

## HOUSE BILL No. 3018

By Committee on Appropriations

3-11

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AN ACT concerning school districts; relating to finance and quality performance; extended school terms; school building closings; amending K.S.A. 72-8213 and K.S.A. 2001 Supp. 72-6407, 72-6439 and 72-8233 and repealing the existing sections; also repealing K.S.A. 72-8136a, 72-8136b, 72-8136c, 72-8136d and 72-8136e.

WHEREAS, It is the legislature's objective for all children to have equal educational opportunities and that professional staff salaries be sufficiently attractive to recruit and retain teachers on the same basis as other professions: Now, therefore,

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

New Section 1. (a) On and after July 1, 2004, the board of any school district may offer an extended contract, of up to five days, to any or all of the district's professional staff. On and after July 1, 2007, the board of any school district may offer an extended contract, of up to 10 days, to any or all of the district's professional staff.

(b) At the conclusion of each school year in which an extended contract has been offered in a school district, the board of education of the school district shall evaluate the impact the extended contract has had on the educational system of the district and shall submit the evaluation to the state board of education. The state board shall review, assess and compile the evaluations of the extended contracts submitted by boards of education and shall submit the compilation of evaluations and other relevant material to the governor and the legislature.

(c) The extended contract weighting of each district shall be determined by the state board as follows:

(1) (A) Determine the preceding school years daily average teacher salary multiplied by the number of days approved in such district's extended contract, not to exceed five days;

(B) multiply the product obtained in paragraph (A) by the number of professional staff with an extended contract which shall not exceed 25% of the number of professional staff of such district;

(C) divide the product obtained under paragraph (B) by base state aid per pupil. The quotient is the extended contract weighting of the

1 district; or

2 (2) (A) Determine the preceding school years daily average teacher  
3 salary multiplied by the number of days approved in such district's ex-  
4 tended contract, not to exceed 10 days;

5 (B) multiply the product obtained in paragraph (A) by the number  
6 of professional staff with an extended contract which shall not exceed  
7 25% of the number of professional staff of such district;

8 (C) divide the product obtained under paragraph (B) by base state  
9 aid per pupil. The quotient is the extended contract weighting of the  
10 district.

11 (3) The provisions of subsection (c)(1) shall take effect and be in force  
12 on and after July 1, 2004. The provisions of subsection (c)(2) shall take  
13 effect and be in force on and after July 1, 2007.

14 (d) The state moneys provided to fund the additional days of the  
15 extended contract shall only be used for enhanced student learning op-  
16 portunities and professional staff development.

17 New Sec. 2. (a) In each school year, commencing with the 2005-2006  
18 school year, each school district which has established a plan of interven-  
19 tions for pupils at grade levels prior to the third grade who are identified  
20 through diagnostic assessments approved by the state board of education  
21 shall be entitled to receive a grant of state moneys to supplement amounts  
22 expended by the school district for maintenance of such plan of  
23 interventions.

24 (b) To be eligible to receive a grant of state moneys for maintenance  
25 of a plan of interventions under the Kansas skills for success in school  
26 program, a board of education shall submit to the state board of education  
27 an application for a grant and a description of the plan. The application  
28 and description shall be prepared in such form and manner as the state  
29 board shall require and shall be submitted at a time to be determined  
30 and specified by the state board. Approval by the state board of the plan  
31 and the application is prerequisite to the award of a grant.

32 (c) Upon receipt of a grant of state moneys for maintenance of a plan  
33 of interventions under the Kansas skills for success in school program,  
34 the amount of the grant shall be deposited in the general fund of the  
35 school district. Moneys deposited in the general fund of a school district  
36 under this subsection shall be considered reimbursements for the purpose  
37 of the school district finance and quality performance act.

38 (d) Each board of education which is awarded a grant for mainte-  
39 nance of a plan of interventions under the Kansas skills for success in  
40 school program shall make such periodic and special reports to the state  
41 board of education as it may request.

42 New Sec. 3. (a) The state board of education shall adopt rules and  
43 regulations for administration of grants of state moneys to school districts

1 for maintenance of plans of interventions under the Kansas skills for suc-  
2 cess in school program and shall:

3 (1) Establish standards and criteria for reviewing, evaluating and ap-  
4 proving plans of interventions and applications of school districts for  
5 grants;

6 (2) conduct a needs-assessment survey of school districts applying for  
7 grants;

8 (3) evaluate and approve plans of interventions;

9 (4) establish priorities in accordance with the findings of the needs  
10 assessment survey for the award of grants to school districts and for de-  
11 termination of the amount of such grants;

12 (5) be responsible for awarding grants to school districts; and

13 (6) request of and receive from each school district which is awarded  
14 a grant for maintenance of a plan of interventions reports containing in-  
15 formation with regard to the effectiveness of the plan.

16 (b) In evaluating and approving plans of interventions maintained un-  
17 der the Kansas skills for success in school program for the award of grants  
18 to school districts, the state board shall consider:

19 (1) The level of effort exhibited by school districts in the establish-  
20 ment and maintenance of plans of interventions;

21 (2) the amounts budgeted by school districts for the establishment  
22 and maintenance of plans of interventions; and

23 (3) the potential effectiveness of the plans of interventions for which  
24 applications for the grant of state moneys are made.

25 (c) The amount of a grant to a school district shall be determined by  
26 the state board in accordance with established priorities, but in no event  
27 shall such amount exceed the amount of actual expenses incurred by the  
28 school district in the establishment and maintenance of a plan of  
29 interventions.

30 (d) In determining the amount of the appropriation for the Kansas  
31 skills for success in school program grants awarded school districts under  
32 this section, no more than 10% of the first grade pupils across the state  
33 shall be counted in plans providing for a one-on-one research-based read-  
34 ing intervention method.

35 (e) The state board of education shall provide any board, upon re-  
36 quest, with technical advice and assistance regarding the establishment  
37 and maintenance of a plan of skills for success in school interventions or  
38 an application for a grant of state moneys.

39 (f) The interventions weighting of each district shall be determined  
40 by the state board by multiplying the number of intervention pupils in-  
41 cluded in enrollment of the district by .10. The product is the interven-  
42 tions weighting of the district. The state board shall select not more than  
43 10,500 intervention pupils to be counted in any school year.

1 Sec. 4. K.S.A. 2001 Supp. 72-6407 is hereby amended to read as  
2 follows: 72-6407. (a) "Pupil" means any person who is regularly enrolled  
3 in a district and attending kindergarten or any of the grades one through  
4 12 maintained by the district or who is regularly enrolled in a district and  
5 attending kindergarten or any of the grades one through 12 in another  
6 district in accordance with an agreement entered into under authority of  
7 K.S.A. 72-8233, and amendments thereto, or who is regularly enrolled in  
8 a district and attending special education services provided for preschool-  
9 aged exceptional children by the district. Except as otherwise provided  
10 in this subsection, a pupil in attendance full time shall be counted as one  
11 pupil. A pupil in attendance part time shall be counted as that proportion  
12 of one pupil (to the nearest  $\frac{1}{10}$ ) that the pupil's attendance bears to full-  
13 time attendance. A pupil attending kindergarten shall be counted as  $\frac{1}{2}$   
14 pupil. A pupil enrolled in and attending an institution of postsecondary  
15 education which is authorized under the laws of this state to award aca-  
16 demic degrees shall be counted as one pupil if the pupil's postsecondary  
17 education enrollment and attendance together with the pupil's attend-  
18 ance in either of the grades 11 or 12 is at least  $\frac{5}{6}$  time, otherwise the  
19 pupil shall be counted as that proportion of one pupil (to the nearest  $\frac{1}{10}$ )  
20 that the total time of the pupil's postsecondary education attendance and  
21 attendance in grade 11 or 12, as applicable, bears to full-time attendance.  
22 A pupil enrolled in and attending an area vocational school, area voca-  
23 tional-technical school or approved vocational education program shall be  
24 counted as one pupil if the pupil's vocational education enrollment and  
25 attendance together with the pupil's attendance in any of grades nine  
26 through 12 is at least  $\frac{5}{6}$  time, otherwise the pupil shall be counted as that  
27 proportion of one pupil (to the nearest  $\frac{1}{10}$ ) that the total time of the  
28 pupil's vocational education attendance and attendance in any of grades  
29 nine through 12 bears to full-time attendance. A pupil enrolled in a dis-  
30 trict and attending special education and related services, except special  
31 education and related services for preschool-aged exceptional children,  
32 provided for by the district shall be counted as one pupil. A pupil enrolled  
33 in a district and attending special education and related services for pre-  
34 school-aged exceptional children provided for by the district shall be  
35 counted as  $\frac{1}{2}$  pupil. A preschool-aged at-risk pupil enrolled in a district  
36 and receiving services under an approved at-risk pupil assistance plan  
37 maintained by the district shall be counted as  $\frac{1}{2}$  pupil. A pupil in the  
38 custody of the secretary of social and rehabilitation services and enrolled  
39 in unified school district No. 259, Sedgwick county, Kansas, but housed,  
40 maintained, and receiving educational services at the Judge James V. Rid-  
41 del Boys Ranch, shall be counted as two pupils. A pupil residing at the  
42 Flint Hills job corps center shall not be counted. A pupil confined in and  
43 receiving educational services provided for by a district at a juvenile de-

1 tention facility shall not be counted. A pupil enrolled in a district but  
2 housed, maintained, and receiving educational services at a state institu-  
3 tion shall not be counted.

4 (b) "Preschool-aged exceptional children" means exceptional chil-  
5 dren, except gifted children, who have attained the age of three years but  
6 are under the age of eligibility for attendance at kindergarten.

7 (c) "At-risk pupils" means pupils who are eligible for free meals un-  
8 der the national school lunch act and who are enrolled in a district which  
9 maintains an approved at-risk pupil assistance plan.

10 (d) "Preschool-aged at-risk pupil" means an at-risk pupil who has  
11 attained the age of four years, is under the age of eligibility for attendance  
12 at kindergarten, and has been selected by the state board in accordance  
13 with guidelines consonant with guidelines governing the selection of pu-  
14 pils for participation in head start programs. The state board shall select  
15 not more than 3,756 preschool-aged at-risk pupils to be counted in the  
16 2001-02 school year and not more than 5,500 preschool-aged at-risk pu-  
17 pils to be counted in any school year thereafter.

18 (e) "Enrollment" means, for districts scheduling the school days or  
19 school hours of the school term on a trimestral or quarterly basis, the  
20 number of pupils regularly enrolled in the district on September 20 plus  
21 the number of pupils regularly enrolled in the district on February 20  
22 less the number of pupils regularly enrolled on February 20 who were  
23 counted in the enrollment of the district on September 20; and for dis-  
24 tricts not hereinbefore specified, the number of pupils regularly enrolled  
25 in the district on September 20. Notwithstanding the foregoing, if en-  
26 rollment in a district in any school year has decreased from enrollment  
27 in the preceding school year, enrollment of the district in the current  
28 school year means whichever is the greater of (1) enrollment in the pre-  
29 ceeding school year minus enrollment in such school year of preschool-  
30 aged at-risk pupils, if any such pupils were enrolled, plus enrollment in  
31 the current school year of preschool-aged at-risk pupils, if any such pupils  
32 are enrolled, or (2) the sum of enrollment in the current school year of  
33 preschool-aged at-risk pupils, if any such pupils are enrolled and the av-  
34 erage (mean) of the sum of (A) enrollment of the district in the current  
35 school year minus enrollment in such school year of preschool-aged at-  
36 risk pupils, if any such pupils are enrolled and (B) enrollment in the  
37 preceding school year minus enrollment in such school year of preschool-  
38 aged at-risk pupils, if any such pupils were enrolled and (C) enrollment  
39 in the school year next preceding the preceding school year minus en-  
40 rollment in such school year of preschool-aged at-risk pupils, if any such  
41 pupils were enrolled.

42 (f) "Adjusted enrollment" means enrollment adjusted by adding at-  
43 risk pupil weighting, program weighting, low enrollment weighting, if any,

1 correlation weighting, if any, school facilities weighting, if any, ancillary  
2 school facilities weighting, if any, special education and related services  
3 weighting, ~~and~~ transportation weighting, *interventions weighting, if any,*  
4 *and extended contract weighting, if any,* to enrollment.

5 (g) “At-risk pupil weighting” means an addend component assigned  
6 to enrollment of districts on the basis of enrollment of at-risk pupils.

7 (h) “Program weighting” means an addend component assigned to  
8 enrollment of districts on the basis of pupil attendance in educational  
9 programs which differ in cost from regular educational programs.

10 (i) “Low enrollment weighting” means an addend component as-  
11 signed to enrollment of districts having under 1,725 enrollment on the  
12 basis of costs attributable to maintenance of educational programs by such  
13 districts in comparison with costs attributable to maintenance of educa-  
14 tional programs by districts having 1,725 or over enrollment.

15 (j) “School facilities weighting” means an addend component as-  
16 signed to enrollment of districts on the basis of costs attributable to com-  
17 mencing operation of new school facilities. School facilities weighting may  
18 be assigned to enrollment of a district only if the district has adopted a  
19 local option budget and budgeted therein the total amount authorized for  
20 the school year. School facilities weighting may be assigned to enrollment  
21 of the district only in the school year in which operation of a new school  
22 facility is commenced and in the next succeeding school year.

23 (k) “Transportation weighting” means an addend component as-  
24 signed to enrollment of districts on the basis of costs attributable to the  
25 provision or furnishing of transportation.

26 (l) “Correlation weighting” means an addend component assigned to  
27 enrollment of districts having 1,725 or over enrollment on the basis of  
28 costs attributable to maintenance of educational programs by such dis-  
29 tricts as a correlate to low enrollment weighting assigned to enrollment  
30 of districts having under 1,725 enrollment.

31 (m) “Ancillary school facilities weighting” means an addend compo-  
32 nent assigned to enrollment of districts to which the provisions of K.S.A.  
33 2001 Supp. 72-6441, and amendments thereto, apply on the basis of costs  
34 attributable to commencing operation of new school facilities. Ancillary  
35 school facilities weighting may be assigned to enrollment of a district only  
36 if the district has levied a tax under authority of K.S.A. 2001 Supp. 72-  
37 6441, and amendments thereto, and remitted the proceeds from such tax  
38 to the state treasurer. Ancillary school facilities weighting is in addition  
39 to assignment of school facilities weighting to enrollment of any district  
40 eligible for such weighting.

41 (n) “Juvenile detention facility” means any community juvenile cor-  
42 rections center or facility, the Forbes Juvenile Attention Facility, the  
43 Sappa Valley Youth Ranch of Oberlin, Salvation Army/Koch Center Youth

1 Services, the Clarence M. Kelley Youth Center, the Clarence M. Kelley  
2 Transitional Living Center, Trego County Secure Care Center, St. Francis  
3 Academy at Atchison, St. Francis Academy at Ellsworth, St. Francis  
4 Academy at Salina, St. Francis Center at Salina, King's Achievement Center,  
5 and Liberty Juvenile Services and Treatment.

6 (o) "Special education and related services weighting" means an addend  
7 component assigned to enrollment of districts on the basis of costs  
8 attributable to provision of special education and related services for pupils  
9 determined to be exceptional children.

10 (p) "*Extended contract weighting*" means an addend component assigned  
11 to enrollment of districts on the basis of an extended contract for  
12 professional staff.

13 (q) "*Interventions weighting*" means an addend component assigned  
14 to enrollment of districts on the basis of a plan of intervention for pupils.

15 Sec. 5. K.S.A. 2001 Supp. 72-6439 is hereby amended to read as  
16 follows: 72-6439. (a) In order to accomplish the mission for Kansas education,  
17 the state board of education shall design and adopt a school performance  
18 accreditation system based upon improvement in *student* performance that  
19 ~~reflects high academic standards~~ *demonstrates student mastery of essential skills and knowledge appropriate for each completed*  
20 *grade level or course* and is measurable.

21 (b) The state board of education shall provide for assessments in the  
22 core academic areas of mathematics, science, reading, writing, and social  
23 studies, and shall establish curriculum standards for such core academic  
24 areas. The assessments shall be administered ~~at three grade levels, as~~  
25 ~~determined by the state board. The curriculum standards shall be equal~~  
26 ~~to the best standards and shall be reviewed at least every three years. The~~  
27 ~~state board shall ensure compatibility between the statewide assessments~~  
28 ~~and the curriculum standards. Nothing in this subsection shall be construed~~  
29 ~~in any manner so as to impinge upon any district's authority to~~  
30 ~~determine its own curriculum as provided further.~~

31 (c) The state board of education shall determine *student* performance  
32 levels on the statewide assessments, the achievement of which represents  
33 excellence in the academic area at the grade level to which the assessment  
34 applies. The state board should specify the measure of excellence both  
35 for individual performance and school performance on the assessments.

36 (d) Each school in every district ~~shall~~ *may* establish a school site  
37 council composed of the principal and representatives of teachers and  
38 other school personnel, parents of pupils attending the school, the business  
39 community, and other community groups. School site councils ~~shall~~  
40 *may* be responsible for providing advice and counsel in evaluating state,  
41 school district, and school site performance goals and objectives and in  
42 determining the methods that should be employed at the school site to  
43

1 meet these goals and objectives.

2 ~~(c) On or before January 1, 1997, the state board of education shall~~  
3 ~~prepare a public education performance report card consisting of state-~~  
4 ~~wide aggregated data pertaining to performance on statewide assessments~~  
5 ~~and other measurable performance indicators specified by the state board~~  
6 ~~as part of the accreditation system. The report card shall be designed to~~  
7 ~~show comparative data over multiple years, as determined by the state~~  
8 ~~board. In addition to the public education performance report card, the~~  
9 ~~state board shall prepare a school building report card for each school~~  
10 ~~building operated by a district and shall provide the board of each district~~  
11 ~~with information showing the statewide data and school building data,~~  
12 ~~including multiple year data.~~

13 ~~—(f) Under the direction of Kansas, Inc., and subject to appropriations~~  
14 ~~therefor, a study evaluating changes in pupil performance attributable to~~  
15 ~~the school accreditation system shall be conducted between July 1 and~~  
16 ~~November 30, 1997. The main purpose of the study shall be to ascertain,~~  
17 ~~through evaluation of the 48 school districts that began implementation~~  
18 ~~of the school performance accreditation process in the 1991-92 school~~  
19 ~~year, the extent of the change in pupil academic performance under the~~  
20 ~~system and to provide an explanation of the factors that have contributed~~  
21 ~~materially to the changes that have occurred. The study shall be based~~  
22 ~~on data for the 1996-97 school year. The results of the study shall be~~  
23 ~~reported to the legislature at the commencement of the 1998 session.~~  
24 ~~Kansas, Inc. shall convene an advisory committee for assistance in de-~~  
25 ~~signing the study, providing direction for the conducting of research, an-~~  
26 ~~alyzing research findings, and preparing the report of the results of the~~  
27 ~~study. The advisory committee shall consist of not less than seven and~~  
28 ~~not more than 11 members and shall be representative of the state board~~  
29 ~~of education, teachers, school administrators, boards of education, busi-~~  
30 ~~ness, and the public. Members of the advisory committee attending meet-~~  
31 ~~ings of the committee or subcommittee meetings authorized by Kansas,~~  
32 ~~Inc. shall be paid amounts provided for in subsection (c) of K.S.A. 75-~~  
33 ~~3223, and amendments thereto.~~

34 *(e) (1) In order for schools to meet the accreditation standards estab-*  
35 *lished in this section on or before July 1, 2005, the state board of educa-*  
36 *tion, pursuant to federal law, shall:*

37 *(A) Provide for diagnostic assessments to be used at appropriate*  
38 *grade levels prior to the third grade to define and measure school readi-*  
39 *ness and to diagnose or test for health and other limitations for which*  
40 *remediation or other intervention is appropriate;*

41 *(B) provide for reading and math assessments to be used in all grades,*  
42 *third grade through eighth grade;*

43 *(C) continue benchmark assessments in science, writing and social*



1 *studies for third grade through eighth grade; and*

2 *(D) establish end-of-course mathematics, science and social studies*  
3 *assessments based on state standards and for secondary school reading*  
4 *and writing assessments. To the extent possible, such assessments shall be*  
5 *computer based for immediate feedback. All students in such courses shall*  
6 *be administered end-of-course assessments.*

7 *(2) Data concerning assessment results shall be made public and shall*  
8 *be provided to the parents, staff, local school board, community and the*  
9 *state board of education in a timely manner.*

10 *(3) Local board of education use of assessment triangulation shall be*  
11 *optional.*

12 *(f) As part of the accreditation system, the state board of education*  
13 *shall:*

14 *(1) Use data from grade level assessments as a basis for accrediting*  
15 *schools that include third grade through eighth grade.*

16 *(2) Use data from end-of-course assessments as a basis for accrediting*  
17 *schools that include ninth grade through twelfth grade.*

18 *(3) Establish individual performance levels to indicate mastery of es-*  
19 *sential skills and knowledge.*

20 *(4) Establish a standard, based on the acceptable percentages of stu-*  
21 *dents, by grade level or course, that must meet the individual performance*  
22 *levels.*

23 *(5) Establish the rate of increase necessary for schools who do not*  
24 *meet the accreditation standard to reach to demonstrate significant im-*  
25 *provement toward the standard.*

26 *(6) Establish a procedure for annual accreditation for schools who*  
27 *meet or demonstrate improvement towards the standard.*

28 *(7) Notify the school board of the school's status in the accreditation*  
29 *process and the progress, or lack thereof, the school has made toward*  
30 *accreditation.*

31 *(8) Establish appropriate performance expectations and reporting*  
32 *requirements for specified alternative programs.*

33 *(g) Schools that are accredited may submit a list of processes and*  
34 *documents filling requirements for which such school wishes to be ex-*  
35 *empted. The commissioner of education shall review the list and approve*  
36 *or disapprove each item.*

37 *(h) Schools that are determined to not meet or attain satisfactory pro-*  
38 *gress toward mastery of essential skills and knowledge standards may*  
39 *appeal to the state board of education offering documentation acceptable*  
40 *to the state board of education to retain or achieve accreditation. Schools*  
41 *that are not accredited after July 1, 2005, shall be placed on probation*  
42 *for up to four years to achieve accreditation. During this probationary*  
43 *period, the state board of education shall monitor and require the school*

1 *to adhere to processes and procedures to demonstrate significant improve-*  
2 *ment toward the standard. If the school subsequently attains accreditation*  
3 *and maintains accreditation for two consecutive years, the state board of*  
4 *education shall cease monitoring the school. If a school is not accredited,*  
5 *the state board of education shall notify the school board, parents and the*  
6 *community of the school's lack of accreditation. If a local school district*  
7 *chooses to operate a nonaccredited school, such school shall be subject to*  
8 *intervention by the state board of education.*

9 Sec. 6. K.S.A. 72-8213 is hereby amended to read as follows: 72-  
10 8213. (a) As used in this act, the term "school building" means any build-  
11 ing or structure operated or used for pupil attendance purposes by the  
12 board of education of a unified school district and the word "enrollment"  
13 has the meaning ascribed thereto in the school district equalization act.

14 (b) ~~(1) Subject to provision (2) of this subsection, the board of edu-~~  
15 ~~cation of a unified school district shall not close any school building except~~  
16 ~~as provided in this section.~~

17 ~~—(2) The provisions of this section shall be deemed alternative to the~~  
18 ~~provisions of K.S.A. 72-8233, and amendments thereto, and no procedure~~  
19 ~~or authorization under such statute shall be limited by the provisions of~~  
20 ~~this section. Nothing in this section shall operate or be construed so as~~  
21 ~~to abrogate, limit, or affect in any way the provisions of any law admin-~~  
22 ~~istered by the state fire marshal or any rules and regulations adopted~~  
23 ~~pursuant to any such law.~~

24 ~~—(c) (1) The provisions of this subsection apply to unified school dis-~~  
25 ~~tricts with under 1,600 enrollment.~~

26 ~~—(2) The board shall not close any school building that is being oper-~~  
27 ~~ated on the effective date of this act unless and until the board has~~  
28 ~~adopted and implemented a plan for closing such school building. A plan~~  
29 ~~for closing a school building shall contain procedures in conformity with~~  
30 ~~the provisions of this subsection.~~

31 ~~—(3) A plan for closing a school building may be adopted and imple-~~  
32 ~~mented by a board upon a finding by the board that the school building~~  
33 ~~should be closed in order to enhance the quality of education and improve~~  
34 ~~the school system of the unified school district.~~

35 ~~—(4) A plan for closing a school building shall contain the following~~  
36 ~~procedures:~~

37 ~~—(A) The board of education shall adopt a resolution stating its inten-~~  
38 ~~tion to close the affected school building. Such resolution shall include~~  
39 ~~the reasons for the proposal to close the school building, the name of the~~  
40 ~~affected school building, the school building or buildings to which the~~  
41 ~~involved pupils shall be reassigned, and the time, date and place of a~~  
42 ~~public hearing to be held on the proposal to close such school building.~~

43 ~~—(B) A public hearing on the board's proposal to close a school building~~

1 shall be held after adoption of the resolution thereon. Public notice of  
2 the time, date, place and purpose of such public hearing shall be pub-  
3 lished in a newspaper of general circulation in the school district at least  
4 once a week for two consecutive weeks.

5 —(C)— Subsequent to the public hearing provided for in paragraph (B),  
6 the board of education, after considering all the testimony and evidence  
7 brought forth at the public hearing, shall make a final decision as to the  
8 closing of the affected school building. The decision shall be in writing  
9 and shall be published at least once in a newspaper of general circulation  
10 in the unified school district. The final decision either to close the affected  
11 school building or not to close the affected school building shall be im-  
12 plemented by the board in accordance with its plan unless a petition in  
13 opposition to implementation of the same, signed by not less than 5% of  
14 the registered electors residing within the unified school district, is filed  
15 with the county election officer of the home county of the school district  
16 within 45 days after publication of the final decision. If such a petition is  
17 filed, the county election officer shall hold an election upon the question  
18 of whether such school building should be closed or, at the request of  
19 the board of education, shall submit the question to the registered elec-  
20 tors of the unified school district at the next primary or general election  
21 of the unified school district. Such election shall be held jointly with other  
22 elections held at the same time insofar as is practicable as provided for  
23 by K.S.A. 25-2011, and amendments thereto. All registered electors re-  
24 siding within the unified school district may vote at the election. The  
25 board shall not close any affected school building pending any election  
26 to be held under the provisions of this paragraph. If a majority of those  
27 voting at such election are not in favor of closing the affected school  
28 building, the school building shall not be closed. If a majority of the votes  
29 at such election are in favor of closing the affected school building, the  
30 board shall close the school building in accordance with the plan.

31 —(d) The board of education of any unified school district with 1,600  
32 or more enrollment may close any of its school buildings at any time the  
33 board finds the buildings should be closed to improve the school system  
34 of the unified school district. The closing of any school building under  
35 this subsection shall require a majority vote of the members of the board  
36 of education and shall require no other approval.

37 ~~(e)~~ Notwithstanding the other provisions of this section, (c) The  
38 board of education of any unified school district may close any school  
39 building which has failed to receive accreditation by the state board of  
40 education. The closing of any school building under this subsection shall  
41 require a majority vote of the members of the board of education and  
42 shall require no other procedure or approval.

43 ~~(f)~~ (d) If any territory has been or is hereafter attached or transferred

1 to any unified school district, any school building in the territory so at-  
2 tached or transferred may be closed by the board of education upon  
3 majority vote of the members of the board of education and shall require  
4 no other procedure or approval.

5 ~~(g)~~ (e) Nothing in this section shall be deemed to restrict or limit the  
6 authority of any board to change the use of any school building, so long  
7 as such school building is operated or used for pupil attendance purposes.

8 ~~(h)~~ (f) Whenever a unified school district, by election, has been au-  
9 thorized to issue general obligation bonds to construct and equip a school  
10 building to meet the needs of the entire unified school district, the board  
11 of education of such district may close and discontinue the use of any  
12 other one or more school buildings within such district if the school build-  
13 ing so constructed adequately serves, directly or indirectly, the educa-  
14 tional needs theretofore served by the school building or buildings closed.  
15 The closing of any school building under this subsection shall require a  
16 majority vote of the members of the board of education and shall require  
17 no other procedure or approval.

18 Sec. 7. K.S.A. 2001 Supp. 72-8233 is hereby amended to read as  
19 follows: 72-8233. (a) In accordance with the provisions of this section, the  
20 boards of education of any two or more unified school districts may make  
21 and enter into agreements providing for the attendance of pupils residing  
22 in one school district at school in kindergarten or any of the grades one  
23 through 12 maintained by any such other school district. The boards of  
24 education may also provide by agreement for the combination of enroll-  
25 ments for kindergarten or one or more grades, courses or units of  
26 instruction.

27 (b) Prior to entering into any agreement under authority of this sec-  
28 tion, the board of education shall adopt a resolution declaring that it has  
29 made a determination that such an agreement should be made and that  
30 the making and entering into of such an agreement would be in the best  
31 interests of the educational system of the school district. Any such agree-  
32 ment is subject to the following conditions:

33 (1) The agreement may be for any term not exceeding a term of five  
34 years.

35 (2) The agreement shall be subject to change or termination by the  
36 legislature.

37 (3) Within the limitations provided by law, the agreement may be  
38 changed or terminated by mutual agreement of the participating boards  
39 of education.

40 (4) The agreement shall make provision for transportation of pupils  
41 to and from the school attended on every school day, for payment or  
42 sharing of the costs and expenses of pupil attendance at school, and for  
43 the authority and responsibility of the participating boards of education.

1 (c) Provision by agreements entered into under authority of this sec-  
2 tion for the attendance of pupils at school in a school district of nonres-  
3 idence of such pupils shall be deemed to be compliance with the kinder-  
4 garten, grade, course and units of instruction requirements of law.

5 (d) The board of education of any school district which enters into  
6 an agreement under authority of this section for the attendance of pupils  
7 at school in another school district may discontinue kindergarten or any  
8 or all of the grades, courses and units of instruction specified in the agree-  
9 ment for attendance of pupils enrolled in kindergarten or any such grades,  
10 courses and units of instruction at school in such other school district.  
11 Upon discontinuing kindergarten or any grade, course or unit of instruc-  
12 tion under authority of this subsection, the board of education may close  
13 any school building or buildings operated or used for attendance by pupils  
14 enrolled in such discontinued kindergarten, grades, courses or units of  
15 instruction. The closing of any school building under authority of this  
16 subsection shall require a majority vote of the members of the board of  
17 education and shall require no other procedure or approval. ~~The provi-  
18 sions of this subsection shall be deemed alternative to the provisions of  
19 K.S.A. 72-8213, and amendments thereto, and the procedure and au-  
20 thorization for the closing of school buildings under this subsection shall  
21 not be limited by the provisions of such cited statutory section.~~

22 (e) Pupils attending school in a school district of nonresidence of such  
23 pupils in accordance with an agreement made and entered into under  
24 authority of this section shall be counted as regularly enrolled in and  
25 attending school in the school district of residence of such pupils for the  
26 purpose of computations under the school district finance and quality  
27 performance act.

28 (f) Pupils who satisfactorily complete grade 12 while in attendance at  
29 school in a school district of nonresidence of such pupils in accordance  
30 with the provisions of an agreement entered into under authority of this  
31 section shall be certified as having graduated from the school district of  
32 residence of such pupils unless otherwise provided for by the agreement.

33 Sec. 8. K.S.A. 72-8136a, 72-8136b, 72-8136c, 72-8136d, 72-8136e  
34 and 72-8213 and K.S.A. 2001 Supp. 72-6407, 72-6439 and 72-8233 are  
35 hereby repealed.

36 Sec. 9. This act shall take effect and be in force from and after its  
37 publication in the statute book.

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