
Be it enacted by the Legislature of the State of Kansas:

New Section 1. (a) The state board of education shall conduct a study of, or contract for the study of, the implementation of requiring each district to maintain an individual career plan of study for each pupil enrolled in the district in grades eight through 12. On or before January 15, 2014, the state board of education shall prepare and submit a report to the legislature on the findings of such study and whether the state board of education intends to initiate implementing such requirements.

(b) For purposes of this section, the term "individual career plan of study" means a proposed individualized coherent sequence of classes focused on a career pathway that will enable seamless transition into a postsecondary program.

(c) The provisions of this section shall take effect and be in force from and after July 1, 2013.

New Sec. 2. (a) The state board of regents shall establish the career technical education incentive program.

(b) (1) Each school year, to the extent there are sufficient moneys appropriated to the career technical education incentive program, the state board of regents shall make an award to those school districts who have at least one pupil who graduates from a high school in the school district having obtained an industry-recognized credential in an occupation that has been identified by the secretary of labor, in consultation with the state board of regents and the state board of education, as an occupation in highest need of additional skilled employees at the time the
pupil entered the career technical education course or program in the school district. Such school districts shall receive an award in an amount equal to $1,000 for each such pupil graduating from a high school in the school district. Such awards shall be paid at such times as established by the state board of regents. Such awards may be expended for any expenses incurred by the board of education of the school district under subsection (b)(2), and any moneys remaining after distribution in accordance with subsection (b)(2) may be expended as determined by the board of education of the school district towards operating the school from which the pupils graduated as determined by the board of education of the school district.

(2) (A) Except as provided by subsection (b)(2)(B), upon application by a pupil who has not attained a high school diploma and is currently or was previously enrolled in a career technical education course or program in the school district, the board of education of each school district shall pay the costs of the industry-recognized credential assessment specified in such application in an amount not to exceed $1,000. Such industry-recognized credential assessment shall be related to the career technical education course or program which such pupil is currently or was previously enrolled as determined by the board of education.

(B) No board of education shall be required to pay for three or more industry-recognized credential assessments for the same or substantially the same industry-recognized credential for a pupil if such pupil fails to earn the industry-recognized credential within two attempts of taking the industry-recognized credential assessment.

(3) The state board of education shall certify to the state board of regents and the director of accounts and reports the amounts due to each school district pursuant to this subsection. Such certification, and the amount payable, shall be approved by the director of the budget. The director of accounts and reports shall draw warrants on the state treasurer payable to the district treasurer of each school district entitled to payment of such award amount, pursuant to vouchers approved by the state board of regents. Upon receipt of such warrant, each district treasurer shall deposit the amount of such award in the general fund of the school district.

(c) (1) Each school year, to the extent there are sufficient moneys appropriated to the career technical education incentive program, the state board of regents shall make an award to a community college, technical college or institute of technology who has at least one secondary student who is currently or was previously admitted to a career technical education course or program in accordance with subsection (c) of K.S.A. 72-4417, and amendments thereto, and such
secondary student is regularly enrolled in and attending a private secondary school. The purpose of such award is to reimburse such community college, technical college or institute of technology for the costs of paying for an industry-recognized credential assessment in an occupation that has been identified by the secretary of labor, in consultation with the state board of regents and the state board of education, as an occupation in highest need of additional skilled employees at the time the secondary student was admitted into such career technical education course or program.

(2) (A) Except as provided by subsection (c)(2)(B), upon application by a secondary student who is currently or was previously enrolled in a career technical education course or program in accordance with subsection (c) of K.S.A. 72-4417, and amendments thereto, and is regularly enrolled in and attending a private secondary school, the governing body of the community college, technical college or the institute of technology which admitted such secondary student shall pay the costs of the industry-recognized credential assessment specified in such application in an amount not to exceed $1,000. Such industry-recognized credential assessment shall be related to the career technical education course or program in which such secondary student is currently or was previously enrolled as determined by such governing body of a community college, technical college or institute of technology.

(B) No governing body of a community college, technical college or institute of technology shall be required to pay for three or more industry-recognized credential assessments for the same or substantially the same industry-recognized credential for a secondary student if such secondary student fails to earn the industry-recognized credential within two attempts of taking the industry-recognized credential assessment.

(3) Each governing body of a community college, technical college or institute of technology which has made payments of the costs specified in subsection (c)(2) may file an application with the state board of regents for state aid and shall certify to the state board of regents the amount of such payments. The application and certification shall be on a form prescribed and furnished by the state board of regents, shall contain such information as the state board of regents shall require and shall be filed at the time specified by the state board of regents.

(4) In each school year, each governing body of a community college, technical college or institute of technology is entitled to receive from appropriations for the career technical education incentive program an amount which is equal to the amount certified to the state
board of regents in accordance with the provisions of subsection (c)(3). The state board of regents shall certify to the director of accounts and reports the amount due each governing body of a community college, technical college or institute of technology. The director of accounts and reports shall draw warrants on the state treasurer payable to the treasurer of each governing body of a community college, technical college or institute of technology entitled to payment under this subsection upon vouchers approved by the state board of regents.

(5) Moneys received by a state board of regents under this subsection shall be deposited in the postsecondary technical education fund of each community college and at Washburn university for the Washburn institute of technology or the general operating fund in the technical college in accordance with K.S.A. 2011 Supp. 71-1808, and amendments thereto, and shall be considered reimbursements to the community college, technical college or institute of technology.

(b)(d) Each school year, at such time as agreed to by the secretary of labor, the president of the state board of regents and the commissioner of education, the secretary shall provide the state board of regents and the state board of education with a list of those occupations in highest need of additional skilled employees. If the occupations identified in such list are not substantially the same as those occupations identified in the list from the prior year, reasonable notice of such changes shall be provided to school districts, community colleges, technical colleges and the institute of technology.

(e) The state board of education shall certify to the board of regents and the director of accounts and reports the amounts due to each school district pursuant to this section. Such certification, and the amount payable, shall be approved by the director of the budget. The director of accounts and reports shall draw warrants on the state treasurer payable to the district treasurer of each school district entitled to payment of such award amount, pursuant to vouchers approved by the board of regents. Upon receipt of such warrant, each district treasurer shall deposit the amount of such award in the general fund of the school district.

(d)(e) The state board of regents and the state board of education, jointly, may adopt such rules and regulations necessary to implement and carry out the provisions of this section.

New Sec. 3. (a) Provided a particular career technical education program is not offered in a particular service area, the governing board of a community college, technical college or institute of technology located outside such service area, in coordination with one or more school districts located within such service area, may apply to the state board of regents for permission to establish such career technical education program to be taught at a location in such service area. An application for such
permission shall be submitted in such form and manner as prescribed by
the state board of regents. In reviewing any such application, the state
board of regents shall consider the ability and willingness of any
postsecondary educational institution located in such service area to offer
such career technical education program. If no such career technical
education program is offered in such service area and no postsecondary
educational institution located in such service area intends to offer such
career technical education program, then the board of regents may approve
such application to establish such career technical education program.
Upon approval of its application by the state board of regents, the
governing board of a community college, technical college or institute of
technology may purchase or otherwise acquire land or land and
improvements in such service area for the purpose of providing such
career technical educational program.

(b) The state board of regents may adopt such rules and regulations
necessary to administer the provisions of this section.
(c) For purposes of this section:
(1) The terms "career technical education," "community college,
"institute of technology" and "technical college" have the same meaning as
such terms are defined in K.S.A. 72-4412, and amendments thereto.
(2) "Postsecondary educational institution" has the same meaning as
such term is defined in K.S.A. 74-3201b, and amendments thereto.
(3) "Service area" means: (A) For community colleges, a designated
geographic area of the state established pursuant to agreement of the
presidents of the community colleges and adopted in policy by the state
board of regents; (B) for technical colleges, the territory set forth in the
college's plan submitted to the board of regents pursuant to K.S.A. 72-
4470a, and amendments thereto; and (C) for the institute of technology,
Shawnee county.
(d) The provisions of this section shall take effect and be in force
from and after July 1, 2013.
New Sec. 4. (a) The state board of regents shall initiate the
development of a statewide articulation agreement on career technical
education programs among the high schools, community colleges,
technical colleges and the institute of technology.
(b) For the purposes of this section, the term "articulation agreement"
means an agreement entered into to provide for the transferability of
substantially equivalent courses of study or programs.
Sec. 5. From and after July 1, 2013, K.S.A. 2011 Supp. 71-201 is
hereby amended to read as follows: 71-201. (a) The board of trustees, in
accordance with the provisions of law and the rules and regulations of the
state board of regents, shall have custody of and be responsible for the
property of the community college and shall be responsible for the
operation, management and control of the college. The board of trustees shall hold at least one regular meeting each month at a time prescribed by the board. The board shall make an annual report in the manner prescribed by the state board of regents. Members of the board of trustees shall be paid subsistence allowances, mileage and other actual and necessary expenses incurred in the performance of their official duties.

(b) For effectuation of the purposes of this act, the board of trustees in addition to such other powers expressly granted to it by law and subject to the rules and regulations of the state board of regents is hereby granted the following powers:

(1) To select its own chairperson and such other officers as it may deem desirable, from among its own membership. The secretary may be chief administrative officer of the college.

(2) To sue and be sued.

(3) To determine the educational program of the college subject to prior approval thereof as provided in this act and to grant certificates of completion of courses or curriculum.

(4) To appoint and fix the compensation and term of office of a president or chief administrative officer of the college.

(5) To appoint upon nomination of the president or the chief administrative officer members of the administrative and teaching staffs, to fix and determine within state adopted standards their specifications, define their duties and to fix their compensation and terms of employment. No community college teacher shall be required to meet licensure requirements greater than those required in the state educational institutions.

(6) Upon recommendation of the chief administrative officer, to appoint or employ such other officers of the college, agents and employees as may be required to carry out the provisions of law and to fix and determine within state adopted standards their qualifications, duties, compensation, terms of office or employment and all other items and conditions of employment.

(7) To enter into contracts.

(8) To accept from any government or governmental agency, or from any other public or private body, or from any other source, grants or contributions of money or property which the board may use for or in aid of any of its purposes.

(9) To acquire by gift, purchase, lease-purchase, condemnation or otherwise, and to own, lease, use and operate property, whether real, personal, or mixed, or any interest therein, which is necessary or desirable for community college purposes. Any lease-purchase agreement entered into under authority of this subsection shall be subject to the conditions set forth in K.S.A. 10-1116c, and amendments thereto. The term of any lease
entered into under authority of this subsection may be for not to exceed 10
years. Such lease may provide for annual or other payment of rent or rental
fees and may obligate the community college to payment of maintenance
or other expenses. Any lease or lease-purchase agreement entered into
under authority of this subsection shall be subject to change or termination
at any time by the legislature. Any assignment of rights in any lease or
lease-purchase made under this subsection shall contain a citation of this
section and a recitation that the lease or lease-purchase agreement and
assignment thereof are subject to change or termination by the legislature.
To the extent that the provisions of the cash-basis and budget laws conflict
with this subsection in such a manner as to prevent the intention of this
subsection from being made effective, the provisions of this subsection
shall control. This provision is subject to the provisions of subsection (d).

(10) To enter into lease agreements as lessor of any property, whether
real, personal, or mixed, which is owned or controlled by the community
college. Any such agreement may specify the purposes for which the
property may be used, require that the property be maintained and
operated by the lessee, and may contain such restrictions or limitations on
the use of the property, be entered into for such period of time, and include
such other terms and conditions as the board of trustees determines to be
necessary and proper. Every such agreement shall be subject to change or
termination at any time by the legislature. Any assignment of rights under
any such agreement shall be subject to approval by the board of trustees
and shall contain a citation of this section and a recitation that the lease
agreement and assignment of rights thereunder are subject to change or
termination by the legislature.

(11) To determine that any property owned by the college is no longer
necessary for college purposes and to dispose of the same in such manner
and upon such terms and conditions as provided by law.

(12) To exercise the right of eminent domain, pursuant to chapter 26
of Kansas Statutes Annotated.

(13) To make and promulgate such rules and regulations, not
inconsistent with the provisions of law or with rules and regulations of the
state board of regents, that are necessary and proper for the administration
and operation of the community college, and for the conduct of the
business of the board of trustees.

(14) To exercise all other powers not inconsistent with the provisions
of law or with the rules and regulations of the state board of regents which
may be reasonably necessary or incidental to the establishment,
maintenance and operation of a community college.

(15) To appoint a member to fill any vacancy on the board of trustees
for the balance of the unexpired term. When a vacancy occurs, the board
shall publish a notice one time in a newspaper having general circulation
in the community college district stating that the vacancy has occurred and
that it will be filled by appointment by the board not sooner than 15 days
after such publication.

(16) To contract with one or more agencies, either public or private,
whether located within or outside the community college district or
whether located within or outside the state of Kansas for the conduct by
any such agencies of education for students of the community college, and
to provide for the payment to any such agencies for their contracted
educational services from any funds or moneys of the community college,
including funds or moneys received from student tuition and fees, funds
received from the state of Kansas or the United States for education, or
taxes collected under K.S.A. 71-204, and amendments thereto. Any
contract made under this subsection with an institution of another state
shall be subject to the provisions of K.S.A. 71-202, and amendments
thereto.

(17) To authorize by resolution the establishment of a petty cash fund
in an amount not to exceed $1,000, and to designate in such resolution an
employee to maintain such petty cash fund. The employee designated in
any resolution provided for in this subsection receiving such funds shall
keep a record of all receipts and expenditures from the fund, and shall
from time to time, and at the end of the fiscal year, prepare a statement for
the board showing all receipts, expenditures, and the balance in the petty
cash fund. The board of trustees may authorize the employee designated to
maintain any petty cash fund to make a claim for replenishment of the
fund to its original amount in advance of approval by the board of trustees
if, at any time during the period between regular monthly meetings of the
board of trustees, the balance remaining in the fund is insufficient to make
needed expenditures for any purpose for which the petty cash fund is
maintained. No petty cash fund may be replenished more than one time
during each period between regular monthly meetings of the board of
trustees. If a petty cash fund is replenished prior to the end of the fiscal
year in accordance with the foregoing authorization, the employee
authorized to maintain the petty cash fund shall keep an accurate record of
all expenditures made therefrom, and the purpose therefor, and shall
submit the record to the board of trustees at the next regular monthly
meeting thereof. The petty cash fund shall be replenished by payment from
the appropriate funds of the community college to the petty cash fund
upon proper claim. The fund shall be kept separate from all other funds
and shall be used only for authorized expenditures and itemized receipts
shall be taken for each expenditure. No part of such fund may be loaned or
advanced against the salary of an employee. All employees entrusted with
such funds under this subsection shall be bonded by the community
college district.
(c) Subject to the provisions of subsection (d), the board of trustees may purchase or otherwise acquire land or land and improvements and may acquire, construct, reconstruct, repair or remodel improvements thereon or additions thereto, including furnishings, equipment, and architectural and incidental expense related thereto, and for such purposes the board of trustees is authorized to issue and sell general obligation bonds, the cumulative total not to exceed the following amounts: Where the community college district has a taxable tangible valuation of less than $90,000,000 or is located in a county designated as urban under the provisions of K.S.A. 19-3524, and amendments thereto, not to exceed 5% of the taxable tangible property of the community college district, and where the community college district has a taxable tangible valuation of more than $90,000,000 not to exceed 3% except as provided above for any community college district located in a county designated as urban under the provisions of K.S.A. 19-3524, and amendments thereto, of the taxable tangible property of the community college district. If any increase in the valuation of a community college district results in an outstanding bonded indebtedness in excess of that provided in this subsection, such increase shall not constitute a violation of this subsection. No such bonds shall be issued until the question of their issuance shall have been submitted to a vote of the electors of the community college district at a regular election or at a special election called for that purpose and the majority of the electors voting on the proposition in such community college district shall have voted in favor of the issuance of the bonds. Such election shall be called, noticed and held and the bonds issued, sold, delivered and retired in accordance with the provisions of the general bond law except as herein otherwise expressly provided.

(d) (1) Except as provided in section 3, and amendments thereto, the board of trustees of a community college may purchase or otherwise acquire land or land and improvements within: 

A) The community college district;

B) The service area of the community college.

Nothing in this subsection shall be construed or operate in any manner to require a board of trustees to sell, convey or otherwise dispose of land or land and improvements located outside the community college district or the service area of the community college and owned or being acquired by the community college on the effective date of this act.

(2) For the purposes of this subsection, "service area" means a designated geographic area of the state established pursuant to agreement of the presidents of the community colleges and adopted in policy by the state board of regents.

Sec. 6. K.S.A. 72-4417 is hereby amended to read as follows: 72-4417. (a) Students admitted to a vocational career technical education course or program which is conducted by the school district in which the
(b) Postsecondary students admitted to a vocational career technical education course or program shall pay tuition and fees as provided by laws applicable thereto.

(c) (1) Except as provided in paragraph (2) of this subsection, Secondary students admitted to a vocational career technical education course or program which is conducted by a community college shall pay tuition and fees as provided by laws applicable to community colleges and the provisions of this section shall not apply thereto, nor shall any provisions of this act which are inconsistent with laws relating to community college tuition and fees apply to community colleges, technical college or institute of technology may be charged fees, but shall not be charged tuition.

(2) Each school year, to the extent there are sufficient moneys appropriated to the career technical education secondary program, the state board of regents shall distribute state funds to community colleges, technical colleges and the Washburn institute of technology for the cost associated with secondary students enrolled in postsecondary career technical education programs as determined by the state board of regents. Students admitted to a vocational education course or program under the provision of K.S.A. 71-1706 and which is conducted by a community college which is consolidated with an area vocational school or area vocational-technical school may be charged fees but tuition shall be paid as provided in paragraph (2) of subsection (d). Nothing in this act shall be construed to amend, repeal or in any way change laws relating to community college student or out-district tuition.

(3) For purposes of this subsection:

(A) "Community college" means any community college established in accordance with chapter 71 of the Kansas Statutes Annotated, and amendments thereto.

(A) (B) "Fees" means those charges assessed against a student by a community college, technical college or the institute of technology for student services, such as health clinics, athletic activities and technology services, or for books, supplies or other materials necessary for a particular course or program, the expense of which is not covered by tuition.

(C) "Institute of technology" means the institute of technology at Washburn university.

(D) "Secondary student" means a pupil who: (i) Has not attained a high school diploma or a general educational development (GED) credential; and (ii) is regularly enrolled in and attending a public or private secondary school.

(E) "Technical college" means a technical college designated
pursuant to K.S.A. 72-4472, 72-4473, 72-4474, 72-4475, 72-4477 or 72-4477a, and amendments thereto.

(F) "Tuition" means those charges assessed against a student by a community college, technical college or the institute of technology on a per credit hour, per course or per term basis, and that are charged to cover the general expense of providing instructional services.

(d) Students admitted to a vocational education course or program which is not conducted by the school district in which the student is enrolled shall be charged tuition and fees determined in accordance with subsection (e), subject however to the following: (1) Tuition or fees, or tuition and fees may be paid for the student in accordance with any agreement made under K.S.A. 72-4421, and amendments thereto; or

(2) if tuition of a student is not paid under provision paragraph (1) of this subsection, the tuition of the student shall be paid by the school district in which the student is enrolled. No school district shall pay tuition for a student who is a postsecondary student, and no school district shall be required to pay tuition or fees of a student who is eligible to have tuition and fees for the course or training the student selects paid by any state or federal agency from moneys, funds or appropriations made available under any one or more state or federal programs. Any state agency administering any one or more such programs shall pay such tuition and fees upon proper application by a student therefor.

(e) All tuition and fees charged for vocational career technical education by any board shall be in such amounts as are authorized by rules and regulations adopted by the state board which shall establish general guidelines for tuition and fee schedules in vocational career technical education courses and programs, except that tuition of postsecondary students shall be fixed in accordance with K.S.A. 72-4433, and amendments thereto. The particular tuition and fee schedule of every vocational career technical education program shall be subject to annual approval of the state board. A current complete schedule of tuition and fees for each vocational career technical education course and program of each board as approved by the state board shall be maintained on file in the office of the state board, and shall be open for public inspection at any reasonable time.

Sec. 7. K.S.A. 72-4419 is hereby amended to read as follows: 72-4419. The school district in which a student is enrolled shall pay the tuition of such student to attend any vocational career technical education course or program when such attendance is approved as provided in K.S.A. 72-4418, and amendments thereto, from its vocational education fund, except that any board receiving funds under an agreement under K.S.A. 72-4421, and amendments thereto, shall pay such tuition when the student is enrolled in a school district which is a party to the agreement if the
agreement so provides. In the case of a school district which is not a party to an agreement under K.S.A. 72-4421, and amendments thereto, should there be insufficient or no moneys in the vocational career technical education fund to pay such tuition, the board of education shall transfer from the general fund to the vocational career technical education fund such amount as will satisfy the insufficiency.

Sec. 8. K.S.A. 2011 Supp. 72-6413 is hereby amended to read as follows: 72-6413. (a) (1) In school year 2012-2013, school year 2013-2014 and school year 2014-2015, the program weighting of each district shall be determined by the state board as follows:

(A) Compute full time equivalent enrollment in programs of bilingual education and multiply the computed enrollment by .395;

(B) compute full time equivalent enrollment in approved vocational education programs and multiply the computed enrollment by 0.5;

(C) add the products obtained under (A) subparagraphs (A) and (B). The sum is the program weighting of the district.

(2) In school year 2013-20142015-2016 and each school year thereafter, the program weighting of each district shall be determined by the state board as follows: Compute the full time equivalent enrollment in programs of bilingual education and multiply the computed enrollment by .395. The result is the program weighting of the district.

(b) A school district may expend amounts received from the bilingual weighting to pay the cost of providing at-risk and preschool-aged at-risk education programs and services.

New Sec. 9. On or before January 15, 2014, the state board of education shall prepare a report to the legislature proposing a strategy and proposed plan for providing state aid to career technical education programs or courses in school districts. In preparing such report, the state board of education shall consider the funding scheme under the postsecondary tiered technical education state aid act. The report shall include, but not be limited to, recommendations for legislative changes and estimates of the cost to the state of implementing such changes.

New Sec. 10. (a) If a pupil submits an application for free meals under the national school lunch act on or before the date on which the enrollment of the school district is calculated and it is later determined by the school district or the department of education that the pupil should not have been eligible for free meals, the district or the department shall notify the state board of such determination. Except as provided in subsection (b), upon receipt of such notice, the state board shall recompute the adjusted enrollment of the district and the general fund budget of the district based on the adjusted enrollment of
the district excluding the at-risk pupil weighting, medium density at-risk pupil weighting and high density at-risk pupil weighting, if any, assigned to such pupil.

(b) If a pupil becomes ineligible to receive free meals under the national school lunch act for failure to submit, in a timely manner, any documentation necessary for verification of eligibility as required by the national school lunch act, but subsequently submits such documentation, such pupil shall not be excluded from the calculation of the adjusted enrollment of the district if the district forwards a copy of such documentation to the state board no later than January 14 of the school year.

(c) This section shall be part of and supplemental to the school district finance and quality performance act. This section shall be applicable to school year 2012-2013 and each school year thereafter.

Sec. 11. K.S.A. 2011 Supp. 72-6455 is hereby amended to read as follows: 72-6455. (a) As used in this section, school district means any district having: (1) An enrollment of at least 50% at-risk pupils; or (2) an enrollment of at least 35.1% at-risk pupils and an enrollment density of at least 212.1 pupils per square mile.

(b) The high density at-risk pupil weighting of each school district shall be determined by the state board by multiplying the number of at-risk pupils by .10. The product is the high density at-risk pupil weighting of the district.

(c) If a school district becomes ineligible for high density at-risk pupil weighting because enrollment of at-risk pupils in the district falls below the requirements of subsection (a), the high density at-risk pupil weighting of the district shall be the greater of: (1) The high density at-risk pupil weighting in the current school year; (2) the high density at-risk pupil weighting in the prior school year; or (3) the average of the high density at-risk pupil weighting in the current school year and the preceding two school years.

The provisions of this subsection paragraph shall expire on June 30, 2011. The high density at-risk pupil weighting of each school district shall be determined by the state board as follows:

(A) Except as provided in subparagraph (C), if the district has an enrollment of at least 35%, but less than 50% at-risk pupils, the state board shall:

(i) Subtract 35% from the percentage of at-risk enrollment in the district;

(ii) multiply the amount determined under clause (i) by .7; and

(iii) multiply the number of at-risk pupils enrolled in the district by the product determined under clause (ii). The resulting product is the high density at-risk pupil weighting of the district.
(B) If the district has an enrollment of 50% or more at-risk pupils, the state board shall multiply the number of at-risk pupils by .105. The resulting product is the high density at-risk pupil weighting of the district.

(C) If the district has an enrollment of at least 35.1% at-risk pupils and an enrollment density of at least 212.1 pupils per square mile, the state board shall multiply the number of at-risk pupils by .105. The resulting product is the high density at-risk pupil weighting of the district.

Sec. 12. K.S.A. 72-8814 is hereby amended to read as follows: 72-8814. (a) There is hereby established in the state treasury the school district capital outlay state aid fund. Such fund shall consist of all amounts transferred thereto under the provisions of subsection (c).

(b) In each school year, each school district which levies a tax pursuant to K.S.A. 72-8801 et seq., and amendments thereto, shall be entitled to receive payment from the school district capital outlay state aid fund in an amount determined by the state board of education as provided in this subsection. The state board of education shall:

(1) Determine the amount of the assessed valuation per pupil (AVPP) of each school district in the state and round such amount to the nearest $1,000. The rounded amount is the AVPP of a school district for the purposes of this section;

(2) determine the median AVPP of all school districts;

(3) prepare a schedule of dollar amounts using the amount of the median AVPP of all school districts as the point of beginning. The schedule of dollar amounts shall range upward in equal $1,000 intervals from the point of beginning to and including an amount that is equal to the amount of the AVPP of the school district with the highest AVPP of all school districts and shall range downward in equal $1,000 intervals from the point of beginning to and including an amount that is equal to the amount of the AVPP of the school district with the lowest AVPP of all school districts;

(4) (A) determine a state aid percentage factor for each school district by assigning a state aid computation percentage to the amount of the median AVPP shown on the schedule, decreasing the state aid computation percentage assigned to the amount of the median AVPP by one percentage point for each $1,000 interval above the amount of the median AVPP, and increasing the state aid computation percentage assigned to the amount of the median AVPP by one percentage point for each $1,000 interval below the amount of the median AVPP. Except as provided by K.S.A. 2011 Supp. 72-8814b, and amendments thereto, the state aid percentage factor of a school district is the percentage assigned to the schedule amount that is equal to the amount of the AVPP of the school district, except that the state aid percentage factor of a school district shall not exceed 100%. The state aid computation-
percentage is 25%;

(B) (i) For levies imposed by a school district pursuant to a resolution adopted and published under this section prior to July 1, 2012, and such resolution either was not protested or that it was protested and an election has been held prior to July 1, 2012, the state aid computation percentage is 25%.

(ii) For levies imposed by a school district pursuant to a resolution adopted under this section prior to July 1, 2012, and the protest period had not expired prior to July 1, 2012, or such resolution was protested and the election was not held prior to July 1, 2012, the state aid computation percentage is 15%.

(iii) For levies imposed by a school district pursuant to a resolution adopted on or after July 1, 2012, the state aid computation percentage is 15%; and

(5) determine the amount levied by each school district pursuant to K.S.A. 72-8801 et seq., and amendments thereto; and

(6) multiply the amount computed under (5), but not to exceed 8 mills, by the applicable state aid percentage factor. The product is the amount of payment the school district is entitled to receive from the school district capital outlay state aid fund in the school year.

(c) The state board shall certify to the director of accounts and reports the entitlements of school districts determined under the provisions of subsection (b), and an amount equal thereto shall be transferred by the director from the state general fund to the school district capital outlay state aid fund for distribution to school districts, except that no transfers shall be made from the state general fund to the school district capital outlay state aid fund during the fiscal years ending June 30, 2012, or June 30, 2013. All transfers made in accordance with the provisions of this subsection shall be considered to be demand transfers from the state general fund.

(d) Payments from the school district capital outlay state aid fund shall be distributed to school districts at times determined by the state board of education. The state board of education shall certify to the director of accounts and reports the amount due each school district entitled to payment from the fund, and the director of accounts and reports shall draw a warrant on the state treasurer payable to the treasurer of the school district. Upon receipt of the warrant, the treasurer of the school district shall credit the amount thereof to the capital outlay fund of the school district to be used for the purposes of such fund.

(e) Amounts transferred to the capital outlay fund of a school district as authorized by K.S.A. 72-6433, and amendments thereto, shall not be included in the computation when determining the
Sec. 13. K.S.A. 2011 Supp. 75-2319 is hereby amended to read as follows: 75-2319. (a) There is hereby established in the state treasury the school district capital improvements fund. The fund shall consist of all amounts transferred thereto under the provisions of subsection (c).

(b) Subject to the provisions of subsection (f), in each school year, each school district which is obligated to make payments from its capital improvements fund shall be entitled to receive payment from the school district capital improvements fund in an amount determined by the state board of education as provided in this subsection. The state board of education shall:

(1) Determine the amount of the assessed valuation per pupil (AVPP) of each school district in the state and round such amount to the nearest $1,000. The rounded amount is the AVPP of a school district for the purposes of this section;

(2) determine the median AVPP of all school districts;

(3) prepare a schedule of dollar amounts using the amount of the median AVPP of all school districts as the point of beginning. The schedule of dollar amounts shall range upward in equal $1,000 intervals from the point of beginning to and including an amount that is equal to the amount of the AVPP of the school district with the highest AVPP of all school districts and shall range downward in equal $1,000 intervals from the point of beginning to and including an amount that is equal to the amount of the AVPP of the school district with the lowest AVPP of all school districts;

(4) (A) determine a state aid percentage factor for each school district by assigning a state aid computation percentage to the amount of the median AVPP shown on the schedule, decreasing the state aid computation percentage assigned to the amount of the median AVPP by one percentage point for each $1,000 interval above the amount of the median AVPP, and increasing the state aid computation percentage assigned to the amount of the median AVPP by one percentage point for each $1,000 interval below the amount of the median AVPP. Except as provided by K.S.A. 2010 Supp. 75-2319c, and amendments thereto, the state aid percentage factor of a school district is the percentage assigned to the schedule amount that is equal to the amount of the AVPP of the school district. The state aid percentage factor of a school district shall not exceed 100%. The state aid computation percentage is 5% for contractual bond obligations incurred by a school district prior to the effective date of this act, and 25% for contractual bond obligations incurred by a school district on or after the effective date of this act;
(B) (i) For contractual bond obligations incurred by a school district prior to July 1, 1992, the state aid computation percentage is 5%.

(ii) For contractual bond obligations incurred by a school district on or after July 1, 1992, if the issuance of such bonds has been approved by the electors of the school district at an election held prior to January 1, 2013, the state aid computation percentage is 25%.

(iii) For contractual bond obligations incurred by a school district the issuance of which was approved by the electors of the district at an election held on or after January 1, 2013, the state aid computation percentage is 15%;

(5) determine the amount of payments in the aggregate that a school district is obligated to make from its bond and interest fund and, of such amount, compute the amount attributable to contractual bond obligations incurred by the school district prior to the effective date of this act and the amount attributable to contractual bond obligations incurred by the school district on or after the effective date of this act under paragraphs (4)(B)(i), (4)(B)(ii) and (4)(B)(iii) of this subsection;

(6) multiply each of the amounts computed under (5) by the applicable state aid percentage factor; and

(7) add the products obtained under (6). The amount of the sum is the amount of payment the school district is entitled to receive from the school district capital improvements fund in the school year.

(c) The state board of education shall certify to the director of accounts and reports the entitlements of school districts determined under the provisions of subsection (b), and an amount equal thereto shall be transferred by the director from the state general fund to the school district capital improvements fund for distribution to school districts. All transfers made in accordance with the provisions of this subsection shall be considered to be demand transfers from the state general fund, except that all such transfers during the fiscal years ending June 30, 2011, and June 30, 2012, shall be considered to be revenue transfers from the state general fund.

(d) Payments from the school district capital improvements fund shall be distributed to school districts at times determined by the state board of education to be necessary to assist school districts in making scheduled payments pursuant to contractual bond obligations. The state board of education shall certify to the director of accounts and reports the amount due each school district entitled to payment from the fund, and the director of accounts and reports shall draw a warrant on the state treasurer payable to the treasurer of the school district. Upon receipt of the warrant, the treasurer of the school district shall credit the amount thereof to the bond and interest fund of the school district to be used for the purposes of such fund.
(e) The provisions of this section apply only to contractual obligations incurred by school districts pursuant to general obligation bonds issued upon approval of a majority of the qualified electors of the school district voting at an election upon the question of the issuance of such bonds.

(f) Amounts transferred to the capital improvements fund of a school district as authorized by K.S.A. 72-6433, and amendments thereto, shall not be included in the computation when determining the amount of state aid to which a district is entitled to receive under this section.

New Sec. 14. (a) As used in this section:
(1) “School district” or “district” means a school district having less than 200 square miles in area and an enrollment of less than 400.
(2) “Joint committee” means the joint committee on state building construction.

(b) The board of education of any school district shall not authorize the issuance of any bonds for the construction of a new building without having first advised and consulted with the joint committee. Prior to the date of the hearing of the joint committee at which the board is scheduled to appear, the board shall submit any information requested by the joint committee. Following such hearing, the committee shall make a recommendation on the advisability of the proposed issuance of bonds. A copy of the committee’s recommendation shall be provided to the school district and to the state board of education within 15 days of the date of the hearing.

(c) The provisions of this section shall not apply to any district which is not entitled to state aid under K.S.A. 75-2319, and amendments thereto.

New Sec. 15. Moneys received by a school district from bonds issued by the school district shall be used for the purposes for which the bonds were issued in pursuant to the election on the bonds.

New Sec. 16. (a) As used in this section:
(1) "Applicant" means a person who:
(A) is seeking certification as a teacher at the secondary level in the state of Kansas to teach a career technical education course or program in a school district; and
(B) is currently employed by a community college, technical college or the institute of technology, to teach a career technical education course or program;
(2) "board" means the board of education of any public school district;
(3) "career technical education" shall have the same meaning as such term is defined in K.S.A. 72-4412, and amendments thereto;
(4) "career technical education course or program" means a course or program approved by the state board for high school credit;

(5) "teacher preparation program" means professional education pedagogy coursework provided at an accredited college or university engaged in teacher preparation; and

(6) "state board" means the state board of education.

(b) No applicant shall be required to complete a teacher preparation program prior to certification as a teacher in the area of instruction of career technical education.

(c) An applicant shall be authorized to teach only in the subject or subjects specified on the face of the certificate to teach.

(d) The state board shall adopt rules and regulations necessary to carry out the provisions of this section.

(e) This section shall be part of and supplemental to the provisions of article 13 of chapter 72 of the Kansas Statutes Annotated, and amendments thereto.

New Sec. 17. (a) (1) The board of education of each school district may apply to the state board for a grant of state moneys for the purpose of paying the costs for a probationary teacher or administrative employee to attend mentor programs. The state board shall award such grants of state moneys in accordance with the provisions of this section.

(2) To be eligible to receive a grant of state moneys, a board of education shall submit to the state board an application for a grant. The application shall be prepared in such form and manner as the state board shall require and shall be submitted at a time to be determined and specified by the state board. Approval by the state board of the application is prerequisite to the award of a grant.

(3) Each board of education which is awarded a grant shall make such periodic and special reports of statistical, financial and such other information to the state board as the state board may request.

(b) The state board may adopt rules and regulations, which establish:

(1) Standards and criteria for evaluating and approving mentor programs and applications of school districts for grants; and

(2) the evaluation and approval of mentor programs.

(c) Within the limitations of appropriations therefor, the state board shall determine the amount of grants to be awarded to each school district by considering the number of probationary teachers and administrative employees participating in a mentor program. Upon receipt of a grant of state moneys, in accordance with this section, the amount of the grant shall be deposited in the general fund of a school district. Moneys deposited in the general fund of a school
district under this subsection shall be considered reimbursements for
the purpose of the school district finance and quality performance act.
The full amount of the grant shall be allocated among the
probationary teachers and administrative employees employed by the
school district.

(d) The state board shall provide any board of education of any
school district, upon request, with technical advice and assistance
regarding an application for a grant of state moneys.

(e) This section shall be part of and supplemental to the
provisions of article 14 of chapter 72 of the Kansas Statutes
Annotated, and amendments thereto.

New Sec. 18. Evaluations adopted under K.S.A. 72-9004, and
amendments thereto, shall meet the following criteria:

(a) Multiple measures of student achievement and growth to
significantly inform the evaluation. Such multiple measures shall be
determined by the state board of education.

(b) (1) An annual designation of each employee in one of the
following rating categories:

   (A) Highly effective;
   (B) effective;
   (C) progressing; or
   (D) ineffective.

   (2) The designation of a rating category under this subsection
shall be based on the employee's performance using growth in student
achievement as measured pursuant to subsection (a) as the primary
factor for the evaluation.

   (3) As used in this subsection the terms "highly effective," "effective," "progressing" and "ineffective" shall be defined by the
state board of education so as to clearly describe the effectiveness of
an employee in accordance with the standards for effective employees
as established by law or rules and regulations.

   (c) Recommendations for areas in which the employee shall
improve to achieve a higher rating category.

   (d) A plan of assistance including, but not limited to, a timeline
for when any recommended improvement is expected to be achieved.
If the employee receives a rating of "progressing" or "ineffective,"
such plan of assistance shall also include a process by which such
employee is given the opportunity to correct the identified deficiencies
in the employee's performance.

   (e) This section shall be part of and supplemental to the
provisions of article 90 of chapter 72 of the Kansas Statutes
Annotated, and amendments thereto.

New Sec. 19. (a) Grounds for nonrenewal or termination of a
contract of a teacher who has earned due process protections and
rights under K.S.A. 72-5445, and amendments thereto, include, but
are not limited to, a teacher's receipt of a rating designation of
ineffective pursuant to K.S.A. 72-9001 et seq., and amendments
thereto, in two consecutive school years and, during such two-year
period, the teacher was provided an opportunity to participate in
appropriate professional development in accordance with the
provisions of K.S.A. 72-9601 et seq., and amendments thereto.

(b) This section shall be part of and supplemental to the
provisions of article 54 of chapter 72 of the Kansas Statutes
Annotated, and amendments thereto.

New Sec. 20. (a) Any moneys received under K.S.A. 72-9608, and
amendments thereto, shall be expended towards deficiencies identified
through the evaluation procedure set forth in K.S.A. 72-9001 et seq.,
and amendments thereto, and to support activities identified by the
state board of education that measure teacher performance, including,
but not limited to, growth in student achievement.

(b) The state board of education shall adopt any rules and
regulations relating to expenditures of state aid which the state board
deems necessary to administer and enforce the professional
development act.

(c) This section shall be part of and supplemental to the
professional development act.

Sec. 21. K.S.A. 72-1412 is hereby amended to read as follows: 72-
1412. As used in K.S.A. 72-1412 through 72-1415 and section 17,
and amendments thereto:

(a) "Administrative employee" means, in the case of a school district,
any person who is employed by a board of education in an administrative
capacity, and who is fulfilling duties for which an administrator's
certificate is required under K.S.A. 72-7513, and amendments thereto.

(b) "Mentor program" means any research-based mentoring program
approved by the state board for the purpose of providing probationary
teachers and administrative employees with professional support.

(c) "Mentor teacher program" means a program established and
maintained by the board of education of a school district for the
purpose of providing probationary teachers with professional support
and the continuous assistance of an on-site mentor teacher.

(b)(d) "Mentor teacher" means a certificated teacher who has
completed at least three consecutive school years of employment in the
school district, has been selected by the board of education of the
school district on the basis of having demonstrated exemplary
teaching ability as indicated by criteria established by the state board
of education, and has participated in and successfully completed a
training program for mentor teachers provided for by the board of education of the school district in accordance with guidelines prescribed by the state board of education. The primary function of a mentor teacher shall be to provide probationary teachers with professional support and assistance. A mentor teacher may provide assistance and guidance to not more than two probationary teachers.

(c) "Probationary teacher" means a certificated teacher to whom the provisions of K.S.A. 72-5438 through 72-5443, and amendments thereto, do not apply.

(f) "State board" means the state board of education.

Sec. 22. K.S.A. 2011 Supp. 72-5413 is hereby amended to read as follows: 72-5413. As used in this act and in acts amendatory thereof or supplemental thereto:

(a) The term "persons" includes one or more individuals, organizations, associations, corporations, boards, committees, commissions, agencies, or their representatives.

(b) "Board of education" means the state board of education pursuant to its authority under K.S.A. 76-1001a and 76-1101a, and amendments thereto, the board of education of any school district, the board of control of any area vocational-technical school and the board of trustees of any community college.

(c) "Professional employee" means any person employed by a board of education in a position which requires a certificate issued by the state board of education or employed by a board of education in a professional, educational or instructional capacity, but shall not mean any such person who is an administrative employee and, commencing in the 2006-2007 school year, shall not mean any person who is a retirant from school employment of the Kansas public employees retirement system, regardless of whether an agreement between a board of education and an exclusive representative of professional employees that covers terms and conditions of professional service provides to the contrary.

(d) "Administrative employee" means, in the case of a school district, any person who is employed by a board of education in an administrative capacity and who is fulfilling duties for which an administrator's certificate is required under K.S.A. 72-7513, and amendments thereto; and, in the case of an area vocational-technical school or community college, any person who is employed by the board of control or the board of trustees in an administrative capacity and who is acting in that capacity and who has authority, in the interest of the board of control or the board of trustees, to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward or discipline other employees, or responsibly to direct them or to adjust
their grievances, or effectively to recommend a preponderance of such actions, if in connection with the foregoing, the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

(c) "Professional employees' organizations" means any one or more organizations, agencies, committees, councils or groups of any kind in which professional employees participate, and which exist for the purpose, in whole or part, of engaging in professional negotiation with boards of education with respect to the terms and conditions of professional service.

(f) "Representative" means any professional employees' organization or any person it authorizes or designates to act in its behalf or any person a board of education authorizes or designates to act in its behalf.

(g) "Professional negotiation" means meeting, conferring, consulting and discussing in a good faith effort by both parties to reach agreement with respect to the terms and conditions of professional service.

(h) "Mediation" means the effort through interpretation and advice by an impartial third party to assist in reconciling a dispute concerning terms and conditions of professional service which arose in the course of professional negotiation between a board of education or its representatives and representatives of the recognized professional employees' organization.

(i) "Fact-finding" means the investigation by an individual or board of a dispute concerning terms and conditions of professional service which arose in the course of professional negotiation, and the submission of a report by such individual or board to the parties to such dispute which includes a determination of the issues involved, findings of fact regarding such issues, and the recommendation of the fact-finding individual or board for resolution of the dispute.

(j) "Strike" means an action taken for the purpose of coercing a change in the terms and conditions of professional service or the rights, privileges or obligations thereof, through any failure by concerted action with others to report for duty including, but not limited to, any work stoppage, slowdown, or refusal to work.

(k) "Lockout" means action taken by a board of education to provoke interruptions of or prevent the continuity of work normally and usually performed by the professional employees for the purpose of coercing professional employees into relinquishing rights guaranteed by this act and the act of which this section is amendatory.

(l) (1) "Terms and conditions of professional service" means: (A) (i) Salaries and wages, including pay for duties under supplemental
contracts; hours and amounts of work; vacation allowance, holiday, sick, extended, sabbatical, and other leave, and number of holidays; retirement; insurance benefits; wearing apparel; pay for overtime; jury duty; grievance procedure; including binding arbitration of grievances; disciplinary procedure; resignations; termination and nonrenewal of contracts, in accordance with state law; reemployment of professional employees; terms and form of the individual professional employee contract; probationary period; professional employee appraisal procedures in accordance with state law and subject to the limitations in subsection (l)(1)(A)(ii); each of the foregoing being a term and condition of professional service, regardless of its impact on the employee or on the operation of the educational system; (ii) on and after the adoption by the state board of education, by rules and regulations, of the Kansas education evaluation protocol or statewide evaluation system substantially similar to the Kansas education evaluation protocol, for a board of education of any school district, the term "terms and conditions of professional service" does not include professional employee appraisal procedures; (B) matters which relate to privileges to be granted the recognized professional employees' organization including, but not limited to, voluntary payroll deductions; use of school or college facilities for meetings; dissemination of information regarding the professional negotiation process and related matters to members of the bargaining unit on school or college premises through direct contact with members of the bargaining unit, the use of bulletin boards on or about the facility, and the use of the school or college mail system to the extent permitted by law; reasonable leaves of absence for members of the bargaining unit for organizational purposes such as engaging in professional negotiation and partaking of instructional programs properly related to the representation of the bargaining unit; any of the foregoing privileges which are granted the recognized professional employees' organization through the professional negotiation process shall not be granted to any other professional employees' organization; and (C) such other matters as the parties mutually agree upon as properly related to professional service including, but not limited to, employment incentive or retention bonuses authorized under K.S.A. 72-8246, and amendments thereto.

(2) Nothing in this act, and amendments thereto, shall authorize the diminution of any right, duty or obligation of either the professional employee or the board of education which have been fixed by statute or by the constitution of this state. Except as otherwise expressly provided in this subsection (l), the fact that any matter may be the subject of a statute or the constitution of this state does not
preclude negotiation thereon so long as the negotiation proposal would not prevent the fulfillment of the statutory or constitutional objective.

(3) Matters which relate to the duration of the school term, and specifically to consideration and determination by a board of education of the question of the development and adoption of a policy to provide for a school term consisting of school hours, are not included within the meaning of terms and conditions of professional service and are not subject to professional negotiation.

(m) "Secretary" means the secretary of labor or a designee thereof.

(n) "Statutory declaration of impasse date" means June 1 in the current school year.

(o) "Supplemental contracts" means contracts for employment duties other than those services covered in the principal or primary contract of employment of the professional employee and shall include, but not be limited to, such services as coaching, supervising, directing and assisting extracurricular activities, chaperoning, ticket-taking, lunchroom supervision, and other similar and related activities.

Sec. 23. K.S.A. 2011 Supp. 72-9002 is hereby amended to read as follows: 72-9002. As used in this act:

(a) "Accredited" means accredited by the state board of education.

(b) "Board" means the board of education of a school district, the governing authority of any nonpublic school offering any of grades kindergarten through 12 in accredited schools and the board of control of an area vocational-technical school.

(b) "State board" means, in the case of school districts and nonpublic schools, the state board of education; and in the case of area vocational-technical schools, the state board of regents.

(c) "Employees" means all licensed employees of school districts and of nonpublic schools and all instructional and administrative employees of area vocational-technical schools.

(d) "School year" means the period from July 1 to June 30.

(e) "Accredited" means accredited by the state board of education. "State board" means, in the case of school districts and nonpublic schools, the state board of education, and in the case of area vocational-technical schools, the state board of regents.

(f) "Superintendent" means the superintendent of schools, or the superintendent's designee, for the school district employing the employee.

(g) "Teacher" means any instructor who holds a teacher's certificate issued by the state board.

Sec. 24. K.S.A. 2011 Supp. 72-9003 is hereby amended to read as follows: 72-9003. Each board shall adopt a written policy of personnel
evaluation procedure in accordance with K.S.A. 72-9002 et seq., and amendments thereto. For school districts, such policy shall include, but is not limited to, the Kansas educator evaluation protocol adopted by the state board of education. Every policy so adopted shall:

(a) Be prescribed in writing at the time of original adoption and at all times thereafter when any amendments are adopted;

(b) Include evaluation procedures applicable to all employees;

(c) Provide that all evaluations are to be made in writing and that evaluation documents and responses thereto are to be maintained in a personnel file for each employee for a period of not less than three years from the date each evaluation is made;

(d) (1) Except as provided herein and in subsection (d)(2), provide that every employee in the first two consecutive school years of employment shall be evaluated at least one time per semester by not later than the 60th school day of the semester. Any employee who is not employed for the entire semester shall not be required to be evaluated. During the third and fourth years of employment, every employee shall be evaluated at least one time each school year by not later than February 15. After the fourth year of employment, every employee shall be evaluated at least once in every three years not later than February 15 of the school year in which the employee is evaluated;

(2) if a teacher receives a rating designation of progressing or ineffective pursuant to K.S.A. 72-9001 et seq., and amendments thereto, in such teacher's most recent evaluation, such teacher shall be evaluated at least one time per semester by not later than the 60th school day of the semester;

(e) for school districts, provide, at a minimum, the guidelines described in the Kansas educator evaluation protocol adopted by the state board of education; and

(f) be approved by the state board.

Sec. 25. K.S.A. 72-9004 is hereby amended to read as follows: 72-9004. Evaluation policies adopted under K.S.A. 72-9003, and amendments thereto, shall meet the following guidelines or criteria:

(a) Consideration shall be given to the following employee attributes: Efficiency, personal qualities, professional deportment, ability, results and performance, including improvement in the academic performance of pupils or students insofar as the evaluated employee has authority to cause such academic improvement, in the case of teachers, the capacity to maintain control of pupils or students, and such other matters as may be deemed material.

(b) Community attitudes toward, support for and expectations with regard to educational programs shall be reflected.

(c) The original policy and amendments thereto shall be
developed by the board in cooperation with the persons responsible for making evaluations and the persons who are to be evaluated, and, to the extent practicable, consideration shall be given to comment and suggestions from other community interests.

(d) Evaluations of the chief administrator employed by a board shall be made by the board. The board shall place primary responsibility upon members of the administrative staff in making evaluations of other employees.

(e) Persons to be evaluated shall participate in their evaluations, and shall be afforded the opportunity for self-evaluation.

(f) The contract of any person subject to evaluation shall not be nonrenewed on the basis of incompetence unless an evaluation of such person has been made prior to notice of nonrenewal of the contract and unless the evaluation is in substantial compliance with the board's policy of personnel evaluation procedure as filed with the state board in accordance with the provisions of K.S.A. 72-9003, and amendments thereto.

(g) Evaluations shall comply with the provisions of K.S.A. 72-9001 et seq., and amendments thereto.

Sec. 26. K.S.A. 72-9005 is hereby amended to read as follows: 72-9005. (a) Whenever any evaluation is made of an employee, the written document thereof shall be presented to the employee, and the employee shall acknowledge such presentation by signing such written document. At any time not later than two (2) weeks after such presentation, the employee may respond thereto in writing.

(b) If an employee receives a rating designation of progressing or ineffective pursuant to section 18, and amendments thereto, such employee shall be entitled to an in-person conference with the superintendent to discuss such employee's evaluation.

(c) Except by order of a court of competent jurisdiction, evaluation documents and responses thereto shall be available only to the evaluated employee, the board, the appropriate administrative staff members designated by the board, the school board attorney upon request of the board, the state board of education as provided in K.S.A. 72-7515, and amendments thereto, the board and the administrative staff of any school to which such employee applies for employment, and other persons specified by the employee in writing to his or her board.

Sec. 27. K.S.A. 2011 Supp. 72-9608 is hereby amended to read as follows: 72-9608. (a) In each school year, each school district which is maintaining an approved professional development program shall be eligible to receive from state funds, within the limits of appropriations
for professional development, an amount to be determined by the state board on the basis of priorities established through a needs assessment survey conducted by the state board pursuant to section 20, and amendments thereto. In no event shall the amount allocated and distributed to any school district under this act exceed: (1) An amount which is equal to .50 of 1% of the amount of the general fund budget of the school district, or an amount equal to 50% of the actual expenses incurred by the school district in maintaining an approved professional development program, whichever is the lesser amount; or (2) an amount which is equal to 50% of the actual expenses incurred by the school district for the provision of innovative and experimental procedures, activities and services, if any of the same are provided and approved by the state board, in a professional development program maintained by the school district and approved by the state board.

(b) If the amount of appropriations for professional development programs is insufficient to pay in full the amount each school district is determined to be eligible to receive for the school year, the state board shall prorate the amount appropriated among all school districts which are eligible to receive state aid under the provisions of this act in proportion to the amount each school district is determined to be eligible to receive.

(c) The state board shall prescribe all forms necessary for reporting under this act.

(d) Every board shall make such periodic and special reports of statistical and financial information to the state board as it may request.

Sec. 28. K.S.A. 2011 Supp. 72-978 is hereby amended to read as follows: 72-978. (a) Each year, the state board of education shall determine the amount of state aid for the provision of special education and related services each school district shall receive for the ensuing school year. The amount of such state aid shall be computed by the state board as provided in this section. The state board shall:

1. Determine the total amount of general fund and local option operating budgets of all school districts;
2. Subtract from the amount determined in paragraph (1) the total amount attributable to assignment of transportation weighting, program weighting, special education weighting and at-risk pupil weighting to enrollment of all school districts;
3. Divide the remainder obtained in paragraph (2) by the total number of full-time equivalent pupils enrolled in all school districts on September 20;
4. Determine the total full-time equivalent enrollment of exceptional children receiving special education and related services
provided by all school districts;

(5) multiply the amount of the quotient obtained in paragraph (3) by the full-time equivalent enrollment determined in paragraph (4);

(6) determine the amount of federal funds received by all school districts for the provision of special education and related services;

(7) determine the amount of revenue received by all school districts rendered under contracts with the state institutions for the provisions of special education and related services by the state institution;

(8) add the amounts determined under paragraphs (6) and (7) to the amount of the product obtained under paragraph (5);

(9) determine the total amount of expenditures of all school districts for the provision of special education and related services;

(10) subtract the amount of the sum obtained under paragraph (8) from the amount determined under paragraph (9); and

(11) multiply the remainder obtained under paragraph (10) by 92%.

The computed amount is the amount of state aid for the provision of special education and related services aid a school district is entitled to receive for the ensuing school year.

(b) Each school district shall be entitled to receive:

(1) Reimbursement for actual travel allowances paid to special teachers at not to exceed the rate specified under K.S.A. 75-3203, and amendments thereto, for each mile actually traveled during the school year in connection with duties in providing special education or related services for exceptional children; such reimbursement shall be computed by the state board by ascertaining the actual travel allowances paid to special teachers by the school district for the school year and shall be in an amount equal to 80% of such actual travel allowances;

(2) reimbursement in an amount equal to 80% of the actual travel expenses incurred for providing transportation for exceptional children to special education or related services; such reimbursement shall not be paid if such child has been counted in determining the transportation weighting of the district under the provisions of the school district finance and quality performance act;

(3) reimbursement in an amount equal to 80% of the actual expenses incurred for the maintenance of an exceptional child at some place other than the residence of such child for the purpose of providing special education or related services; such reimbursement shall not exceed $600 per exceptional child per school year; and

(4) subject to the provisions of subsection (f) and except for those school districts entitled to receive reimbursement under subsection (c)
or (d), after subtracting the amounts of reimbursement under paragraphs (1), (2) and (3) of this subsection (a) from the total amount appropriated for special education and related services under this act, an amount which bears the same proportion to the remaining amount appropriated as the number of full-time equivalent special teachers who are qualified to provide special education or related services to exceptional children and are employed by the school district for approved special education or related services bears to the total number of such qualified full-time equivalent special teachers employed by all school districts for approved special education or related services.

Each special teacher who is qualified to assist in the provision of special education or related services to exceptional children shall be counted as \( \frac{2}{5} \) full-time equivalent special teacher who is qualified to provide special education or related services to exceptional children.

(c) Each school district which has paid amounts for the provision of special education and related services under an interlocal agreement shall be entitled to receive reimbursement under subsection (b)(4). The amount of such reimbursement for the district shall be the amount which bears the same relation to the aggregate amount available for reimbursement for the provision of special education and related services under the interlocal agreement, as the amount paid by such district in the current school year for provision of such special education and related services bears to the aggregate of all amounts paid by all school districts in the current school year who have entered into such interlocal agreement for provision of such special education and related services.

(d) Each contracting school district which has paid amounts for the provision of special education and related services as a member of a cooperative shall be entitled to receive reimbursement under subsection (b)(4). The amount of such reimbursement for the district shall be the amount which bears the same relation to the aggregate amount available for reimbursement for the provision of special education and related services by the cooperative, as the amount paid by such district in the current school year for provision of such special education and related services bears to the aggregate of all amounts paid by all contracting school districts in the current school year by such cooperative for provision of such special education and related services.

(e) No time spent by a special teacher in connection with duties performed under a contract entered into by the Kansas juvenile correctional complex, the Atchison juvenile correctional facility, the Larned juvenile correctional facility, or the Topeka juvenile
correctional facility and a school district for the provision of special
education services by such state institution shall be counted in making
computations under this section.

(f) (1) In school year 2012-2013 and in each school year
thereafter, the state board of education shall determine the minimum
and maximum amount of state aid that a school district may receive
under paragraph (4) of subsection (b) for the current school year as
follows:

(A) Determine the total amount of moneys appropriated as state
aid for the provision of special education and related services to all
school districts for the current school year;

(B) subtract the amount of moneys paid to all school districts
under paragraphs (1), (2) and (3) of subsection (b) of this section,
thereeto, for the current school year;

(C) divide the remainder obtained under (B) by the total full-time
equivalent enrollment of all school districts in the current school year;

(2) (A) multiply the quotient obtained under (1) (C) by the full-
time equivalent enrollment of the school district in the current school
year;

(B) multiply the product obtained under (2) (A) by .75. The
product is the minimum amount of state aid the district may receive
under paragraph (4) of subsection (b) for the current school year;

(C) multiply the quotient obtained under (2) (A) by 1.50. The
product is the maximum amount of state aid the district may receive
under paragraph (4) of subsection (b) for the current school year.

(3) If the amount determined under paragraph (4) of subsection
(b) is less than the product obtained under (2)(B), the district shall
receive state aid in an amount equal to the product obtained under (2)
(B), plus any amount determined under paragraph (5) of this
subsection.

(4) If the amount determined under paragraph (4) of subsection
(b), plus any amount determined under paragraph (5) of this
subsection, is greater than the product obtained under (2) (C), the
district shall receive state aid in an amount equal to the product
obtained under (2)(C). The balance of state aid remaining after
determining the amount of state aid payable to districts under this
paragraph shall be reallocated to districts as provided by paragraph
(5) of this subsection.

(5) The balance of state aid remaining after determining the
amount of state aid payable to districts under paragraph (4) of this
subsection shall be reallocated to districts which have not received
state aid in an amount equal to the product obtained under (2)(B).
Such state aid shall be reallocated to such districts in the same manner as the original allocation. If the balance is insufficient to pay each such district the minimum amount specified in this subsection, the state board shall prorate the balance among such districts.

(6) The provisions of this subsection (f) shall expire on June 30, 2014.

Sec. 29. K.S.A. 2011 Supp. 72-6409 is hereby amended to read as follows: 72-6409. (a) "General fund" means the fund of a district from which operating expenses are paid and in which is deposited the proceeds from the tax levied under K.S.A. 72-6431, and amendments thereto, all amounts of general state aid under this act, payments under K.S.A. 72-7105a, and amendments thereto, amounts transferred from the supplemental general fund to the general fund of a district in accordance with subsection (j)(5) of K.S.A. 72-6433, and amendments thereto, payments of federal funds made available under the provisions of title I of public law 874, except amounts received for assistance in cases of major disaster and amounts received under the low-rent housing program, and such other moneys as are provided by law.

(b) "Operating expenses" means the total expenditures and lawful transfers from the general fund of a district during a school year for all purposes, except expenditures for the purposes specified in K.S.A. 72-6430, and amendments thereto.

(c) "General fund budget" means the amount budgeted for operating expenses in the general fund of a district.

(d) "Budget per pupil" means the general fund budget of a district divided by the enrollment of the district.

(e) "Program weighted fund" means and includes the following funds of a district: Vocational education fund, preschool-aged at-risk education fund and bilingual education fund.

(f) "Categorical fund" means and includes the following funds of a district: Special education fund, food service fund, driver training fund, adult education fund, adult supplementary education fund, area vocational school fund, professional development fund, parent education program fund, summer program fund, extraordinary school program fund, and educational excellence grant program fund.

Sec. 30. K.S.A. 2011 Supp. 72-6410 is hereby amended to read as follows: 72-6410. (a) "State financial aid" means an amount equal to the product obtained by multiplying base state aid per pupil by the adjusted enrollment of a district.

(b) (1) "Base state aid per pupil" means an amount of state financial aid per pupil. Subject to the other provisions of this subsection, the amount of base state aid per pupil is $4,433 in school year 2008-2009 and $4,492 in school year 2009-2010.
(2) The amount of base state aid per pupil is subject to reduction commensurate with any reduction under K.S.A. 75-6704, and amendments thereto, in the amount of the appropriation from the state general fund for general state aid. If the amount of appropriations for general state aid is insufficient to pay in full the amount each district is entitled to receive for any school year, the amount of base state aid per pupil for such school year is subject to reduction commensurate with the amount of the insufficiency.

(c) "Local effort" means the sum of an amount equal to the proceeds from the tax levied under authority of K.S.A. 72-6431, and amendments thereto, and an amount transferred from the supplemental general fund to the general fund in accordance with subsection (j)(5) of K.S.A. 72-6433, and amendments thereto, and an amount equal to any unexpended and unencumbered balance remaining in the general fund of the district, except amounts received by the district and authorized to be expended for the purposes specified in K.S.A. 72-6430, and amendments thereto, and an amount equal to any unexpended and unencumbered balances remaining in the program weighted funds of the district, except any amount in the vocational education fund of the district if the district is operating an area vocational school, and an amount equal to any remaining proceeds from taxes levied under authority of K.S.A. 72-7056 and 72-7072, and amendments thereto, prior to the repeal of such statutory sections, and an amount equal to the amount deposited in the general fund in the current school year from amounts received in such year by the district under the provisions of subsection (a) of K.S.A. 72-1046a, and amendments thereto, and an amount equal to the amount deposited in the general fund in the current school year from amounts received in such year by the district pursuant to contracts made and entered into under authority of K.S.A. 72-6757, and amendments thereto, and an amount equal to the amount credited to the general fund in the current school year from amounts distributed in such year to the district under the provisions of articles 17 and 34 of chapter 12 of Kansas Statutes Annotated and under the provisions of articles 42 and 51 of chapter 79 of Kansas Statutes Annotated, and an amount equal to the amount of payments received by the district under the provisions of K.S.A. 72-979, and amendments thereto, and an amount equal to the amount of a grant, if any, received by the district under the provisions of K.S.A. 72-983, and amendments thereto, and an amount equal to 70% of the federal impact aid of the district.

(d) "Federal impact aid" means an amount equal to the federally qualified percentage of the amount of moneys a district receives in the
current school year under the provisions of title I of public law 874 
and congressional appropriations therefor, excluding amounts 
received for assistance in cases of major disaster and amounts received 
under the low-rent housing program. The amount of federal impact 
aid defined herein as an amount equal to the federally qualified 
percentage of the amount of moneys provided for the district under 
title I of public law 874 shall be determined by the state board in 
accordance with terms and conditions imposed under the provisions of 
the public law and rules and regulations thereunder.

Sec. 31. K.S.A. 2011 Supp. 72-6415b is hereby amended to read as 
follows: 72-6415b. School facilities weighting may be assigned to 
enrollment of a district only if the district has adopted a local option 
operating budget in an amount equal to at least 25% of the amount of 
the state financial aid determined for the district in the current school 
year. School facilities weighting may be assigned to enrollment of the 
district only in the school year in which operation of a new school 
facility is commenced and in the next succeeding school year.

Sec. 32. K.S.A. 2011 Supp. 72-6433 is hereby amended to read as 
follows: 72-6433. (a) As used in this section:

1. "State prescribed percentage" means 31% of state financial 
   aid of the district in the current school year.
2. "Authorized to adopt a local option operating budget" means 
   that a district has adopted a resolution under this section, has 
published the same, and either the resolution was not protested or it 
was protested and an election was held by which the adoption of a 
local option operating budget was approved.

(b) (1) In each school year, the board of any district may shall 
adopt a local option operating budget which does not exceed the state 
prescribed percentage, which shall be at least 10% but not more than 30% 
of the state financial aid of the district in the current school year.
(2) Subject to subsection (i), in each school year, the board of any 
district may adopt a local operating budget in excess of 30% of the state 
financial aid of the district in the current school year. Such excess 
percentage shall be adopted by separate resolution.

(c) Subject to the limitation of subsection (b)(1), in each school 
year, the board of any district may adopt, by resolution, a local option 
operating budget in an amount shall not to exceed:

1. (A) The amount which the board was authorized to adopt in 
   accordance with the provisions of this section in effect prior to its 
   amendment by this act; plus
   (B) the amount which the board was authorized to adopt 
pursuant to any resolution currently in effect; plus
   (C) the amount which the board was authorized to adopt
pursuant to K.S.A. 72-6444, and amendments thereto, if applicable to the district; or

(2) the state-wide average for the preceding school year as determined by the state board pursuant to subsection (j).

Except as provided by subsection (e), the adoption of a resolution pursuant to this subsection shall require a majority vote of the members of the board. Such resolution shall be effective upon adoption and shall require no other procedure, authorization or approval.

(d) If the board of a district desires to increase its local option operating budget authority above the amount authorized under subsection (c) or if the board was not authorized to adopt a local option budget in 2006-2007, the board may adopt, by resolution, such budget in an amount not to exceed the state prescribed percentage. The adoption of a resolution pursuant to this subsection shall require a majority vote of the members of the board. The resolution shall be published at least once in a newspaper having general circulation in the district. The resolution shall be published in substantial compliance with the following form:

Unified School District No. __________
_____________County, Kansas.

RESOLUTION

Be It Resolved that:

The board of education of the above-named school district shall be authorized to adopt a local option operating budget in each school year in an amount not to exceed ____% of the amount of state financial aid.

The local option operating budget authorized by this resolution may be adopted, unless a petition in opposition to the same, signed by not less than 5% of the qualified electors of the school district, is filed with the county election officer of the home county of the school district within 30 days after publication of this resolution. If a petition is filed, the county election officer shall submit the question of whether adoption of the local option operating budget shall be authorized to the electors of the school district at an election called for the purpose or at the next general election, as is specified by the board of education of the school district.

CERTIFICATE

This is to certify that the above resolution was duly adopted by the board of education of unified School District No.____, __________County, Kansas, on the _____ day of ____________, ____.

__________________________________________________________
Clerk of the board of education.

All of the blanks in the resolution shall be filled as is appropriate. If
a sufficient petition is not filed, the board may adopt a local option operating budget. If a sufficient petition is filed, the board may notify the county election officer of the date of an election to be held to submit the question of whether adoption of a local option operating budget shall be authorized. Any such election shall be noticed, called and held in the manner provided by K.S.A. 10-120, and amendments thereto. If the board fails to notify the county election officer within 30 days after a sufficient petition is filed, the resolution shall be deemed abandoned and no like resolution shall be adopted by the board within the nine months following publication of the resolution.

(e) Any resolution authorizing the adoption of a local option budget in excess of 30% of the state financial aid of the district in the current school year adopted under subsection (b)(2) shall not become effective unless such resolution specifying the excess percentage has been submitted to and approved by a majority of the qualified electors of the school district voting at an election called and held thereon. The election shall be called and held in the manner provided by K.S.A. 10-120, and amendments thereto.

(f) Unless specifically stated otherwise in the resolution, the authority to adopt a local option operating budget shall be continuous and permanent. The board of any district which is authorized to adopt a local option budget may choose not to adopt such a budget or may adopt a budget in an amount less than the amount authorized. If the board of any district whose authority to adopt a local option budget is not continuous and permanent refrains from adopting a local option budget, the authority of such district to adopt a local option budget shall not be extended by such refrainment beyond the period specified in the resolution authorizing adoption of such budget.

(g) The board of any district may initiate procedures to renew or increase the authority to adopt a local option operating budget at any time during a school year after the tax levied pursuant to K.S.A. 72-6435, and amendments thereto, is certified to the county clerk under any existing authorization.

(h) The board of any district that is authorized to adopt a local option operating budget prior to the effective date of this act under a resolution which authorized the adoption of such budget in accordance with the provisions of this section in effect prior to its amendment by this act may continue to operate under such resolution for the period of time specified in the resolution or may abandon the resolution and operate under the provisions of this section as amended by this act. Any such district shall operate under the provisions of this section as amended by this act after the period of time specified in the resolution has expired.
(i) Any resolution adopted pursuant to this section may revoke or repeal any resolution previously adopted by the board. If the resolution does not revoke or repeal previously adopted resolutions, all resolutions which are in effect shall expire on the same date. The maximum amount of the local option operating budget of a school district under all resolutions in effect shall not exceed the state prescribed percentage in any school year.

(j) (1) There is hereby established in every district that adopts a local option budget a fund which shall be called the supplemental general fund. The fund shall consist of all amounts deposited therein or credited thereto according to law.

(2) Subject to the limitation imposed under paragraphs paragraphs (3) and (5) and subsection (e) of K.S.A. 72-6434, and amendments thereto, amounts in the supplemental general fund may be expended for any purpose for which expenditures from the general fund are authorized or may be transferred to any program weighted fund or categorical fund of the district. Amounts in the supplemental general fund attributable to any percentage over 25% of state financial aid determined for the current school year may be transferred to the capital improvements fund of the district and the capital outlay fund of the district if such transfers are specified in the resolution authorizing the adoption of a local option operating budget in excess of 25%.

(3) Amounts in the supplemental general fund may not be expended for the purpose of making payments under any lease-purchase agreement involving the acquisition of land or buildings which is entered into pursuant to the provisions of K.S.A. 72-8225, and amendments thereto.

(4) (A) Except as provided in paragraph (B), any unexpended budget moneys remaining in the supplemental general fund of a district at the conclusion of any school year in which a local option operating budget is adopted shall be maintained in such fund.

(B) If the district received supplemental general state aid in the school year, the state board shall determine the ratio of the amount of supplemental general state aid received to the amount of the local option operating budget of the district for the school year and multiply the total amount of the unexpended budget remaining by such ratio. An amount equal to the amount of the product shall be transferred to the general fund of the district or remitted to the state treasurer. Upon receipt of any such remittance, the state treasurer shall deposit the same in the state treasury to the credit of the state school district finance fund.

(5) (A) An amount equal to the product obtained by multiplying $420...
by the adjusted enrollment of the district shall be transferred to the
general fund of the district. Such amount shall be expended in the
following manner and order of priority:

(i) (a) An amount equal to 10% of the state financial aid of the
district directly attributable to at-risk pupils under K.S.A. 72-6414, and
amendments thereto, and K.S.A. 2011 Supp. 72-6455 and 72-6459, and
amendments thereto, shall be expended for at-risk assistance or programs
in the district; and

(b) an amount equal to 10% of the state financial aid of the district
directly attributable to bilingual education under subsection (a)(1) of
K.S.A. 72-6413, and amendments thereto, shall be expended for bilingual
education programs in the district; and

(ii) the remainder of such moneys, if any, shall be expended for
general operating expenses.

(B) For the purposes of determining the total amount of state moneys
paid to school districts, all moneys transferred under this paragraph shall
be deemed to be state moneys for educational and support services for
school districts.

(k) Each year the state board of education shall determine the
statewide average percentage of local option operating budgets legally
adopted by school districts for the preceding school year.

(l) For the purposes of this section, the term "local operating budget"
means "local option budget" as that term was used prior to the
amendment of this section by this act.

(++) The provisions of this section shall be subject to the

Sec. 33. K.S.A. 2011 Supp. 72-6433d is hereby amended to read as
follows: 72-6433d. (a) (1) The provisions of this subsection shall apply
in any school year in which the amount of base state aid per pupil is
$4,433 or less.

(2) The board of any school district may adopt a local option
operating budget which does not exceed the local option operating
budget calculated as if the base state aid per pupil was $4,433 or which
does not exceed an amount as authorized by K.S.A. 72-6433, and
amendments thereto, whichever is greater.

(b) (1) The provisions of this subsection shall apply in any school
year in which the amount appropriated for state aid for special
education and related services is less than the amount appropriated
for state aid for special education and related services in school year

(2) The board of education of any school district may adopt a
local option operating budget which does not exceed the local option
operating budget calculated as if the district received state aid for
special education and related services equal to the amount of state aid for special education and related services received in school year 2008-2009, or which does not exceed an amount as authorized by K.S.A. 72-6433, and amendments thereto, whichever is greater.

(c) The board of education of any school district may exercise the authority granted under subsection (a) or (b) or both subsections (a) and (b).

(d) To the extent that the provisions of K.S.A. 72-6433, and amendments thereto, conflict with this section, this section shall control.

(e) The provisions of this section shall expire on June 30, 2014.

Sec. 34. K.S.A. 2011 Supp. 72-6434 is hereby amended to read as follows: 72-6434.(a) In each school year, each district that has adopted a local option operating budget is eligible for entitlement to an amount of supplemental general state aid. Except as provided by K.S.A. 2011 Supp. 72-6434b, and amendments thereto, entitlement of a district to supplemental general state aid shall be determined by the state board as provided in this subsection. The state board shall:

(1) Determine the amount of the assessed valuation per pupil in the preceding school year of each district in the state;

(2) rank the districts from low to high on the basis of the amounts of assessed valuation per pupil determined under (1);

(3) identify the amount of the assessed valuation per pupil located at the 81.2 percentile of the amounts ranked under (2);

(4) divide the assessed valuation per pupil of the district in the preceding school year by the amount identified under (3);

(5) subtract the ratio obtained under (4) from 1.0. If the resulting ratio equals or exceeds 1.0, the eligibility of the district for entitlement to supplemental general state aid shall lapse. If the resulting ratio is less than 1.0, the district is entitled to receive supplemental general state aid in an amount which shall be determined by the state board by multiplying the amount of the local option operating budget of the district by such ratio. The product is the amount of supplemental general state aid the district is entitled to receive for the school year.

(b) If the amount of appropriations for supplemental general state aid is less than the amount each district is entitled to receive for the school year, the state board shall prorate the amount appropriated among the districts in proportion to the amount each district is entitled to receive.

(c) The state board shall prescribe the dates upon which the distribution of payments of supplemental general state aid to school districts shall be due. Payments of supplemental general state aid shall be distributed to districts on the dates prescribed by the state board.
The state board shall certify to the director of accounts and reports the amount due each district, and the director of accounts and reports shall draw a warrant on the state treasurer payable to the treasurer of the district. Upon receipt of the warrant, the treasurer of the district shall credit the amount thereof to the supplemental general fund of the district to be used for the purposes of such fund.

(d) If any amount of supplemental general state aid that is due to be paid during the month of June of a school year pursuant to the other provisions of this section is not paid on or before June 30 of such school year, then such payment shall be paid on or after the ensuing July 1, as soon as moneys are available therefor. Any payment of supplemental general state aid that is due to be paid during the month of June of a school year and that is paid to school districts on or after the ensuing July 1 shall be recorded and accounted for by school districts as a receipt for the school year ending on the preceding June 30.

(e) (1) Except as provided by paragraph (2), moneys received as supplemental general state aid shall be used to meet the requirements under the school performance accreditation system adopted by the state board, to provide programs and services required by law and to improve student performance.

(2) Amounts of supplemental general state aid attributable to any percentage over 25% of state financial aid determined for the current school year may be transferred to the capital improvements fund of the district and the capital outlay fund of the district if such transfers are specified in the resolution authorizing the adoption of a local option operating budget in excess of 25%.

(f) For the purposes of determining the total amount of state moneys paid to school districts, all moneys appropriated as supplemental general state aid shall be deemed to be state moneys for educational and support services for school districts.

Sec. 35. K.S.A. 2011 Supp. 72-6435 is hereby amended to read as follows: 72-6435. (a) In each school year, the board of every district that has adopted a local option budget may levy an ad valorem tax on the taxable tangible property of the district for the purpose of: (1) Financing that portion of the district's local option operating budget which is not financed from any other source provided by law; (2) paying a portion of the principal and interest on bonds issued by cities under authority of K.S.A. 12-1774, and amendments thereto, for the financing of redevelopment projects upon property located within the district; and (3) funding transfers to the capital improvement fund of the district and the capital outlay fund of the district if such transfers are specified in the resolution authorizing the adoption of a local
option operating budget in excess of 25% of state financial aid determined for the current school year.

(b) The proceeds from the tax levied by a district under authority of this section, except the proceeds of such tax levied for the purpose of paying a portion of the principal and interest on bonds issued by cities under authority of K.S.A. 12-1774, and amendments thereto, for the financing of redevelopment projects upon property located within the district, shall be deposited in the supplemental general fund of the district.

(c) No district shall proceed under K.S.A. 79-1964, 79-1964a or 79-1964b, and amendments to such sections.

Sec. 36. K.S.A. 2011 Supp. 72-6441 is hereby amended to read as follows: 72-6441. (a) (1) The board of any district to which the provisions of this subsection apply may levy an ad valorem tax on the taxable tangible property of the district each year for a period of time not to exceed two years in an amount not to exceed the amount authorized by the state court of tax appeals under this subsection for the purpose of financing the costs incurred by the state that are directly attributable to assignment of ancillary school facilities weighting to enrollment of the district. The state court of tax appeals may authorize the district to make a levy which will produce an amount that is not greater than the difference between the amount of costs directly attributable to commencing operation of one or more new school facilities and the amount that is financed from any other source provided by law for such purpose, including any amount attributable to assignment of school facilities weighting to enrollment of the district for each school year in which the district is eligible for such weighting. If the district is not eligible, or will be ineligible, for school facilities weighting in any one or more years during the two-year period for which the district is authorized to levy a tax under this subsection, the state court of tax appeals may authorize the district to make a levy, in such year or years of ineligibility, which will produce an amount that is not greater than the actual amount of costs attributable to commencing operation of the facility or facilities.

(2) The state court of tax appeals shall certify to the state board of education the amount authorized to be produced by the levy of a tax under subsection (a).

(3) The state court of tax appeals may adopt rules and regulations necessary to effectuate the provisions of this subsection, including rules and regulations relating to the evidence required in support of a district's claim that the costs attributable to commencing operation of one or more new school facilities are in excess of the amount that is financed from any other source provided by law for such purpose.
(4) The provisions of this subsection apply to any district that: (A) commenced operation of one or more new school facilities in the school year preceding the current school year or has commenced or will commence operation of one or more new school facilities in the current school year or any or all of the foregoing; (B) is authorized to adopt and has adopted a local option operating budget which is at least equal to that amount required to qualify for school facilities weighting under K.S.A. 2011 Supp. 72-6415b, and amendments thereto; and (C) is experiencing extraordinary enrollment growth as determined by the state board of education.

(b) The board of any district that has levied an ad valorem tax on the taxable tangible property of the district each year for a period of two years under authority of subsection (a) may continue to levy such tax under authority of this subsection each year for an additional period of time not to exceed three years in an amount not to exceed the amount computed by the state board of education as provided in this subsection if the board of the district determines that the costs attributable to commencing operation of one or more new school facilities are significantly greater than the costs attributable to the operation of other school facilities in the district. The tax authorized under this subsection may be levied at a rate which will produce an amount that is not greater than the amount computed by the state board of education as provided in this subsection. In computing such amount, the state board shall: (1) Determine the amount produced by the tax levied by the district under authority of subsection (a) in the second year for which such tax was levied and add to such amount the amount of general state aid directly attributable to school facilities weighting that was received by the district in the same year; (2) compute 75% of the amount of the sum obtained under (1), which computed amount is the amount the district may levy in the first year of the three-year period for which the district may levy a tax under authority of this subsection; (3) compute 50% of the amount of the sum obtained under (1), which computed amount is the amount the district may levy in the second year of the three-year period for which the district may levy a tax under authority of this subsection; and (4) compute 25% of the amount of the sum obtained under (1), which computed amount is the amount the district may levy in the third year of the three-year period for which the district may levy a tax under authority of this subsection.

In determining the amount produced by the tax levied by the district under authority of subsection (a), the state board shall include any moneys which have been apportioned to the ancillary facilities fund of the district from taxes levied under the provisions of K.S.A.
79-5101 et seq. and 79-5118 et seq., and amendments thereto.

(c) The proceeds from the tax levied by a district under authority of this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state school district finance fund.

Sec. 37. K.S.A. 72-6444 is hereby amended to read as follows: 72-6444. (a) In each school year, commencing with the 1997-98 school year, the state board shall compute a district prescribed percentage for the purpose of determining the amount of a local option operating budget the board of a district to which the provisions of this section apply may adopt for the school year. The district prescribed percentage for each district to which the provisions of this section apply shall be computed by the state board as provided in this section. The state board shall:

(1) Determine the actual amount per pupil for the preceding school year of the general fund budget and the local option operating budget, if any, of each district;

(2) compute the average amount per pupil for the preceding school year of general fund budgets and local option operating budgets of districts with 75-125 enrollment in such school year;

(3) compute the average amount per pupil for the preceding school year of general fund budgets and local option operating budgets of districts with 200-399 enrollment in such school year;

(4) compute the average amount per pupil for the preceding school year of general fund budgets and local option operating budgets of districts with 1,800 or over enrollment in such school year;

(5) compute an average amount per pupil for the preceding school year of general fund budgets and local option operating budgets of districts with 100-299.9 enrollment in such school year by preparing a schedule based upon an accepted mathematical formula and deriving an amount for each such district from a linear transition between the average amount per pupil computed under (2) and the average amount per pupil computed under (3);

(6) compute an average amount per pupil for the preceding school year of general fund budgets and local option operating budgets of districts with 300-1,799.9 enrollment in such school year by preparing a schedule based upon an accepted mathematical formula and deriving an amount for each such district from a linear transition between the average amount per pupil computed under (3) and the average amount per pupil computed under (4);

(7) for districts with 0-99.9 enrollment, compare the amount...
determined for the district under (1) to the average amount computed under (2). If the amount determined under (1) is equal to or greater than the average amount computed under (2), the provisions of this section do not apply to the district. If the amount determined under (1) is less than the average amount computed under (2), subtract the amount determined under (1) from the amount computed under (2), multiply the remainder by enrollment of the district in the preceding school year, and divide the product by the amount of state financial aid determined for the district in the preceding school year. The quotient is the district prescribed percentage of the district;

(8) for districts with 100-299.9 enrollment, compare the amount determined for the district under (1) to the average amount computed under (5). If the amount determined under (1) is equal to or greater than the average amount computed under (5), the provisions of this section do not apply to the district. If the amount determined under (1) is less than the average amount computed under (5), subtract the amount determined under (1) from the amount computed under (5), multiply the remainder by enrollment of the district in the preceding school year, and divide the product by the amount of state financial aid determined for the district in the preceding school year. The quotient is the district prescribed percentage of the district;

(9) for districts with 300-1,799.9 enrollment, compare the amount determined for the district under (1) to the average amount computed under (6). If the amount determined under (1) is equal to or greater than the average amount computed under (6), the provisions of this section do not apply to the district. If the amount determined under (1) is less than the average amount computed under (6), subtract the amount determined under (1) from the amount computed under (6), multiply the remainder by enrollment of the district in the preceding school year, and divide the product by the amount of state financial aid determined for the district in the preceding school year. The quotient is the district prescribed percentage of the district;

(10) for districts with 1,800 or over enrollment, compare the amount determined for the district under (1) to the average amount computed under (4). If the amount determined under (1) is equal to or greater than the average amount computed under (4), the provisions of this section do not apply to the district. If the amount determined under (1) is less than the average amount computed under (4), subtract the amount determined under (1) from the amount computed under (4), multiply the remainder by enrollment of the district in the preceding school year, and divide the product by the amount of state financial aid determined for the district in the preceding school year. The quotient is the district prescribed percentage of the district.
(b) The provisions of this section apply to any district that budgeted an amount per pupil in the preceding school year, as determined under provision (1) of subsection (a), that was less than the average amount per pupil of general fund budgets and local option operating budgets computed by the state board under whichever of the provisions (7) through (10) of subsection (a) is applicable to the district's enrollment group.

(c) For the purposes of this section, the term "local operating budget" means "local option budget" as that term was used prior to the amendment of this section by this act.

Sec. 38. K.S.A. 2011 Supp. 72-6449 is hereby amended to read as follows: 72-6449. (a) As used in this section, "school district" or "district" means a school district authorized to make a levy under this section.

(b) The board of education of any district may levy a tax on the taxable tangible property within the district for the purpose of financing the costs incurred by the state that are attributable directly to assignment of the cost of living weighting to the enrollment of the district. There is hereby established in every school district a fund which shall be called the cost of living fund, which fund shall consist of all moneys deposited therein or transferred thereto in accordance with law. All moneys derived from a tax imposed pursuant to this section shall be credited to the cost of living fund. The proceeds from the tax levied by a district credited to the cost of living fund shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state school district finance fund.

(c) The state board of education shall determine whether a district may levy a tax under this section as follows:

(1) Determine the statewide average appraised value of single family residences for the calendar year preceding the current school year;

(2) multiply the amount determined under (1) by 1.25;

(3) determine the average appraised value of single family residences in each school district for the calendar year preceding the current school year; and

(4) (A) subtract the amount determined under (2) from the amount determined under (3). If the amount determined for the district under this paragraph is a positive number and the district is authorized to adopt and has adopted a local option operating budget in an amount equal to at least 31% of the state financial aid for the school district, the district qualifies for assignment of cost of living
weighting and may levy a tax on the taxable tangible property of the
district for the purpose of financing the costs that are attributable
directly to assignment of the cost of living weighting to enrollment of
the district; or
(B) as an alternative to the authority provided in paragraph (4)
(A), if a district was authorized to make a levy pursuant to this section
in school year 2006-2007, such district shall remain authorized to levy
such tax at a rate necessary to generate revenue in the same amount
generated in school year 2006-2007 if: (i) The amount determined
under paragraph (4)(A) is a positive number; and (ii) the district
continues to adopt a local option operating budget in an amount equal
to the state prescribed percentage in effect in school year 2006-2007.
(d) No tax may be levied under this section unless the board of
education adopts a resolution authorizing such a tax levy and
publishes the resolution at least once in a newspaper having general
circulation in the district. Except as provided by subsection (e), the
resolution shall be published in substantial compliance with the
following form:
Unified School District No. _____,
_______________ County, Kansas.
RESOLUTION
Be It Resolved that:
The board of education of the above-named school district shall be
authorized to levy an ad valorem tax in an amount not to exceed the
amount necessary to finance the costs attributable directly to the
assignment of cost of living weighting to the enrollment of the district.
The ad valorem tax authorized by this resolution may be levied unless
a petition in opposition to the same, signed by not less than 5% of the
qualified electors of the school district, is filed with the county election
officer of the home county of the school district within 30 days after
the publication of this resolution. If a petition is filed, the county
election officer shall submit the question of whether the levy of such a
tax shall be authorized in accordance with the provisions of this
resolution to the electors of the school district at the next general
election of the school district, as is specified by the board of education
of the school district.
CERTIFICATE
This is to certify that the above resolution was duly adopted by the
board of education of
Unified School District No. _____, ____________ County, Kansas, on
the ____ day of__________, (year)____.

__________________________
Clerk of the board of education.
All of the blanks in the resolution shall be filled. If no petition as specified above is filed in accordance with the provisions of the resolution, the resolution authorizing the ad valorem tax levy shall become effective. If a petition is filed as provided in the resolution, the board may notify the county election officer to submit the question of whether such tax levy shall be authorized. If the board fails to notify the county election officer within 30 days after a petition is filed, the resolution shall be deemed abandoned and of no force and effect and no like resolution shall be adopted by the board within the nine months following publication of the resolution. If a majority of the votes cast in an election conducted pursuant to this provision are in favor of the resolution, such resolution shall be effective on the date of such election. If a majority of the votes cast are not in favor of the resolution, the resolution shall be deemed of no effect and no like resolution shall be adopted by the board within the nine months following such election.

(e) In determining the amount produced by the tax levied by the district under the authority of this section, the state board shall include any moneys which have been apportioned to the cost of living fund of the district from taxes levied under the provisions of K.S.A. 79-5101 et seq. and 79-5118 et seq., and amendments thereto.

Sec. 39. K.S.A. 2011 Supp. 72-6451 is hereby amended to read as follows: 72-6451. (a) As used in this section:

(1) "School district" or "district" means a school district which:
(A) Has a declining enrollment; and (B) has adopted a local option operating budget in an amount which equals at least 31% of the state financial aid for the school district at the time the district applies to the state court of tax appeals for authority to make a levy pursuant to this section.

(2) "Declining enrollment" means an enrollment which has declined in amount from that of the preceding school year.
(b) (1) (A) A school district may levy an ad valorem tax on the taxable tangible property of the district each year for a period of time not to exceed two years in an amount not to exceed the amount authorized by the state court of tax appeals under this subsection for the purpose of financing the costs incurred by the state that are directly attributable to assignment of declining enrollment weighting to enrollment of the district. The state court of tax appeals may authorize the district to make a levy which will produce an amount that is not greater than the amount of revenues lost as a result of the declining enrollment of the district. Such amount shall not exceed 5% of the general fund budget of the district in the school year in which the district applies to the state court of tax appeals for authority to
make a levy pursuant to this section.

(B) As an alternative to the authority provided in paragraph (1) (A), if a district was authorized to make a levy pursuant to this section in school year 2006-2007, such district shall remain authorized to make a levy at a rate necessary to generate revenue in the same amount that was generated in school year 2007-2008 if the district adopts a local option operating budget in an amount equal to the state prescribed percentage in effect in school year 2006-2007.

(2) The state court of tax appeals shall certify to the state board the amount authorized to be produced by the levy of a tax under this section.

(3) The state board shall prescribe guidelines for the data that school districts shall include in cases before the state court of tax appeals pursuant to this section.

(c) A district may levy the tax authorized pursuant to this section for a period of time not to exceed two years unless authority to make such levy is renewed by the state court of tax appeals. The state court of tax appeals may renew the authority to make such levy for periods of time not to exceed two years.

(d) The state board shall provide to the state court of tax appeals such school data and information requested by the state court of tax appeals and any other information deemed necessary by the state board.

(e) There is hereby established in every district a fund which shall be called the declining enrollment fund. Such fund shall consist of all moneys deposited therein or transferred thereto according to law. The proceeds from the tax levied by a district under authority of this section shall be credited to the declining enrollment fund of the district. The proceeds from the tax levied by a district credited to the declining enrollment fund shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state school district finance fund.

(f) In determining the amount produced by the tax levied by the district under authority of this section, the state board shall include any moneys which have been apportioned to the declining enrollment fund of the district from taxes levied under the provisions of K.S.A. 79-5101 et seq. and 79-5118 et seq., and amendments thereto.

Sec. 40. K.S.A. 2011 Supp. 72-6456 is hereby amended to read as follows: 72-6456. (a) For the purpose of determining the general fund budget of a school district, weightings shall not be assigned to a pupil enrolled in and attending KAMS.
(b) Moneys in the general fund which are attributable to a pupil enrolled in and attending KAMS shall not be included in the computation of the local option operating budget of the school district.

(c) The provisions of this section shall be part of and supplemental to the school district finance and quality performance act.

New Sec. 41. (a) In any action challenging the adequacy of the state's provision for finance of the educational interests of the state, no less than 65% of all state moneys appropriated, distributed or otherwise provided by or through the state to school districts shall be deemed by the court to have been expended in the classroom or for instruction, as defined in subsection (d) of K.S.A. 2011 Supp. 72-64c01, and amendments thereto. Such moneys shall be deemed by the court to have been first applied to pay the costs related to providing the areas of instruction required by K.S.A. 72-1101, 72-1103 and 72-1117, and amendments thereto, and for the course included in the precollege curriculum prescribed by the state board of regents pursuant to K.S.A. 76-717, and amendments thereto.

(b) Any party challenging the adequacy of the state's provision for finance of the educational interests of the state shall have the burden, at all times, to prove that state moneys appropriated, distributed or otherwise provided by the state to a school district or districts, which is the subject of such action, were not sufficient to fund the costs of the areas of instruction required by K.S.A. 72-1101, 72-1103 and 72-1117, and amendments thereto, and for courses included in the precollege curriculum prescribed by the state board of regents pursuant to K.S.A. 76-717, and amendments thereto.

(c) For purposes of determining the adequacy of the state's provision for finance of the educational interests of the state, educational programs that school districts are required to provide pursuant to federal law shall not be included.

(d) The provisions of this section shall apply to all litigation pending on the effective date of this act, and any lawsuit filed on or after the effective date of this act.

Sec. 42. K.S.A. 2011 Supp. 72-4470a is hereby amended to read as follows: 72-4470a. (a) All technical college boards shall establish and maintain a plan for a governing board, which shall be separate and independent of any board of education of any school district, to operate, control and manage the technical college. The plan shall include, but not be limited to, provisions relating to:

(1) The composition of the independent governing board;

(2) the territory of the technical college. If the territory of the technical college includes more than one county, the plan shall
designate a home county;

(3) the method of election or appointment and the terms of service
of the members of the independent governing board;

(4) the date upon which the independent governing board shall
assume management and control of the technical college;

(5) the manner, terms upon which and extent to which the
facilities will be transferred to the independent governing board and
the division of other assets and indebtedness and other liabilities; and

(6) the manner and terms upon which faculty, employees and
students will be transferred to the independent governing board.
Subject to the provisions of K.S.A. 2011 Supp. 72-4478, and
amendments thereto, such provisions shall specify terms of
employment and address other personnel matters.

(b) On the date determined in the approved plan, the independent
governing board established under subsection (a) of this section shall
operate subject to the rules, regulations and supervision of the state
board of regents in the same manner as other technical colleges. Any
amendments to the plan shall be submitted to the state board of
regents for approval.

(c) In addition to such other powers expressly granted by law and
subject to the provisions of subsection (b), the governing board shall
have the power to:

(1) Determine the career technical and general education courses
of instruction that will comprise the associate of applied science degree
programs of the college;

(2) establish the requirements for satisfactory completion of the
associate of applied science degree programs of the college;

(3) confer the associate of applied science degree upon students
who successfully complete an associate of applied science degree
program of the college and to award a certificate or diploma to
students who successfully complete a career technical education
program of the college;

(4) appoint teaching staff and fix and determine teacher
qualifications, duties and compensation. No teacher appointed to teach
courses comprising the associate of applied science degree programs
of the college shall be required to meet licensure requirements greater
than those required in the state educational institutions;

(5) have custody of, and be responsible for, the property of the
college and be responsible for the operation, management and control
of the college;

(6) select a chairperson and such other officers as it deems
desirable, from its membership;

(7) sue and be sued;
(8) appoint and fix the compensation and term of office of a
president or chief administrative officer of the college;
(9) fix and determine, within state adopted standards, all other
employees' qualifications, duties, compensation and all other items
and conditions of employment;
(10) enter into contracts;
(11) accept any gifts, grants or donations;
(12) acquire and dispose of real or personal property;
(13) enter into lease agreements as lessor of any property owned
or controlled by the college;
(14) adopt any rules and regulations, not inconsistent with any
law or any rules and regulations of the state board of regents, which
are necessary for the administration and operation of the college or
for the conduct of business of the governing board;
(15) contract with one or more agencies, either public or private,
whether located within or outside the territory of the college or
whether located within or outside the state of Kansas, for the conduct
by any such agency of academic or career technical education for
students of the college and to provide for the payment to any such
agency for the contracted educational services from any funds or
moneys of the college, including funds or moneys received from
student tuition and fees;
(16) appoint as its resident agent for the purpose of service of
process, either the president of the technical college or the chairperson
of the governing board, or both;
(17) take any other action, not inconsistent with any law or any
rules and regulations of the state board of regents, which is necessary
or incidental to the establishment, operation and maintenance of the
college;
(18) issue bonds for capital improvement projects, enter into bond
covenants and take such ancillary action as the governing board
approves, relating thereto, except that such bonds shall not be secured
by a pledge of any property tax revenues of the technical college;
(19) enter into agreements with counties relating to funding for
capital improvement projects at technical colleges; and
(20) fix different rates per hour of tuition, fees and charges for the
different postsecondary programs administered by such board.; and
(21) to acquire by lease-purchase any property, whether real,
personal, or mixed, or any interest therein, which is necessary or desirable
for technical college purposes. The term of any lease-purchase agreement
entered into under authority of this subsection may be for not to exceed 10
years. Such lease-purchase agreement may provide for annual or other
payment of rent or rental fees and may obligate the technical college to
payment of maintenance or other expenses. Any lease-purchase agreement entered into under authority of this subsection shall be subject to change or termination at any time by the legislature. Any assignment of rights in any lease-purchase made under this subsection shall contain a citation of this section and a recitation that the lease-purchase agreement and assignment thereof are subject to change or termination by the legislature.

New Sec. 43. If any provision of this act, or the application thereof, is held invalid or unconstitutional, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.


Sec. 9-10. 45. From and after July 1, 2013, K.S.A. 2011 Supp. 71-201 is hereby repealed.

Sec. 10-11. 46. This act shall take effect and be in force from and after its publication in the statute book.