Gun bill prompts questions on schools

Governor Brownback signed Senate Substitute for House Bill 2052 earlier this week. This bill makes a number of changes to the regulation of firearms under the Kansas Personal and Family Protection Act. A number of questions have been raised regarding this bill’s impact on school districts. School leaders may have heard incomplete media accounts or from individuals affiliated with other public bodies that are affected in different ways.

Here is a summary from KASB legal and advocacy staff on the key points in this bill:

1. School districts are exempt from the new security requirements for buildings.

   S Sub HB 2052 restricts state agencies and municipalities from prohibiting carrying a concealed handgun by a licensed individual into a state or municipal building unless the building has “adequate security measures,” as defined below. However, school districts are specifically exempt from the definition of municipality and are not required to have the “adequate security measures” defined in the law to prohibit the carrying of concealed weapons in schools.

2. Postsecondary institutions, cities, counties and other public buildings are included.

   School leaders may be hearing about requirements imposed on other public buildings. In order to prohibit carrying concealed weapons, public buildings other than school district buildings must adopt “adequate security measures.” These are defined as the use of electronic equipment and personnel at public entrances to detect and restrict the carrying of any weapons into the state or municipal building, including, but not limited to, metal detectors, metal detector wands or any other equipment used for similar purposes to ensure that weapons are not permitted to be carried into such building by members of the public.

3. Colleges may adopt a four-year exemption from the new requirements.

   Despite inclusion under the new requirements, postsecondary institutions and certain other public bodies may get an exemption from these requirements for a period of four years by stating the reasons for the exemption and sending notice of the exemption to the Kansas attorney general. Therefore, postsecondary institutions will have a grace period of four years before they are required to put these measures into effect.

4. School boards and colleges are authorized, but not required, to allow employees to carry concealed weapons.

   School boards may permit any employee licensed to carry a concealed handgun as authorized by state law to carry a concealed handgun in any building of the institution. The employee must meet the institution’s own policy requirements regardless of whether or not notice of prohibited concealed carry is conspicuously posted in the building. Please note that KASB believes school boards already had the authority to authorize concealed carry, but the new law clarifies this authority.

   This authority also applies to the governing body or chief administrative officer (if no governing body exists) of a postsecondary educational institution; a state or municipal-owned medical care facility; a state or municipal-owned adult care home, a community mental health center; or an indigent health care clinic. (These institutions are also eligible for the four-year exemption from the building security requirements.)

5. The new law is effective July 1, 2013.

   School boards are encouraged to consult with their local insurance carrier before authorizing or adopting new policies related to this law. Some insurance companies have voiced concerns about coverage for school districts that allow concealed carry in their buildings.
State Board approves standards, anti-bullying initiative; hears reports

Here are highlights from the Kansas State Board of Education, April 16-17.

Academic Standards. The board approved new standards for History, Government and Social Studies by a 9-0 vote (Kathy Busch, R-Wichita was absent). Carolyn Campbell, D-Topeka, expressed concerns about the minimal number of standards that address African-American contributions in these areas.

The board was also briefed on the development of the Next Generation Science Standards, a national project with Kansas involvement. After being finalized in the next two months, NGSS will be brought to the board for consideration as part of the regular seven-year cycle for revising state academic standards. See www.ksde.org/Default.aspx?tabid=4972 for more details.

Bullying Policies. The board voted 6-3 to authorize Commissioner Diane DeBacker to use an RFP process to negotiate an 18 month contract with a vendor to develop regional workshops for schools to assess, update and/or revise their bullying policies. The contracted amount is not to exceed $360,000.

Supporters said the proposal would improve districts’ abilities to combat bullying, and by providing professional development on bullying the proposal would free up dollars for other necessary purposes. The three members voting against the motion, Steve Roberts, R-Overland Park; Ken Willard, R-Hutchinson and John Bacon, R-Olathe, felt this initiative might push districts into developing plans difficult to afford or support and/or felt there wouldn’t be any positive impact as a result of the new practices.

New State Assessments. Dr. DeBacker shared with the board an overview of the conversation she had in March with other leaders of the Smarter Balanced Assessment Consortium (SBAC). Kansas is participating in this group to develop new state academic assessments associated with the No Child Left Behind waiver and the new Common Core academic standards for reading and math. However, the Kansas State Board has not made a final decision on what testing system to adopt.

The future of state testing has created controversy, with some school leaders favoring adopting tests developed by the ACT, and some political leaders opposing Kansas participation in the Common Core initiative because of concerns over the cost of new testing and other aspects of the Common Core. A bill to block Kansas from implementing the Common Core was narrowly rejected by the House Education Committee, and funding for future tests will have to be approved by the Legislature.

Dr. DeBacker said the basic version of SBAC tests would cost twice the current tests, more if more sophisticated versions of it were used. Currently, the ACT test for high school students is $40, four times the cost of the current Kansas assessments. For more on the consortium and its work, visit www.smarterbalanced.org.

Teacher Evaluation. In an update about the Teaching in Kansas Commission II, the board heard about the different teacher evaluation systems to be piloted next school year and placed into service the following year. Much of the discussion centered around the need, created by the state’s conditional NCLB waiver given by the U.S. Department of Education, to have teacher evaluations statewide include student performance data as a “significant” component.

The board was told “significant” would not mean 50 percent or more. The Commission is meeting at KASB on April 24 and will return with a recommendation at the May board meeting. Mr. Willard asked Dr. DeBacker what her plan was if the evaluation recommendation did not gain the Education Department’s approval. She said she was confident it would and was not “putting time into a fall back plan.”

Several board members commented they liked the new approach but were concerned about the amount of administrative time it would take and the increased costs associated with the additional effort.

Legislative Report. Dale Dennis, deputy commissioner, gave an overview of the Legislative Session. Although a number of education bills have been signed by the Governor, including SB 23 reauthorizing the statewide 20 mill school levy, he noted the major tasks of approving a budget or revising tax policy were not finalized.

Early Childhood. On Wednesday morning the board was briefed on the different programs in Kansas that comprise what is commonly called early childhood. The four are: Parents as Teachers, Birth-3; IDEA Part B (3-5); Kansas Preschool Program, 3-5; and Kansas State Pre-Kindergarten program, age 4, which has previously been known as the “at-risk pre-school” program. President Obama’s new budget proposal includes $75 billion over 10 years for early childhood programs. However, it is far from certain Congress will approve this funding.
Revenue estimate essentially unchanged

New state revenue estimates released Friday, April 19, were almost unchanged from November projections the Governor and Legislature have been using to develop the state budget. State general fund revenues were projected to be $29.9 million higher in the current year than the estimate released in November. SGF projections for next year were projected to be $10 million lower than the November estimate. The net upward change of $19.9 million is just 0.3 percent of nearly $6.2 billion in total state general fund revenues this year.

Although revenue estimates are almost unchanged from November, state revenues are dropping significantly. Total SGF revenues were over $6.4 billion last year (Fiscal Year 2013), but are projected to drop to $6.2 billion this year (3.3 percent) and $5.5 billion next year (12.0 percent), due to the major income tax cuts adopted last session and the scheduled expiration of the special one cent sales tax on June 30 of this year. The new revenue estimates indicate the loss of revenue will be slightly less than had been previously projected. The consensus estimates are developed by staff from the Governor’s Budget Division, Legislative Research Department, and state university economists.

Governor Sam Brownback, who championed last year’s income tax cut and wants to phase-out the state income tax entirely, has called for keeping the sales tax at the current level to avoid funding cuts in “core” state services. The Senate has passed the sales tax extension, but the House has rejected that proposal. Both have reduced other proposals by the Governor to raise revenue by eliminating income tax deductions. Without that revenue over the next two years, the House budget cuts state higher education funding by 4 percent. The Senate plan cuts higher education by 2 percent. Both keep K-12 funding mostly unchanged, with increased funding this year to maintain the base budget per pupil at $3,838 and increased bond and interest aid and retirement contributions over the next two years.

The budget and tax policy issues were not resolved during the regular session of the 2013 Legislature and will the key issues when lawmakers return May 8, for the final wrap-up session.

Also Friday, the Legislative Research Department and Division of the Budget released new estimates for human services caseload costs in the current year and the next two fiscal years. Citing changes in state policy through the “KanCare” Medicaid program and the improving economy, a savings of almost $68 million in the state general fund is expected over three years, with almost $130 million in all state funds.

Lt. Governor Dr. Jeff Colyer said the Governor will ask legislative leaders to use a part of what he called the “KanCare Dividend” to enhance funding in other health-related areas, such as reducing waiting lists and expanding the University of Kansas Medical Center. He said the administration remains committed to its tax plan in order to maintain full funding of both K-12 and higher education, increase targeted health care spending, meet the statutory target of a 7.5 percent state general fund ending balance, and continue income tax cuts.

Although new budget profiles based on the updated revenues have not been released, that plan almost certainly requires keeping all or a significant part of the sales tax in place. However, extending the sales tax is opposed by Democrats and some Republican moderates who see that sales tax as regressive on low income earners, especially as taxes have been cut for higher income taxpayers; and by some conservatives who support deeper cuts in state taxes and spending.

The new estimates project that state income tax receipts, although down sharply because of last year’s rate cuts, will be $61 million more than projected in November for the current year, and $26 million more for next year. That is different than the warning of some income tax cut critics who said many more small businesses would switch their tax status to avoid the state income tax completely. On the other hand, sales and use tax receipts were reduced by $45 million this year and $40 million next year, compared to November.

Supporters of the income tax cut said it would stimulate the Kansas economy and lead to increased spending and sales tax revenues at the state and local levels. The new projections do not indicate that income tax cuts are having a major positive impact on economic growth; but supporters will likely point to external factors like the state’s severe drought and national economic factors like the federal budget sequestration to argue the economy would be worse if the tax cuts hadn’t been implemented.

The Senate Ways and Means Committee met Thursday and Friday, April 25 and 26. The House Appropriations Committee will meet Monday and Tuesday, April 29 and 30, to consider revisions to their respective budget positions. Meanwhile, Governor Brownback will visit seven public universities and community colleges April 22-26, and May 6, to campaign against higher education funding cuts.
KASB has begun a series of training workshops for local school board members elected April 2. We’ve been to Garden City, Oakley, Beloit, Kansas City, Greenbush, Clearwater and Topeka. If you missed one of these sessions, there are two final Saturday sessions in Hays on May 4 and Hutchinson on June 22. New board members, experienced board members and district administrators can register to attend on the KASB website in the KASB Store.

School district elections were a big issue this Legislative session, with a number of bills proposed that would change the date of elections. None passed, but the debate will continue next session. Our KASB research director, Jim Hays, has just compiled his biennial report on school board elections.

The 372 new board members elected this year are the smallest “freshman class” since KASB started keeping records 40 years ago. That’s partly because in most districts, three of the seven board seats were on the ballot this year, rather than four seats; partly because there are fewer board seats available due to consolidation of districts; and partly because 88.3 percent of board members who were seeking reelection won. That re-election percentage is the second-highest on record. The highest rate was 88.9 percent two years ago.


However, school boards also experience significant turnover. Since 1973, an average of 35 percent of board members decide not to run for reelection in each two-year cycle. About 1.5 percent are defeated in the primary and about 10.5 percent are defeated in the general election. In other words, about 45 percent of individuals elected every two years are new.

This year is no exception. When the 372 new members elected this year take office on July 1, are combined with the 521 new members elected in 2011, it means 44.7 percent of school board members in Kansas will have served two years or less.

These results indicate that there is a high level of satisfaction with the performance of school boards at the local level, from the voters closest to local schools. That’s a contrast to frequent criticism of school board financial management and educational outcomes heard at the state level. It also shows that there is a consistent blend of new and experienced board members undertaking the constitutional duty to “maintain, develop and operate” public schools.

Find the full report under the members only portion of the KASB website under Advocacy/Research - Research, Research Publications.