



Legislative Committee Report

To the 2016 Delegate Assembly

Submitted November 5, 2016

For the first time since the early 1990s, the Legislative Committee has reviewed all of KASB’s permanent state issues policies, with a goal of removing outdated policies and providing more streamlined positions.

In light of the need for the Kansas Legislature to adopt a new school finance system during the 2017 session, the committee reviewed all previous school finance positions, the recommendations of the 2010 KASB Committee on School Funding, and recommendations of the United School Administrators School Finance Task Force released in August and revised and released in October. Over 200 education leaders participated in conversations about developing a school finance system that supports student success under the Kansans Can vision. In addition, both members of the committee and KASB Board of Directors participated in special conference on school finance held in conjunction with USA in August, and joint review of revised policy language.

This report contains proposed rules to the Delegate Assembly, including a technical change based on action taken last year.

In addition, the committee is recommending six motions to recommend amendments to the Preamble to policies; Financing Schools; Managing Schools; Improving Schools; Governing Schools; and allowing technical changes to reorder and renumber policies.

KASB members are invited to share comments with members of the committee listed on the next page, or with the KASB Advocacy staff.

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2016 KASB LEGISLATIVE COMMITTEE

Members appointed by KASB president for three year terms. Term ending dates listed by region.

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Rules for KASB Delegate Assembly

1. Each school board holding membership in the Kansas Association of School Boards shall be entitled to elect one delegate, and as many alternates as it may desire, to the Delegate Assembly.
2. Each delegate and alternate shall be a school board member.
3. Discussion in the Delegate Assembly shall be limited to delegates, association officers, committee members and association staff.
4. Each delegate wishing to offer a motion, second a motion, or speak on a motion shall identify himself/herself by giving his/her name and the school district he/she represents as a delegate. All motions and amendments must be in writing on the prescribed form.
5. No delegate may speak more than twice on the same motion, until all other delegates have had an opportunity to speak.
6. There shall be a three-minute time limit on each speech or comment.
7. A roll call vote of the Delegate Assembly may be called by a show of hands of thirty (30) members of the Delegate Assembly.
8. All KASB legislative policies shall remain in effect until changed by action of the KASB Delegate Assembly. All resolutions shall lapse after one year.
9. The following motions will be allowed: original motions, motions to amend, substitute motions, motions to table, motions to reconsider and motion to adjourn.
10. A two-thirds majority of those delegates present and voting shall be required in order to consider any policy or resolution which is submitted after the deadline established by the Board of Directors for such purpose. In the event that the motion to consider a late resolution or policy shall prevail, then a simple majority of those present and voting shall be required to adopt such policy or resolution, and any such policy or resolution shall be subject to debate and amendment in the same manner as policies or resolutions submitted prior to the deadline.

In the event of an emergency, the KASB Board of Directors, upon proper motion, second and majority vote, may submit resolutions to the Delegate Assembly for its consideration. Such declaration of an emergency and subsequent approval by the KASB Board of Directors shall not be bound by this rule.
11. ~~Beginning with the 2016 Delegate Assembly,~~ Any amendment to policies and resolutions submitted prior to the deadline established under Rule 10 shall be presented to the KASB Legislative Committee in an electronic format at least 48 hours prior to the meeting of the Delegate Assembly. An amendment offered after this deadline shall require a two-thirds vote for consideration. If an amendment is submitted at least 48 hours prior to the meeting or if an amendment received a two-thirds vote, secondary amendments shall require a simple majority to be adopted.
12. Rules for the nomination and election of a KASB President-Elect Designee:
 - a. The Nominating Committee shall be appointed by the president and shall consist of one school board member from each region. (Art. V, Sec. 2)
 - b. The Nominating Committee shall report one or more nominees to the Delegate Assembly held in conjunction with the annual convention. (Art. V, Sec. 2)
 - c. The Nominating Committee shall report to the Board of Directors at least 60 days prior to the Delegate Assembly. (Art. V, Sec. 2) The Board of Directors shall report in writing the nominee or nominees to the basic units at least 30 days prior to the Delegate Assembly.

- d. Nominations from the floor are in order, and each such nomination shall be supported in writing by at least 10 delegates of the basic units of the association.
- e. Nominations from the floor shall be made and written notice given to the board of directors at least 45 days prior to the delegate assembly.
- f. In the event there are two or more nominees, the president shall appoint a Credentials/Balloting Committee consisting of three or more members to certify delegates, conduct the election and count ballots.
- g. Each candidate for the office of KASB President-Elect Designee will be allowed two three-minute seconding speeches. Each candidate will be allowed to speak with speaking order determined by drawing lots.
- h. The voting shall be by secret ballot.
- i. In the event there is more than one candidate for President-Elect Designee, balloting shall take place during the Delegate Assembly. In the event of a tie or if no candidate receives a majority, additional balloting will be held as soon after the first ballot as is possible and in the same manner as the first ballot.
- j. The President-Elect Designee must receive a majority vote of those present and voting. (Art. V, Sec. 1)
Comment: A plurality will not suffice. In the event there are three or more nominees, balloting shall continue among the top two vote getters on the last ballot until a nominee receives a majority.
- k. The President-Elect Designee assumes office at the final session of the convention in which elected.
- l. The President-Elect Designee serves as an ex-officio, non-voting member of the board of directors until assuming the office of president-elect the beginning of the next fiscal year. (Art. V, Sec. 1)

****Rule number 11 was adopted by last year's Delegate Assembly so that it would take effect at the 2016 Delegate Assembly. The words "Beginning with the 2016 Delegate Assembly" will no longer be necessary.*

2016 Legislative Policies

Adopted by the KASB Delegate Assembly, December 6, 2015

Motion 1:

The Preamble to the KASB Legislative Policies be amended to read as follows:

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 ~~such as ours~~ 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.

(The committee believes the phrase "such as ours" is potentially confusing and not necessary.)

FEDERAL ISSUES

A. Federal Aid to Education

1. 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. 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 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.

KANSAS ISSUES

Motion 2:

The Financing Schools section be amended to read as follows:

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 Kansas 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.

(The committee developed the new sections A. Definition of Suitable Funding and B. State School Finance based on current KASB policies (below), the 2015 Resolution adopted by the Delegate Assembly, the 2010 KASB School Funding Committee, and the work of the USA School Funding Task Force. These sections replace the previous sections A and F, below.)

A. State School Finance

Educational opportunity should be a function of the taxable wealth of the state, not the taxing ability of a local district. The state school finance system should provide comparable students in comparable districts with comparable educational expenditures at comparable tax efforts. Differences in educational expenditures should be

based on the educational needs of each district's students. (Addressed in new sections above for Adequacy and Equity.)

1. Budget Authority

a. Distribution. School district budget authority should be determined on a per-pupil basis rather than classroom units or teacher units unless a guaranteed minimum budget is necessary to maintain a high quality education program. (Addressed in new sections above for Adequacy.)

b. Base Budget. The state should determine a base or minimum budget per pupil, which should be adequate to provide a suitable level of funding for all students and districts to achieve expected outcomes, and adjusted annually to reflect changes in costs. (Addressed in new section above: Adequacy – foundational amount per pupil.)

c. Pupil Weighting. Because of the widely varying needs of pupils and districts, KASB endorses the concept of weighting when it can be shown that variations result in higher costs. Types of weighting that should be considered would include, but not be limited to:

- Special types of students (special education, vocational education whose education causes higher costs).
- Grade level of students (preschool, elementary and secondary).
- Density, scarcity or isolation of pupil population.
- Size of district (total pupil population).

In addition, the legislature may consider creating categories of students with like characteristics whenever differences in cost may be justified based on objective criteria. (Addressed in new sections above under Equity – cost adjustments.)

d. Local Option Authority. Boards of education should be authorized to enrich their educational programs beyond the base budget, provided that all districts can exercise the same degree of discretion by making the same amount of effort, and that the range in budgets is not excessive. The exercise of local option authority should not be subject to referendum. (Addressed in new sections above under Excellence.)

e. Budget Limitation. Any limitation on the use of budget authority should include: (This section and below were based on the pre-1992 formula, which was based on budget limits, and were not used under to the 1992 law that used a foundation amount and LOB.

(1) Limits on a per-pupil basis to provide flexibility for districts facing increasing or decreasing enrollment.

- (2) A differential between high and low spending districts.

(3) Recognition of the effects of inflation. (Address in new sections above under Adequacy – Annual adjustments.)

(4) A procedure to appeal to the State Board of Education for special circumstances. (Addressed in new sections above under Efficiency – a.)

f. Contingency Reserves. Districts should have the ability to carry a reasonable contingency reserve from one fiscal year to the next. (Addressed above under Efficiency – b.)

g. Budget Reduction. If any district loses budget authority under the school finance system, the reduction should be phased in through some mechanism. (Addressed in new sections above under Adequacy – d.)

h. Other State Aid Programs. Categorical aid programs outside the school district general fund must be fully funded, especially for district programs that are mandated. Funding should be provided for demonstrated exceptional costs that are not fully addressed by weighting or categorical formulas. (Addressed in new sections above under Adequacy.)

i. Capital Expenditures. Capital expenditures should be determined locally, with state assistance provided on an equalized basis. KASB opposes state recapture of local capital outlay balances. (Addressed above under Equity – c. Capital Costs.)

2. Funding and Revenue Sources C. Revenues Sources and Tax Policy

a. Revenue Sources 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.

b. Local Effort. The state should establish a minimum level of contribution from local sources. If the minimum local contribution exceeds the authorized budget, the district should rebate the excess to the state for distribution as general aid. (Addressed in new sections above under Equity. A statewide mill levy would be part of full state funding of the foundational level and adjustments.)

c. District Wealth. Only tax resources that generate revenue for districts should be used to measure the ability of the district to pay its share of education funding. (Not necessary to define until other revenue sources are considered.)

d. Local Sources. Local tax sources should include the ad-valorem property tax and the intangibles tax. (The committee does not believe local revenues need to be limited in policy.)

- e. State Effort. The state should fully fund the operating cost of a suitable education through state taxes, including a statewide mill levy. (Addressed in new sections above under Adequacy and Equity.)
- f. Tax Limitation. Arbitrary limits on state or local taxes should not be imposed.

- b. Security. School boards should not invest in speculative investments of any type. Any investment should be adequately secured and the security provisions should be substantially the same for banks and savings and loan institutions.

3. Other Recommendations

- a. Local Control. The school finance plan should provide local autonomy in making expenditure decisions within the budget. (Addressed in new sections above under Efficiency – a.)
- b. Financial Incentives. Financial incentives should be used to encourage districts to attain objectives and develop programs that are of sufficient importance to be a matter of state policy. (Addressed in new sections above under Excellence – b.)
- c. Financial Penalties. Reductions in budget authority or state aid should not be used to enforce prescribed state standards.
- d. Earmarking Funds. The use of school district general funds should not be earmarked for a particular purpose. (The committee recommends deleting. Some funds are earmarked, like special education. KASB supports incentives which would likely be earmarked. While KASB would generally support maximum local flexibility, removing this would make it easier to support a “package” of funding that might include some dedicated funding.)
- e. State General Fund Transfers. State general fund dollars should not be transferred to other state funds which have traditionally been funded by user fees, or subject to arbitrary reserve requirements. (Committee recommend deleting. KASB adopted this to oppose transferring sales tax money into the highway fund because it would take money from education. Now, many school leaders seem to oppose transferring highway money back.)
- f. Reductions or Delays in State Funding. School boards should not be subject to penalties for violations of the cash basis law when state funding is reduced or delayed. School boards should be given expanded flexibility to deal with reductions or delays in state budget authority. (The committee recommends deleting. Adopted for a specific purpose, since addressed.)

B. Local School Finance

1. Investment of School Funds (The committee recommends deleting a and b – not needed.)

- a. Investments. District officials should be allowed to invest district funds in time deposits, certificates of deposit or other authorized investment instruments in any bank or savings and loan institution authorized to operate in Kansas, or any direct obligation of the United States government, such as treasury bills or notes. The board may negotiate rates of return for investments.

2. Miscellaneous Revenue

— School boards should be authorized to deposit miscellaneous revenue—money from donations and bequests, the sale of oil leases, sale of school property and other similar transactions—in the general fund, capital outlay fund, bond fund or a special fund. (The committee recommends deleting, not needed.)

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. KASB supports efforts to streamline the process of providing school district tax exemptions. (Committee recommends deleting last sentence, not needed.)

5. Capital Outlay Funds

KASB supports legislation that would allow districts to transfer capital outlay money to cooperatives or interlocals to which they belong for capital outlay purposes. (Staff recommends deleting, not needed.)

6. 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 ~~input~~ approval should be required before tax 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. (The committee recommends changing this policy to clarify that school board approval should be required before tax abatements are granted for new property.)

7. Accrued Interest

— KASB supports legislation to ensure that school districts receive the interest accrued on any tax dollars levied for school district use. (The committee recommends deleting, not needed; would oppose revenue reduction under other positions.)

C. Energy and Environmental Issues

— KASB supports legislation to assist school districts in meeting their responsibilities under federal and state environmental mandates and in providing for safe and more energy efficient operations and construction. (The committee recommends deleting, not needed as a stand-alone policy on costs.)

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 Credit, Voucher Systems and Choice Plans

1. 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. However, 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.

2. Out-of-District Tuition

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, private schools (except for special education services). This does not apply to AVTS or special education tuition. (The committee recommends amending to refer to public or private schools, including charter schools; keep exception for special education; districts are no longer charged for postsecondary CTE tuition.)

F. Definition of Suitable Funding

—The Kansas Constitution directs the Legislature to provide for intellectual, educational, vocational and scientific improvement by establishing and maintaining public schools and other educational institutions and activities, and to make suitable provision for finance of the educational interests of the state. A definition of “suitable provision” must reflect the changing needs of the individual and society. It should include the resources necessary to provide: all areas of instruction and all other programs, services and functions required by:

- (1) state and federal law, state accreditation standards and other relevant regulations;
- (2) programs and services required for students to meet state and federal performance standards; and
- (3) programs and services that 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. (Amended and moved to the beginning of the Finance section.)

Motion 3:

The Managing Schools section be amended to read as follows:

MANAGING SCHOOLS

A. School Board Authority and Accountability (Key Principle)

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. (The committee recommends adding “facilities.”)

B. Employment Practice

1. Regulation by State Board

KASB opposes authorizing the State Board of Education to adopt rules about employment policies that have the force of law. (The committee recommends deleting, not needed.)

2. Notification Date

The notification dates for teachers and administrators should be standardized to the third Friday in May and 14 days after that date. (The committee recommends deleting; this is current law so a position is not needed; if a change is proposed, KASB could evaluate the advantages of such a change rather than having a specific position.)

3. Leaves of Absence

- a. KASB opposes legislation which would require local boards of education to contract for sabbatical leave and payment of unused sick leave time, or to require mandatory family and medical leave.
- b. Boards of education should be authorized to enter into contractual arrangements to extend leaves of absence to school employees for professional growth. (The committee recommends deleting, not needed.)

4. Discrimination in Employment

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

5. “Fair Share” Fees

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

6. 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.

7. 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. ~~KASB supports changes to the state employment law to prohibit charging an employer's account unless an employee is found to be eligible for benefits.~~ *(The committee recommends deleting the last sentence, which is no longer necessary, and adding the new language in italics to clarify employees who are not working over the summer but will be rehired for the school year should not be eligible.)*

C. Professional Personnel

1. Administrator ~~Tenure~~ Due Process

~~School administrators should not be granted tenure by statute. KASB also believes school administrator employment contracts should remain subject to the Kansas continuing contract law. However, if an administrator employment contract is breached, the school administrator should be granted due process. KASB believes the final decision on administrator due process procedures should be made by the local school board, subject to constitutional protections. (The committee recommends KASB's position on administrator due process/tenure be the same as on teacher due process/tenure – see below.)~~

2. Teacher ~~Tenure~~ 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.

- a. ~~KASB supports the current due process system if the KASB Board believes the system has been amended to clarify that boards may remove teachers as long as such removal is supported by a preponderance of evidence. KASB believes the board's decision should be given deference unless its action was arbitrary, capricious, or unsupported by evidence.~~
- b. ~~KASB supports legislation to extend the probationary period for non-tenured teachers and to require a higher standard before teachers receive current tenure rights.~~
- c. ~~KASB supports legislation to make it clear that only full-time permanent teachers would be eligible for the statutory due process given tenured teachers. Teachers hired for special projects funded by grants or other temporary revenue sources should not be eligible.~~
- d. ~~If an independent hearing office is used in the due process system, an adequate formal training process should be required. (Committee recommends that KASB's position on teacher due process or tenure reflects current law; that no additional due process~~

right be provided by state law but that local boards may establish additional due process rights. The committee recommends the position note that teachers have constitutional protections for contracts. Finally, the committee recommends that KASB explore with other groups whether a system could be developed that would be supported by boards, teachers and administrators.)

3. Employee Evaluation

KASB believes that the evaluation statute should include criteria based on the outcomes a district is ~~accredited~~ *evaluated* 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. (The committee recommends more flexibility in state law regarding evaluation in the first year.)*

4. ~~Supplemental Contract Law~~

~~—The supplemental contract law should be amended to give school boards greater flexibility in assigning supplemental duties. (The committee recommends supporting current law regarding supplemental contracts.)~~

5. ~~Suspension of Professional Personnel~~

~~—KASB supports legislation providing that teachers could be suspended without pay with provisions for due process review. (The committee recommends deleting, not needed.)~~

6. ~~Reduction in Force~~

~~—School boards should determine which teachers to retain in cases of reduction in force, regardless of seniority or tenure. (The Committee recommends deleting, not needed.)~~

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 the voluntary application of the PEER Act.

2. ~~Arbitration~~

~~KASB opposes compulsory and binding arbitration of contract terms between public employers and employees. (Committee recommends deleting, not needed.)~~

3. 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.

(The committee recommends creating a new policy as follows to replace several existing policies)

Cost Reduction

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

E. Insurance Issues

KASB supports legislation, which allows school districts to obtain and provide insurance coverage in the most cost-effective manner possible. (Included in Cost Reduction.)

F. Utility Costs

KASB supports legislation, which allows school districts to obtain utility services in the most cost-effective manner possible. (Included in Cost Reduction.)

G. 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.

KASB opposes changes in the "10-mile bus" rule that allows districts to transport non-resident students without permission of the district of residence in certain circumstances.

(The committee recommends deleting this position on the 10 mile bus law, which is now 2.5 miles, and taking no position on the issue.)

H. Participation of Non-Public School Students

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. (The committee recommends combining all statements on non-public schools in one section in "Governing Schools.")

I. School Budgets

To ensure that school district patrons, legislators and the general public are aware of the costs of operating public schools and how those costs are financed, KASB supports the use of common, easy-to-comprehend budget reports and also making those reports available on a district-by-district basis at the state level. KASB opposes state mandates which would require any additional budget processes where (1) the results would not be used to fund the actual costs of educating students; and (2) they become added administrative costs that remove funds from the classroom. (The committee recommends

deleting, not needed.)

~~J. Other~~ (The committee recommendations deleting this entire section, which would be addressed through Cost Savings section.)

~~1. Bidding~~

~~KASB opposes legislation to either mandate or prohibit bidding on professional services. KASB supports allowing districts, at local option, to use a competitive sealed proposal process in place of a sealed bid process.~~

~~2. Purchase of Supplies and Services~~

~~KASB opposes state restrictions on school district purchasing procedures that limit the ability of local boards to consider price, quality and other relevant criteria determined to be in the best interests of the district.~~

~~3. Fiscal Audits~~

~~Requirements for district fiscal audits should not be changed; however, the law should be amended to authorize the State Board of Education to prescribe a district's budget form, rather than the Department of Administration.~~

~~4. Paperwork Reduction~~

~~KASB supports efforts to reduce requirements to file reports, handbooks, policies and other documents unless these items are necessary for decision making at the state level.~~

Motion 4:

The Improving Schools section be amended to read as follows:

IMPROVING SCHOOLS

A. 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 ~~children~~ students served by the districts. (The committee recommends this change for consistency.)
- 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.* ~~full~~

funding of the state formula for approved professional development plans in school districts. (The committee recommends a general policy supporting professional development; funding should be addressed in funding section.)

3. Alternative Licensure

KASB supports efforts to create 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. (The committee recommends this change to emphasize support for current alternatives, but not seek additional changes.)

4. License Reciprocity

KASB supports efforts to continue to build reciprocal agreements for teacher and administrator certification among all states in the nation. (The committee recommends deleting, not needed.)

5. Professional Standards and Discipline (The committee recommends moving the first paragraph to a section on the State Board; deleting the rest.)

- a. The State Board of Education should have the responsibility for establishing professional teacher and administrator standards, issuing licenses and revoking licenses.
- b. The State Board should be able to determine the length and beginning date when a teacher's license is suspended; should hold a hearing before reinstating the license of any teacher whose license was revoked; and make the suspension or revocation effective in other states through reciprocal agreements.
- c. When complaints are received, the state should have the primary responsibility for investigating professional malpractice and recommending appropriate disciplinary action.
- d. KASB would support the creation of independent bodies for professional standards and discipline if such legislation restored teacher employment decisions to local boards.

The committee recommends creating the following new policy statement and replacing several existing policies.

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.

B. Instruction and Services

1. Expanded Educational Opportunity

KASB supports efforts to expand educational opportunity through lifelong learning programs for those other than children in grades kindergarten through twelve. We support measures to educate all citizens. (Addressed in Schools and the Community)

2. Special Education Services

KASB supports the provision of special education services to exceptional children, as well as continuing to include education for the gifted child in the special education mandate. State requirements and regulations for the provision of services to disabled students should not exceed federal requirements.)The committee recommends "leaving this section in."

3. At-Risk Students

KASB supports comprehensive programs to deal with students who 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. (The committee recommends the final sentence above be moved here from the section on Compulsory Attendance.)

4. Early Childhood Education

- a. KASB supports increased funding for voluntary early childhood education programs, including parent education programs, district preschool programs, and counting children in all day kindergarten as full time students. (The committee recommends moving the first paragraph to Funding.)
- b. KASB supports the goal of increasing kindergarten readiness by expanded school district early childhood programs and development of quality standards for early childhood programs. School district programs meeting these quality standards should be eligible for state funding. (The committee recommends revising to support State Board's kindergarten readiness outcome.)

The committee recommends creating a new section to read as follows, replacing several current policies:

Accountability

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 and student success, not as outcomes. Districts that fail to meet standards should receive support, and if performance fails to improve, state intervention.

5. Student Assessment Program

Some form of statewide student testing program should be instituted with the primary purpose of identifying students who need additional educational support. (Included in Accountability)

6. Educational Technology

KASB supports efforts by the legislature and the State Board of Education to increase the appropriate use and availability of educational technology in every Kansas school district, including funding for equipment, software, training and technical support, and advanced telecommunications. (The committee recommends deleting, not needed as separate policy.)

7. Outcomes-Based Accountability

KASB supports efforts to provide an outcome based accreditation system for Kansas school districts, as well as meaningful sanctions for districts that fail to meet accreditation standards. (Included in Accountability.)

8. Longer School Year

KASB supports increasing the minimum academic year for Kansas schools, and the additional funding which would be needed to support the increase. KASB also supports funding to allow additional learning time for individual students. KASB supports effort to develop a system based on the time it takes for students to master the Rose capacities, rather than seat time.

KASB believes that local school boards should be able to adjust the require a longer school term for individual students if additional more or less time is required to meet learning standards. (The committee recommends changing KASB's support for a longer school year to revising seat focus to time for mastering Rose capacities. Funding should be addressed in funding section.)

9. Learning Communities

KASB supports programs to assist districts in developing collaborative efforts with business, social service agencies and governmental units in the community to help students meet learning outcomes. KASB opposes legislation, which would restrict the ability of local boards to use district personnel and facilities for community purposes. (Included in Public Schools and the Community)

10. 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.

C. 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. (The committee recommends revising with a general

statement on health under the Rose capacities.)

KASB believes that physical and mental health problems may interfere with the ability of students to learn.

- a. KASB supports programs to ensure that students receive immunizations and other health services necessary to keep children ready to learn and minimize health risks to other students and staff.
- b. School personnel should not be required to report students seeking help regarding drug abuse, sexually transmitted disease or other health problems. In addition, KASB supports legislation exempting all district personnel from liability for any statement or action taken to help any pupil reasonably believed to be abusing alcohol or other drugs.
- c. KASB supports legislation to allow school employees to give needed prescription medication to students, as well as student self-medication, with parental permission, appropriate safeguards and liability protection.
- d. Student wellness and nutrition policies should be determined locally in compliance with federal regulations under the national student meals program. KASB supports state assistance in promoting student health rather than additional state regulations.

2. Corporal Punishment

KASB supports retaining the issue of corporal punishment as a matter of local choice that is not directed by state statute. KASB also believes that if corporal punishment is prohibited by state action, it should be enforced through state imposed sanctions. (The committee believes that the use of corporal punishments has become very controversial and is rarely used in Kansas schools; therefore, recommends that KASB no longer support it as a local option.)

3. Admission to First Grade

The entrance age for beginning first grade should be age six before September 1. (The Committee recommends deleting; believes is no longer necessary.)

4. Parent Access to Records

KASB supports efforts to involve all parents in educational decisions regarding their children, including the right of non-residential parents to have reasonable access to student records. However, districts must have the authority to regulate the form in which student records are provided to non-residential parents. (The Committee recommends deleting, believes is no longer necessary.)

5. Incentives for School Attendance

KASB believes that any state incentive for improved school attendance should be evaluated by the following criteria:

- a. It should assist school districts in encouraging school attendance.

- ~~b. It should not place an undue administrative burden on schools.~~
- ~~c. If it requires new expenditures or draws resources away from other students, the state should provide funding for the incentive.~~
- ~~d. It should exempt districts and personnel from liability. (The committee recommends deleting, not needed.)~~

6. 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 ~~or not~~ these students are citizens of the United States. (The committee recommends changes for clarification and grammar.)

7. Transition to Postsecondary Education Admission to Regents Institutions

KASB supports the implementation of a qualified admissions policy to Kansas Regents institutions *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.* (The committee recommends revising as part of the statement on Individual Plans of Study.)

8. Extra-curricular Activities

The committee recommends creating a new section to read as follows:

KASB supports requirements that students participating in extra-curricular activities meet minimum standards of academic progress. 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.*

9. High School Proficiencies

KASB believes that high school graduation proficiencies should be established by local boards of education. The establishment of “proficiency” standards by the State Board should only be guidelines rather than mandatory requirements. (Included in accountability.)

10. Student Records

KASB supports efforts to require the timely transfer to schools of relevant student records from the justice

system, social services and educational institutions. (The committee recommends deleting, not needed.)

D. School Safety and Security (The committee recommends deleting all except the amended first paragraph and #3, which would be included in Funding section.)

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

(1) Consistent and simplified laws concerning school safety and reporting.

(2) Increasing the authority of school officials to discipline, remove or reassign dangerous or disruptive students.

(3) Support for early intervention and prevention programs and for alternative placements for students who cannot be educated in regular classrooms.

KASB opposes legislation which imposes additional paperwork requirements unless there is clear evidence that such steps will improve school safety.

KASB believes that when the state seeks to impose punishment for student actions, the punishment should result from state action, not action by the school system.

Motion 5:

The Governing Schools section be amended to read as follows:

GOVERNING SCHOOLS

A. State Structure for Supervising Education

KASB believes the following constitutional provisions are critical:

(1) The State Board of Education shall be elected.

(2) The State Commissioner of Education should be appointed by the State Board of Education.

(3) 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.

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.

The committee recommends adding a new section to read as follows:

Powers and Duties of the Kansas State Board of Education

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. School Board Powers (Key Principle)

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. *(The committee recommends the following amendments and moving current sections to this section.)*

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.

Employees Serving on School Boards

KASB supports legislation that would prohibit the current prohibition on school district employees from serving on the board of the district in which they are employed. (Current position moved)

School Board Member In service

KASB Supports mandated in service training for school board members. (Current position moved and amended to remove mandate.)

Site Councils

KASB supports the use of school 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. (Moved and amended; removes "school" from site councils because proposed State Board accreditation requirements would require a district site council.)

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. (Current position moved)

C. School Administration

1. School District Organization

KASB believes that change 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.

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. State law should authorize boards of education to close any school attendance center or to change the use of any attendance facility. (Committee recommends removing last sentence; no longer necessary.)

~~KASB opposes legislation to establish special systems of district structure within the unified school district law. (Committee recommends deleting; may not be relevant as Kansas attempts to redesign educational delivery. KASB policies would oppose setting up alternative systems not under local boards.)~~

~~State policies regarding school district boundaries should provide boards of education with reasonable security in planning attendance centers and educational programs. Boundary changes should take educational quality into account as well as school efficiency. (Committee recommends deleting.)~~

~~Any change in school district boundaries should be approved at least twelve months prior to the beginning of the fiscal year in which it is to take effect unless an earlier date is agreed to by the affected districts. (Committee recommends deleting, not needed.)~~

2. 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.

3. Curriculum

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.

~~4. Traffic Control~~

~~Controlling vehicular and pedestrian traffic near school buildings is the responsibility of the appropriate civil authorities and should not be imposed upon boards of education. (Committee recommends deleting, not needed.)~~

~~5. Transportation Safety Requirements~~

~~KASB opposes additional transportation safety requirements unless they are proven effective in increasing safety. (Committee recommends deleting, not needed.)~~

6. School Construction Codes

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

D. Elections, Meetings and Records

1. Election Law

~~State election laws should be amended to allow boards of education to hold more than one special election per year if the State Board of Education grants permission. (Committee recommends deleting, not needed.)~~

KASB supports electing school board members in April of odd-numbered years and inducting them on July 1.

(The new election law moves the election date of board members and other local officials to November. This proposed amendment maintains KASB's support for keeping school board elections separate from general elections in even-numbered years. It would allow KASB to support a move back to April if feasible, but it appears unlikely such a change could be made in 2017, which means at least one cycle could have local election in the fall. The committee does not support a change in the July organizational date until at least one cycle has occurred.)

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.

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.

KASB opposes limiting the number of terms a school board member may serve.

The committee recommends replacing sections on Executive Session and Open Records to read as follows:

Open Meetings and Records

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

~~2. Executive Session~~

~~School board business is public business and all official board action should be taken in open session. Executive sessions may sometimes be needed, however, to discuss matters prior to board action. These subjects should be discussed in executive session:~~

- ~~a. Personnel matters that, if discussed in public, would constitute an invasion of privacy.~~
- ~~b. Consultation between the board of education and its legal counsel regarding pending or proposed litigation.~~
- ~~c. Consultations between the board of education and its negotiations team.~~
- ~~d. Discussions pertaining to the acquisition and disposition of real property.~~
- ~~e. Discussions pertaining to governing body self-evaluation.~~

~~Language should be incorporated into the Kansas Open Meetings Act to make it clear that casual meetings and travel by members of governing bodies at which no business is transacted are exempt from the provisions of the act.~~

~~In order to guarantee that matters discussed in executive session remain confidential, KASB opposes any requirement that these sessions be recorded.~~

~~3. Open Records~~

~~KASB believes board deliberations and actions should be taken in public session and that all records of decisions be open to public inspection.~~

~~Certain documents that are not official in nature, such as those compiled for the board's consideration, should not be subject to public disclosure before board action.~~

~~Any open records statute should ensure the privacy of information about individual employees, patrons and students, particularly that which is protected by the Family Educational Rights and Privacy Act.~~

~~4. Uniform Publications Act~~

~~KASB supports legislation to standardize publication procedures when a public body is required to give notice and also supports legislation to repeal superfluous public notices. KASB opposes requiring districts to pay for publication of monthly or quarterly school district expenditures. (Committee recommends deleting, not needed.)~~

~~5. Employees Serving on School Boards~~

~~KASB supports legislation that would prohibit school district employees from serving on the board of the district in which they are employed. (Moved to section on Board powers.)~~

~~6. School Board Member Inservice~~

~~KASB supports mandated in service training for school board members. (Moved to section on Board powers.)~~

~~7. Board Meetings~~

~~KASB supports amendments to state statutes regarding school board meetings to clarify the board's ability to set meeting dates in the best interest of the district and its patrons. (Committee recommends deleting, not needed.)~~

E. Non-public Schools (The Committee recommends combining all statements on non-public schools in one section.)

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. (Third paragraph moved from "Managing Schools section.")

F. Compulsory Attendance

~~1. Enforcement~~

KASB supports ~~legislation that would enhance the enforcement of compulsory attendance of Kansas school children, and seeks cooperative efforts among schools, law enforcement and state agencies, the Juvenile Justice Authority and the Department of Social and Rehabilitation Services.~~ (The committee recommends revising to support current law and drop specific agency names which change.)

~~2. Alternative Education Programs~~

KASB supports ~~incentives for the creation and funding of alternative programs for students who have been suspended or expelled, or who otherwise are not successful in the regular school program.~~ (The committee recommends deleting and addressing through statement on at-risk programs and in funding section.)

~~G. Kansas State High School Activities Association~~

KASB opposes allowing the State Board of Education to review rules of the Kansas State High School Activities Association. KASB supports majority school board representation on the KSHSAA Board of Directors. (The policies addressing KSHSAA are moved to section on extracurricular activities in Improving Schools.)

H. Initiative and Referendum

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

~~I. Site Councils~~

KASB supports the use of school site councils to provide a formal advisory structure involving parents, business, community leaders and staff in the school improvement process. (Moved to section on school board powers.)

~~J. 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. (Moved to section on school board powers.)

K. 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.

Motion 6:

KASB staff authorized to re-number or reorder polices adopted by the Delegate Assembly for clarity and consistency.



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