

[As Amended by House Committee of the Whole]

As Amended by House Committee

Session of 2004

## HOUSE BILL No. 2491

By Legislative Educational Planning Committee

1-9

12 AN ACT concerning ~~technical colleges~~ **[technical colleges; relating**  
13 **to] adult basic education programs**; relating to the powers and du-  
14 ties of the governing bodies thereof, ~~relating to adult education of~~  
15 **technical colleges and school districts; tax levy authority**; amend-  
16 ing **K.S.A. 72-4523 and K.S.A. 2003 Supp. 72-4470a [and 72-4478]**  
17 and repealing the existing ~~section~~ **sections**.

18

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

20 Section 1. K.S.A. 2003 Supp. 72-4470a is hereby amended to read  
21 as follows: 72-4470a. (a) On or before July 1, 2005, all technical college  
22 boards shall develop and present to the state board of regents a plan to  
23 replace the governing body described in K.S.A. 72-4470, and amend-  
24 ments thereto, with a new governing board, which shall be separate and  
25 independent of any board of education of any school district, to operate,  
26 control and manage the technical college. The plan shall include, but not  
27 be limited to, provisions relating to:

- 28 (1) The composition of the independent governing board;
- 29 (2) the territory of the technical college. If the territory of the tech-  
30 nical college includes more than one county, the plan shall designate a  
31 home county;
- 32 (3) the method of election or appointment and the terms of service  
33 of the members of the independent governing board;
- 34 (4) the date upon which the independent governing board shall as-  
35 sume management and control of the technical college;
- 36 (5) the manner, terms upon which and extent to which the facilities,  
37 will be transferred to the independent governing board and the division  
38 of other assets and indebtedness and other liabilities; and
- 39 (6) the manner and terms upon which faculty, employees and stu-  
40 dents will be transferred to the independent governing board. Subject to  
41 the provisions of K.S.A. 2003 Supp. 72-4478, and amendments thereto,  
42 such provisions shall specify terms of employment and address other per-  
43 sonnel matters.

1 (b) (1) Upon approval of the plan by the state board of regents and  
2 the governing body of the technical college which submitted the plan,  
3 and on the date determined in the approved plan, the independent gov-  
4 erning board established under subsection (a) of this section shall operate  
5 subject to the rules, regulations and supervision of the state board of  
6 regents in the same manner as other technical colleges, technical schools  
7 and area vocational technical schools.

8 (2) After June 30, 2007, if the governing body of the technical college  
9 and the state board of regents have not approved a plan submitted pur-  
10 suant to subsection (a), the state board of regents shall have the power  
11 to approve the plan and upon such approval and on the date determined  
12 in the approved plan, the independent governing board established pur-  
13 suant to subsection (a) shall operate subject to the rules, regulations and  
14 supervision of the state board of regents in the same manner as other  
15 technical colleges, technical schools and area vocational technical schools.

16 (c) In addition to such other powers expressly granted by law and  
17 subject to the provisions of subsection (b), the governing board shall have  
18 the power to:

19 (1) Determine the vocational, technology and general education  
20 courses of instruction that will comprise the associate of applied science  
21 degree programs of the college;

22 (2) establish the requirements for satisfactory completion of the as-  
23 sociate of applied science degree programs of the college;

24 (3) confer the associate of applied science degree upon students who  
25 successfully complete an associate of applied science degree program of  
26 the college and to award a certificate or diploma to students who suc-  
27 cessfully complete a vocational education program of the college; ~~and~~

28 (4) appoint teaching staff and to fix and determine teacher qualifi-  
29 cations, duties and compensation. No teacher appointed to teach courses  
30 comprising the associate of applied science degree programs of the col-  
31 lege shall be required to meet certification requirements greater than  
32 those required in the state educational institutions; *and*

33 (5) *levy a tax in an amount deemed necessary by the governing board*  
34 *on all taxable tangible property within the territory of the technical college*  
35 *to maintain and operate an adult basic education program at a level ap-*  
36 *proved by the state board of regents and to pay a portion of the principal*  
37 *and interest on bonds issued by cities under K.S.A. 12-1774, and amend-*  
38 *ments thereto, for the financing of redevelopment projects upon property*  
39 *located within the territory.*

40 **Sec. 2. K.S.A. 72-4523 is hereby amended to read as follows:**  
41 **72-4523. (a) Subject to the provisions of ~~subsection~~ subsections (b)**  
42 **and (c), the board of any school district may make an annual tax**  
43 **levy for a period of not to exceed five years in an amount not to**

1 exceed  $\frac{1}{2}$  mill upon the assessed taxable tangible property within  
2 the school district to maintain and operate an adult basic education  
3 program at a level approved by the state board and for the purpose  
4 of paying a portion of the principal and interest on bonds issued  
5 by cities under authority of K.S.A. 12-1774, and amendments  
6 thereto, for the financing of redevelopment projects upon prop-  
7 erty located within the school district. Proceeds from the tax levy,  
8 except for an amount to pay a portion of the principal and interest  
9 on bonds issued by cities under authority of K.S.A. 12-1774, and  
10 amendments thereto, for the financing of redevelopment projects  
11 upon property located within the school district, shall be deposited  
12 in the adult education fund of the school district, which fund is  
13 hereby established. Notwithstanding any other provision of law,  
14 all moneys received by the school district from whatever source  
15 for adult basic education shall be credited to the adult education  
16 fund established by this section. The expenses of a school district  
17 directly attributable to adult basic education shall be paid from  
18 the adult education fund.

19 (b) No tax levy shall be made under this section until a reso-  
20 lution authorizing the levy is passed by the board and published  
21 once a week for three consecutive weeks in a newspaper having  
22 general circulation in the school district. The resolution shall spec-  
23 ify the millage rate of the tax levy and the period of time for which  
24 the tax levy shall be made under authority thereof. After adoption  
25 of the resolution, the levy may be made unless, within 90 days  
26 following the last publication of the resolution, a petition in op-  
27 position to the levy, signed by not less than 5% of the qualified  
28 electors of the school district, is filed with the county election of-  
29 ficer of the home county of the school district. In the event a pe-  
30 tition is filed, the tax shall not be levied without the question of  
31 levying the same having been submitted to and approved by a ma-  
32 jority of the qualified electors of the school district voting at an  
33 election which shall be called for that purpose or at the next gen-  
34 eral election.

35 (c) *No tax levy shall be made under this section by the board of any*  
36 *school district which is located within the territory of a technical college*  
37 *which has levied a tax on all taxable tangible property within the territory*  
38 *of such technical college to maintain and operate an adult basic education*  
39 *program pursuant to K.S.A. 72-4470a, and amendments thereto.*

40 (d) **The board of any school district which has made a tax levy**  
41 **authorized under the provisions of this section may initiate pro-**  
42 **cedures to renew its authority to make such a tax levy at any time**  
43 **after the final levy under a current authorization is certified to the**

1 county clerk.

2 [Sec. 3. K.S.A. 2003 Supp. 72-4478 is hereby amended to read  
3 as follows: 72-4478. (a) Any faculty member or employee of a  
4 school district whose employment is transferred to a technical col-  
5 lege pursuant to K.S.A. 2003 Supp. 72-4470a, and amendments  
6 thereto, shall retain all accrued sick leave, vacation leave and per-  
7 sonal leave accrued at the time of such transfer.

8 [(b) Any faculty member or employee of a school district whose  
9 employment is transferred to a technical college pursuant to K.S.A.  
10 2003 Supp. 72-4470a, and amendments thereto, shall remain eli-  
11 gible for any early retirement incentive program or benefits as if  
12 no transfer had occurred.

13 [(c) Any faculty member or employee of a school district whose  
14 employment is transferred to a technical college pursuant to K.S.A.  
15 2003 Supp. 72-4470a, and amendments thereto, shall retain salary  
16 as if no transfer had occurred.

17 [(d) Any faculty member or employee of a school district whose  
18 employment is transferred to a technical college pursuant to K.S.A.  
19 2003 Supp. 72-4470a, and amendments thereto, shall retain  
20 earned due process and collective bargaining protections and rights  
21 as if no transfer had occurred. Organizations representing technical  
22 college faculty members shall continue to represent such faculty members,  
23 subject to K.S.A. 72-5413 et seq., and amendments thereto. Organizations  
24 representing technical college employees shall continue to represent such  
25 employees unless rescinded pursuant to subsection (c) of K.S.A. 75-4321,  
26 and amendments thereto, by an elected governing board.]

27 Sec. ~~2~~ ~~3~~ [4.] K.S.A. 72-4523 and K.S.A. 2003 Supp. 72-4470a  
28 [and 72-4478] is are hereby repealed.

29 Sec. ~~3~~ ~~4~~ [5.] This act shall take effect and be in force from and after  
30 its publication in the statute book.