

House Substitute for Substitute SENATE BILL No. 111

By Committee on Appropriations

4-28

1 AN ACT concerning school districts; relating to the use of moneys by
2 school districts; relating to special education state aid; amending
3 K.S.A. 72-3607, 72-6420, 72-6423 and 72-8237 and K.S.A. 2010 Supp.
4 72-965, 72-978, 72-3715, 72-6414a, 72-6414b, 72-6421, 72-6426, 72-
5 8250, 72-9509 and 72-9609 and repealing the existing sections.
6

6

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

8 New Section 1. (a) For school year 2011-2012, subject to any
9 limitations as provided in this act, any school district may expend the
10 unencumbered balance of the moneys held in the at-risk education fund, as
11 provided in K.S.A. 76-6414a, and amendments thereto, bilingual education
12 fund, as provided in K.S.A. 72-9509, and amendments thereto,
13 contingency reserve fund, as provided in K.S.A. 72-6426, and
14 amendments thereto, driver training fund, as provided in K.S.A. 72-6423,
15 and amendments thereto, parent education program fund, as provided in
16 K.S.A. 72-3607, and amendments thereto, preschool-aged at-risk
17 education fund, as provided in K.S.A. 72-6414b, and amendments thereto,
18 professional development fund, as provided in K.S.A. 72-9609, and
19 amendments thereto, summer program fund, as provided in K.S.A. 72-
20 8237, and amendments thereto, textbook and student materials revolving
21 fund, as provided in K.S.A. 72-8250, and amendments thereto, special
22 education fund, as provided in K.S.A. 72-965 and 72-6420, and
23 amendments thereto, virtual school fund, as provided in K.S.A. 72-3715,
24 and amendments thereto, and vocational education fund, as provided in
25 K.S.A. 72-6421, and amendments thereto, to pay for general operating
26 expenses of the district out of the general fund as approved by the board of
27 education of such district.

28 The board of education of a school district shall consider the use of
29 such funds in the following order of priority:

30 (1) At-risk education fund, bilingual education fund, contingency
31 reserve fund, driver training fund, parent education program fund,
32 preschool-aged at-risk education fund, professional development fund,
33 summer program fund, virtual school fund and vocational education fund;

34 (2) textbook and student materials revolving fund; and

35 (3) special education fund.

36 The board of education of a school district shall not be limited to the

1 order of priority as listed in this subsection if the board so chooses. The
2 board of education of a school district shall not be required to use the total
3 amount of the unencumbered balance of moneys in a fund before using the
4 unencumbered balance of moneys in another fund.

5 (b) The amount of money expended by a school district in school
6 year 2011-2012 from the unencumbered balance of moneys in the funds
7 under subsection (a) of this section shall not exceed, in the aggregate, an
8 amount determined by the state board of education. Such amount shall be
9 determined by the state board as follows:

10 (1) Determine the adjusted enrollment of the district, excluding
11 special education and related services weighting;

12 (2) subtract the amount of base state aid per pupil appropriated to the
13 department of education for fiscal year 2012 from \$4,012; and

14 (3) multiply the difference obtained under paragraph (2) by the
15 number determined under paragraph (1). The product is the aggregate
16 amount of moneys that may be expended by a school district in school
17 year 2011-2012 from the unencumbered balance of moneys in the funds
18 under subsection (a) of this section.

19 (c) It is the public policy goal of the state of Kansas that at least 65%
20 of the aggregate of all unencumbered balances authorized to be expended
21 for general operating expenses pursuant to subsection (a) shall be
22 expended in the classroom or for instruction, as provided in K.S.A. 2010
23 Supp. 72-64c01, and amendments thereto.

24 Sec. 2. K.S.A. 2010 Supp. 72-965 is hereby amended to read as
25 follows: 72-965. (a) The state board shall be responsible for the
26 distribution and allocation of state and federal funds for special education.
27 Such moneys shall be expended only in accordance with and for the
28 purposes specified in federal or state law. Payments under this act may be
29 made in installments and in advance or by way of reimbursement, with
30 necessary adjustments for overpayments or underpayments. Federal funds
31 for special education shall be deposited in the state treasury.

32 (b) The state board is hereby authorized to accept from an individual
33 or individuals, the United States government or any of its agencies or any
34 other public or private body, grants or contributions of money, funds or
35 property which the state board may authorize to be used in accordance
36 with appropriation acts, for or in aid of special education or related
37 services or any of the purposes authorized by the federal law or this act.

38 (c) (1) Each board may use up to 15% of the amount it receives each
39 year under the federal law to develop and implement coordinated, early
40 intervening services for students in kindergarten through grade 12, with a
41 particular emphasis on students in kindergarten through grade ~~3~~ *three*, who
42 have not been identified as needing special education or related services
43 but who appear to need additional academic and behavioral support to

1 succeed in a general education environment.

2 (2) In implementing coordinated, early intervening services under this
3 subsection, a board may carry out activities that include:

4 (A) Providing professional development for teachers and other school
5 staff to enable such personnel to deliver scientifically based academic
6 instruction and behavioral interventions, including scientifically based
7 literacy instruction and, where appropriate, instruction on the use of
8 adaptive and instructional software; and

9 (B) providing educational and behavioral evaluations, services and
10 supports, including scientifically based literacy instruction.

11 (3) Each board that develops and maintains coordinated, early
12 intervening services under this subsection shall annually report to the
13 department:

14 (A) The number of students served under this subsection; and

15 (B) the number of students served under this subsection who
16 subsequently receive special education and related services under this title
17 during the ~~2-year~~ two-year period preceding each report.

18 *(d) Except for moneys received under K.S.A. 72-978, and*
19 *amendments thereto, from cooperative agreements entered into under*
20 *K.S.A. 72-968, and amendments thereto, any unencumbered balance of*
21 *moneys attributable to appropriations by the legislature for special*
22 *education or related services remaining in the special education fund of a*
23 *school district on June 30, 2011, may be expended in school year 2011-*
24 *2012 by the school district for general operating expenses of the school*
25 *district as approved by the board of education in an amount not to exceed*
26 *1/3 of the unencumbered balance of the school district's special education*
27 *fund.*

28 Sec. 3. K.S.A. 2010 Supp. 72-978 is hereby amended to read as
29 follows: 72-978. (a) Each year, the state board of education shall determine
30 the amount of state aid for the provision of special education and related
31 services each school district shall receive for the ensuing school year. The
32 amount of such state aid shall be computed by the state board as provided
33 in this section. The state board shall:

34 (1) Determine the total amount of general fund and local option
35 budgets of all school districts;

36 (2) subtract from the amount determined in paragraph (1) the total
37 amount attributable to assignment of transportation weighting, program
38 weighting, special education weighting and at-risk pupil weighting to
39 enrollment of all school districts;

40 (3) divide the remainder obtained in paragraph (2) by the total
41 number of full-time equivalent pupils enrolled in all school districts on
42 September 20;

43 (4) determine the total full-time equivalent enrollment of exceptional

1 children receiving special education and related services provided by all
2 school districts;

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

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

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

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

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

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

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

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

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

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

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

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

40 (4) subject to the provisions of subsection (f) and except for those
41 school districts entitled to receive reimbursement under subsection (c) or
42 (d), after subtracting the amounts of reimbursement under paragraphs (1),
43 (2) and (3) of this subsection (a) from the total amount appropriated for

1 special education and related services under this act, an amount which
2 bears the same proportion to the remaining amount appropriated as the
3 number of full-time equivalent special teachers who are qualified to
4 provide special education or related services to exceptional children and
5 are employed by the school district for approved special education or
6 related services bears to the total number of such qualified full-time
7 equivalent special teachers employed by all school districts for approved
8 special education or related services.

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

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

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

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

42 (f) (1) In school year ~~2011-2012~~ 2012-2013 and in each school year
43 thereafter, the state board of education shall determine the minimum and

1 maximum amount of state aid that a school district may receive under
2 paragraph (4) of subsection (b) for the current school year as follows:

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

6 (B) subtract the amount of moneys paid to all school districts under
7 paragraphs (1), (2) and (3) of subsection (b) of this section, 72-983 and
8 K.S.A. 2010 Supp. 72-998, and amendments thereto, for the current school
9 year;

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

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

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

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

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

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

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

39 (6) The provisions of this subsection (f) shall expire on June 30, ~~2013~~
40 *2014*.

41 Sec. 4. K.S.A. 72-3607 is hereby amended to read as follows: 72-
42 3607. (a) There is hereby established in every school district which has
43 developed and is operating a parent education program for which grants

1 are awarded under this act a fund which shall be called the parent
2 education program fund, which fund shall consist of all moneys deposited
3 therein or transferred thereto according to law. Notwithstanding any other
4 provision of law, all moneys received by the school district from whatever
5 source for a parent education program operated under this act shall be
6 credited to the fund established by this section. Amounts deposited in the
7 parent education program fund shall be used exclusively for the payment
8 of expenses directly attributable to the program.

9 *(b) Any unencumbered balance of moneys remaining in the parent*
10 *education program fund of a school district on June 30, 2011, may be*
11 *expended in school year 2011-2012 by the school district for general*
12 *operating expenses of the school district as approved by the board of*
13 *education.*

14 Sec. 5. K.S.A. 2010 Supp. 72-3715 is hereby amended to read as
15 follows: 72-3715. (a) In order to be included in the full-time equivalent
16 enrollment of a virtual school, a pupil shall be in attendance at the virtual
17 school on (1) a single school day on or before September 19 of each
18 school year and (2) on a single school day on or after September 20, but
19 before October 4 of each school year.

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

23 (1) Determine the number of hours the pupil was in attendance on a
24 single school day on or before September 19 of each school year;

25 (2) determine the number of hours the pupil was in attendance on a
26 single school day on or after September 20, but before October 4 of each
27 school year;

28 (3) add the numbers obtained under paragraphs (1) and (2);

29 (4) divide the sum obtained under paragraph (3) by 12. The quotient
30 is the full-time equivalent enrollment of the pupil.

31 (c) The school days on which a district determines the full-time
32 equivalent enrollment of a pupil under paragraphs (1) and (2) of subsection
33 (b) shall be the school days on which the pupil has the highest number of
34 hours of attendance at the virtual school. No more than six hours of
35 attendance may be counted in a single school day. Attendance may be
36 shown by a pupil's on-line activity or entries in the pupil's virtual school
37 journal or log of activities.

38 (d) (1) Subject to the availability of appropriations for virtual school
39 state aid and within the limits of any such appropriations, each school year
40 a school district which offers a virtual school shall be entitled to virtual
41 school state aid.

42 (2) The state board of education shall determine the amount of virtual
43 school state aid a school district is entitled to receive as follows:

1 (A) Multiply the full-time equivalent enrollment of the virtual school
2 by an amount equal to 105% of the amount of base state aid per pupil;

3 (B) multiply the full-time equivalent enrollment of nonproficient at-
4 risk pupils enrolled in an approved at-risk program offered by the virtual
5 school, if any, by an amount equal to 25% of the amount of base state aid
6 per pupil;

7 (C) add any amount determined under K.S.A. 2010 Supp. 72-3716,
8 and amendments thereto; and

9 (D) add the amounts obtained under paragraphs (A) through (C). The
10 sum is the amount of the virtual school state aid to which the school
11 district is entitled.

12 (3) There is hereby established in every school district a fund which
13 shall be called the virtual school fund, which fund shall consist of all
14 moneys deposited therein or transferred thereto according to law. Moneys
15 received as virtual school state aid shall be deposited in the general fund of
16 the school district and transferred to the virtual school fund of the district.
17 The expenses of a district directly attributable to virtual schools offered by
18 a school district shall be paid from the virtual school fund. The cost of an
19 advance placement course provided to a pupil described in subsection (d)
20 (2)(D) shall be paid by the virtual school.

21 Any balance remaining in the virtual school fund at the end of the
22 budget year shall be carried forward into the virtual school fund for
23 succeeding budget years. Such fund shall not be subject to the provisions
24 of K.S.A. 79-2925 through 79-2937, and amendments thereto.

25 *Any unencumbered balance of moneys remaining in the virtual school*
26 *fund of a school district on June 30, 2011, may be expended in school year*
27 *2011-2012 by the school district for general operating expenses of the*
28 *school district as approved by the board of education.*

29 In preparing the budget of such school district, the amounts credited to
30 and the amount on hand in the virtual school fund, and the amount
31 expended therefrom shall be included in the annual budget for the
32 information of the residents of the school district. Interest earned on the
33 investment of moneys in any such fund shall be credited to that fund.

34 (e) For the purposes of this section, a pupil enrolled in a virtual
35 school who is not a resident of the state of Kansas shall not be counted in
36 the full-time equivalent enrollment of the virtual school.

37 Sec. 6. K.S.A. 2010 Supp. 72-6414a is hereby amended to read as
38 follows: 72-6414a. (a) There is hereby established in every district a fund
39 which shall be called the at-risk education fund, which fund shall consist
40 of all moneys deposited therein or transferred thereto according to law.
41 The expenses of a district directly attributable to providing at-risk
42 assistance or programs, including assistance or programs provided to
43 nonproficient pupils, shall be paid from the at-risk education fund.

1 (b) Any balance remaining in the at-risk education fund at the end of
2 the budget year shall be carried forward into the at-risk education fund for
3 succeeding budget years. Such fund shall not be subject to the provisions
4 of K.S.A. 79-2925 through 79-2937, and amendments thereto. In preparing
5 the budget of such school district, the amounts credited to and the amount
6 on hand in the at-risk education fund, and the amount expended therefrom
7 shall be included in the annual budget for the information of the residents
8 of the school district. Interest earned on the investment of moneys in any
9 such fund shall be credited to that fund.

10 *Any unencumbered balance of moneys remaining in the at-risk*
11 *education fund of a school district on June 30, 2011, may be expended in*
12 *school year 2011-2012 by the school district for general operating*
13 *expenses of the school district as approved by the board of education.*

14 (c) Each year the board of education of each school district shall
15 prepare and submit to the state board a report on the at-risk program or
16 assistance provided by the district. Such report shall include information
17 specifying the number of at-risk pupils and nonproficient pupils who were
18 served or provided assistance, the type of service provided, the research
19 upon which the district relied in determining that a need for service or
20 assistance existed, the results of providing such service or assistance and
21 any other information required by the state board.

22 (d) In order to achieve uniform reporting of the number of at-risk
23 pupils and nonproficient pupils provided service or assistance by school
24 districts in at-risk programs, districts shall report the number of at-risk
25 pupils and nonproficient pupils served or assisted in the manner required
26 by the state board.

27 Sec. 7. K.S.A. 2010 Supp. 72-6414b is hereby amended to read as
28 follows: 72-6414b. (a) There is hereby established in every district a fund
29 which shall be called the preschool-aged at-risk education fund, which
30 fund shall consist of all moneys deposited therein or transferred thereto
31 according to law. The expenses of a district directly attributable to
32 providing preschool-aged at-risk assistance or programs shall be paid from
33 the preschool-aged at-risk education fund.

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

37 (c) Any balance remaining in the preschool-aged at-risk education
38 fund at the end of the budget year shall be carried forward into the
39 preschool-aged at-risk education fund for succeeding budget years. Such
40 fund shall not be subject to the provisions of K.S.A. 79-2925 through 79-
41 2937, and amendments thereto. In preparing the budget of such school
42 district, the amounts credited to and the amount on hand in the preschool-
43 aged at-risk education fund, and the amount expended therefrom shall be

1 included in the annual budget for the information of the residents of the
2 school district. Interest earned on the investment of moneys in any such
3 fund shall be credited to that fund.

4 *Any unencumbered balance of moneys remaining in the preschool-aged*
5 *at-risk education fund of a school district on June 30, 2011, may be*
6 *expended in school year 2011-2012 by the school district for general*
7 *operating expenses of the school district as approved by the board of*
8 *education.*

9 (d) Each year the board of education of each school district shall
10 prepare and submit to the state board a report on the preschool-aged at-risk
11 program or assistance provided by the district. Such report shall include
12 information specifying the number of pupils who were served or provided
13 assistance, the type of service provided, the research upon which the
14 district relied in determining that a need for service or assistance existed,
15 the results of providing such service or assistance and any other
16 information required by the state board.

17 Sec. 8. K.S.A. 72-6420 is hereby amended to read as follows: 72-
18 6420. (a) There is hereby established in every district a fund which shall be
19 called the special education fund, which fund shall consist of all moneys
20 deposited therein or transferred thereto according to law. Notwithstanding
21 any other provision of law, all moneys received by the district from
22 whatever source for special education shall be credited to the special
23 education fund established by this section, except that (1) amounts of
24 payments received by a district under K.S.A. 72-979, and amendments
25 thereto, and amounts of grants, if any, received by a district under K.S.A.
26 72-983, and amendments thereto, shall be deposited in the general fund of
27 the district and transferred to the special education fund, and (2) moneys
28 received by a district pursuant to lawful agreements made under K.S.A.
29 72-968, and amendments thereto, shall be credited to the special fund
30 established under the agreements.

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

34 (c) Obligations of a district pursuant to lawful agreements made
35 under K.S.A. 72-968, and amendments thereto, shall be paid from the
36 special education fund established by this section.

37 (d) *Except for moneys received under K.S.A. 72-978, and*
38 *amendments thereto, from cooperative agreements entered into under*
39 *K.S.A. 72-968, and amendments thereto, any unencumbered balance of*
40 *moneys attributable to appropriations by the legislature for special*
41 *education or related services remaining in the special education fund of a*
42 *school district on June 30, 2011, may be expended in school year 2011-*
43 *2012 by the school district for general operating expenses of the school*

1 *district as approved by the board of education in an amount not to exceed*
2 *1/3 of the unencumbered balance of the school district's special education*
3 *fund.*

4 Sec. 9. K.S.A. 2010 Supp. 72-6421 is hereby amended to read as
5 follows: 72-6421. (a) There is hereby established in every district a fund
6 which shall be called the vocational education fund. All moneys received
7 by a district for any course or program authorized and approved under the
8 provisions of article 44 of chapter 72 of Kansas Statutes Annotated, *and*
9 *amendments thereto*, except for courses and programs conducted in an area
10 vocational school, shall be credited to the vocational education fund. All
11 moneys received by the district from tuition, fees or charges or from any
12 other source for vocational education courses or programs, except for
13 courses and programs conducted in an area vocational school, shall be
14 credited to the vocational education fund. The expenses of a district
15 directly attributable to vocational education shall be paid from the
16 vocational education fund.

17 (b) Obligations of a district pursuant to lawful agreements made
18 under K.S.A. 72-4421, and amendments thereto, shall be paid from the
19 vocational education fund established by this section. If any such
20 agreement expresses an obligation of a district in terms of a mill levy, such
21 obligation shall be construed to mean an amount equal to that which would
22 be produced by the levy.

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

32 *Any unencumbered balance of moneys attributable to appropriations*
33 *by the legislature in the vocational education fund of a school district on*
34 *June 30, 2011, may be expended in school year 2011-2012 by the school*
35 *district for general operating expenses of the school district as approved*
36 *by the board of education.*

37 Sec. 10. K.S.A. 72-6423 is hereby amended to read as follows: 72-
38 6423. (a) There is hereby established in every district a fund which shall be
39 called the driver training fund which fund shall consist of all moneys
40 deposited therein or transferred thereto according to law. All moneys
41 received by the district from distributions made from the state safety fund
42 and the motorcycle safety fund and from tuition, fees or charges for driver
43 training courses shall be credited to the driver training fund. The expenses

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

3 ~~(b) The provisions of this section shall take effect and be in force~~
4 ~~from and after July 1, 1992. Any unencumbered balance of moneys~~
5 ~~remaining in the driver training fund of a school district on June 30, 2011,~~
6 ~~may be expended in school year 2011-2012 by the school district for~~
7 ~~general operating expenses of the school district as approved by the board~~
8 ~~of education.~~

9 Sec. 11. K.S.A. 2010 Supp. 72-6426 is hereby amended to read as
10 follows: 72-6426. (a) There is hereby established in every district a fund
11 which shall be called the contingency reserve fund. Such fund shall consist
12 of all moneys deposited therein or transferred thereto according to law.
13 The fund shall be maintained for payment of expenses of a district
14 attributable to financial contingencies as determined by the board.

15 (b) (1) Except as otherwise provided in subsection (c), at no time in
16 school year 2008-2009 through school year 2011-2012 shall the amount
17 maintained in the contingency reserve fund exceed an amount equal to
18 10% of the general fund budget of the district for the school year.

19 (2) Except as otherwise provided in subsection (c), at no time in
20 school year 2012-2013 or any school year thereafter shall the amount
21 maintained in the contingency reserve fund exceed an amount equal to 6%
22 of the general fund budget of the district for the school year.

23 (c) (1) If the amount in the contingency reserve fund of a district is in
24 excess of the amount authorized under subsection (b), and if such excess
25 amount is the result of a reduction in the general fund budget of the district
26 for the school year because of a decrease in enrollment, the district may
27 maintain the excess amount in the fund until depletion of such excess
28 amount by expenditure from the fund for the purposes thereof.

29 (2) The limitation on the amount which may be maintained in the
30 contingency reserve fund imposed under subsection (b) shall not apply to
31 any district whose state financial aid is computed under the provisions of
32 K.S.A. 72-6445a, and amendments thereto. Any such district may maintain
33 the excess amount in the fund until depletion of such excess amount by
34 expenditure from the fund for the purposes thereof.

35 *(d) Notwithstanding the provisions of subsection (c), any*
36 *unencumbered balance of moneys remaining in the contingency reserve*
37 *fund of a school district on June 30, 2011, may be expended in school year*
38 *2011-2012 by the school district for general operating expenses of the*
39 *school district as approved by the board of education.*

40 Sec. 12. K.S.A. 72-8237 is hereby amended to read as follows: 72-
41 8237. (a) The board of education of any school district may: (1) Establish,
42 operate and maintain a summer program for pupils; (2) enter into
43 cooperative or interlocal agreements with one or more other boards of

1 education for the establishment, operation and maintenance of a summer
2 program for pupils; and (3) prescribe and collect fees for providing a
3 summer program for pupils or provide such program without charge.

4 (b) Fees for providing a summer program for pupils shall be
5 prescribed and collected only to recover the costs incurred as a result of
6 and directly attributable to the establishment, operation and maintenance
7 of the program.

8 (c) No school district may collect fees for providing a summer
9 program for pupils required to attend such a program in accordance with
10 the provisions of law, rules and regulations of the state board of education,
11 policy of the board of education, or an individualized education plan
12 developed for an exceptional child.

13 (d) There is hereby established in every district which establishes,
14 operates and maintains a summer program a fund which shall be called the
15 summer program fund, which fund shall consist of all moneys deposited
16 therein or transferred thereto according to law. All moneys received by a
17 district from fees collected under this section or from any other source for
18 summer programs shall be credited to the summer program fund. The
19 expenses of a district directly attributable to summer programs shall be
20 paid from the summer program fund.

21 *Any unencumbered balance of moneys remaining in the summer*
22 *program fund of a school district on June 30, 2011, may be expended in*
23 *school year 2011-2012 by the school district for general operating*
24 *expenses of the school district as approved by the board of education.*

25 (e) As used in this section, the term "summer program" means a
26 program which is established by the board of education of a school district
27 and operated during the summer months for the purpose of giving remedial
28 instruction to pupils or for the purpose of conducting special projects and
29 activities designed to enrich and enhance the educational experience of
30 pupils, or for both such purposes.

31 Sec. 13. K.S.A. 2010 Supp. 72-8250 is hereby amended to read as
32 follows: 72-8250. (a) There is hereby established in every school district a
33 textbook and student materials revolving fund. Moneys in such fund shall
34 be used to:

35 (1) Purchase any items designated in K.S.A. 72-5389, and
36 amendments thereto;

37 (2) pay the cost of materials or other items used in curricular,
38 extracurricular or other school-related activities; and

39 (3) purchase textbooks as authorized by K.S.A. 72-4141, and
40 amendments thereto.

41 (b) Any balance remaining in the textbook and student materials
42 revolving fund at the end of the budget year shall be carried forward into
43 that fund for succeeding budget years. Such fund shall not be subject to the

1 provisions of K.S.A. 79-2925 through 79-2937, and amendments thereto.
2 In preparing the budget of such school district, the amounts credited to and
3 the amount on hand in the textbook and student materials revolving fund,
4 and the amount expended therefrom shall be included in the annual budget
5 for the information of the residents of the school district. Interest earned on
6 the investment of moneys in any such fund shall be credited to that fund.

7 *Any unencumbered balance of moneys remaining in the textbook and*
8 *student materials revolving fund of a school district on June 30, 2011, may*
9 *be expended in school year 2011-2012 by the school district for general*
10 *operating expenses of the school district as approved by the board of*
11 *education in an amount not to exceed $\frac{1}{3}$ of the unencumbered balance of*
12 *the school district's textbook and student materials revolving fund.*

13 Sec. 14. K.S.A. 2010 Supp. 72-9509 is hereby amended to read as
14 follows: 72-9509. (a) There is hereby established in every school district a
15 fund which shall be called the bilingual education fund, which fund shall
16 consist of all moneys deposited therein or transferred thereto according to
17 law. The expenses of a district directly attributable to such bilingual
18 education programs shall be paid from the bilingual education fund.

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

28 *Any unencumbered balance of moneys remaining in the bilingual*
29 *education fund of a school district on June 30, 2011, may be expended in*
30 *school year 2011-2012 by the school district for general operating*
31 *expenses of the school district as approved by the board of education.*

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

40 Sec. 15. K.S.A. 2010 Supp. 72-9609 is hereby amended to read as
41 follows: 72-9609. There is hereby established in every school district a
42 fund which shall be called the professional development fund, which fund
43 shall consist of all moneys deposited therein or transferred thereto

1 according to law. All moneys received by the school district from whatever
2 source for professional development programs established under this act
3 shall be credited to the fund established by this section. The expenses of a
4 school district directly attributable to professional development programs
5 shall be paid from the professional development fund.

6 *Any unencumbered balance of moneys remaining in the professional*
7 *development fund of a school district on June 30, 2011, may be expended*
8 *in school year 2011-2012 by the school district for general operating*
9 *expenses of the school district as approved by the board of education.*

10 Sec. 16. K.S.A. 72-3607, 72-6420, 72-6423 and 72-8237 and K.S.A.
11 2010 Supp. 72-965, 72-978, 72-3715, 72-6414a, 72-6414b, 72-6421, 72-
12 6426, 72-8250, 72-9509 and 72-9609 are hereby repealed.

13 Sec. 17. This act shall take effect and be in force from and after its
14 publication in the statute book.

15