

Governor Sam Brownback's Excellence in Education Act

As presented to the Senate Education Committee, January 25, 2012

Updated January 27, 2012

The bill contains provisions already released by the Governor's office. Here are the major elements. Changes from earlier descriptions are underlined.

School Finance

Baseline Amount Requirement (BAR). The starting point of the new formula is the baseline amount requirements, or BAR, which would essentially guarantee each district receives at least as much general operating budget funding in the first year of the new plan as under the current system, and would act as a "floor" for district funding in the future. The new plan would begin in 2013-14, and the BAR amount would be based on the district's budget in either the current year (2011-12) or next year (2012-13), whichever is GREATER.

Base State Aid. Districts would receive a base state amount per full time equivalent (un-weighted) pupil of \$4,492. Districts would continue to be allowed the current declining enrollment feature. In future years, districts would gain or lose funding based on changes in their FTE enrollment.

Kindergarten. Kindergarten students would be counted as 1.0 FTE students, but would not necessarily result in additional funding. Districts could continue to operate half-day kindergarten and charge a fee for the other half day of programing.

Local Effort. For the first year of the program, district budgets would be based on the current level of local property tax revenue for their local option budget. Districts could choose to lower their mill levy, but the state would not make up the difference. In the future, if a district maintains this levy but receives less revenue due to declining valuation, the state will make up the difference.

Property Valuation Equalization Fund (PVEF). The bill contains the same provision from earlier descriptions to collect the 20 mill statewide levy at the state, rather than local level, and distribute to districts on a formula considering district property wealth. Many districts, almost all with relatively low enrollment and property wealth per pupil, would receive a funding increase under this plan. The maximum amount of revenue a district could receive under three funding sources (base amount per pupil + current LOB local effort + allocation of state 20 mill levy) is 106 percent of the BAR. The Governor's staff indicated this amount would NOT compound year by year. For example, if a district is entitled to an 18 percent increase, it would NOT receive a 6 percent increase each year for three years. The 106 percent limit could be changed by legislative action, or if certain high valuation districts (currently Shawnee Mission USD 512 and Blue Valley USD 229) increase their budget more than 106 percent above their BAR, the maximum limit would be increased to that level.

Supplemental Equalization Fund (SEF). If the first three funds (base aid + local effort + 20 mills allocation) produce less than the district's baseline amount, the difference will be made up from the supplemental equalization fund, funded by the state. A new provision specifies if the Legislature provides more funding to the SEF, the excess would be applied to districts that have not benefited from increases up to 106 percent due to the reallocation of 20 mills. The first priority would be districts at 100 percent of the BAR, next those at 101 percent, etc. This would allow the Legislature to direct funding at districts which do not benefit from the shift in the 20 mill levy revenue.

Cash Carryover. A new provision addresses district carryover funds. The bill eliminates the current contingency fund, and sets the maximum carryover amount for districts at 7.5 percent of the BAR, excluding the capital outlay, bond and interest and special education funds. Any excess over this amount would be transferred to the district's KPERS fund and be used to fund the employer contribution on behalf of the district's employees. (A preliminary estimate by KASB indicates balances of \$667 million in other district funds on July 1, which would be 19 percent of statewide general and supplemental general funds, excluding special education.)

Weightings. The bill continues to eliminate most weighting factors in the current formula, but there are several exceptions. One change is funding for the transportation weighting is converted to a transportation aid fund, which would operate similar to the current weighting factor. The bill also converts the current vocational weighting to a new career and technical education fund. No changes are made in the current special education aid formula. Finally, the new facilities weighting is modified, as noted below.

Consolidation. The bill retains the concept of attempting to provide incentives but not mandates for district consolidation. The bill would allow consolidating districts to retain the combined budget authority for specified years as under current law, but at the end of that period would reduce the BAR for the new district by 33 percent. KASB does not yet have an estimate of the impact of this provision compared to current law.

Bond and Interest Aid and New Facilities. As previously presented, the bill would "suspend" state aid for bond and interest for bonds approved by voters after July 1, 2012, through the life of the bill. The new facilities weighting would be ended, but the state would pay for the same amount as the projected weighting for projects that have already been approved by voters. This weighting factor applies to a district for only two years per project. It would not be provided to construction of projects approved after July 1, 2012.

Sunset Date. The entire act expires on June 30, 2017.

Career and Technical Education

Vocation Weighting. The current 0.5 vocational weighting factor will end this year, and the same dollar amount will be placed in a vocational and technical education fund and distributed to school districts based on enrollment in technical programs next year.

Postsecondary Tuition. An additional amount of funding will be provided to the Kansas Board of Regents to pay tuition for all high school students enrolled in a career and technical education course or program offered by a community college or technical college. Funding will also be provided to the Regents for state tiered technical aid for these programs. All credit hours for secondary students enrolled in postsecondary technical education programs are eligible for tiered state aid.

High School Transportation. Funding will be provided for the additional costs of transporting high school students to postsecondary programs.

Concurrent Enrollment. Students enrolled in postsecondary programs can count those courses on both their high school and postsecondary transcripts when credit is earned.

Geographic Limits. Districts will no longer receive career technical education aid for a program that is also offered by a postsecondary institution located within 30 miles. The Kansas State Board of Education will determine if programs are, in fact, duplicative, and may waive this provision if the postsecondary institution does not have capacity for the district's students. If a postsecondary institution does not offer a needed course or program in its area, the Regents may authorize another institution to provide the course or program.

Program Promotion. Both the State Board and Board of Regents will receive funding to promote the career and technical education initiative.

Incentives. High schools will receive an award of \$1,000 for each student who earns an industry-recognized credential in key occupations identified by the Kansas Department of Labor. A special focus is given to certification in agriculture fields.

Career Plans. The State Board is directed to conduct a study of implementing a requirement for individual career education plans for students in grades 8-12, and reporting to the Legislature whether it intends to adopt such a requirement.

Teacher Evaluation (All New)

Evaluation System. Each district would be required to adopt either the Kansas Educator Evaluation Protocol (KEEP) now being piloted, or another evaluation system meeting the minimum guidelines of the KEEP system which must be approved by the State Board.

Evaluation Categories. The systems must include an annual designation of employees as either Highly Effective, Effective, Progressing or Ineffective, based on rules and regulations adopted by the State Board, and must be based on the following allocations of performance: 50 percent based on student achievement, 40 percent based on input received from supervisors, peers, parents and students, and 10 percent based on contributions to the profession.

Teacher Performance Incentive Program. A program is created to provide awards of \$5,000 for teachers rated “highly effective” or teacher teams when the teacher or team demonstrates increased student achievement for at-risk students.

Professional Development. Any state funds provided for the professional development program are to be used to address deficiencies identified through new evaluation system, and to support activities that measure teacher performance.

Ineffective Teachers. No pupil shall be instructed for two consecutive years by two consecutive teachers who are rated ineffective, unless the school board determines compliance with this section is unreasonable and notifies the pupil’s parent. Any teacher evaluated as ineffective for two consecutive years who has been provided with an opportunity for professional development may be terminated. Any employee receiving a progressing or ineffective rating shall be entitled to an in-person conference with the superintendent.

Internet Posting of Evaluations. The name and rating designation of each teacher shall be posted on an internet website designated by the board, which shall be accessible to the parents of students in the school district at no charge.

Teacher Licensure (All New)

STEM and Career Tech Teachers. No applicant for a teaching certificate at the secondary level in Kansas shall be required to complete a teacher preparation program prior to certification in the following areas: (1) science, (2) technology, (3) engineering, (4) math or (5) career technical education.

Teach for America. No Teach for America participant who has completed a two-year teaching program shall be required to complete a teacher preparation program.

Requirements for Alternative Certification. In both cases above, the State Board shall require successful completion of subject matter assessments and the applicants must have a commitment from a local board to be hired a teacher.