

HOUSE BILL No. 2385

By Committee on Federal and State Affairs

3-11

1 AN ACT concerning school districts; creating the relevant efficient
2 academic learning education act; amending K.S.A. 72-8233 and
3 repealing the existing sections; also repealing K.S.A. 72-6406, 72-
4 6408, 72-6411, 72-6415, 72-6416, 72-6418, 72-6419, 72-6420, 72-
5 6422, 72-6423, 72-6424, 72-6427, 72-6429, 72-6432, 72-6436, 72-
6 6437, 72-6444, 72-6446, 72-6447, 72-7105a, 72-8237 and 72-8238 and
7 K.S.A. 2010 Supp. 72-3715, 72-3716, 72-6405, 72-6407, 72-6409, 72-
8 6410, 72-6412, 72-6413, 72-6414, 72-6414a, 72-6414b, 72-6415b, 72-
9 6417, 72-6421, 72-6425, 72-6426, 72-6428, 72-6430, 72-6431, 72-
10 6433, 72-6433d, 72-6434, 72-6434b, 72-6435, 72-6438, 72-6439, 72-
11 6439a, 72-6441, 72-6442b, 72-6443, 72-6445a, 72-6448, 72-6449, 72-
12 6450, 72-6451, 72-6452, 72-6453, 72-6454, 72-6455, 72-6456, 72-
13 6457, 72-6458, 72-6459, 72-64b01, 72-64c03, 72-8248, 72-8249, 72-
14 8250, 72-8254, 72-9509 and 72-9609.

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

16 New Section 1. (a) Sections 1 through 41, and amendments thereto,
17 shall be known and may be cited as the relevant efficient academic
18 learning education act, or REAL education act.

19 (b) Except as otherwise provided, the provisions of sections 1 through
20 41, and amendments thereto, shall apply in school year 2012-2013 and in
21 each school year thereafter.

22 (c) The provisions of the relevant efficient academic learning
23 education act are severable. If any provision, word, phrase or clause of the
24 act or the application thereof to any person is held invalid, such invalidity
25 shall not affect the validity of the remaining portions of the relevant
26 efficient academic learning education act.

27 New Sec. 2. As used in sections 1 through 41, and amendments
28 thereto, unless the context otherwise requires:

29 (a) "Act" means the relevant efficient academic learning education
30 act.

31 (b) "At-risk pupil" means: (1) A pupil who is enrolled in any of the
32 grades four through 12 and who is on academic warning or does not meet
33 the standard on the mathematics or reading state assessment during the
34 preceding school year and who is enrolled in a district which maintains an
35 approved proficiency assistance plan; or (2) a pupil who is enrolled in any

1 grades below fourth grade and who is eligible for free meals under the
2 national school lunch act and who is enrolled in a district which maintains
3 an approved at-risk pupil assistance plan.

4 (c) "At-risk pupil state aid" means block grant at-risk pupil state aid
5 and individual at-risk pupil state aid payable to districts as provided by
6 sections 15 and 17, respectively, and amendments thereto.

7 (d) "Base state aid per pupil" means the amount of instructional state
8 aid per pupil as determined pursuant to section 8, and amendments thereto.

9 (e) "Board" means the board of education of a school district.

10 (f) "Career development facilitator" means a person licensed by the
11 state board as a career development facilitator, or any person who is a
12 nationally certified career technical education provider.

13 (g) "Career technical education" means courses of instruction or class
14 work which will prepare pupils who intend to enter the workforce directly
15 upon graduation from high school or who intend to pursue a postsecondary
16 certificate or degree with an emphasis in career technical education.

17 (h) "Career technical education program" means an organized
18 educational program offering a sequence of courses which are directly
19 related to the preparation of individuals in paid or unpaid employment in
20 current or emerging occupations requiring other than a baccalaureate or
21 advanced degree. Such programs shall include competency-based applied
22 learning which contributes to an individual's academic knowledge, higher-
23 order reasoning and problem-solving skills, work attitudes, general
24 employability skills and the occupational-specific skills necessary for
25 economic independence as a productive and contributing member of
26 society.

27 (i) "Co-curricular activities" means pupil activities which
28 complement a particular curricular class, but which provide no academic
29 credit including, but not limited to, shows, performances or contests of
30 debate, forensics, band, vocational-agriculture shows, FFA and other
31 before-school and after-school performance activities.

32 (j) "Current school year" means the school year during which
33 instructional state aid is determined by the state board under section 19,
34 and amendments thereto.

35 (k) "Disaster" means the occurrence of widespread or severe damage,
36 injury or loss of life or property resulting from disease, flood, earthquake,
37 tornado, wind, storm, drought, blight or infestation.

38 (l) "District" means a school district organized under the laws of this
39 state which is maintaining public school for a school term in accordance
40 with the provisions of K.S.A. 72-1106, and amendments thereto.

41 (m) "Education provider" means those persons whose work routinely,
42 frequently and necessarily involves instructional contact and interaction
43 with students and specifically includes any teacher, counselor, librarian,

1 paraprofessional and any principal who is an instructional leader.

2 (n) "Enrichment state aid" means the amount of state aid payable to
3 districts pursuant to section 24, and amendments thereto.

4 (o) "Enrollment" means the number of pupils regularly enrolled in a
5 district computed on a full-time equivalent basis in the manner provided
6 by section 6, and amendments thereto.

7 (p) "Extra-curricular activities" means student activities connected
8 with school but which provide no academic credit and are not directly
9 associated with a particular curricular class including, but not limited to,
10 athletics, cheerleading, academic contests, participation in student
11 government and student or school clubs.

12 (q) "February 20" has its usual meaning, except that in any year in
13 which February 20 is not a day on which school is maintained, it shall
14 mean the first day after February 20 on which school is maintained.

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

26 (s) "Institution" means a postsecondary educational institution, or a
27 private postsecondary educational institution located within the state of
28 Kansas.

29 (t) (1) "Instructional expense" or "instructional purpose" means any
30 expense of a school district for:

31 (A) Activities dealing directly with the interaction between a student
32 and an education provider and may be provided in a school classroom or
33 through the internet, television, radio, computer, multimedia, telephone or
34 correspondence that is delivered inside or outside the classroom and other
35 teacher-student settings or through other approved media in another
36 location such as a home, hospital or in other learning situations;

37 (B) education providers and professional development for educational
38 providers;

39 (C) activities of aides or classroom assistants of any type including,
40 but not limited to, clerks and graders which assist in the instructional
41 process; or

42 (D) laptops, software, textbooks, consumable materials such as
43 workbooks and other classroom educational materials and supplies.

1 (2) "Instructional expense" or "instructional purpose" does not mean
2 any expense of a school district for:

3 (A) Any person when acting in the capacity as an athletic or other
4 coach, or any other person when providing or assisting in the provision of
5 co-curricular activities or extra-curricular activities; or

6 (B) capital outlay or capital improvements.

7 (u) "Instructional fund" means the fund of a district from which
8 instructional expenses are paid and in which is deposited the proceeds
9 from the tax levied under section 11, and amendments thereto, all amounts
10 paid under the act for instructional state aid, at-risk pupil state aid and low
11 enrollment state aid, payments of federal funds made available under the
12 provisions of title I of public law 874, except amounts received for
13 assistance in cases of major disaster and amounts received under the low-
14 rent housing program, and such other moneys as are provided by law.

15 (v) "Instructional fund budget" means the amount budgeted for
16 instructional expenses in the instructional fund of a district.

17 (w) "Instructional state aid" means an amount equal to the product
18 obtained by multiplying base state aid per pupil by the enrollment of a
19 district plus any amount attributable to low enrollment state aid and at-risk
20 state aid.

21 (x) "Juvenile detention facility" has the meaning ascribed thereto by
22 K.S.A. 72-8187, and amendments thereto.

23 (y) "KIDS" means the Kansas individual data on student system.

24 (z) "Local moneys" means the revenue derived from the tax levies
25 imposed pursuant to sections 27 and 30, and amendments thereto, for the
26 purposes of funding the non-instructional budget.

27 (aa) "Low enrollment state aid" means a payment to qualifying
28 districts under section 14, and amendments thereto, on the basis of costs
29 attributable to maintenance of educational programs by such districts in
30 comparison with costs attributable to maintenance of educational programs
31 by districts which do not qualify for low enrollment state aid.

32 (bb) "Member school district" means a unified school district
33 organized under the laws of this state which is maintaining public school
34 for a school term in accordance with the provisions of K.S.A. 72-1106, and
35 amendments thereto, whose central office is located within the boundaries
36 of the school funding benefit district.

37 (cc) "Military pupil" means a person who is a dependent of a full-
38 time active duty member of the military service or a dependent of a
39 member of any of the United States military reserve forces who has been
40 ordered to active duty under 10 U.S.C. §§ 12301, 12302 or 12304, or
41 ordered to full-time active duty for a period of more than 30 consecutive
42 days under 32 U.S.C. §§ 502(f) or 512 for the purposes of mobilizing for
43 war, international peacekeeping missions, national emergency or homeland

1 defense activities.

2 (dd) (1) "Non-instructional expense" or "non-instructional purpose"
3 means any expense of a school district for:

4 (A) Co-curricular activities or extra-curricular activities;

5 (B) utilities; or

6 (C) other expenses not specifically included within the definition of
7 instructional expenses.

8 (2) "Non-instructional expense" or "non-instructional purpose" does
9 not mean any expense of a school district for capital outlay or capital
10 improvements.

11 (ee) "Non-instructional state aid" means the amount of state aid
12 payable to districts pursuant to section 28, and amendments thereto.

13 (ff) "Personal student scholarship account" or "PSS account" means
14 an individual account maintained by the state board for each pupil or
15 student enrolled in a public school from which the cost of providing
16 instruction to such student is deducted.

17 (gg) "Postsecondary educational institution" has the meaning ascribed
18 thereto in K.S.A. 74-3201b, and amendments thereto.

19 (hh) "Preceding school year" means the school year immediately
20 before the current school year.

21 (ii) "Preschool-aged at-risk pupil" means a pupil who is eligible for
22 free meals under the national school lunch act, has attained the age of four
23 years, is under the age of eligibility for attendance at kindergarten and has
24 been selected by the state board in accordance with guidelines consonant
25 with guidelines governing the selection of pupils for participation in head
26 start programs.

27 (jj) "Preschool-aged exceptional child" means an exceptional child,
28 except a gifted child, who has attained the age of three years but is under
29 the age of eligibility for attendance at kindergarten.

30 (kk) "Private postsecondary educational institution" has the meaning
31 ascribed thereto in K.S.A. 74-3201b, and amendments thereto.

32 (ll) "Psychiatric residential treatment facility" has the meaning
33 ascribed thereto by K.S.A. 72-8187, and amendments thereto.

34 (mm) (1) "Pupil" means any person who is regularly enrolled in a
35 district and attending kindergarten or any of the grades one through 12
36 maintained by the district, who is regularly enrolled in a district and
37 attending kindergarten or any of the grades one through 12 in another
38 district in accordance with an agreement entered into under authority of
39 K.S.A. 72-8233, and amendments thereto, or who is regularly enrolled in a
40 district and attending special education services provided for preschool-
41 aged exceptional children by the district.

42 (2) (A) The following shall be counted as one pupil:

43 (i) A pupil in attendance full-time;

1 (ii) a pupil attending kindergarten;
2 (iii) except as provided in subparagraph (B), a pupil enrolled in a
3 district and attending special education and related services, provided for
4 by the district; and

5 (iv) a pupil in the custody of the secretary of social and rehabilitation
6 services or in the custody of the commissioner of juvenile justice and
7 enrolled in unified school district No. 259, Sedgwick county, Kansas, but
8 housed, maintained and receiving educational services at the Judge James
9 V. Riddel Boys Ranch.

10 (B) The following shall be counted as $\frac{1}{2}$ pupil:

11 (i) A pupil enrolled in a district and attending special education and
12 related services for preschool-aged exceptional children provided for by
13 the district; and

14 (ii) a preschool-aged at-risk pupil enrolled in a district and receiving
15 services under an approved at-risk assistance plan maintained by the
16 district.

17 (C) A pupil in attendance part-time shall be counted as that
18 proportion of one pupil (to the nearest $\frac{1}{10}$) that the pupil's attendance bears
19 to full-time attendance.

20 (D) A pupil enrolled in and attending an institution of postsecondary
21 education which is authorized under the laws of this state to award
22 academic degrees shall be counted as one pupil if the pupil's postsecondary
23 education enrollment and attendance together with the pupil's attendance
24 in either of the grades 11 or 12 is at least $\frac{5}{6}$ time, otherwise the pupil shall
25 be counted as that proportion of one pupil (to the nearest $\frac{1}{10}$) that the total
26 time of the pupil's postsecondary education attendance and attendance in
27 grade 11 or 12, as applicable, bears to full-time attendance.

28 (E) A pupil enrolled in and attending an approved technical college or
29 the institute of technology, or an approved vocational education program
30 shall be counted as one pupil if the pupil's career technical education
31 enrollment and attendance together with the pupil's attendance in any of
32 grades nine through 12 is at least $\frac{5}{6}$ time, otherwise the pupil shall be
33 counted as that proportion of one pupil (to the nearest $\frac{1}{10}$) that the total
34 time of the pupil's career technical education attendance and attendance in
35 any of grades nine through 12 bears to full-time attendance.

36 (F) A pupil who is a resident of the state of Kansas and who is
37 enrolled in a district and attending a virtual school shall be counted in the
38 same manner as a pupil attending a nonvirtual school.

39 (3) The following shall not be counted:

40 (A) A pupil residing at the Flint Hills job corps center;

41 (B) except as provided in paragraph (2), a pupil confined in and
42 receiving educational services provided for by a district at a juvenile
43 detention facility; and

1 (C) a pupil enrolled in a district but housed, maintained and receiving
2 educational services at a state institution or a psychiatric residential
3 treatment facility.

4 (nn) "School year" means the 12-month period ending June 30.

5 (oo) "September 20" has its usual meaning, except that in any year in
6 which September 20 is not a day on which school is maintained, it shall
7 mean the first day after September 20 on which school is maintained.

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

12 (qq) "State board" means the state board of education.

13 (rr) "Supplemental instructional state aid" means the amount of state
14 aid payable to districts pursuant to section 12, and amendments thereto.

15 (ss) "Supplemental non-instructional state aid" means the amount of
16 state aid payable to districts pursuant to section 32, and amendments
17 thereto.

18 (tt) "Taxable tangible property" means any real property, personal
19 property, motor vehicles and state assessed property which is not otherwise
20 exempt from property tax.

21 (uu) "Technology education" means an applied discipline designed to
22 promote technological literacy which provides knowledge and
23 understanding of the impacts of technology including its organizations,
24 techniques, tools and skills to solve practical problems and extend human
25 capabilities in technological areas and which typically culminates in a
26 recognized technical certificate.

27 (vv) "Virtual school" has the same meaning ascribed thereto in
28 K.S.A. 72-3712, and amendments thereto.

29 New Sec. 3. (a) In order to carry out its constitutional duty to make
30 suitable provision for the educational interests of the state, the legislature
31 shall provide funding to school districts for instructional expenses in an
32 amount which would allow districts to provide all courses of instruction
33 that students are required to complete to meet high school graduation
34 requirements, the necessary courses of instruction, as determined by the
35 local board of education, that students are required to complete in order to
36 meet qualified admission requirements and the necessary courses of
37 instruction, as determined by the local board of education, to attain a
38 recognized career and technical education certificate upon graduation from
39 high school, or which provides a reasonable expectation of attaining a
40 recognized career and technical education certificate upon graduation from
41 a technical college.

42 (b) The state board shall adopt such policies and procedures
43 necessary to ensure that funds provided for the instructional expenses of a

1 pupil are distributed to the school or other facility providing the
2 educational services to such pupil in an amount that is proportional to the
3 amount of educational services being provided.

4 New Sec. 4. (a) In order to accomplish the mission for Kansas
5 education, the state board of education shall design and adopt a school
6 performance accreditation system based upon improvement in
7 performance that reflects high academic standards and is measurable.

8 (b) The state board shall establish curriculum standards which reflect
9 high academic standards for the core academic areas of mathematics,
10 science, reading, writing and social studies. The curriculum standards shall
11 be reviewed at least every seven years. Nothing in this subsection shall be
12 construed in any manner so as to impinge upon any district's authority to
13 determine its own curriculum.

14 (c) (1) Except as provided by paragraph (2), the state board shall
15 provide for statewide assessments in the core academic areas of
16 mathematics, science, reading, writing and social studies. The board shall
17 ensure compatibility between the statewide assessments and the
18 curriculum standards established pursuant to subsection (b). Such
19 assessments shall be administered at three grade levels, as determined by
20 the board. The state board shall determine performance levels on the
21 statewide assessments, the achievement of which represents high academic
22 standards in the academic area at the grade level to which the assessment
23 applies. The state board should specify high academic standards both for
24 individual performance and school performance on the assessments.

25 (2) Any student in grades 11 and 12 who is enrolled in the career
26 technical education curriculum of a district shall not be required to take the
27 statewide assessments provided under paragraph (1) if such student takes
28 an appropriate work-readiness certificate assessment. The results of such
29 work-readiness certificate assessment shall suffice for the purposes of
30 determining quality performance accreditation and adequate yearly
31 progress results.

32 (d) Each school in every district shall establish a school site council
33 composed of the principal and representatives of teachers and other school
34 personnel, parents of pupils attending the school, the business community
35 and other community groups. School site councils shall be responsible for
36 providing advice and counsel in evaluating state, school district and school
37 performance goals and objectives and in determining the methods that
38 should be employed at the school to meet these goals and objectives.
39 School site councils may make recommendations and proposals to the
40 school board regarding budgetary items and school district matters,
41 including, but not limited to, identifying and implementing the best
42 practices for developing efficient and effective administrative and
43 management functions. School site councils also may help school boards

1 analyze the unique environment of schools, enhance the efficiency and
2 maximize limited resources, including outsourcing arrangements and
3 cooperative opportunities as a means to address limited budgets.

4 (e) Within the 16 career clusters established by the state board, the
5 state board shall align curriculum standards which reflect high academic
6 standards for mathematics, language arts and science with nationally or
7 state recognized career and technical certifications in order that all or part
8 of the graduation requirements for mathematics, language arts and science
9 may be achieved within the career and technical curriculum in order that a
10 student who has entered a career and technical cluster may achieve one or
11 more appropriate certifications at the same time that the student is
12 achieving a high school diploma, or if the student does not achieve the
13 appropriate certification by the time the student receives a high school
14 diploma, the student has the opportunity to move seamlessly into
15 postsecondary education to finish the certification.

16 New Sec. 5. (a) In school year 2011-2012 and in each school year
17 thereafter, the board of every district shall record and report all
18 expenditures and receipts of the district using a uniform chart of accounts
19 adopted by the state board. Such records and reports shall be audited and
20 the results of such audits shall be reported to the state board.

21 (b) The state board may adopt rules and regulations for the
22 implementation of this section, including rules and regulations providing
23 for the classification of expenditures and receipts of districts to ensure
24 uniform reporting of such expenses and receipts.

25 New Sec. 6. (a) The enrollment of a school district shall be
26 determined in the manner provided by this section.

27 (b) Unless otherwise specifically provided, the enrollment of a district
28 shall be the number of pupils regularly enrolled in the district on
29 September 20.

30 (c) For districts scheduling the school days or school hours of the
31 school term on a trimestral or quarterly basis, the enrollment of the district
32 shall be the full-time equivalent number of pupils regularly enrolled in the
33 district on September 20 plus the full-time equivalent number of pupils
34 regularly enrolled in the district on February 20 less the full-time
35 equivalent number of pupils regularly enrolled on February 20 who were
36 counted in the enrollment of the district on September 20.

37 (d) If enrollment in a district in any school year has decreased from
38 enrollment in the preceding school year, enrollment of the district in the
39 current school year means whichever is the greater of: (1) The enrollment
40 in the preceding school year minus enrollment in such school year of
41 preschool-aged at-risk pupils, if any such pupils were enrolled, plus
42 enrollment in the current school year of preschool-aged at-risk pupils, if
43 any such pupils are enrolled; or (2) the sum of enrollment in the current

1 school year of preschool-aged at-risk pupils, if any such pupils are
2 enrolled and the average (mean) of the sum of: (A) The enrollment of the
3 district in the current school year minus enrollment in such school year of
4 preschool-aged at-risk pupils, if any such pupils are enrolled; (B) the
5 enrollment in the preceding school year minus enrollment in such school
6 year of preschool-aged at-risk pupils, if any such pupils were enrolled; and
7 (C) enrollment in the school year next preceding the preceding school year
8 minus enrollment in such school year of preschool-aged at-risk pupils, if
9 any such pupils were enrolled.

10 (e) If the state board determines that the enrollment of a school
11 district in the preceding school year had decreased from the enrollment in
12 the second preceding school year and that a disaster had contributed to
13 such decrease, the enrollment of such district in the second school year
14 following the school year in which the enrollment of the school district
15 was first affected by the disaster shall be the greater of:

16 (1) The enrollment of preschool-aged at-risk pupils, if any, plus the
17 average of the enrollment for the current and the preceding three school
18 years, excluding the enrollment of preschool-age at-risk pupils in each
19 such year; or

20 (2) the enrollment of the district as otherwise determined by this
21 section.

22 (f) (1) For districts whose enrollment includes military pupils, the
23 enrollment of the district shall be determined pursuant to this subsection.
24 Each school year, the state board shall: (A) Determine the number of
25 pupils enrolled in each such district on September 20; and (B) determine
26 the number of military pupils enrolled in each such district on February 20,
27 who were not enrolled on the preceding September 20;

28 (2) (A) If the number obtained under paragraph (1)(B) is equal to or
29 greater than 25, an amount equal to such number obtained under paragraph
30 (1)(B) shall be added to the number determined under paragraph (1)(A).
31 The resulting sum is the enrollment of the district.

32 (B) If the number obtained under paragraph (1)(B) is at least 1% of
33 the number determined under paragraph (1)(A), an amount equal to such
34 number obtained under paragraph (1)(B) shall be added to the number
35 determined under paragraph (1)(A). The resulting sum is the enrollment of
36 the district.

37 (3) Districts desiring to determine enrollment under this subsection
38 shall submit any documentation or information required by the state board.

39 (4) This subsection shall only apply for school year 2012-2013.

40 (g) (1) In order to be included in the full-time equivalent enrollment
41 of a virtual school, a pupil shall be a resident of the state of Kansas and
42 shall be in attendance at the virtual school on: (A) A single school day on
43 or before September 19 of each school year; and (B) a single school day

1 on or after September 20, but before October 4 of each school year.

2 (2) A school district which offers a virtual school shall determine the
3 full-time equivalent enrollment of each pupil enrolled in the virtual school
4 on September 20 of each school year as follows:

5 (A) Determine the number of hours the pupil was in attendance on a
6 single school day on or before September 19 of each school year;

7 (B) determine the number of hours the pupil was in attendance on a
8 single school day on or after September 20, but before October 4 of each
9 school year;

10 (C) add the numbers obtained under paragraphs (A) and (B); and

11 (D) divide the sum obtained under paragraph (C) by 12. The resulting
12 quotient is the full-time equivalent enrollment of the pupil.

13 (3) The school days on which a district determines the full-time
14 equivalent enrollment of a pupil under paragraphs (2)(A) and (2)(B) shall
15 be the school days on which the pupil has the highest number of hours of
16 attendance at the virtual school. No more than six hours of attendance may
17 be counted in a single school day. Attendance may be shown by a pupil's
18 on-line activity or entries in the pupil's virtual school journal or log of
19 activities.

20 (h) A pupil who is a foreign exchange student shall not be counted in
21 the enrollment of a district unless such student is regularly enrolled in the
22 district on September 20 and attending kindergarten or any of the grades
23 one through 12 maintained by the district for at least one semester or two
24 quarters, or the equivalent thereof.

25 New Sec. 7. (a) On or before August 25 of each year, the clerk or
26 superintendent of each district shall certify, under oath, to the state board a
27 copy of the instructional fund budget adopted by the district and, if
28 adopted by the district, a copy of the non-instructional fund budget and
29 enrichment fund budget.

30 (b) On or before October 10 of each school year, the clerk or
31 superintendent of each district shall certify, under oath, to the state board a
32 report showing the total enrollment of the district by grades maintained in
33 the schools of the district and such other reports as the state board may
34 require. Each report shall show postsecondary education enrollment,
35 special education enrollment and at-risk pupil enrollment in such detail
36 and form as specified by the state board. Upon receipt of such reports, the
37 state board shall examine the reports and if the state board finds any errors
38 in any such report, the state board shall consult with the district officer
39 furnishing the report and make such corrections in the report as are
40 necessary.

41 New Sec. 8. (a) Each school year the state board shall determine the
42 average amount expended per pupil by school districts for instructional
43 expenses for the following grade level tiers:

1 (1) Tier 1, which shall include elementary grade levels and below.

2 (2) Tier 2, which shall include middle school and junior high grade
3 levels.

4 (3) Tier 3, which shall include high school grade levels and shall
5 include career technical education courses of instruction or class work
6 which will prepare pupils who intend to enter the workforce directly upon
7 graduation from high school or who intend to pursue a postsecondary
8 certificate or degree with an emphasis in career technical education. The
9 state board shall coordinate with the postsecondary technical education
10 authority to design a tier system for classifying technical education courses
11 by cost, which works in conjunction with any such system implemented at
12 the postsecondary level.

13 (4) Tier 4, which shall include high school grade levels and shall
14 consist of courses of instruction or class work which prepare pupils who
15 intend to pursue a postsecondary degree with an emphasis in areas other
16 than career technical education.

17 (b) Each school year every school district shall report the amount of
18 moneys expended by the district as instructional expenses. Expenditures
19 from the enrichment fund of a district shall be reported separately from
20 expenditures from the instructional fund of a district. All expenditures
21 shall be reported using the uniform chart of accounts adopted by the state
22 board.

23 (c) The state board shall analyze the expenditure information
24 submitted pursuant to subsection (b), and based on such analysis the state
25 board shall recommend to the legislature the amount of base state aid per
26 pupil which shall be equal in amount to the average amount expended for
27 the four grade tier levels.

28 (d) (1) The amount of base state aid per pupil for all grade levels in
29 school year 2012-2013 shall be \$4,385. For every school year thereafter
30 the amount of base state aid per pupil for all grade levels shall be the
31 amount recommended by the state board pursuant to subsection (c). If the
32 state board does not make any recommendation as to the amount of base
33 state aid per pupil, then the amount of base state aid per pupil shall be the
34 same amount as determined for the immediately preceding school year.

35 (2) The amount of base state aid per pupil is subject to reduction
36 commensurate with any reduction under K.S.A. 75-6704, and amendments
37 thereto, in the amount of the appropriation from the state general fund for
38 instructional state aid. If the amount of appropriations for instructional
39 state aid is insufficient to pay in full the amount each district is entitled to
40 receive for any school year, the amount of base state aid per pupil for such
41 school year is subject to reduction commensurate with the amount of the
42 insufficiency.

43 New Sec. 9. Whenever a new district has been established or the

1 boundaries of a district have been changed, the state board shall make
2 appropriate revisions concerning the affected districts as may be necessary
3 for the purposes of this act to reflect such establishment of a district or
4 changes in boundaries. Such revisions shall be based on the most reliable
5 data obtainable from the superintendent of the district and the county
6 clerk.

7 New Sec. 10. (a) In each school year, the board of each school
8 district, by resolution, shall adopt an instructional fund budget.

9 (b) There is hereby established in every district a fund which shall be
10 called the instructional fund, which fund shall consist of all moneys
11 deposited therein or transferred thereto according to law. The expenses of a
12 district directly attributable to the provision of instruction shall be paid
13 from the instructional fund.

14 (c) (1) The board may transfer moneys from the instructional fund to
15 any program fund of the district, subject to the following conditions:

16 (A) No moneys shall be transferred in any amount from the
17 instructional fund to a program fund prior to maturation of the obligation
18 of the fund necessitating the transfer;

19 (B) moneys shall not be transferred in an amount that exceeds the
20 amount of the obligation of the program fund necessitating the transfer;

21 (C) moneys may be transferred from the instructional fund to the
22 textbook and student materials revolving fund.

23 (d) (1) No district shall expend, use or transfer any moneys from the
24 instructional fund of the district for the purpose of:

25 (A) Engaging in or supporting in any manner any litigation by the
26 district or any person, association, corporation or other entity against the
27 state of Kansas, the state board of education, the state department of
28 education, other state agency or any state officer or employee regarding
29 the REAL act or any other law concerning school finance;

30 (B) providing payments, donations or other funding to any person,
31 association, corporation or other entity for use in any such litigation
32 described in paragraph (A); or

33 (C) lobbying at the state or federal level.

34 (2) Districts may provide funding for activities described in
35 paragraph (1) from the non-instructional fund of the district.

36 New Sec. 11. (a) The board of each district shall levy an ad valorem
37 tax upon the taxable tangible property of the district in the school years
38 specified in subsection (b) for the purpose of:

39 (1) Financing that portion of the district's instructional fund budget
40 which is not financed from any other source provided by law;

41 (2) financing the instructional fund budget of the district in
42 fulfillment of the legislature's duty under article 6 of the constitution of the
43 state of Kansas to provide for the intellectual, educational, vocational and

1 scientific improvement and to make suitable provision for finance of the
2 educational interests of the state; and

3 (3) with respect to any redevelopment district established prior to July
4 1, 1997, pursuant to K.S.A. 12-1771, and amendments thereto, paying a
5 portion of the principal and interest on bonds issued by cities under
6 authority of K.S.A. 12-1774, and amendments thereto, for the financing of
7 redevelopment projects upon property located within the district.

8 (b) The tax required under subsection (a) shall be levied at a rate of
9 20 mills in the school year 2012-2013 and school year 2013-2014.

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

16 (d) On June 6 of each year, the amount, if any, by which the revenue
17 derived from the tax imposed pursuant to this section exceeds the amount
18 of the district's instructional state aid, as determined by the state board,
19 shall be remitted to the state treasurer. Upon receipt of any such
20 remittance, the state treasurer shall deposit the same in the state treasury to
21 the credit of the state school district finance fund.

22 (e) No district shall proceed under K.S.A. 79-1964, 79-1964a or 79-
23 1964b, and amendments thereto.

24 New Sec. 12. (a) In each school year, the state board shall
25 determine entitlement of each district to supplemental instructional state
26 aid for the school year as provided in this section.

27 (b) The state board shall determine the amount of the revenue derived
28 from the tax imposed pursuant to section 11, and amendments thereto, for
29 the school year. If the amount of revenue derived from such tax is greater
30 than the amount of instructional state aid determined for the district for the
31 school year, the district shall not be entitled to supplemental instructional
32 state aid. If the amount of the revenue derived from such tax is less than
33 the amount of instructional state aid determined for the district for the
34 school year, the state board shall subtract the amount of revenue derived
35 from such tax from the amount of instructional state aid as determined by
36 the state board. The resulting remainder is the amount of supplemental
37 instructional state aid the district is entitled to receive for the current
38 school year.

39 New Sec. 13. (a) The state school district finance fund, established
40 by K.S.A. 1991 Supp. 72-7081 prior to its repeal by the school district
41 finance and quality performance act, is hereby continued in existence and
42 shall consist of all moneys credited or transferred to such fund.

43 (b) The state school district finance fund shall be used for the purpose

1 of school district finance and for no other governmental purpose. It is the
2 intent of the legislature that the fund shall remain intact and inviolate for
3 such purpose, and moneys in the fund shall not be subject to the provisions
4 of K.S.A. 75-3722, 75-3725a and 75-3726a, and amendments thereto.

5 (c) Amounts in the state school district finance fund shall be allocated
6 and distributed to school districts as a portion of instructional state aid
7 entitlements provided for under this act.

8 New Sec. 14. (a) The low enrollment state aid of each school
9 district shall be determined by the state board as provided by this section.

10 (b) For districts with an enrollment equal to or greater than 800
11 pupils, the low enrollment state aid shall be \$0.

12 (c) For districts with an enrollment of more than 300 pupils, but less
13 than 800 pupils, the low enrollment state aid shall be determined as
14 follows:

- 15 (1) Determine the full-time equivalent enrollment of the district;
- 16 (2) subtract 300 from the number determined under paragraph (1);
- 17 (3) multiply the difference obtained under paragraph (2) by \$2.40;
- 18 (4) subtract the product obtained under paragraph (3) from \$1,200;
- 19 and

20 (5) multiply the difference obtained under paragraph (4) by the
21 number determined under paragraph (1). The resulting product is the low
22 enrollment state aid for the district.

23 (c) For districts with an enrollment equal to or less than 300 pupils,
24 the low enrollment state aid shall be equal to the product obtained by
25 multiplying \$1,200 by the enrollment of a district.

26 New Sec. 15. (a) In each school year the block grant at-risk pupil
27 state aid of each school district shall be determined by the state board as
28 follows:

29 (1) Determine the full-time equivalent enrollment of at-risk pupils in
30 the district in pre-school and in grades below the fourth-grade level; and

31 (2) multiply the number determined under paragraph (1) by \$1,600.
32 The resulting product is the block grant at-risk pupil state aid of the
33 district.

34 (b) All block grant at-risk pupil state aid shall be deposited in the at-
35 risk education block grant fund.

36 (c) (1) Except as provided in paragraph (2), at least 10% of the
37 amount a district receives as block grant at-risk state aid shall be used by
38 the district for achieving mastery of basic reading skills by completion of
39 the third grade in accordance with standards and outcomes of mastery
40 identified by the state board under K.S.A. 72-7534, and amendments
41 thereto.

42 (2) A district whose pupils substantially achieve the state board
43 standards and outcomes of mastery of reading skills upon completion of

1 third grade may be released, upon request, by the state board from the
2 requirements of paragraph (1).

3 (d) A district shall include such information in its at-risk pupil
4 assistance plan as the state board may require regarding the district's
5 remediation strategies and the results thereof in achieving the third-grade
6 reading standards and outcomes of mastery identified by the state board.
7 The reporting requirements shall include information documenting
8 remediation strategies and improvement made by pupils who performed
9 below the expected standard on the second-grade diagnostic reading test
10 prescribed by the state board.

11 New Sec. 16. (a) There is hereby established in every district a fund
12 which shall be called the at-risk education block grant fund, which fund
13 shall consist of all moneys deposited therein or transferred thereto
14 according to law. The expenses of a district directly attributable to
15 providing at-risk assistance or programs for preschool-aged at-risk pupils
16 and pupils in grades below the fourth-grade level shall be paid from the at-
17 risk education block grant fund.

18 (b) Any balance remaining in the at-risk education block grant fund at
19 the end of the budget year shall be carried forward in the at-risk education
20 block grant fund for succeeding budget years. Such fund shall not be
21 subject to the provisions of K.S.A. 79-2925 through 79-2937, and
22 amendments thereto. In preparing the budget of such school district, the
23 amounts credited to and the amount on hand in the at-risk education block
24 grant fund, and the amount expended therefrom shall be included in the
25 annual budget for the information of the residents of the school district.
26 Interest earned on the investment of moneys in any such fund shall be
27 credited to that fund.

28 (c) Each year the board of education of each school district shall
29 prepare and submit to the state board a report on the at-risk program or
30 assistance provided by the district. Such report shall include information
31 specifying the number of preschool-aged at-risk pupils and pupils in
32 grades below the fourth-grade level who were served or provided
33 assistance, the type of service provided, the research upon which the
34 district relied in determining that a need for service or assistance existed,
35 the results of providing such service or assistance and any other
36 information required by the state board.

37 (d) In order to achieve uniform reporting of the number of preschool-
38 aged at-risk pupils and pupils in grades below the fourth-grade level
39 provided service or assistance by school districts in at-risk programs,
40 districts shall report the number of such at-risk pupils served or assisted in
41 the manner required by the state board.

42 New Sec. 17. (a) In each school year the individual at-risk pupil
43 state aid of each school district shall be determined by the state board as

1 follows:

2 (1) Determine the full-time equivalent enrollment of at-risk pupils in
3 the district in grades four through 12; and

4 (2) multiply the number determined under paragraph (1) by \$2,720.
5 The resulting product is the individual at-risk pupil state aid of the district.

6 (b) All individual at-risk state aid received by districts for pupils in
7 grades four though 12 shall be deposited in the instructional fund of the
8 district and transferred to the individual at-risk education state aid fund for
9 accounting purposes and then shall be credited to the PSS account of each
10 such at-risk pupil.

11 New Sec. 18. (a) There is hereby established in every district a fund
12 which shall be called the individual at-risk education state aid fund, which
13 fund shall consist of all moneys deposited therein or transferred thereto
14 according to law. The expenses of a district directly attributable to
15 providing at-risk assistance or programs for pupils in grades four through
16 12 shall be paid from the individual at-risk education state aid fund.

17 (b) Any balance remaining in the individual at-risk education state aid
18 fund at the end of the budget year shall be allocated among the at-risk
19 pupils in grades four through 12 in the district and such allocated amounts
20 shall be credited to the PSS accounts of the at-risk pupils in grades four
21 through 12 in the district. The individual at-risk education state aid fund
22 shall not be subject to the provisions of K.S.A. 79-2925 through 79-2937,
23 and amendments thereto. In preparing the budget of such school district,
24 the amounts credited to and the amount on hand in the individual at-risk
25 education state aid fund, and the amount expended therefrom shall be
26 included in the annual budget for the information of the residents of the
27 school district. Interest earned on the investment of moneys in any such
28 fund shall be credited to that fund.

29 (c) Each year the board of education of each school district shall
30 prepare and submit to the state board a report on the at-risk program or
31 assistance provided by the district. Such report shall include information
32 specifying the number of at-risk pupils in grades four through 12 who
33 were served or provided assistance, the type of service provided, the
34 research upon which the district relied in determining that a need for
35 service or assistance existed, the results of providing such service or
36 assistance and any other information required by the state board.

37 (d) In order to achieve uniform reporting of the number of at-risk
38 pupils in grades four through 12 who were provided service or assistance
39 by school districts in at-risk programs, districts shall report the number of
40 such at-risk pupils served or assisted in the manner required by the state
41 board.

42 New Sec. 19. (a) The distribution of instructional state aid shall be
43 made in accordance with appropriation acts each year as provided in this

1 section.

2 (b) (1) Each month during the school year, each district shall
3 determine the amount of instructional expenses of the district for such
4 month and shall certify such amount to the state board. Each school district
5 also shall certify a list of KIDS numbers of pupils in the district for which
6 instructional state aid is due for such month.

7 (2) In the months of July through May of each school year, the state
8 board shall determine the amount of instructional state aid which will be
9 required by each district to pay the instructional expenses in each such
10 month. The amount determined by the state board under this provision is
11 the amount of instructional state aid which will be distributed to the
12 district in the months of July through May.

13 (3) In the month of June of each school year, subject to the provisions
14 of subsection (d), payment shall be made of the full amount of the
15 instructional state aid entitlement determined for the school year, less the
16 sum of the monthly payments made in the months of July through May.

17 (c) The state board shall prescribe the dates upon which the
18 distribution of payments of instructional state aid to school districts shall
19 be due. Payments of instructional state aid shall be distributed to districts
20 once each month on the dates prescribed by the state board. The state
21 board shall certify to the director of accounts and reports the amount due
22 as instructional state aid to each district in each of the months of July
23 through June. Such certification, and the amount of instructional state aid
24 payable from the state general fund, shall be approved by the director of
25 the budget. The director of accounts and reports shall draw warrants on the
26 state treasurer payable to the district treasurer of each district entitled to
27 payment of instructional state aid, pursuant to vouchers approved by the
28 state board. Upon receipt of such warrant, each district treasurer shall
29 deposit the amount of instructional state aid in the instructional fund.

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

39 New Sec. 20. (a) There shall be established a personal student
40 scholarship account for every student upon enrolling in a public school for
41 the first time in the state of Kansas. The PSS account shall be maintained
42 by the school district in which the student is enrolled. Each year an amount
43 equal to the base state aid per pupil and any low enrollment state aid and

1 at-risk state aid attributable to the pupil shall be credited to each student's
2 PSS account. Any moneys credited to a PSS account shall be expended by
3 a school district solely for the purpose of paying the instructional expenses
4 of such student.

5 (b) Each year a school district shall deduct from each student's PSS
6 account an amount equal to the average amount expended per pupil for
7 instructional expenses for the student's tier level as determined by the state
8 board under section 8, and amendments thereto, plus any low enrollment
9 state aid and at-risk state aid attributable to such student. Any balance
10 remaining in a student's PSS account at the end of the school year shall be
11 carried forward in such account for succeeding school years. Such
12 accounts shall not be subject to the provisions of K.S.A. 79-2925 through
13 79-2937, and amendments thereto. Reports of amounts credited to and the
14 amount on hand in a student's PSS account, and the amount expended
15 therefrom shall be available to the state board, student and the student's
16 parent. Interest earned on the investment of moneys in any such account
17 shall be credited to that account.

18 (c) If a student transfers to another school district in the state of
19 Kansas, the student's PSS account shall be transferred to the school district
20 in which the student is enrolled. If a student withdraws from enrollment in
21 a public school in the state of Kansas, any balance in the student's PSS
22 account shall remain in such account until the student returns to enrollment
23 in a public school in the state of Kansas or shall be credited to the state
24 school district finance fund as provided by subsection (e).

25 (d) Upon graduation from high school, any balance in a student's PSS
26 account shall be made available to such student for the payment of
27 expenses at a postsecondary institution.

28 (e) Any balance remaining in a student's PSS account at the end of
29 the school year in which such student reaches age 21 shall be transferred to
30 the state school district finance fund.

31 (f) The state board may adopt any rules and regulations deemed
32 necessary to implement the provisions of this section.

33 New Sec. 21. If a district expends in any school year an amount for
34 instructional expenses which exceeds its instructional fund budget, the
35 state board shall determine the excess and deduct the same from amounts
36 of instructional state aid payable to the district during the next school year.

37 New Sec. 22. (a) In each school year, the board of any district may
38 adopt, by resolution, an enrichment budget.

39 (b) There is hereby established in every district that adopts an
40 enrichment budget a fund which shall be called the enrichment fund. The
41 fund shall consist of all amounts deposited therein or credited thereto
42 according to law.

43 (c) Moneys in the enrichment fund may be used solely for

1 instructional expenses. Moneys in such fund shall be allocated equally
2 among all pupils in the district on a full-time equivalent basis and shall be
3 credited to the PSS account of each pupil in the district in the same manner
4 that the base state aid per pupil is credited under section 20, and
5 amendments thereto.

6 New Sec. 23. (a) The board of every district that has adopted an
7 enrichment budget may levy an ad valorem tax on the taxable tangible
8 property of the district for the purpose of financing the enrichment budget
9 of the district and to pay a portion of the principal and interest on bonds
10 issued by cities under authority of K.S.A. 12-1774, and amendments
11 thereto, for the financing of redevelopment projects upon property located
12 within the district.

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

19 (c) No district shall proceed under K.S.A. 79-1964, 79-1964a or 79-
20 1964b, and amendments thereto.

21 New Sec. 24. (a) In each school year, each district that has adopted
22 an enrichment budget is eligible for enrichment state aid. The amount of
23 enrichment state aid for a district shall be determined by the state board as
24 provided in this section.

25 (b) The state board shall:

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

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

30 (3) identify the amount of the assessed valuation per pupil located at
31 the 74.75 percentile of the amounts ranked under paragraph (2);

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

34 (5) (A) If the quotient obtained under paragraph (4) is less than 1.0,
35 the state board shall subtract the quotient obtained under paragraph (4)
36 from 1.0 and multiply the difference by the amount of the enrichment
37 budget of the district. The product shall be the amount of enrichment state
38 aid the district is entitled to receive for the school year.

39 (B) If the quotient obtained under paragraph (4) equals or exceeds
40 1.0, the eligibility of the district for entitlement to enrichment state aid
41 shall lapse.

42 (c) If the amount of appropriations for enrichment state aid is less
43 than the amount each district is entitled to receive for the school year, the

1 state board shall prorate the amount appropriated among the districts in
2 proportion to the amount each district is entitled to receive.

3 (d) The state board shall prescribe the dates upon which the
4 distribution of payments of enrichment state aid to school districts shall be
5 due. Payments of enrichment state aid shall be distributed to districts on
6 the dates prescribed by the state board. The state board shall certify to the
7 director of accounts and reports the amount due each district, and the
8 director of accounts and reports shall draw a warrant on the state treasurer
9 payable to the treasurer of the district. Upon receipt of the warrant, the
10 treasurer of the district shall credit the amount thereof to the enrichment
11 fund of the district to be used for the purposes of such fund.

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

21 New Sec. 25. (a) There is hereby established in every district a fund
22 which shall be called the special education fund, which fund shall consist
23 of all moneys deposited therein or transferred thereto according to law.
24 Notwithstanding any other provision of law, all moneys received by the
25 district from whatever source for special education shall be credited to the
26 special education fund established by this section, except that: (1)
27 Amounts of payments received by a district under K.S.A. 72-979, and
28 amendments thereto, and amounts of grants, if any, received by a district
29 under K.S.A. 72-983, and amendments thereto, shall be deposited in the
30 instructional fund of the district and transferred to the special education
31 fund; and (2) moneys received by a district pursuant to lawful agreements
32 made under K.S.A. 72-968, and amendments thereto, shall be credited to
33 the special fund established under the agreements.

34 (b) The expenses of a district directly attributable to special education
35 shall be paid from the special education fund and from special funds
36 established under K.S.A. 72-968, and amendments thereto.

37 (c) Obligations of a district pursuant to lawful agreements made
38 under K.S.A. 72-968, and amendments thereto, shall be paid from the
39 special fund established under such agreements.

40 New Sec. 26. (a) In each school year, the board of any district may
41 adopt, by resolution, a non-instructional budget.

42 (b) There is hereby established in every district that adopts a non-
43 instructional budget a fund which shall be called the non-instructional

1 fund. The fund shall consist of all amounts deposited therein or credited
2 thereto according to law.

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

7 (d) Amounts in the non-instructional fund shall not be expended to
8 pay instructional expenses.

9 (e) (1) The board may transfer moneys from the non-instructional
10 fund to the contingency reserve fund of the district.

11 (2) The board may transfer moneys from the non-instructional fund to
12 the capital outlay fund of the district.

13 (3) The board may transfer moneys from the non-instructional fund to
14 the special liability expense fund.

15 (f) Any unexpended balance remaining in the non-instructional fund
16 of a district at the conclusion of any school year in which a non-
17 instructional budget is adopted shall be carried forward in the non-
18 instructional fund for succeeding budget years.

19 New Sec. 27. (a) The board of every district that has adopted a non-
20 instructional budget may levy an ad valorem tax on the taxable tangible
21 property of the district for the purpose of financing that portion of the
22 district's non-instructional budget which is not financed from any other
23 source provided by law.

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

30 (c) No district shall proceed under K.S.A. 79-1964, 79-1964a or 79-
31 1964b, and amendments to such sections.

32 New Sec. 28. (a) In each school year, each district that has adopted
33 a non-instructional budget is eligible for non-instructional state aid. The
34 amount of non-instructional state aid for a district shall be determined by
35 the state board as provided in this section.

36 (b) The state board shall:

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

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

41 (3) identify the amount of the assessed valuation per pupil located at
42 the 74.75 percentile of the amounts ranked under paragraph (2);

43 (4) divide the assessed valuation per pupil of the district in the

1 preceding school year by the amount identified under paragraph (3); and

2 (5) (A) If the quotient obtained under paragraph (4) is less than 1.0,
3 the state board shall subtract the quotient obtained under paragraph (4)
4 from 1.0 and multiply the difference by the amount of the non-
5 instructional budget of the district. The product shall be the amount of
6 non-instructional state aid the district is entitled to receive for the school
7 year.

8 (B) If the quotient obtained under paragraph (4) equals or exceeds
9 1.0, the eligibility of the district for entitlement to non-instructional state
10 aid shall lapse.

11 (c) If the amount of appropriations for non-instructional state aid is
12 less than the amount each district is entitled to receive for the school year,
13 the state board shall prorate the amount appropriated among the districts in
14 proportion to the amount each district is entitled to receive as a matching
15 amount for the local moneys derived from the levy imposed by the school
16 board under section 27, and amendments thereto.

17 (d) The state board shall prescribe the dates upon which the
18 distribution of payments of non-instructional state aid to school districts
19 shall be due. Payments of non-instructional state aid shall be distributed to
20 districts on the dates prescribed by the state board. The state board shall
21 certify to the director of accounts and reports the amount due each district,
22 and the director of accounts and reports shall draw a warrant on the state
23 treasurer payable to the treasurer of the district. Upon receipt of the
24 warrant, the treasurer of the district shall credit the amount thereof to the
25 non-instructional fund of the district to be used for the purposes of such
26 fund.

27 (e) If any amount of non-instructional state aid that is due to be paid
28 during the month of June of a school year pursuant to the other provisions
29 of this section is not paid on or before June 30 of such school year, then
30 such payment shall be paid on or after the ensuing July 1, as soon as
31 moneys are available therefor. Any payment of non-instructional state aid
32 that is due to be paid during the month of June of a school year and that is
33 paid to school districts on or after the ensuing July 1 shall be recorded and
34 accounted for by school districts as a receipt for the school year ending on
35 the preceding June 30.

36 (f) (1) Moneys received as non-instructional state aid shall be
37 expended to pay the non-instructional expenses of the district.

38 (2) Moneys received as non-instructional state aid shall not be
39 expended to pay the instructional expenses of the district.

40 (3) Moneys received as non-instructional state aid shall not be
41 expended to pay capital outlay or capital improvement expenses of the
42 district.

43 New Sec. 29. (a) (1) The provisions of this subsection shall apply to

1 school districts which have been consolidated pursuant to the procedure
 2 established in article 87 of chapter 72 of the Kansas Statutes Annotated,
 3 and amendments thereto, if such consolidation is completed on or after
 4 July 1, 2012.

5 (2) If two or more school districts consolidate and if one or more of
 6 the former districts had an enrollment of less than 300 pupils on
 7 September 20 of the school year preceding the consolidation, the newly
 8 consolidated district shall be entitled to non-instructional state aid under
 9 this section as determined by the state board. For the school year in which
 10 the consolidation was completed and for the two school years following
 11 the school year in which the consolidation was completed, the district shall
 12 be entitled to 105% of the amount of non-instructional state aid as
 13 computed under the REAL act.

14 (b) (1) The provisions of this subsection shall apply to school districts
 15 which have been enlarged by the attachment of territory pursuant to the
 16 procedure established in article 73 of chapter 72 of the Kansas Statutes
 17 Annotated, and amendments thereto, if such attachment is completed on or
 18 after July, 2012.

19 (2) If any of the former school districts had an enrollment of less than
 20 300 pupils on September 20 of the school year preceding the attachment,
 21 the enlarged district shall be entitled to non-instructional state aid under
 22 this section as determined by the state board. For the school year in which
 23 the attachment was completed and for the two school years following the
 24 school year in which the attachment was completed, the district shall be
 25 entitled to 105% of the amount of non-instructional state aid as computed
 26 under the REAL act.

27 New Sec. 30. (a) The powers conferred by this section are for
 28 public uses or purposes for which public money may be expended. Powers
 29 granted pursuant to this section shall be in addition to any other power
 30 provided by law.

31 (b) As used in this section, the term “district” means any USD benefit
 32 district created pursuant to this section, the boundaries of each such district
 33 shall include all property located within the county or counties as specified
 34 in subsection (c).

35 (c) There are hereby created the following USD benefit districts for
 36 purposes provided by this act:

37 (1) District 1 includes all property located within the boundaries of
 38 Atchison, Brown, Doniphan, Jackson, Pottawatomie, Clay, Cloud, Jewell,
 39 Marshall, Nemaha, Republic and Washington counties;

40 (2) district 2 includes all property located within the boundaries of
 41 Jefferson and Leavenworth counties;

42 (3) district 3 includes all property located within the boundary of
 43 Wyandotte county;

- 1 (4) district 4 includes all property located within the boundaries of
2 Franklin, Linn, Miami, Bourbon, Cherokee and Crawford counties;
 - 3 (5) district 5 includes all property located within the boundaries of
4 Labette, Neosho, Allen, Anderson, Chautauqua, Elk, Montgomery, Wilson
5 and Woodson counties;
 - 6 (6) district 6 includes all property located within the boundaries of
7 Butler, Greenwood, Cowley and Sumner counties;
 - 8 (7) district 7 includes all property located within the boundaries of
9 Douglas and Osage counties;
 - 10 (8) district 8 includes all property located within the boundaries of
11 Shawnee and Wabaunsee counties;
 - 12 (9) district 9 includes all property located within the boundaries of
13 Chase, Coffey, Lyon, Marion, Morris, McPherson and Rice counties;
 - 14 (10) district 10 includes all property located within the boundaries of
15 Geary and Riley counties;
 - 16 (11) district 11 includes all property located within the boundaries of
17 Ottawa, Saline, Ellsworth, Lincoln and Dickinson counties;
 - 18 (12) district 12 includes all property located within the boundary of
19 Sedgwick county;
 - 20 (13) district 13 includes all property located within the boundaries of
21 Harvey and Reno counties;
 - 22 (14) district 14 includes all property located within the boundary of
23 Johnson county;
 - 24 (15) district 15 includes all property located within the boundaries of
25 Barber, Comanche, Edwards, Harper, Kingman, Kiowa, Pratt, Seward,
26 Stafford, Clark, Ford, Gray and Meade counties;
 - 27 (16) district 16 includes all property located within the boundaries of
28 Barton, Ellis, Hodgeman, Mitchell, Osborne, Pawnee, Phillips, Rush,
29 Russell and Smith counties; and
 - 30 (17) district 17 includes all property located within the boundaries of
31 Finney, Grant, Hamilton, Haskell, Kearney, Morton, Stanton, Stevens,
32 Cheyenne, Decatur, Gove, Graham, Greeley, Lane, Logan, Ness, Norton,
33 Rawlins, Rooks, Scott, Sheridan, Sherman, Thomas, Trego, Wallace and
34 Wichita counties.
- 35 (d) The governing board of each such USD benefit district shall
36 consist of seven members, as follows: Four members appointed by the
37 member school districts; and three members appointed by the board of
38 county commissioners of any county whose boundaries are located within
39 the district. The member school districts and boards of county
40 commissioners within each USD benefit district shall determine the
41 appointment methodology for such appointments based on the best
42 representation and effective determination of the needs of students within
43 the USD benefit district. The governing board shall elect a chairperson.

1 The board shall meet upon call of the chairperson as necessary to carry out
2 the board's duties under this section. Each appointment shall be for a
3 period of two years. Each member shall continue in such position until a
4 successor is appointed. Members shall be eligible for reappointment.
5 Whenever a vacancy occurs in the membership of the board, a successor
6 shall be selected to fill such vacancy in the same manner as and for the
7 unexpired term of the member such person is exceeding.

8 (e) The governing board shall have the following powers and duties:

9 (1) Authority to impose a district-wide USD benefit district sales tax
10 within the district pursuant to the provisions of this section; and

11 (2) authority to provide for the distribution of all revenue received
12 pursuant to the specifications of section 31, and amendments thereto, to
13 each member school district of the USD benefit district.

14 The governing board shall issue an annual report to the legislature. The
15 governing board shall be subject to legislative post audit. Meetings of the
16 governing board shall be subject to the Kansas open meetings act and
17 records of the governing board shall be subject to the Kansas open records
18 act.

19 (f) In addition to and notwithstanding any limitations on the
20 aggregate amount of retailers' sales tax contained in K.S.A. 12-187
21 through 12-192, and amendments thereto, any USD benefit district created
22 pursuant to this section may impose a district-wide sales tax on the selling
23 of taxable tangible personal property or rendering or furnishing services
24 taxable pursuant to the provisions of the Kansas retailers' sales tax act,
25 K.S.A. 79-3601 et seq., and the Kansas compensating tax act, K.S.A. 79-
26 3701 et seq., and amendments thereto, within the district and pledge the
27 revenue received therefrom for the purposes of funding of non-
28 instructional expenses, as defined in subsection (y) of section 2, and
29 amendments thereto, in each member school district of the district, in
30 increments of .05% and in an aggregate amount not to exceed 1%. The
31 provisions of K.S.A. 12-191, and amendments thereto, as may be
32 applicable, shall apply to any sales subject to the USD benefit district sales
33 tax imposed pursuant to this section.

34 (g) Prior to the imposition of any USD benefit district sales tax within
35 a district, the governing board of such district shall adopt a resolution
36 stating the board's intention to levy a USD benefit district sales tax for the
37 purpose of funding of non-instructional expenses of each of the member
38 school districts of such USD benefit district as provided pursuant to this
39 section. No governing board shall authorize a USD benefit district sales
40 tax prior to receiving notice of approval of such authority from the board
41 of education of each member school district. The governing board shall
42 give notice of the public hearing on the imposition of such USD benefit
43 district sales tax. Such notice shall be published at least once a week for

1 two consecutive weeks in the official county newspaper of each county
2 whose boundaries are located within the district. The second notice shall
3 be published at least seven days prior to the date of hearing. The notice
4 shall contain the following information: (1) The time and place of the
5 hearing; (2) the nature of the proposal for funding of non-instructional
6 education expenses; (3) the proposed amount of the USD benefit district
7 sales tax to be imposed and the termination date of such USD benefit
8 district sales tax; and (4) the estimated revenue to be distributed to the
9 unified school districts within the district. The hearing may be adjourned
10 from time to time. Following the hearing, the governing board may
11 authorize the imposition of the USD benefit district sales tax and the
12 purposes for which the revenue shall be used by adoption of the
13 appropriate resolution. Such resolution shall be effective upon publication
14 once in the official county newspaper of each county whose boundaries are
15 located within the district.

16 (h) The district is prohibited from administering or collecting such tax
17 locally, but shall utilize the services of the Kansas department of revenue
18 to administer, enforce and collect such tax. Except as provided in this act,
19 the tax authorized by this section shall be administered, collected and
20 subject to provisions of K.S.A. 12-187 to 12-197, inclusive, and
21 amendments thereto. Upon receipt of a certified copy of any resolution
22 authorizing the levy of a USD benefit district sales tax pursuant to this
23 section, the state director of taxation shall cause such tax to be collected
24 within the district and outside the boundaries of the district at the same
25 time and in the same manner provided for the collection of the state
26 retailers' sales tax and local retailers' sales tax. All taxes collected under
27 the provisions of this act shall be remitted by the secretary of revenue to
28 the state treasurer in accordance with the provisions of K.S.A 75-4215, and
29 amendments thereto. Upon receipt of each such remittance, the state
30 treasurer shall deposit the entire amount of all taxes collected under the
31 provisions of this act in the state treasury to the credit of the USD benefit
32 district sales tax fund for such district, which funds are hereby established
33 in the state treasury. All moneys in the USD benefit district sales tax fund
34 shall be remitted at least quarterly by the state treasurer, on instruction
35 from the secretary of revenue, to the district. Any refund due on any USD
36 benefit district sales tax collected pursuant to this section shall be paid out
37 of the USD benefit district sales tax refund fund for such district which is
38 hereby established in the state treasury and reimbursed by the director of
39 taxation from collections of the USD benefit district sales tax for such
40 district authorized by this section and applied by the district in the manner
41 provided pursuant to this act.

42 (i) If within 30 days of the final publication of a resolution adopted
43 pursuant to subsection (g), a petition signed by a number of electors of

1 each county whose boundaries are located within the sales tax district
 2 equal to not less than 5% of the number of total qualified electors of the
 3 district shall be filed in the office of each county election officer
 4 demanding that such resolution be submitted to a vote of the electors, it
 5 shall not take effect until submitted to a referendum and approved by the
 6 electors of the district. An election if called, shall be called within 30 days
 7 and held within 45 days after the filing of the petition. The governing
 8 board, by resolution, shall call the election and fix the date. Such
 9 resolution shall be published once each week for two consecutive weeks in
 10 the official county newspaper of each county located within the district,
 11 and the election shall be conducted in the same manner as are elections for
 12 officers of each such county. Such election may be conducted in
 13 accordance with the provisions of the mail ballot election act. The
 14 proposition shall be: "Shall USD Benefit District ___ be authorized to
 15 impose a district-wide sales tax not to exceed 1% in such district for
 16 purposes of providing funding for non-instructional expenses of the
 17 member school districts of the USD Benefit District?"

18 New Sec. 31. All moneys received by a USD benefit district pursuant
 19 to section 30, and amendments thereto, shall be distributed to the member
 20 school districts of the USD benefit district. Such moneys shall be
 21 distributed on a per pupil basis using the enrollment of the member school
 22 districts as determined pursuant to section 6, and amendments thereto.
 23 Each member school district of the USD benefit district shall receive a
 24 proportional amount based on the ratio of such member school district's
 25 enrollment to the aggregate enrollment of all member school districts of
 26 the USD benefit district. Such moneys shall be deposited in the non-
 27 instructional fund of the member school district, and shall be expended
 28 only for the purpose for which the revenue received from the USD benefit
 29 district sales tax was pledged.

30 New Sec. 32. (a) In each school year, each district that is located in
 31 a USD benefit district that has levied a tax pursuant to section 30, and
 32 amendments thereto, is eligible for supplemental non-instructional state
 33 aid. The amount of supplemental non-instructional state aid for a district
 34 shall be determined by the state board as provided in this section.

35 (b) The state board shall:

36 (1) Notwithstanding that any particular USD benefit district has not
 37 levied a tax pursuant to section 30, and amendments thereto, determine the
 38 amount of sales tax collected per pupil for each USD benefit district in the
 39 state by dividing the amount of sales tax collected within each USD
 40 benefit district by the aggregate enrollment of all of the member school
 41 districts of such USD benefit district in the preceding school year;

42 (2) rank the USD benefit districts from low to high on the basis of the
 43 amounts of sales tax collected per pupil determined under paragraph (1);

1 (3) identify the amount of sales tax collected per pupil located at the
2 74.75 percentile of the amounts ranked under paragraph (2);

3 (4) divide the amount of sales tax collected per pupil of the USD
4 benefit district in the preceding school year by the amount identified under
5 paragraph (3);

6 (5) if the quotient obtained under paragraph (4) is less than 1.0,
7 subtract the quotient obtained under paragraph (4) from 1.0 and multiply
8 the difference by the amount of sales tax collected in the USD benefit
9 district from the tax levied pursuant to section 30, and amendments
10 thereto, however, if the quotient obtained under paragraph (4) equals or
11 exceeds 1.0, the eligibility of the district for entitlement to supplemental
12 non-instructional state aid shall lapse; and

13 (6) multiply the product, if any, obtained under paragraph (5) by a
14 ratio, the numerator of which shall be the enrollment of the district as
15 determined pursuant to section 6, and amendments thereto, and the
16 denominator of which shall be the aggregate enrollment, as determined
17 pursuant to section 6, and amendments thereto, of all of the member
18 school districts of the USD benefit district. The resulting product shall be
19 the amount of supplemental non-instructional state aid the district is
20 entitled to receive for the school year.

21 (c) If the amount of appropriations for supplemental non-instructional
22 state aid is less than the amount each district is entitled to receive for the
23 school year, the state board shall prorate the amount appropriated among
24 the districts in proportion to the amount each district is entitled to receive
25 as a matching amount for the local moneys derived from the levy imposed
26 by the USD benefit district under section 30, and amendments thereto.

27 (d) The state board shall prescribe the dates upon which the
28 distribution of payments of supplemental non-instructional state aid to
29 districts shall be due. The state board shall certify to the director of
30 accounts and reports the amount due each district, and the director of
31 accounts and reports shall draw a warrant on the state treasurer payable to
32 the treasurer of the district. Upon receipt of the warrant, the treasurer of
33 the district shall credit the amount thereof to the non-instructional fund of
34 the district to be used for the purposes of such fund.

35 (e) If any amount of supplemental non-instructional state aid that is
36 due to be paid during the month of June of a school year pursuant to the
37 other provisions of this section is not paid on or before June 30 of such
38 school year, then such payment shall be paid on or after the ensuing July 1,
39 as soon as moneys are available therefor. Any payment of supplemental
40 non-instructional state aid that is due to be paid during the month of June
41 of a school year and that is paid to school districts on or after the ensuing
42 July 1 shall be recorded and accounted for by school districts as a receipt
43 for the school year ending on the preceding June 30.

1 (f) (1) Moneys received as supplemental non-instructional state aid
2 shall be expended to pay the non-instructional expenses of the district.

3 (2) Moneys received as supplemental non-instructional state aid shall
4 not be expended to pay the instructional expenses of the district.

5 (3) Moneys received as supplemental non-instructional state aid shall
6 not be expended to pay capital outlay or capital improvement expenses of
7 the district.

8 New Sec. 33. If any district is paid more than it is entitled to receive
9 under any distribution made under this act or under any statute repealed by
10 this act, the state board shall notify the district of the amount of such
11 overpayment, and such district shall remit the same to the state board. The
12 state board shall remit any moneys so received to the state treasurer in
13 accordance with the provisions of K.S.A. 75-4215, and amendments
14 thereto. Upon receipt of each such remittance, the state treasurer shall
15 deposit the entire amount in the state treasury to the credit of the state
16 school district finance fund. If any district fails to remit, the state board
17 shall deduct the excess amounts so paid from future payments becoming
18 due to the district. In the event any district is paid less than the amount to
19 which it is entitled under any distribution made under this act, the state
20 board shall pay the additional amount due at any time within the school
21 year in which the underpayment was made or within 60 days after the end
22 of such school year.

23 New Sec. 34. (a) There is hereby established in every district a fund
24 which shall be called the contingency reserve fund. Such fund shall consist
25 of all moneys deposited therein or transferred thereto according to law.
26 The fund shall be maintained for payment of expenses of a district
27 attributable to financial contingencies as determined by the board.

28 (b) Except as otherwise provided in subsection (c), at no time in any
29 school year thereafter shall the amount maintained in the contingency
30 reserve fund exceed an amount equal to 8% of the non-instructional fund
31 budget of the district for the school year.

32 (c) If the amount in the contingency reserve fund of a district is in
33 excess of the amount authorized under subsection (b), and if such excess
34 amount is the result of a reduction in the non-instructional fund budget of
35 the district for the school year, the district may maintain the excess amount
36 in the fund until depletion of such excess amount by expenditure from the
37 fund for the purposes thereof.

38 New Sec. 35. There is hereby established in every district a fund
39 which shall be called the driver training fund which fund shall consist of
40 all moneys deposited therein or transferred thereto according to law. All
41 moneys received by the district from distributions made from the state
42 safety fund and the motorcycle safety fund and from tuition, fees or
43 charges for driver training courses shall be credited to the driver training

1 fund. The expenses of a district directly attributable to driver training shall
2 be paid from the driver training fund.

3 New Sec. 36. There is hereby established in every district a fund
4 which shall be called the food service fund, which fund shall consist of all
5 moneys deposited therein or transferred thereto according to law. All
6 moneys received by the district for food service and from charges for food
7 service shall be credited to the food service fund. The expenses of a district
8 attributable to food service shall be paid from the food service fund.

9 New Sec. 37. (a) There is hereby established in every school district
10 a special liability expense fund. Moneys in such fund shall be used to:

11 (1) Pay the cost of providing for its defense and the defense of
12 employees in any litigation arising from their actions or failure to act as an
13 employee of the district and for the payment of claims and other direct and
14 indirect costs resulting from such litigation;

15 (2) pay judgments rendered against the district;

16 (3) pay claims, judgments, expenses and other purposes relating to
17 health care services, disability income benefits and group life insurance
18 benefits as authorized by K.S.A. 72-8415a, and amendments thereto;

19 (4) pay costs relating to uninsured losses; and

20 (5) pay the cost of workers compensation insurance and workers
21 compensation claims, awards, expenses and other purposes authorized by
22 the workers compensation act.

23 (b) The district shall credit to the special liability expense fund any
24 moneys received by the district from any source which may be lawfully
25 utilized for the purposes specified by this section including the proceeds of
26 tax levies hereinafter authorized and provided. Any balance remaining in
27 the special liability expense fund at the end of the budget year shall be
28 carried forward in that fund for succeeding budget years. Such fund shall
29 not be subject to the provisions of K.S.A. 79-2925 through 79-2937, and
30 amendments thereto. In making the budget of the district, the amounts
31 credited to and the amount on hand in such special fund, and the amount
32 expended therefrom, shall be included in the annual budget for the
33 information of the residents of the district. Interest earned on the
34 investment of moneys in any such fund shall be credited to that fund.

35 (c) Whenever the governing body of any school district determines
36 that moneys from other sources will be insufficient to pay such costs, the
37 governing body is hereby authorized to levy an ad valorem tax upon all
38 taxable tangible property within the district in an amount determined by
39 the governing body to be necessary for such purpose and to pay a portion
40 of the principal and interest on bonds issued by cities under the authority
41 of K.S.A. 12-1774, and amendments thereto, for the financing of
42 redevelopment projects upon property located in such school district.

43 New Sec. 38. School districts shall provide career technical education

1 programs within the career clusters established by the state board.
2 Nothing in this section shall be construed as requiring a school district to
3 provide career technical education programs in all such career clusters.

4 New Sec. 39. (a) In order to assist parents, education providers and
5 pupils in making educational and career plans and to provide a preliminary
6 indication of the general category of career paths that a pupil might be
7 interested in pursuing, each pupil who enters grade six shall be given the
8 Kuder career assessment or other appropriate career assessment selected
9 by the district.

10 (b) After completion of the assessment required by subsection (a),
11 each pupil and the pupil's parent or guardian shall meet with a school
12 career development facilitator to discuss the results of the assessment and
13 to develop an educational plan for the pupil.

14 (c) Each year following the initial assessment, the educational plan
15 shall be reviewed and revised, if necessary, in order to keep the pupil
16 focused on the selected career path or a new career path if the pupil desires
17 and to ensure that the pupil is taking the proper courses or classes to
18 prepare for the career path selected by the pupil.

19 New Sec. 40. (a) The state board of education may adopt rules and
20 regulations providing for the issuance, renewal, reinstatement,
21 registration, limitation, suspension or cancellation of licenses for career
22 development facilitators (CDF) and the imposition of fees therefor.

23 (b) An applicant for an initial issuance of a license as a career
24 development facilitator shall take and satisfactorily pass an examination
25 prescribed by the state board.

26 (c) A person issued a license, any license issued or fee imposed
27 pursuant to this section, shall be subject to the same conditions and
28 limitations imposed under this section and article 13 of chapter 72 of the
29 Kansas Statutes Annotated, and amendments thereto, or any other Kansas
30 law relating to the licensure of teachers.

31 (d) In order to qualify for the issuance of a CDF license, an applicant
32 shall have received in-depth training or career development experience in
33 the areas of career development as prescribed by the state board.

34 New Sec. 41. The state board may adopt policies deemed necessary
35 for the administration of the relevant efficient academic learning education
36 act.

37 Sec. 42. K.S.A. 72-8233 is hereby amended to read as follows: 72-
38 8233. (a) In accordance with the provisions of this section, the boards of
39 education of any two or more unified school districts may make and enter
40 into agreements providing for the attendance of pupils residing in one
41 school district at school in kindergarten or any of the grades one through
42 12 maintained by any such other school district. The boards of education
43 may also provide by agreement for the combination of enrollments for

1 kindergarten or one or more grades, courses or units of instruction.

2 (b) Prior to entering into any agreement under authority of this
3 section, the board of education shall adopt a resolution declaring that it has
4 made a determination that such an agreement should be made and that the
5 making and entering into of such an agreement would be in the best
6 interests of the educational system of the school district. Any such
7 agreement is subject to the following conditions:

8 (1) The agreement may be for any term not exceeding a term of ~~five~~
9 *three* years.

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

12 (3) Within the limitations provided by law, the agreement may be
13 changed or terminated by mutual agreement of the participating boards of
14 education.

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

19 (c) Provision by agreements entered into under authority of this
20 section for the attendance of pupils at school in a school district of
21 nonresidence of such pupils shall be deemed to be compliance with the
22 kindergarten, grade, course and units of instruction requirements of law.

23 (d) The board of education of any school district which enters into an
24 agreement under authority of this section for the attendance of pupils at
25 school in another school district may discontinue kindergarten or any or all
26 of the grades, courses and units of instruction specified in the agreement
27 for attendance of pupils enrolled in kindergarten or any such grades,
28 courses and units of instruction at school in such other school district.
29 Upon discontinuing kindergarten or any grade, course or unit of instruction
30 under authority of this subsection, the board of education may close any
31 school building or buildings operated or used for attendance by pupils
32 enrolled in such discontinued kindergarten, grades, courses or units of
33 instruction. The closing of any school building under authority of this
34 subsection shall require a majority vote of the members of the board of
35 education and shall require no other procedure or approval.

36 (e) Pupils attending school in a school district of nonresidence of
37 such pupils in accordance with an agreement made and entered into under
38 authority of this section shall be counted as regularly enrolled in and
39 attending school in the school district of residence of such pupils for the
40 purpose of computations under the school district finance and quality
41 performance act.

42 (f) Pupils who satisfactorily complete grade 12 while in attendance at
43 school in a school district of nonresidence of such pupils in accordance

1 with the provisions of an agreement entered into under authority of this
2 section shall be certified as having graduated from the school district of
3 residence of such pupils unless otherwise provided for by the agreement.

4 Sec. 43. K.S.A. 72-6406, 72-6408, 72-6411, 72-6415, 72-6416, 72-
5 6418, 72-6419, 72-6420, 72-6422, 72-6423, 72-6424, 72-6427, 72-6429,
6 72-6432, 72-6436, 72-6437, 72-6444, 72-6446, 72-6447, 72-7105a, 72-
7 8233, 72-8237 and 72-8238 and K.S.A. 2010 Supp. 72-3715, 72-3716, 72-
8 6405, 72-6407, 72-6409, 72-6410, 72-6412, 72-6413, 72-6414, 72-6414a,
9 72-6414b, 72-6415b, 72-6417, 72-6421, 72-6425, 72-6426, 72-6428, 72-
10 6430, 72-6431, 72-6433, 72-6433d, 72-6434, 72-6434b, 72-6435, 72-6438,
11 72-6439, 72-6439a, 72-6441, 72-6442b, 72-6443, 72-6445a, 72-6448, 72-
12 6449, 72-6450, 72-6451, 72-6452, 72-6453, 72-6454, 72-6455, 72-6456,
13 72-6457, 72-6458, 72-6459, 72-64b01, 72-64c03, 72-8248, 72-8249, 72-
14 8250, 72-8254, 72-9509 and 72-9609 are hereby repealed.

15 Sec. 44. This act shall take effect and be in force from and after its
16 publication in the statute book.
17