means the institute of technology at
Washburn university.

(D) "Secondary student" means a pupil who: (i) Has not attained
a high school diploma or a general educational development (GED)
credential; and (ii) is regularly enrolled in and attending a public or
private secondary school.

(E) "Technical college" means a technical college designated
pursuant to K.S.A. 72-4472, 72-4473, 72-4474, 72-4475, 72-4477 or 72-
4477a, and amendments thereto.

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

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

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

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

Sec. 7. K.S.A. 72-4419 is hereby amended to read as follows: 72-4419. The school district in which a student is enrolled shall pay the tuition of such student to attend any vocational career technical education course or program when such attendance is approved as provided in K.S.A. 72-4418, and amendments thereto, from its vocational education fund, except that any board receiving funds under an agreement under K.S.A. 72-4421, and amendments thereto, shall pay such tuition when the student is enrolled in a school district which is a party to the agreement if the agreement so provides. In the case of a school district which is not a party to an agreement under K.S.A. 72-4421, and amendments thereto, should there be insufficient or no moneys in the vocational career technical education fund to pay such tuition, the board of education shall transfer from the general fund to the vocational career technical education fund such amount as will satisfy the insufficiency.

Sec. 8. K.S.A. 2011 Supp. 72-6413 is hereby amended to read as follows: 72-6413. (a) (1) In school year 2012-2013, the program weighting of each district shall be determined by the state board as follows:

1. (A) Compute full time equivalent enrollment in programs of bilingual education and multiply the computed enrollment by .395;
2. (B) compute full time equivalent enrollment in approved vocational education programs and multiply the computed enrollment
by 0.5; add the products obtained under subpar. (A) and (B). The sum is the program weighting of the district.

(2) In school year 2013-2014 and each school year thereafter, the program weighting of each district shall be determined by the state board as follows: Compute the full time equivalent enrollment in programs of bilingual education and multiply the computed enrollment by .395. The result is the program weighting of the district.

(b) A school district may expend amounts received from the bilingual weighting to pay the cost of providing at-risk and preschool-aged at-risk education programs and services.

Sec. 8. K.S.A. 72-4417 and 72-4419 and K.S.A. 2011 Supp. 72-6413 are hereby repealed.

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

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