

SESSION OF 2002

**CONFERENCE COMMITTEE REPORT
SENATE BILL NO. 551**

As Agreed to May 4, 2002

Brief *

SB 551 pertains to disorganization of a school district and attachment to another district and consolidation of school districts, closure of school buildings, payment of incentive or retention bonuses to teachers, school district transfer of territory criteria, and provision by the State Board of Education of a community service program to be offered in accredited high schools.

**School Finance—School District Disorganization
and Attachment and Consolidation**

Effective commencing with the 2001-02 school year and prior to July 1, 2004, a school district which is enlarged due to disorganization of one district and its attachment to the enlarged district is entitled to State Financial Aid (school district general fund budget) in the current school year equal to the State Financial Aid of the districts as they were defined in the year preceding the disorganization and attachment. For the next three school years, the district is entitled to the amount of State Financial Aid it received in the preceding year under this provision or the amount of State Financial Aid the district would receive under operation of the school finance formula in that year, whichever is greater.

If the attachment occurs on or after July 1, 2004, the district receives the state financial aid of the districts for the year in which the attachment was implemented. For the next school year, the state financial aid of the district is the greater of the amount the district received in the preceding year or the amount the district would receive under operation of the school finance formula in that year. These

*Conference committee summary reports are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree.

provisions apply only when all of the territory of the district being disorganized is attached to one other district.

This method of determining State Financial Aid also is applied to districts that consolidate.

School District Boards—Closure of Buildings

An amendment authorizes all school district boards of education to close school buildings whenever the board finds that doing so will improve the district's school system. This action is taken by adoption of a resolution. The resolution must include the reasons for closing the school building, the name of the affected building, and the buildings to which the involved pupils will be reassigned. Prior to adopting the resolution to close a school building, the board must hold a hearing. Notice of the hearing must be published at least once each week for two consecutive weeks in a newspaper of general circulation in the school district. The last publication must be at least ten days, but not more than 20 days, prior to the date of the hearing. At the hearing, the board presents its school closing proposal and takes testimony concerning it. Subsequently, the board determines if the school building should be closed for the improvement of the school system.

Teacher Incentive and Retention Bonuses

School district boards are authorized to pay employment incentives or retention bonuses to teachers. The term "teachers" includes teachers, supervisors, principals, superintendents, and any other professional employees who are required to hold a teacher's or school administrator's certificate in a public school. For purposes of the professional negotiations law, a school district board's action under this bill would be subject to negotiation by mutual agreement of the parties.

Transfer of School District Territory

Prior to issuing a transfer of territory order, the State Board of Education would be required to consider at least the following criteria:

- City boundaries and the area within three miles surrounding any city with more than one district in the area;

- Available capacity of districts involved in the transfer to serve existing or additional students;
- Condition and age of buildings and physical plant;
- Overall costs, including renovation of existing buildings versus construction;
- Cost of busing;
- Food service;
- Administration and teachers;
- Areas of interest, including access and distances for parents to travel to participate in student activities;
- Matters of commerce, including regular shopping areas, meeting places, community activities, and youth activities;
- Districts that are landlocked with changing demographics that cause declining enrollment; and
- Effect on students living in the area.

**State Board of Education – Provision of a
Community Service Program**

The State Board of Education is required to provide for a community service program to be offered to all accredited high schools in the state.

“Community service” is defined to mean a service performed by a high school student, without pay, for the purpose of benefitting the student’s community. Service performed could include, but it not limited to, mentoring or tutoring elementary school pupils; assisting in a nursing home or adult care center; providing lawn care or performing other tasks for senior citizens or disabled persons; assisting in a homeless shelter or a soup kitchen; organizing or assisting in fund raisers for disaster victims and other needy persons; assisting community-based nonprofit agencies that provide programs and services for low-income people, the disabled, and the elderly; and assisting fraternal organizations in charitable activities.

Background

School Finance—School District Disorganization and Attachment and Consolidation

SB 551, as introduced, was proposed by Senator Dwayne Umbarger. Testimony submitted by Schools for Quality Education (SQE) endorsed the bill. There were no other conferees. The features of the bill concerning closure of school buildings, incentive and retention bonuses, transfer of school district territory criteria, and State Board of Education provision of a community service program were the substance of other legislation (described below). These provisions were added to SB 551 by the Conference Committee.

The concept initially contained in SB 551 was enacted by the 1999 Legislature and applied to districts that merged through consolidation. Under the law, the consolidated school district receives the sum of the State Financial Aid to which the individual districts were entitled in the year before consolidation for the year the consolidation becomes effective and for the next succeeding school year. SB 551 extends this concept to a school district which is enlarged due to disorganization of a district and attachment of the territory to another district. Additionally, the Senate passed version of the bill extended the guarantee of State Financial Aid to three years beyond the year in which the disorganization and attachment or consolidation becomes effective (four years total) and provided that, after the first year, if State Financial Aid computed under the formula is greater than the amount in the year preceding disorganization or consolidation, the current year formula amount is what the district would receive.

Senate amendments which ensured that the bill applied to disorganization or consolidation actions taken during the 2001-02 school year were intended to apply to the disorganization of West Graham-Moreland (USD 280) and its attachment to Hill City (USD 281) effective July 1, 2002.

The fiscal note on SB 551, as introduced, indicated that the bill would have negligible effect.

The House Committee on Education amendments reduced from four years to two years the application of the financial features of the bill. (The House Committee on Education amendments conform provisions of the bill to those contained in HB 2668, as introduced,

except for the alternative means of computing the district's state financial aid in the second year of district reorganization and the feature making these amendments retroactive to disorganization or consolidation actions taken during the 2001-02 school year.)

House Committee of the Whole amendments established two different methods for computing the State Financial Aid of consolidated districts and districts enlarged by disorganization and attachment, depending upon when the action occurred. The benefits apply for four years if consolidation or disorganization and attachment occurred during 2001-02 school year and prior to July 1, 2004. Thereafter, the benefit applies for two years.

The Conference Committee adopted the House passed version of the bill.

School District Boards—Closure of Buildings

The Conference Committee agreed to incorporate the substance of SB 488, as passed by the Senate.

Under law, the general authority granted in the bill is available to all school districts with enrollments of 1,600 or more, except, until the recent passage of Sub. for SB 394, for Shawnee Mission (USD 512). The law applicable to school districts with enrollments of less than 1,600 contains a procedure under which a school board desiring to close a school building develops a closing plan for the facility and conducts a public hearing on it. Subsequent to the hearing the school board makes a final decision regarding closing of the facility. That decision is subject to a 5.0 percent protest petition election. If, at such an election, the electors of the school district vote against closing the facility, it may not be closed. The statutes which previously applied to the Shawnee Mission school district also contained a 5.0 percent protest petition election provision, but in that district the election essentially was limited to electors of the school board member district in which the facility was located. The repeal of these provisions in Sub. SB 394 placed Shawnee Mission under the general school closure law, which is the subject of this conference committee report.

Conferees presenting testimony on SB 488 included the Kansas Association of School Boards, Kansas National Education Association, and Schools for Quality Education, all of whom supported the measure.

The fiscal note stated that SB 488 would have no fiscal effect on the State Department of Education.

Teacher Incentive and Retention Bonuses

The Conference Committee agreed to add the substance of SB 401, as passed by the Senate.

SB 401 was recommended by the State Board of Education. The concept in the bill was the product of a task force established by the Commissioner of Education. The State Board believes that legislation providing an exception in the Uniform Payment of Claims law (applies to all municipalities) is necessary to ensure that school district boards of education have explicit authority to pay hiring and retention bonuses to school district professional employees. This flexibility is regarded as necessary in order to maintain competitiveness among Kansas school districts and school districts in other states in a tight labor market.

The Kansas Association of School Boards endorsed the bill, indicating that its provisions will assist Kansas schools in recruiting and retaining teachers. The Kansas National Education Association (KNEA) explained that it has no problem with the concept contained in the bill. In fact, KNEA said that this practice has been occurring in Kansas for a number of years and that KNEA has negotiated agreements in place that provide for hiring and retention bonuses. KNEA noted, however, that the professional negotiations law does not apply to superintendents, principals, and paraprofessionals, so legislative authority might be needed to address these employees.

The Senate Education Committee amendment was designed to clarify that bonuses under the bill are not intended to be mandatorily negotiable under the professional negotiations law; but, rather, negotiable if mutually agreed upon by the parties.

The fiscal note stated that the State Department of Education would require no additional appropriations under SB 401.

Transfer of School District Territory

The Conference Committee added the provisions of HB 2953, as amended by the House Committee of the Whole, concerning the matter of transfers of school district territory.

HB 2953, as introduced, is one of seven bills that were introduced by the House Committee on Education at the request of Representative Bill Mason. Subsequently, these seven bills were assigned to a subcommittee composed of Representatives Bill Mason (chair), Marti Crow, Ralph Ostmeyer, Ethel Peterson, and Dan Williams. The House Committee on Education adopted the subcommittee's recommendation that the bill be passed.

The purpose of the original measure is to provide a series of specific matters that the State Board of Education must consider when it is considering a school district transfer of territory petition. Under current law, items the State Board must consider are not enumerated. The House Committee of the Whole amendment to this feature of the bill was designed to ensure the State Board could consider other transfer of territory matters as well as those listed in the bill.

The Kansas National Education Association, State Board of Education, and Kansas Association of School Boards commented on how the proposed amendment in the bill would be applied and raised no objection to it.

The fiscal note states the HB 2953 would have no fiscal effect on the State Department of Education.

State Board of Education – Provision of a Community Service Program

The Conference Committee agreed to add the substance of HB 2353, as passed by the House.

HB 2353 was proposed by Representative Lisa Benlon who commented on the positive experience of her son in a community service program in Shawnee Mission High School. Representative Benlon expressed her belief that young adults who help in their communities take pride in them and become less inclined to engage in destructive activities.

The Executive Director of the Kansas Office for Community Service, the principal of Dodge City High School (USD 443), the Executive Director of East Central Kansas Economic Opportunity Corporation (ECKAN), and students from Shawnee Mission Northwest High School (USD 512) and Ottawa High School (USD 290) also appeared as proponents of community service programs.

The Kansas Association of School Boards expressed opposition to the notion of state imposition of a new curriculum mandate on public schools at a time when the current proposal is to reduce funding for them.

House Education Committee amendments deleted the requirement that a class in community service be given in all accredited high schools and retained the direction that the State Board of Education provide for a community service program to be offered to the accredited high schools.

The fiscal note on HB 2353, as introduced, reported the State Department of Education said that the cost to administer the requirements of the bill would be negligible. The fiscal note further explained that school districts would pay the costs of offering the community service classes, which, under the amendments, would be voluntary programs rather than mandatory classes.