## HOUSE BILL No. 2625

## By Representative Henry

## 1-17

9 AN ACT relating to schools; allowing for school districts to create shared 10 schools by interlocal agreement; concerning operations and financing 11 thereof.

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

Section 1. The provisions of this act shall be an alternative method for school districts to enter into interlocal cooperation agreements when school districts desire to create one or more shared schools. Such shared schools shall be independent of the sponsoring school districts in accordance with this act.

- Sec. 2. (a) In the event the boards of education of any two or more school districts desire to enter into a school district interlocal cooperation agreement for the purpose of creating shared schools, the following conditions shall apply:
- (1) A school district interlocal cooperation agreement shall establish a board of directors which shall govern the operations of the shared schools and shall be referred to as the interlocal school board of directors. The agreement shall specify the organization and composition of and manner of appointment to the board of directors. Only members of boards of education of school districts party to the agreement shall be eligible for membership on the board of directors. The terms of office of members of the board of directors shall expire concurrently with their terms as board of education members. Vacancies in the membership of the board of directors shall be filled within 30 days from the date of the vacancy in the manner specified in the agreement.
- (2) An interlocal cooperation agreement for shared schools shall provide for a certified school administrator to administer the shared schools and be responsible to perform or oversee all administrative functions. The school administrator shall be employed by and report to the interlocal school board of directors. The shared interlocal schools shall operate as public schools and shall be subject to the same statutes, regulations and requirements as other accredited public schools of school districts.
- (3) A school district interlocal cooperation agreement for shared schools shall be effective only after approval by the state board of education.

- (4) A school district interlocal cooperation agreement for shared schools shall be subject to change or termination by the legislature.
- (5) The duration of a school district interlocal cooperation agreement for shared schools shall be stated in the agreement and may be perpetual.
- (6) A school district interlocal cooperation agreement for shared schools shall specify the method or methods to be employed for disposing of property upon partial or complete termination.
- (7) Within the limitations provided by law, a school district interlocal cooperation agreement for shared schools may be changed or modified by affirmative vote of not less than \(^2\)3 of the contracting school districts.
- (b) Except as otherwise specifically provided in this subsection, any power or powers, privileges or authority exercised or capable of exercise by any school district of this state, or by any board of education thereof, may be jointly exercised pursuant to the provisions of a school district interlocal cooperation agreement for shared schools. Except as provided in this act, no power or powers, privileges or authority with respect to the levy and collection of taxes, the issuance of bonds, or the purposes and provisions of the school district finance and quality performance act or title I of public law 874 shall be created or effectuated for joint exercise pursuant to the provisions of a school district interlocal cooperation agreement for shared schools.
- (c) Payments from the general fund of each school district which enters into any school district interlocal cooperation agreement for shared schools for the purpose of financing the joint or cooperative undertaking provided for by the agreement shall be operating expenses.
- (d) Upon partial termination of a school district interlocal cooperation agreement for shared schools, the board of directors established under a renegotiated agreement thereof shall be the successor in every respect to the board of directors established under the former agreement.
- (e) Nothing contained in this section shall be construed to abrogate, interfere with, impair, qualify or affect in any manner the exercise and enjoyment of all of the powers, privileges and authority conferred upon school districts and boards of education thereof by the provisions of the interlocal cooperation act, except that boards of education and school districts are required to comply with the provisions of this section when entering into an interlocal cooperation agreement that meets the definition of school district interlocal cooperation agreement for shared schools.
  - (f) As used in this section:
- (1) "School district interlocal cooperation agreement for shared schools" means an agreement which is entered into by the boards of education of two or more school districts pursuant to the provisions of this act.
  - (2) "State board" means the state board of education.

- Sec. 3. (a) The interlocal school board of directors shall approve an annual budget by simple majority of the board. Such budget shall be funded by full-time equivalent pupil contributions prorated on the basis of the residency of the pupils from among the participating school districts.
- Sec. 4. If additional land, facilities or capitol improvements are required to enable the interlocal school to be operational, then the interlocal board of directors shall establish a facilities budget. The interlocal board of directors shall publish the proposed facilities budget and conduct a public hearing thereon. The facilities budget shall be subject to the approval of each participating school district board of education.
- Sec. 5. (a) Participating school districts may combine district valuation for the calculation of the payment of new facilities and divide the debt evenly among participating districts.
- (b) Participating school district boards of education shall have the authority to publish and establish a levy for the purpose of contributing to the interlocal school facilities budget by simple majority vote of the board. This levy shall be considered a bond and interest levy in the district's budget.
- (c) No bonds shall be issued for shared school facilities until a resolution is published by each participating school district in accordance with subsection (d) and either: (1) No valid protest petition has been timely filed; or (2) an election has been held thereon and a majority of all school voters from the participating school districts voting thereon approve the bond issue.
- (d) No bonds may be issued under this section unless the board of education of each participating school district adopts a resolution authorizing such a bond issue and publishes the resolution at least once in a newspaper having general circulation in the district. The resolution shall be published in substantial compliance with the following form:

31 Unified School District No. \_\_\_\_\_\_,
32 \_\_\_\_\_\_ County, Kansas.
33 RESOLUTION

## Be It Resolved that:

The board of education of the above-named school district is a participating school district for shared schools. A bond issue in the amount of \$\_\_\_\_\_\_ is proposed to provide shared school facilities. The bond issue shall be authorized unless a petition in opposition to the same, signed by not less than 5% of the qualified electors of the school district, is filed in each participating school district with the county election officer of the home county of the school district within 30 days after the publication of this resolution. If such petitions are filed, the county election officers for the participating school districts shall submit the question of whether the bond issue shall be authorized in accordance with the provisions of this resolution to the electors of their participating school district at the next general election of

| 1 | the school district, as is specified by the interlocal school board of directors.          |
|---|--|
| 2 | CERTIFICATE  |
| 3 | This is to certify that the above resolution was duly adopted by the board of education of |
| 4 | Unified School District No,County, Kansas, on the  |
| 5 | day of, (year)   |
| 6 |  |
| 7 | Cloub of the board of education  |

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 bond issue shall become effective. If petitions are filed as provided in the resolution, the interlocal board of directors may notify the county election officer of each participating school district to submit the question of whether such bond issue shall be authorized. If the board fails to notify each 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 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.

- Sec. 6. (a) Participating school districts shall have the authority to make fund transfers from the general fund to the bond and interest fund, from the supplemental general fund to the bond and interest fund or from capital outlay fund to the bond and interest fund to be used to pay the district's contribution to the interlocal school building fund.
- (b) Participating districts shall make their contribution to the interlocal school facilities fund from the bond and interest fund.
- Sec. 7. School districts that participate in an interlocal agreement for shared schools that opens a new facility shall receive a 25% new facilities weighting on the district's computed general fund for the budget for the year the new facility opens, as well as the following two years.
- Sec. 8. This act shall take effect and be in force from and after its publication in the statute book.