



KANSAS ASSOCIATION OF SCHOOL BOARDS

Serving Educational Leaders, Inspiring Student Success

2017 Legislative Policies

Adopted by the KASB Delegate Assembly, December 4, 2016

Preamble

Kansas public education is governed by locally elected, non-partisan boards of education, citizens from varied backgrounds serving their district without pay and accountable to their district's voters for their actions. The constitution of the Kansas Association of School Boards provides the cooperative framework for school boards to work together in areas of mutual concern and for the best interests of Kansas school children.

The members of KASB believe that the system of local and state control of public education by boards is superior to other forms of central or national control, or to control vested in professionals. We believe that our system is a cornerstone of American democracy. Essential to that democracy and to the public nature of public education is the separation of church and state set forth in the Constitution of the United States, and we oppose any attempt to erode that separation through the public schools.

We believe that universal public education is a fundamental right that does and should provide for each person the opportunity to reach his/her potential. We are therefore committed to policies that promote continuous academic growth for each individual student. In Kansas, we will support these beliefs without exception for, as Kansas school boards, we know that the rights and responsibilities of citizenship in a democracy may become available to none unless they are used by all.

FINANCING SCHOOLS

A. Definition of Suitable Funding

The Kansas Constitution states: "The legislature shall provide for intellectual, educational, vocational and scientific improvement by establishing and maintaining public schools, educational institutions and related activities which may be organized and changed in such manner as may be provided by law," and "shall make suitable provision for finance of the educational interests of the state."

The Kansas Supreme Court has established that suitable funding must be reasonably calculated to have all public education students meet or exceed the Rose capacities.

A definition of "suitable provision" must reflect the changing needs of the individual and society. It must provide the resources necessary to:

- (1) Meet state and federal law, state accreditation standards and other relevant regulations;
- (2) Deliver programs and services required for students to meet state and federal performance standards; and
- (3) Support the education of all students to become well-rounded citizens and successfully participate in the modern world, including such areas as health and safety, technical and vocational education, fine arts and student activities and other relevant public expectations.

B. State School Finance

A school finance system should have the following components:

1. Accountability

The school finance formula must support the State Board of Education's vision that an excellent school system must focus on helping each student succeed and setting accountable outcomes to measure that goal.

- a. The formula must allow districts to meet or exceed the Rose capacities identified by the Kansas Supreme Court and adopted by the Kansas Legislature. To do so, it should also assist districts in improving district outcomes under the State Board of Education's Kansans Can vision: kindergarten readiness, higher graduation rates, more postsecondary participation, individual plans of study and social and emotional indicators.
- b. The formula must be monitored regularly to ensure the state is meeting its responsibility to provide adequate and equitable funding.

2. Adequacy

The school finance formula must provide each student an equal opportunity to be college and career ready and recognize the additional needs of students who require special services. Adequacy should include the following:

- a. A foundational amount per pupil, which should be significantly higher than previous base state aid per pupil to recognize the effect of inflation and mandatory costs that have been shifted to the local option budget.
- b. Foundational funding should include additional funding for the full cost of full time kindergarten students and expanded funding for preschool programs. It should also support additional staff if necessary to effectively implement individual career plans and meet the social and emotional needs of each student.
- c. The foundational amount should be adjusted annually based on changes in the consumer price index. In addition, this increase should be supplemented if necessary based on employment costs and other costs imposed by the state requirements.
- d. In the transition to a new formula, no district should lose funding on a per pupil basis. Thereafter, if any district loses budget authority under the school finance system, the reduction should be phased in through some mechanism.

3. Equity

A new school finance formula must provide adequate and equitable funding as required by the Kansas Constitution. Such a formula would provide equalization to allow similar funding based on similar local effort.

- a. The foundational amount should be adjusted to address differences in district student populations, programs or other factors based on evidence that demonstrates an impact on the cost of each student reaching educational outcomes as defined by the State Board of Education. At a minimum, these should include:
 - Full funding of the costs of special education services required by federal and state law.
 - The impact of poverty and other student risk factors, including concentration of poverty.
 - The additional costs of teaching English as a Second Language.
 - The additional costs of student transportation.
 - The additional costs of career and technical education programs.
 - Additional costs based on density and district size.
 - Other adjustments as necessary based on evidence of cost differences.
- b. Funding for the foundation level and adjustments should be fully funded by the state.
- c. Capital costs should continue to be the responsibility of local districts through local bond issues and capital outlay levies, provided both receive state equalization aid that meets constitutional standards of equity.
- d. An adequate foundation level should reduce the need for local funding, the cost of equalization and challenges of fluctuating local tax bases.

4. Efficiency

A new school finance formula must give local districts the responsibility to respond to unique community needs while encouraging efficiencies through cooperation among districts. Efficiency should include:

- a. Locally elected boards should determine the most efficient way to spend resources to meet their specific student and community needs. The state should focus on results, not process.
- b. Both school districts and the state would have greater predictability by using the previous year's enrollment or a three-year average for determining foundation aid, with the ability to appeal to the State Board of Education for funding for extraordinary costs.

- c. Districts should be able to carry reasonable operating funds reserves for cash flow, enrollment changes, revenue shortfalls or delays and savings for large projects without incurring debt. If new limits on balances are imposed, districts should be given time to spend down to that level.
- d. The system should provide incentives for sharing high cost programs on a regional basis and for voluntary district cooperation and consolidation.

5. Excellence

A new school finance formula must allow flexibility for districts to go beyond state requirements, foster innovation and promote improvement. Many communities want more freedom and flexibility to enhance their public schools.

- a. Local boards of education should be able to authorize additional funding beyond the foundation level, provided such authority includes equalization that meets constitutional standards of equity.
- b. The system should provide incentives for accomplishment of student outcomes or other policy goals, provided that foundational aid and equalization aid are fully funded and all districts have the ability to meet such outcomes.

C. Revenues Sources and Tax Policy

1. State Tax Policy

The state should strive to achieve from the major revenue sources, sales, income and property taxes, a balanced and equitable mix of revenues that are suitable to support public services, including funding for quality education. Taxes should be broadly based to ensure all Kansans share fairly in the cost of public services.

2. Tax Limitation

Arbitrary limits on state or local taxes should not be imposed.

3. School District Tax Exemptions

As political subdivisions, districts should pay no local, state or federal tax. A tax refund should be provided when contracted services such as student transportation would indirectly impose such taxes.

4. Property Tax Abatement.

KASB supports legislation to limit the authority of the state, cities and counties to grant property tax abatements to existing property valuation. KASB also believes school district approval should be required before abatements of school district tax levies are granted to newly created valuation and that state approval should be required before the state-imposed minimum levy is abated.

D. State Responsibility for Mandated Costs

KASB believes that whenever costs are incurred by local school districts that can be attributed to actions of any agency acting under state authority, those costs should be reimbursed to the school district by the State of Kansas. New curriculum and program requirements should not be imposed unless the change has received an independent cost study and additional funding is provided by the state or the change endorsed by KASB.

E. Tuition Tax Credits, Voucher Systems and Choice Plans

1. Public accountability for public funding

KASB supports voluntary efforts to experiment with public school choice plans, such as charter and magnet schools, provided those plans are approved by the local school board. However, KASB opposes legislation that would use tuition tax credits, voucher systems or choice plans to aid private elementary or secondary schools which are not subject to the same legal requirements as public school districts.

2. Tuition for out-of-district students

KASB opposes requiring districts to pay tuition for students to attend regular public schools outside of the district, charter school not approved by the district, or private schools (except for special education services).

MANAGING SCHOOLS

A. School Board Authority and Accountability

As the constitutional authority charged with the management of local schools, the school board is accountable to district patrons through the electoral process, and must be the final authority on local management decisions for expenditures, personnel, facilities and programs.

B. Employment Practice

1. Discrimination in Employment

KASB endorses equal opportunity in employment, regardless of race, religion, color, national origin, ancestry, age, creed, disability or sex.

2. "Fair Share" Fees

KASB opposes requiring any employee to pay a fee to a bargaining unit representative as a condition of employment.

3. Kansas Public Employees Retirement System

The employers' cost of any retirement program or benefits mandated by the state should be fully and directly funded by the state. KASB opposes making KPERS

a non-contributory system. KASB believes the Legislature should consider changes in the KPERS system to reduce the need for state general fund support, provided that benefits remain appropriate to attract and retain qualified employees.

4. Unemployment Compensation

KASB supports legislation preventing temporary and part-time employees and employees with reasonable expectations of future employment from being eligible to collect unemployment compensation benefits from the school district.

C. Professional Personnel

1. Administrator Due Process

KASB believes the final decision on administrator due process procedures should be made by the local school board, subject to constitutional protections.

2. Teacher Due Process

KASB believes the final decision on teacher due process procedures should be made by the local board, subject to constitutional protections. KASB supports a cooperative effort with representatives of teachers and administrators to develop a due process system that protects the interests of all parties.

3. Employee Evaluation

KASB believes that the evaluation statute should include criteria based on the outcomes a district is accredited by, including student outcomes. Because school boards are held responsible for the development of district goals and objectives, the board must determine any additional criteria to be used in evaluating the performance of school district employees. KASB supports amending the statutory deadlines for employee evaluation in the first year to allow more time for evaluation process to be completed.

D. Professional Negotiations

1. Professional Negotiations Act

KASB supports the current professional negotiations act as amended by the 2015 Legislature. In the event legislation is introduced covering other school district employees that is satisfactory to KASB's Board of Directors, professional employees should be added to the coverage of such legislation so that all non-administrative employees would be covered by the same act. KASB further supports maintaining voluntary application of the PEER Act.

2. Performance Criteria for Teacher Compensation

Boards of education should have authority to deal with issues such as merit pay and differentiated staffing outside the professional negotiations process. Any plans

for merit pay and differentiated staffing should be locally devised and not mandated by state legislation as part of the school finance plan or otherwise.

E. Cost Reduction

KASB supports legislation to allow school districts to reduce operating costs and increase operational flexibility.

F. Enrollment of Non-Resident Students

KASB believes that the decision to enroll students who are not residents of a school district should be made by the board of education of that district. If non-resident students are enrolled, they should be counted for funding purposes as if they were residents of the district. These provisions should apply to students who are not residents of Kansas.

G. School Construction Codes

Schools should have to meet and comply with standards approved by the Legislature involving uniform construction codes. In addition, school districts should use the standards in force at the date of selection of the design professional.

IMPROVING SCHOOLS

A. Accountability for Student Success

1. Accreditation and Assessments

KASB supports an accreditation and accountability system based on meeting or exceeding the Rose capacities as identified by the Kansas Supreme Court. State assessments should be used to identify students who need additional support and as indicators of school and student success, not as outcomes. Districts that fail to meet standards should receive support, and if performance fails to improve, state intervention.

2. Transition to Postsecondary Education

KASB supports improving preparation for postsecondary education through a system of individual plans of study, including recognition of additional requirements for postsecondary admission. KASB supports a standardized system for determining needs for remedial or developmental courses. School districts should not be held responsible for students who choose not to take high school course work to prepare for postsecondary programs.

B. Public Schools and the Community

KASB supports the authority of public schools to assist in providing educational opportunities before and after grades kindergarten through grade 12. We support public schools developing collaborative efforts with business, social services, and governmental agencies to promote learning; and to provide services and resources to the community.

C. Instruction and Services

1. Special Education Services

KASB supports the provision of special education services to exceptional children, as well as continuing to include education for gifted children in the special education mandate. State requirements and regulations for the provision of services to disabled students should not exceed federal requirements.

2. At-Risk Students

KASB supports comprehensive programs to deal with students who are risk failing regular education programs, regardless of why the child is at-risk. Our support extends from definition, identification and counseling to the development of cost-effective remedial and prevention programs. KASB supports programs to assist students who have dropped out or been suspended or expelled from school.

3. Early Childhood Education

KASB supports the goal of increasing kindergarten readiness by expanded school district early childhood programs and development of quality standards for early childhood programs.

4. Virtual Schools

School districts and interlocals should be authorized to provide virtual schools and programs. All such programs should meet the same accountability requirements as traditional schools.

D. Teacher Issues

1. Licensure

- a. KASB supports a licensure system for teachers and administrators based on the demonstration of outcomes, including subject matter and communications skills assessments.
- b. KASB supports licensure endorsements based on the developmental stages of students and an integrated curriculum with emphasis on the major disciplines. Administrative, school service and specialized endorsements should be granted for all levels of students served by the districts.

- c. KASB supports an initial, conditional license for the first three years of service. License renewal should be based on performance, professional development and college-based programs.

2. Professional Development Training

KASB supports the promotion of professional development activities for school employees.

3. Alternative Licensure

KASB supports alternative routes to teacher and administrator licensure for those who have not received traditional pedagogical training in a college of education, including provisions for innovative districts.

E. Student Issues

1. Student Health and Wellness

KASB supports providing school districts authority to address the health and wellness needs of students, and to help students meet and exceed the Rose capacity of student self-knowledge of physical and mental health.

2. In-State Higher Education Tuition for Undocumented Immigrant Children

KASB supports legislation that would allow students who have attended Kansas high schools for a reasonable period of time and successfully completed a high school program and other requirements for college admission to pay resident tuition rates, regardless of whether these students are citizens of the United States.

3. Extra-Curricular Activities

- a. KASB believes extracurricular and co-curricular activities should be supported as an integral part of education under the Rose capacities to prepare students for success, and should be available to all students.
- b. KASB supports the authority of the Kansas State High School Activities Association and local boards of education to establish and enforce academic standards of participation for all students.

F. School Safety and Security

KASB supports evidence-based, cost-effective steps to foster safe and secure school environments,

GOVERNING SCHOOLS

A. State Board of Education

1. State Structure for Supervising Education

KASB believes the following constitutional provisions are critical:

- a. The State Board of Education shall be elected.
- b. The State Commissioner of Education should be appointed by the State Board of Education.
- c. The supervision of all schools - preschool, elementary, and secondary schools – should be vested in the State Board of Education. KASB supports the constitutional powers of the State Board.

2. Election of State Board Members

KASB believes that there should be an odd number of state board members to prevent tie votes; that board members should be elected on a non-partisan basis; and that elections for state board members should be held in conjunction with elections for local board members.

3. Powers and Duties

KASB believes the constitutional responsibility of the state board for general supervision of public schools includes: school accreditation, state standards and assessments, professional licensure and enforcement of professional standards.

B. Local Boards of Education

1. School Board Powers

The State constitution requires that public schools be operated, managed and developed by locally elected school boards. KASB supports providing school boards with the general authority to take action in the best interest of the district, unless such action is prohibited by law.

2. Curriculum Authority

A district's curriculum should be established by the local board of education, not by state statute, as long as the district meets state accreditation requirements. KASB opposes efforts to directly or indirectly limit the board's ability to determine curriculum, library and other instructional materials.

3. School Board Advocacy

KASB opposes limitations on the ability of school boards and their employees to advocate on behalf of their district's interests. Reporting requirements and restrictions should be the same as non-governmental entities and state agencies.

4. School Board Member In-service

KASB Supports in-service training for school board members.

5. Site Councils

KASB supports the use of site councils to provide a formal advisory structure involving parents, business, community leaders and staff in the school improvement process, provided these unelected bodies do not supersede the authority of the elected school board.

C. School District Impact

KASB believes school board representatives should be included in any state-initiated planning, advisory or decision-making process that affects public education.

D. School District Organization

1. Structure and Boundaries

KASB believes that changes in school district structure or boundaries should be determined by local communities through the local political process, and opposes legislation that would directly or indirectly result in state mandated consolidation of school districts.

2. Cooperation and Consolidation

Because of the impact of school closing and consolidation, the state should provide incentives and remove impediments to these actions when local boards determine it to be in the best interest of the district.

3. Interlocal Cooperation

KASB supports incentives for expanding cooperative agreements and programs among school districts and providing districts greater flexibility to establish governing bodies for interlocal cooperatives. Districts participating in interlocal cooperatives should be represented by board members on any governing body.

E. Elections, Meetings and Records

1. School Board Elections

- a. KASB supports electing school board members in odd-numbered years.
- b. KASB supports non-partisan school board elections with primaries held when more than twice the numbers of candidates file for the same seat or seats to be filled.
- c. KASB supports bringing school board candidates under the State Campaign Finance Act, so long as filing requirements may be waived if campaign income and expenditures are under a minimum amount.
- d. KASB opposes limiting the number of terms a school board member may serve.

2. Employees Serving on School Boards

KASB supports the current prohibition on school district employees serving on the board of the district in which they are employed.

3. Open Meetings and Records

KASB supports the current requirements and exceptions in the Kansas Open Meetings and Kansas Open Records Acts.

F. Non-public Schools

1. Accreditation

KASB believes that all non-public schools should have to meet the same accreditation requirements as public schools.

2. Physical Examinations

KASB believes that students enrolling in non-public schools should have to meet the same physical examination requirements as public school students.

3. Participation in Public School Programs

Boards of education should determine the extent to which students who are attending non-public schools are allowed to participate in public school programs. The cost of participation by such students should be fully funded through the school finance formula.

G. Compulsory Attendance

KASB supports enforcement of compulsory attendance of Kansas school children, and seeks cooperative efforts among schools, law enforcement and state agencies.

H. Initiative and Referendum

KASB opposes a constitutional amendment providing initiative and referendum procedures to amend the state constitution and statutes.

I. Role of the Courts

KASB supports the role of an independent judiciary in enforcing constitutional provisions. We oppose either changing the selection process for judges or limiting the ability of the courts to enforce those provisions, which would weaken the traditional separation of powers in Kansas.

FEDERAL ISSUES

A. Federal Aid to Education

1. Funding for federal programs

KASB believes the federal government should fully fund federally mandated education programs. Full funding of special education requirements should be the first priority for new federal spending.

2. Distribution of federal funding

KASB believes all general assistance federal funds should be channeled to local districts through the Kansas State Board of Education. Targeted incentive and grant program money should be distributed directly to local districts. Any advisory committee that determines distribution formulas for federal funds should have school board representation.

3. Accountability

Accountability for federal programs should be based on student academic performance. The federal government should not regulate curriculum, employment, discipline or other management decisions of local school boards.

B. Federal Collective Bargaining Law

KASB opposes any federal legislation concerning public employee collective bargaining.

C. Federal Tuition Tax Credits and Voucher Systems

KASB opposes legislation that would use tuition tax credits or voucher systems to aid private elementary or secondary schools.

Please contact any member of the KASB Advocacy Team if you have questions about this report:

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