

As Further Amended by House Committee

As Amended by House Committee

Session of 2012

Substitute for SENATE BILL No. 393

By Committee on Education

2-16

1 ~~AN ACT concerning career technical education; relating to secondary~~
2 ~~students; amending K.S.A. 72-4417 and 72-4419 and K.S.A. 2011~~
3 ~~Supp. 71-201 and 72-6413 and repealing the existing sections~~
4 ~~education; amending K.S.A. 72-1412, 72-4417, 72-4419, 72-6444,~~
5 ~~72-9004, 72-9005 and K.S.A. 2011 Supp. 71-201, 72-978, 72-4470a,~~
6 ~~72-5413, 72-6409, 72-6410, 72-6413, 72-6415b, 72-6433, 72-6433d,~~
7 ~~72-6434, 72-6435, 72-6441, 72-6449, 72-6451, 72-6455, 72-6456, 72-~~
8 ~~8814, 72-9002, 72-9003, 72-9608 and 75-2319 and repealing the~~
9 ~~existing sections; also repealing K.S.A. 2011 Supp. 72-6459.~~

10
11 *Be it enacted by the Legislature of the State of Kansas:*

12 New Section 1. (a) The state board of education shall conduct a
13 study of, or contract for the study of, the implementation of requiring each
14 district to maintain an individual career plan of study for each pupil
15 enrolled in the district in grades eight through 12. On or before January 15,
16 2014, the state board of education shall prepare and submit a report to the
17 legislature on the findings of such study and whether the state board of
18 education intends to initiate implementing such requirements.

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

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

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

27 (b) (1) Each school year, to the extent there are sufficient moneys
28 appropriated to the career technical education incentive program, the
29 state board of regents shall make an award to those school districts who
30 have at least one pupil who graduates from a high school in the school
31 district having obtained an industry-recognized credential in an occupation
32 that has been identified by the secretary of labor, in consultation with
33 the state board of regents and the state board of education, as an
34 occupation in highest need of additional skilled employees at the time the

1 **pupil entered the career technical education course or program in the**
2 **school district.** Such school districts shall receive an award in an amount
3 equal to \$1,000 for each such pupil graduating from a high school in the
4 school district. Such awards shall be paid at such times as established by
5 the state board of regents. Such awards ~~may~~ **shall** be expended for ~~any~~
6 ~~expenses occurred in~~ **the expenses incurred by the board of education**
7 **of the school district under subsection (b)(2), and any moneys**
8 **remaining after distribution in accordance with subsection (b)(2) may**
9 **be expended as determined by the board of education of a school**
10 **district towards operating the school from which the pupils graduated as**
11 **determined by the board of education of the school district.**

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

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

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

37 (c) (1) Each school year, to the extent there are sufficient moneys
38 appropriated to the career technical education incentive program, the
39 state board of regents shall make an award to a community college,
40 technical college or institute of technology who has at least one
41 secondary student who is currently or was previously admitted to a
42 career technical education course or program in accordance with
43 subsection (c) of K.S.A. 72-4417, and amendments thereto, and such

1 secondary student is regularly enrolled in and attending a private
2 secondary school. The purpose of such award is to reimburse such
3 community college, technical college or institute of technology for the
4 costs of paying for an industry-recognized credential assessment in an
5 occupation that has been identified by the secretary of labor, in
6 consultation with the state board of regents and the state board of
7 education, as an occupation in highest need of additional skilled
8 employees at the time the secondary student was admitted into such
9 career technical education course or program.

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

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

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

40 (4) In each school year, each governing body of a community
41 college, technical college or institute of technology is entitled to receive
42 from appropriations for the career technical education incentive
43 program an amount which is equal to the amount certified to the state

1 board of regents in accordance with the provisions of subsection (c)(3).
2 The state board of regents shall certify to the director of accounts and
3 reports the amount due each governing body of a community college,
4 technical college or institute of technology. The director of accounts
5 and reports shall draw warrants on the state treasurer payable to the
6 treasurer of each governing body of a community college, technical
7 college or institute of technology entitled to payment under this
8 subsection upon vouchers approved by the state board of regents.

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

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

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

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

37 New Sec. 3. (a) Provided a particular career technical education
38 program is not offered in a particular service area, the governing board of a
39 community college, technical college or institute of technology located
40 outside such service area, in coordination with one or more school districts
41 located within such service area, may apply to the state board of regents
42 for permission to establish such career technical education program to be
43 taught at a location in such service area. An application for such

1 permission shall be submitted in such form and manner as prescribed by
2 the **state** board of regents. In reviewing any such application, the **state**
3 board of regents shall consider the ability and willingness of any
4 postsecondary educational institution located in such service area to offer
5 such career technical education program. If no such career technical
6 education program is offered in such service area and no postsecondary
7 educational institution located in such service area intends to offer such
8 career technical education program, then the board of regents may approve
9 such application to establish such career technical education program.
10 Upon approval of its application by the **state** board of regents, the
11 governing board of a community college, technical college or institute of
12 technology may purchase or otherwise acquire land or land and
13 improvements in such service area for the purpose of providing such
14 career technical educational program.

15 (b) The **state** board of regents may adopt such rules and regulations
16 necessary to administer the provisions of this section.

17 (c) For purposes of this section:

18 (1) The terms "career technical education," "community college,"
19 "institute of technology" and "technical college" have the same meaning as
20 such terms are defined in K.S.A. 72-4412, and amendments thereto.

21 (2) "Postsecondary educational institution" has the same meaning as
22 such term is defined in K.S.A. 74-3201b, and amendments thereto.

23 (3) "Service area" means: (A) For community colleges, a designated
24 geographic area of the state established pursuant to agreement of the
25 presidents of the community colleges and adopted in policy by the state
26 board of regents; (B) for technical colleges, the territory set forth in the
27 college's plan submitted to the board of regents pursuant to K.S.A. 72-
28 4470a, and amendments thereto; and (C) for the institute of technology,
29 Shawnee county.

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

32 New Sec. 4. (a) The state board of regents shall initiate the
33 development of a statewide articulation agreement on career technical
34 education programs among the high schools, community colleges,
35 technical colleges and the institute of technology.

36 (b) For the purposes of this section, the term "articulation agreement"
37 means an agreement entered into to provide for the transferability of
38 substantially equivalent courses of study or programs.

39 Sec. 5. From and after July 1, 2013, K.S.A. 2011 Supp. 71-201 is
40 hereby amended to read as follows: 71-201. (a) The board of trustees, in
41 accordance with the provisions of law and the rules and regulations of the
42 state board of regents, shall have custody of and be responsible for the
43 property of the community college and shall be responsible for the

1 operation, management and control of the college. The board of trustees
2 shall hold at least one regular meeting each month at a time prescribed by
3 the board. The board shall make an annual report in the manner prescribed
4 by the state board of regents. Members of the board of trustees shall be
5 paid subsistence allowances, mileage and other actual and necessary
6 expenses incurred in the performance of their official duties.

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

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

14 (2) To sue and be sued.

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

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

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

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

33 (7) To enter into contracts.

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

38 (9) To acquire by gift, purchase, lease-purchase, condemnation or
39 otherwise, and to own, lease, use and operate property, whether real,
40 personal, or mixed, or any interest therein, which is necessary or desirable
41 for community college purposes. Any lease-purchase agreement entered
42 into under authority of this subsection shall be subject to the conditions set
43 forth in K.S.A. 10-1116c, and amendments thereto. The term of any lease

1 entered into under authority of this subsection may be for not to exceed 10
2 years. Such lease may provide for annual or other payment of rent or rental
3 fees and may obligate the community college to payment of maintenance
4 or other expenses. Any lease or lease-purchase agreement entered into
5 under authority of this subsection shall be subject to change or termination
6 at any time by the legislature. Any assignment of rights in any lease or
7 lease-purchase made under this subsection shall contain a citation of this
8 section and a recitation that the lease or lease-purchase agreement and
9 assignment thereof are subject to change or termination by the legislature.
10 To the extent that the provisions of the cash-basis and budget laws conflict
11 with this subsection in such a manner as to prevent the intention of this
12 subsection from being made effective, the provisions of this subsection
13 shall control. This provision is subject to the provisions of subsection (d).

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

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

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

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

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

41 (15) To appoint a member to fill any vacancy on the board of trustees
42 for the balance of the unexpired term. When a vacancy occurs, the board
43 shall publish a notice one time in a newspaper having general circulation

1 in the community college district stating that the vacancy has occurred and
2 that it will be filled by appointment by the board not sooner than 15 days
3 after such publication.

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

16 (17) To authorize by resolution the establishment of a petty cash fund
17 in an amount not to exceed \$1,000, and to designate in such resolution an
18 employee to maintain such petty cash fund. The employee designated in
19 any resolution provided for in this subsection receiving such funds shall
20 keep a record of all receipts and expenditures from the fund, and shall
21 from time to time, and at the end of the fiscal year, prepare a statement for
22 the board showing all receipts, expenditures, and the balance in the petty
23 cash fund. The board of trustees may authorize the employee designated to
24 maintain any petty cash fund to make a claim for replenishment of the
25 fund to its original amount in advance of approval by the board of trustees
26 if, at any time during the period between regular monthly meetings of the
27 board of trustees, the balance remaining in the fund is insufficient to make
28 needed expenditures for any purpose for which the petty cash fund is
29 maintained. No petty cash fund may be replenished more than one time
30 during each period between regular monthly meetings of the board of
31 trustees. If a petty cash fund is replenished prior to the end of the fiscal
32 year in accordance with the foregoing authorization, the employee
33 authorized to maintain the petty cash fund shall keep an accurate record of
34 all expenditures made therefrom, and the purpose therefor, and shall
35 submit the record to the board of trustees at the next regular monthly
36 meeting thereof. The petty cash fund shall be replenished by payment from
37 the appropriate funds of the community college to the petty cash fund
38 upon proper claim. The fund shall be kept separate from all other funds
39 and shall be used only for authorized expenditures and itemized receipts
40 shall be taken for each expenditure. No part of such fund may be loaned or
41 advanced against the salary of an employee. All employees entrusted with
42 such funds under this subsection shall be bonded by the community
43 college district.

1 (c) Subject to the provisions of subsection (d), the board of trustees
2 may purchase or otherwise acquire land or land and improvements and
3 may acquire, construct, reconstruct, repair or remodel improvements
4 thereon or additions thereto, including furnishings, equipment, and
5 architectural and incidental expense related thereto, and for such purposes
6 the board of trustees is authorized to issue and sell general obligation
7 bonds, the cumulative total not to exceed the following amounts: Where
8 the community college district has a taxable tangible valuation of less than
9 \$90,000,000 or is located in a county designated as urban under the
10 provisions of K.S.A. 19-3524, and amendments thereto, not to exceed 5%
11 of the taxable tangible property of the community college district, and
12 where the community college district has a taxable tangible valuation of
13 more than \$90,000,000 not to exceed 3% except as provided above for any
14 community college district located in a county designated as urban under
15 the provisions of K.S.A. 19-3524, and amendments thereto, of the taxable
16 tangible property of the community college district. If any increase in the
17 valuation of a community college district results in an outstanding bonded
18 indebtedness in excess of that provided in this subsection, such increase
19 shall not constitute a violation of this subsection. No such bonds shall be
20 issued until the question of their issuance shall have been submitted to a
21 vote of the electors of the community college district at a regular election
22 or at a special election called for that purpose and the majority of the
23 electors voting on the proposition in such community college district shall
24 have voted in favor of the issuance of the bonds. Such election shall be
25 called, noticed and held and the bonds issued, sold, delivered and retired in
26 accordance with the provisions of the general bond law except as herein
27 otherwise expressly provided.

28 (d) (1) *Except as provided in section 3, and amendments thereto*, the
29 board of trustees of a community college may purchase or otherwise
30 acquire land or land and improvements within: (1) (A) The community
31 college district; or (2) (B) the service area of the community college.
32 Nothing in this subsection shall be construed or operate in any manner to
33 require a board of trustees to sell, convey or otherwise dispose of land or
34 land and improvements located outside the community college district or
35 the service area of the community college and owned or being acquired by
36 the community college on the effective date of this act.

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

41 Sec. 6. K.S.A. 72-4417 is hereby amended to read as follows: 72-
42 4417. (a) Students admitted to a ~~vocational~~ *career technical* education
43 course or program which is conducted by the school district in which the

1 student is enrolled may be charged fees but shall not be charged tuition.

2 (b) Postsecondary students admitted to a ~~vocational~~ *career technical*
3 education course or program shall pay tuition and fees as provided by laws
4 applicable thereto.

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

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

27 (3) *For purposes of this subsection:*

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

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

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

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

43 (E) **"Technical college" means a technical college designated**

1 pursuant to K.S.A. 72-4472, 72-4473, 72-4474, 72-4475, 72-4477 or 72-
2 4477a, and amendments thereto.

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

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

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

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

36 Sec. 7. K.S.A. 72-4419 is hereby amended to read as follows: 72-
37 4419. The school district in which a student is enrolled shall pay the tuition
38 of such student to attend any ~~vocational~~ *career technical* education course
39 or program when such attendance is approved as provided in K.S.A. 72-
40 4418, and amendments thereto, from its vocational education fund, except
41 that any board receiving funds under an agreement under K.S.A. 72-4421,
42 and amendments thereto, shall pay such tuition when the student is
43 enrolled in a school district which is a party to the agreement if the

1 agreement so provides. In the case of a school district which is not a party
 2 to an agreement under K.S.A. 72-4421, and amendments thereto, should
 3 there be insufficient or no moneys in the ~~vocational~~ *career technical*
 4 education fund to pay such tuition, the board of education shall transfer
 5 from the general fund to the ~~vocational~~ *career technical* education fund
 6 such amount as will satisfy the insufficiency.

7 **Sec. 8. K.S.A. 2011 Supp. 72-6413 is hereby amended to read as**
 8 **follows: 72-6413. (a) (1) In school year 2012-2013, school year 2013-**
 9 **2014 and school year 2014-2015, the program weighting of each**
 10 **district shall be determined by the state board as follows:**

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

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

16 ~~(3)~~ (C) add the products obtained under ~~(1)~~ subparagraphs (A)
 17 and ~~(2)~~ (B). The sum is the program weighting of the district.

18 (2) In school year ~~2013-2014~~ **2015-2016** and each school year
 19 thereafter, the program weighting of each district shall be determined by
 20 the state board as follows: Compute the full time equivalent enrollment in
 21 programs of bilingual education and multiply the computed enrollment
 22 by .395. The result is the program weighting of the district.

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

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

35 **New Sec. 10. (a) If a pupil submits an application for free meals**
 36 **under the national school lunch act on or before the date on which the**
 37 **enrollment of the school district is calculated and it is later determined**
 38 **by the school district or the department of education that the pupil**
 39 **should not have been eligible for free meals, the district or the**
 40 **department shall notify the state board of such determination. Except**
 41 **as provided in subsection (b), upon receipt of such notice, the state**
 42 **board shall recompute the adjusted enrollment of the district and the**
 43 **general fund budget of the district based on the adjusted enrollment of**

1 the district excluding the at-risk pupil weighting, medium density at-
2 risk pupil weighting and high density at-risk pupil weighting, if any,
3 assigned to such pupil.

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

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

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

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

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

32 ~~The provisions of this subsection paragraph shall expire on June 30,~~
33 ~~2011. The high density at-risk pupil weighting of each school district shall~~
34 ~~be determined by the state board as follows:~~

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

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

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

41 (iii) *multiply the number of at-risk pupils enrolled in the district by*
42 *the product determined under clause (ii). The resulting product is the high*
43 *density at-risk pupil weighting of the district.*

1 (B) *If the district has an enrollment of 50% or more at-risk pupils, the*
2 *state board shall multiply the number of at-risk pupils by .105. The*
3 *resulting product is the high density at-risk pupil weighting of the district.*

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

8 **Sec. 12. K.S.A. 72-8814 is hereby amended to read as follows: 72-**
9 **8814. (a) There is hereby established in the state treasury the school**
10 **district capital outlay state aid fund. Such fund shall consist of all**
11 **amounts transferred thereto under the provisions of subsection (c).**

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

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

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

22 **(3) prepare a schedule of dollar amounts using the amount of the**
23 **median AVPP of all school districts as the point of beginning. The**
24 **schedule of dollar amounts shall range upward in equal \$1,000**
25 **intervals from the point of beginning to and including an amount that**
26 **is equal to the amount of the AVPP of the school district with the**
27 **highest AVPP of all school districts and shall range downward in equal**
28 **\$1,000 intervals from the point of beginning to and including an**
29 **amount that is equal to the amount of the AVPP of the school district**
30 **with the lowest AVPP of all school districts;**

31 **(4) (A) determine a state aid percentage factor for each school**
32 **district by assigning a state aid computation percentage to the amount**
33 **of the median AVPP shown on the schedule, decreasing the state aid**
34 **computation percentage assigned to the amount of the median AVPP**
35 **by one percentage point for each \$1,000 interval above the amount of**
36 **the median AVPP, and increasing the state aid computation percentage**
37 **assigned to the amount of the median AVPP by one percentage point**
38 **for each \$1,000 interval below the amount of the median AVPP. Except**
39 **as provided by K.S.A. 2011 Supp. 72-8814b, and amendments thereto,**
40 **the state aid percentage factor of a school district is the percentage**
41 **assigned to the schedule amount that is equal to the amount of the**
42 **AVPP of the school district, except that the state aid percentage factor**
43 **of a school district shall not exceed 100%. ~~The state aid computation~~**

1 percentage is 25%;

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

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

12 (iii) *For levies imposed by a school district pursuant to a resolution*
13 *adopted on or after July 1, 2012, the state aid computation percentage is*
14 *15%; and*

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

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

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

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

41 **(e) Amounts transferred to the capital outlay fund of a school**
42 **district as authorized by K.S.A. 72-6433, and amendments thereto,**
43 **shall not be included in the computation when determining the**

1 amount of state aid to which a district is entitled to receive under this
2 section.

3 Sec. 13. K.S.A. 2011 Supp. 75-2319 is hereby amended to read as
4 follows: 75-2319. (a) There is hereby established in the state treasury
5 the school district capital improvements fund. The fund shall consist
6 of all amounts transferred thereto under the provisions of subsection
7 (c).

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

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

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

19 (3) prepare a schedule of dollar amounts using the amount of the
20 median AVPP of all school districts as the point of beginning. The
21 schedule of dollar amounts shall range upward in equal \$1,000
22 intervals from the point of beginning to and including an amount that
23 is equal to the amount of the AVPP of the school district with the
24 highest AVPP of all school districts and shall range downward in equal
25 \$1,000 intervals from the point of beginning to and including an
26 amount that is equal to the amount of the AVPP of the school district
27 with the lowest AVPP of all school districts;

28 (4) (A) determine a state aid percentage factor for each school
29 district by assigning a state aid computation percentage to the amount
30 of the median AVPP shown on the schedule, decreasing the state aid
31 computation percentage assigned to the amount of the median AVPP
32 by one percentage point for each \$1,000 interval above the amount of
33 the median AVPP, and increasing the state aid computation percentage
34 assigned to the amount of the median AVPP by one percentage point
35 for each \$1,000 interval below the amount of the median AVPP. Except
36 as provided by K.S.A. 2010 Supp. 75-2319c, and amendments thereto,
37 the state aid percentage factor of a school district is the percentage
38 assigned to the schedule amount that is equal to the amount of the
39 AVPP of the school district. The state aid percentage factor of a school
40 district shall not exceed 100%. ~~The state aid computation percentage is~~
41 ~~5% for contractual bond obligations incurred by a school district prior to~~
42 ~~the effective date of this act, and 25% for contractual bond obligations~~
43 ~~incurred by a school district on or after the effective date of this act;~~

1 (B) (i) *For contractual bond obligations incurred by a school district*
2 *prior to July 1, 1992, the state aid computation percentage is 5%.*

3 (ii) *For contractual bond obligations incurred by a school district on*
4 *or after July 1, 1992, if the issuance of such bonds has been approved by*
5 *the electors of the school district at an election held prior to January 1,*
6 *2013, the state aid computation percentage is 25%.*

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

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

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

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

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

33 (d) **Payments from the school district capital improvements fund**
34 **shall be distributed to school districts at times determined by the state**
35 **board of education to be necessary to assist school districts in making**
36 **scheduled payments pursuant to contractual bond obligations. The**
37 **state board of education shall certify to the director of accounts and**
38 **reports the amount due each school district entitled to payment from**
39 **the fund, and the director of accounts and reports shall draw a**
40 **warrant on the state treasurer payable to the treasurer of the school**
41 **district. Upon receipt of the warrant, the treasurer of the school**
42 **district shall credit the amount thereof to the bond and interest fund**
43 **of the school district to be used for the purposes of such fund.**

1 (e) The provisions of this section apply only to contractual
2 obligations incurred by school districts pursuant to general obligation
3 bonds issued upon approval of a majority of the qualified electors of
4 the school district voting at an election upon the question of the
5 issuance of such bonds.

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

11 New Sec. 14. (a) As used in this section:

12 (1) "School district" or "district" means a school district having
13 less than 200 square miles in area and an enrollment of less than 400.

14 (2) "Joint committee" means the joint committee on state
15 building construction.

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

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

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

32 New Sec. 16. (a) As used in this section:

33 (1) "Applicant" means a person who:

34 (A) Is seeking certification as a teacher at the secondary level in
35 the state of Kansas to teach a career technical education course or
36 program in a school district; and

37 (B) is currently employed by a community college, technical
38 college or the institute of technology, to teach a career technical
39 education course or program;

40 (2) "board" means the board of education of any public school
41 district;

42 (3) "career technical education" shall have the same meaning as
43 such term is defined in K.S.A. 72-4412, and amendments thereto;

1 **(4) "career technical education course or program" means a**
2 **course or program approved by the state board for high school credit;**

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

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

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

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

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

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

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

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

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

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

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

36 **(2) the evaluation and approval of mentor programs.**

37 **(c) Within the limitations of appropriations therefor, the state**
38 **board shall determine the amount of grants to be awarded to each**
39 **school district by considering the number of probationary teachers**
40 **and administrative employees participating in a mentor program.**
41 **Upon receipt of a grant of state moneys, in accordance with this**
42 **section, the amount of the grant shall be deposited in the general fund**
43 **of a school district. Moneys deposited in the general fund of a school**

1 district under this subsection shall be considered reimbursements for
2 the purpose of the school district finance and quality performance act.
3 The full amount of the grant shall be allocated among the
4 probationary teachers and administrative employees employed by the
5 school district.

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

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

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

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

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

19 (A) Highly effective;

20 (B) effective;

21 (C) progressing; or

22 (D) ineffective.

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

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

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

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

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

43 New Sec. 19. (a) Grounds for nonrenewal or termination of a

1 contract of a teacher who has earned due process protections and
2 rights under K.S.A. 72-5445, and amendments thereto, include, but
3 are not limited to, a teacher's receipt of a rating designation of
4 ineffective pursuant to K.S.A. 72-9001 et seq., and amendments
5 thereto, in two consecutive school years and, during such two-year
6 period, the teacher was provided an opportunity to participate in
7 appropriate professional development in accordance with the
8 provisions of K.S.A. 72-9601 et seq., and amendments thereto.

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

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

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

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

24 **Sec. 21.** K.S.A. 72-1412 is hereby amended to read as follows: 72-
25 1412. As used in K.S.A. 72-1412 through 72-1415 and section 17, and
26 amendments thereto:

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

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

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

38 ~~(b)~~(d) **"Mentor teacher" means a certificated teacher who has**
39 **completed at least three consecutive school years of employment in the**
40 **school district, has been selected by the board of education of the**
41 **school district on the basis of having demonstrated exemplary**
42 **teaching ability as indicated by criteria established by the state board**
43 **of education, and has participated in and successfully completed a**

1 training program for mentor teachers provided for by the board of
2 education of the school district in accordance with guidelines
3 prescribed by the state board of education. The primary function of a
4 mentor teacher shall be to provide probationary teachers with
5 professional support and assistance. A mentor teacher may provide
6 assistance and guidance to not more than two probationary teachers.

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

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

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

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

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

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

33 (d) "Administrative employee" means, in the case of a school
34 district, any person who is employed by a board of education in an
35 administrative capacity and who is fulfilling duties for which an
36 administrator's certificate is required under K.S.A. 72-7513, and
37 amendments thereto; and, in the case of an area vocational-technical
38 school or community college, any person who is employed by the
39 board of control or the board of trustees in an administrative capacity
40 and who is acting in that capacity and who has authority, in the
41 interest of the board of control or the board of trustees, to hire,
42 transfer, suspend, layoff, recall, promote, discharge, assign, reward or
43 discipline other employees, or responsibly to direct them or to adjust

1 their grievances, or effectively to recommend a preponderance of such
2 actions, if in connection with the foregoing, the exercise of such
3 authority is not of a merely routine or clerical nature, but requires the
4 use of independent judgment.

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

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

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

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

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

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

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

42 (l) (1) "Terms and conditions of professional service" means: (A)
43 (i) Salaries and wages, including pay for duties under supplemental

1 contracts; hours and amounts of work; vacation allowance, holiday,
2 sick, extended, sabbatical, and other leave, and number of holidays;
3 retirement; insurance benefits; wearing apparel; pay for overtime;
4 jury duty; grievance procedure; including binding arbitration of
5 grievances; disciplinary procedure; resignations; termination and
6 nonrenewal of contracts, in accordance with state law; reemployment of
7 professional employees; terms and form of the individual professional
8 employee contract; probationary period; professional employee
9 appraisal procedures *in accordance with state law and subject to the*
10 *limitations in subsection (1)(1)(A)(ii); each of the foregoing being a term*
11 *and condition of professional service, regardless of its impact on the*
12 *employee or on the operation of the educational system; (ii) on and*
13 *after the adoption by the state board of education, by rules and*
14 *regulations, of the Kansas education evaluation protocol or statewide*
15 *evaluation system substantially similar to the Kansas education evaluation*
16 *protocol, for a board of education of any school district, the term "terms*
17 *and conditions of professional service" does not include professional*
18 *employee appraisal procedures; (B) matters which relate to privileges to*
19 *be granted the recognized professional employees' organization*
20 *including, but not limited to, voluntary payroll deductions; use of*
21 *school or college facilities for meetings; dissemination of information*
22 *regarding the professional negotiation process and related matters to*
23 *members of the bargaining unit on school or college premises through*
24 *direct contact with members of the bargaining unit, the use of bulletin*
25 *boards on or about the facility, and the use of the school or college*
26 *mail system to the extent permitted by law; reasonable leaves of*
27 *absence for members of the bargaining unit for organizational*
28 *purposes such as engaging in professional negotiation and partaking*
29 *of instructional programs properly related to the representation of the*
30 *bargaining unit; any of the foregoing privileges which are granted the*
31 *recognized professional employees' organization through the*
32 *professional negotiation process shall not be granted to any other*
33 *professional employees' organization; and (C) such other matters as*
34 *the parties mutually agree upon as properly related to professional*
35 *service including, but not limited to, employment incentive or*
36 *retention bonuses authorized under K.S.A. 72-8246, and amendments*
37 *thereto.*

38 (2) Nothing in this act, and amendments thereto, shall authorize
39 the diminution of any right, duty or obligation of either the
40 professional employee or the board of education which have been
41 fixed by statute or by the constitution of this state. Except as otherwise
42 expressly provided in this subsection (1), the fact that any matter may
43 be the subject of a statute or the constitution of this state does not

1 preclude negotiation thereon so long as the negotiation proposal would
2 not prevent the fulfillment of the statutory or constitutional objective.

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

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

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

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

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

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

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

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

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

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

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

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

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

42 Sec. 24. K.S.A. 2011 Supp. 72-9003 is hereby amended to read as
43 follows: 72-9003. Each board shall adopt a written policy of personnel

1 **evaluation procedure in accordance with K.S.A. 72-9002 et seq., and**
2 **amendments thereto. For school districts, such policy shall include, but**
3 **is not limited to, the Kansas educator evaluation protocol adopted by the**
4 **state board of education. Every policy so adopted shall:**

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

7 (b) **Include evaluation procedures applicable to all employees;**

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

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

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

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

30 (f) *be approved by the state board.*

31 **Sec. 25. K.S.A. 72-9004 is hereby amended to read as follows: 72-**
32 **9004. Evaluation policies adopted under K.S.A. 72-9003, and**
33 **amendments thereto, shall meet the following guidelines or criteria:**

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

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

43 (c) **The original policy and amendments thereto shall be**

1 developed by the board in cooperation with the persons responsible
2 for making evaluations and the persons who are to be evaluated, and,
3 to the extent practicable, consideration shall be given to comment and
4 suggestions from other community interests.

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

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

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

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

20 **Sec. 26. K.S.A. 72-9005 is hereby amended to read as follows: 72-**
21 **9005. (a) Whenever any evaluation is made of an employee, the**
22 **written document thereof shall be presented to the employee, and the**
23 **employee shall acknowledge such presentation by his or her signature**
24 **thereon signing such written document. At any time not later than two**
25 **(2) weeks after such presentation, the employee may respond thereto**
26 **in writing.**

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

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

40 **Sec. 27. K.S.A. 2011 Supp. 72-9608 is hereby amended to read as**
41 **follows: 72-9608. (a) In each school year, each school district which is**
42 **maintaining an approved professional development program shall be**
43 **eligible to receive from state funds, within the limits of appropriations**

1 for professional development, an amount to be determined by the state
2 board on the basis of priorities established ~~through a needs-assessment~~
3 ~~survey conducted by the state board pursuant to section 20, and~~
4 ~~amendments thereto.~~ In no event shall the amount allocated and
5 distributed to any school district under this act exceed: (1) An amount
6 which is equal to .50 of 1% of the amount of the general fund budget
7 of the school district, or an amount equal to 50% of the actual
8 expenses incurred by the school district in maintaining an approved
9 professional development program, whichever is the lesser amount; or
10 (2) an amount which is equal to 50% of the actual expenses incurred
11 by the school district for the provision of innovative and experimental
12 procedures, activities and services, if any of the same are provided and
13 approved by the state board, in a professional development program
14 maintained by the school district and approved by the state board.

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

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

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

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

33 (1) Determine the total amount of general fund and local ~~option~~
34 *operating* budgets of all school districts;

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

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

42 (4) determine the total full-time equivalent enrollment of
43 exceptional children receiving special education and related services

1 provided by all school districts;

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

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

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

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

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

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

16 (11) multiply the remainder obtained under paragraph (10) by
17 92%.

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

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

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

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

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

42 (4) subject to the provisions of subsection (f) and except for those
43 school districts entitled to receive reimbursement under subsection (c)

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

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

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

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

40 (e) No time spent by a special teacher in connection with duties
41 performed under a contract entered into by the Kansas juvenile
42 correctional complex, the Atchison juvenile correctional facility, the
43 Larned juvenile correctional facility, or the Topeka juvenile

1 correctional facility and a school district for the provision of special
2 education services by such state institution shall be counted in making
3 computations under this section.

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

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

12 (B) subtract the amount of moneys paid to all school districts
13 under paragraphs (1), (2) and (3) of subsection (b) of this section,
14 K.S.A. 72-983 and K.S.A. 2011 Supp. 72-998, and amendments
15 thereto, for the current school year;

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

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

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

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

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

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

40 (5) The balance of state aid remaining after determining the
41 amount of state aid payable to districts under paragraph (4) of this
42 subsection shall be reallocated to districts which have not received
43 state aid in an amount equal to the product obtained under (2)(B).

1 Such state aid shall be reallocated to such districts in the same manner
2 as the original allocation. If the balance is insufficient to pay each such
3 district the minimum amount specified in this subsection, the state
4 board shall prorate the balance among such districts.

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

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

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

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

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

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

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

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

40 (b) (1) "Base state aid per pupil" means an amount of state
41 financial aid per pupil. Subject to the other provisions of this
42 subsection, the amount of base state aid per pupil is ~~\$4,433 in school~~
43 ~~year 2008-2009 and \$4,492 in school year 2009-2010~~ *\$4,200 in school*

1 year 2012-2013 and each school year thereafter.

2 (2) The amount of base state aid per pupil is subject to reduction
3 commensurate with any reduction under K.S.A. 75-6704, and
4 amendments thereto, in the amount of the appropriation from the
5 state general fund for general state aid. If the amount of
6 appropriations for general state aid is insufficient to pay in full the
7 amount each district is entitled to receive for any school year, the
8 amount of base state aid per pupil for such school year is subject to
9 reduction commensurate with the amount of the insufficiency.

10 (c) "Local effort" means the sum of an amount equal to the
11 proceeds from the tax levied under authority of K.S.A. 72-6431, and
12 amendments thereto, and an amount transferred from the supplemental
13 general fund to the general fund in accordance with subsection (j)(5) of
14 K.S.A. 72-6433, and amendments thereto, and an amount equal to any
15 unexpended and unencumbered balance remaining in the general
16 fund of the district, except amounts received by the district and
17 authorized to be expended for the purposes specified in K.S.A. 72-
18 6430, and amendments thereto, and an amount equal to any
19 unexpended and unencumbered balances remaining in the program
20 weighted funds of the district, except any amount in the vocational
21 education fund of the district if the district is operating an area
22 vocational school, and an amount equal to any remaining proceeds
23 from taxes levied under authority of K.S.A. 72-7056 and 72-7072, and
24 amendments thereto, prior to the repeal of such statutory sections,
25 and an amount equal to the amount deposited in the general fund in
26 the current school year from amounts received in such year by the
27 district under the provisions of subsection (a) of K.S.A. 72-1046a, and
28 amendments thereto, and an amount equal to the amount deposited in
29 the general fund in the current school year from amounts received in
30 such year by the district pursuant to contracts made and entered into
31 under authority of K.S.A. 72-6757, and amendments thereto, and an
32 amount equal to the amount credited to the general fund in the
33 current school year from amounts distributed in such year to the
34 district under the provisions of articles 17 and 34 of chapter 12 of
35 Kansas Statutes Annotated and under the provisions of articles 42 and
36 51 of chapter 79 of Kansas Statutes Annotated, and an amount equal
37 to the amount of payments received by the district under the
38 provisions of K.S.A. 72-979, and amendments thereto, and an amount
39 equal to the amount of a grant, if any, received by the district under
40 the provisions of K.S.A. 72-983, and amendments thereto, and an
41 amount equal to 70% of the federal impact aid of the district.

42 (d) "Federal impact aid" means an amount equal to the federally
43 qualified percentage of the amount of moneys a district receives in the

1 current school year under the provisions of title I of public law 874
 2 and congressional appropriations therefor, excluding amounts
 3 received for assistance in cases of major disaster and amounts received
 4 under the low-rent housing program. The amount of federal impact
 5 aid defined herein as an amount equal to the federally qualified
 6 percentage of the amount of moneys provided for the district under
 7 title I of public law 874 shall be determined by the state board in
 8 accordance with terms and conditions imposed under the provisions of
 9 the public law and rules and regulations thereunder.

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

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

20 (1) "State prescribed percentage" means 31% of state financial
 21 aid of the district in the current school year.

22 (2) "Authorized to adopt a local ~~option~~ *operating* budget" means
 23 that a district has adopted a resolution under this section, has
 24 published the same, and either the resolution was not protested or it
 25 was protested and an election was held by which the adoption of a
 26 local ~~option~~ *operating* budget was approved.

27 (b) (1) In each school year, the board of any district ~~may shall~~
 28 ~~adopt a local option operating budget which does not exceed the state~~
 29 ~~prescribed percentage~~, which shall be at least 10% but not more than 30%
 30 of the state financial aid of the district in the current school year.

31 (2) Subject to subsection (i), in each school year, the board of any
 32 district may adopt a local operating budget in excess of 30% of the state
 33 financial aid of the district in the current school year. Such excess
 34 percentage shall be adopted by separate resolution.

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

38 (1) (A) The amount which the board was authorized to adopt in
 39 accordance with the provisions of this section in effect prior to its
 40 amendment by this act; plus

41 (B) the amount which the board was authorized to adopt
 42 pursuant to any resolution currently in effect; plus

43 (C) the amount which the board was authorized to adopt

1 pursuant to K.S.A. 72-6444, and amendments thereto, if applicable to
2 the district; or

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

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

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

19 Unified School District No. _____,
20 _____ County, Kansas.

21 RESOLUTION

22 Be It Resolved that:

23 The board of education of the above-named school district shall be
24 authorized to adopt a local ~~option~~ *operating* budget in each school year
25 in an amount not to exceed ____% of the amount of state financial aid.
26 The local ~~option~~ *operating* budget authorized by this resolution may be
27 adopted, unless a petition in opposition to the same, signed by not less
28 than 5% of the qualified electors of the school district, is filed with the
29 county election officer of the home county of the school district within
30 30 days after publication of this resolution. If a petition is filed, the
31 county election officer shall submit the question of whether adoption
32 of the local ~~option~~ *operating* budget shall be authorized to the electors
33 of the school district at an election called for the purpose or at the next
34 general election, as is specified by the board of education of the school
35 district.

36 CERTIFICATE

37 This is to certify that the above resolution was duly adopted by the
38 board of education of unified School District
39 No. ___, _____ County, Kansas, on the _____ day of
40 _____, _____.

41 _____
42 Clerk of the board of education.

43 All of the blanks in the resolution shall be filled as is appropriate. If

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

11 (e) Any resolution authorizing the adoption of a local option budget
12 in excess of 30% of the state financial aid of the district in the current
13 school year *adopted under subsection (b)(2)* shall not become effective
14 unless such resolution *specifying the excess percentage* has been
15 submitted to and approved by a majority of the qualified electors of
16 the school district voting at an election called and held thereon. The
17 election shall be called and held in the manner provided by K.S.A. 10-
18 120, and amendments thereto.

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

29 (g) The board of any district may initiate procedures to renew or
30 increase the authority to adopt a local option *operating* budget at any
31 time during a school year after the tax levied pursuant to K.S.A. 72-
32 6435, and amendments thereto, is certified to the county clerk under
33 any existing authorization.

34 (h) The board of any district that is authorized to adopt a local
35 option *operating* budget prior to the effective date of this act under a
36 resolution which authorized the adoption of such budget in
37 accordance with the provisions of this section in effect prior to its
38 amendment by this act may continue to operate under such resolution
39 for the period of time specified in the resolution or may abandon the
40 resolution and operate under the provisions of this section as amended
41 by this act. Any such district shall operate under the provisions of this
42 section as amended by this act after the period of time specified in the
43 resolution has expired.

1 (i) Any resolution adopted pursuant to this section may revoke or
2 repeal any resolution previously adopted by the board. If the
3 resolution does not revoke or repeal previously adopted resolutions, all
4 resolutions which are in effect shall expire on the same date. The
5 maximum amount of the local ~~option~~ *operating* budget of a school
6 district under all resolutions in effect shall not exceed the state
7 prescribed percentage in any school year.

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

12 (2) Subject to the limitation imposed under ~~paragraph~~ *paragraphs*
13 (3) and (5) and subsection (e) of K.S.A. 72-6434, and amendments
14 thereto, amounts in the supplemental general fund may be expended
15 for any purpose for which expenditures from the general fund are
16 authorized or may be transferred to any program weighted fund or
17 categorical fund of the district. Amounts in the supplemental general
18 fund attributable to any percentage over 25% of state financial aid
19 determined for the current school year may be transferred to the
20 capital improvements fund of the district and the capital outlay fund
21 of the district if such transfers are specified in the resolution
22 authorizing the adoption of a local ~~option~~ *operating* budget in excess of
23 25%.

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

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

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

43 (5) (A) *An amount equal to the product obtained by multiplying \$420*

1 *by the adjusted enrollment of the district shall be transferred to the*
2 *general fund of the district. Such amount shall be expended in the*
3 *following manner and order of priority:*

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

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

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

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

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

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

25 **(~~h~~)m) The provisions of this section shall be subject to the**
26 **provisions of K.S.A. 2011 Supp. 72-6433d, and amendments thereto.**

27 **Sec. 33. K.S.A. 2011 Supp. 72-6433d is hereby amended to read as**
28 **follows: 72-6433d. (a) (1) The provisions of this subsection shall apply**
29 **in any school year in which the amount of base state aid per pupil is**
30 **\$4,433 or less.**

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

36 **(b) (1) The provisions of this subsection shall apply in any school**
37 **year in which the amount appropriated for state aid for special**
38 **education and related services is less than the amount appropriated**
39 **for state aid for special education and related services in school year**
40 **2008-2009.**

41 **(2) The board of education of any school district may adopt a**
42 **local ~~option~~ operating budget which does not exceed the local ~~option~~**
43 **operating budget calculated as if the district received state aid for**

1 special education and related services equal to the amount of state aid
2 for special education and related services received in school year 2008-
3 2009, or which does not exceed an amount as authorized by K.S.A. 72-
4 6433, and amendments thereto, whichever is greater.

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

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

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

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

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

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

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

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

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

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

40 (c) The state board shall prescribe the dates upon which the
41 distribution of payments of supplemental general state aid to school
42 districts shall be due. Payments of supplemental general state aid shall
43 be distributed to districts on the dates prescribed by the state board.

1 The state board shall certify to the director of accounts and reports
2 the amount due each district, and the director of accounts and reports
3 shall draw a warrant on the state treasurer payable to the treasurer of
4 the district. Upon receipt of the warrant, the treasurer of the district
5 shall credit the amount thereof to the supplemental general fund of
6 the district to be used for the purposes of such fund.

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

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

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

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

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

1 ~~option~~ *operating* budget in excess of 25% of state financial aid
2 determined for the current school year.

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

10 (c) No district shall proceed under K.S.A. 79-1964, 79-1964a or
11 79-1964b, and amendments to such sections.

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

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

38 (3) The state court of tax appeals may adopt rules and regulations
39 necessary to effectuate the provisions of this subsection, including
40 rules and regulations relating to the evidence required in support of a
41 district's claim that the costs attributable to commencing operation of
42 one or more new school facilities are in excess of the amount that is
43 financed from any other source provided by law for such purpose.

1 **(4) The provisions of this subsection apply to any district that: (A)**
2 **Commenced operation of one or more new school facilities in the**
3 **school year preceding the current school year or has commenced or**
4 **will commence operation of one or more new school facilities in the**
5 **current school year or any or all of the foregoing; (B) is authorized to**
6 **adopt and has adopted a local ~~option~~ *operating* budget which is at least**
7 **equal to that amount required to qualify for school facilities weighting**
8 **under K.S.A. 2011 Supp. 72-6415b, and amendments thereto; and (C)**
9 **is experiencing extraordinary enrollment growth as determined by the**
10 **state board of education.**

11 **(b) The board of any district that has levied an ad valorem tax on**
12 **the taxable tangible property of the district each year for a period of**
13 **two years under authority of subsection (a) may continue to levy such**
14 **tax under authority of this subsection each year for an additional**
15 **period of time not to exceed three years in an amount not to exceed the**
16 **amount computed by the state board of education as provided in this**
17 **subsection if the board of the district determines that the costs**
18 **attributable to commencing operation of one or more new school**
19 **facilities are significantly greater than the costs attributable to the**
20 **operation of other school facilities in the district. The tax authorized**
21 **under this subsection may be levied at a rate which will produce an**
22 **amount that is not greater than the amount computed by the state**
23 **board of education as provided in this subsection. In computing such**
24 **amount, the state board shall: (1) Determine the amount produced by**
25 **the tax levied by the district under authority of subsection (a) in the**
26 **second year for which such tax was levied and add to such amount the**
27 **amount of general state aid directly attributable to school facilities**
28 **weighting that was received by the district in the same year; (2)**
29 **compute 75% of the amount of the sum obtained under (1), which**
30 **computed amount is the amount the district may levy in the first year**
31 **of the three-year period for which the district may levy a tax under**
32 **authority of this subsection; (3) compute 50% of the amount of the**
33 **sum obtained under (1), which computed amount is the amount the**
34 **district may levy in the second year of the three-year period for which**
35 **the district may levy a tax under authority of this subsection; and (4)**
36 **compute 25% of the amount of the sum obtained under (1), which**
37 **computed amount is the amount the district may levy in the third year**
38 **of the three-year period for which the district may levy a tax under**
39 **authority of this subsection.**

40 **In determining the amount produced by the tax levied by the**
41 **district under authority of subsection (a), the state board shall include**
42 **any moneys which have been apportioned to the ancillary facilities**
43 **fund of the district from taxes levied under the provisions of K.S.A.**

1 79-5101 et seq. and 79-5118 et seq., and amendments thereto.

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

8 Sec. 37. K.S.A. 72-6444 is hereby amended to read as follows: 72-
9 6444. (a) In each school year, commencing with the 1997-98 school
10 year, the state board shall compute a district prescribed percentage
11 for the purpose of determining the amount of a local ~~option~~ *operating*
12 budget the board of a district to which the provisions of this section
13 apply may adopt for the school year. The district prescribed
14 percentage for each district to which the provisions of this section
15 apply shall be computed by the state board as provided in this section.
16 The state board shall:

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

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

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

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

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

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

43 (7) for districts with 0-99.9 enrollment, compare the amount

1 determined for the district under (1) to the average amount computed
2 under (2). If the amount determined under (1) is equal to or greater
3 than the average amount computed under (2), the provisions of this
4 section do not apply to the district. If the amount determined under
5 (1) is less than the average amount computed under (2), subtract the
6 amount determined under (1) from the amount computed under (2),
7 multiply the remainder by enrollment of the district in the preceding
8 school year, and divide the product by the amount of state financial
9 aid determined for the district in the preceding school year. The
10 quotient is the district prescribed percentage of the district;

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

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

33 (10) for districts with 1,800 or over enrollment, compare the
34 amount determined for the district under (1) to the average amount
35 computed under (4). If the amount determined under (1) is equal to or
36 greater than the average amount computed under (4), the provisions
37 of this section do not apply to the district. If the amount determined
38 under (1) is less than the average amount computed under (4),
39 subtract the amount determined under (1) from the amount computed
40 under (4), multiply the remainder by enrollment of the district in the
41 preceding school year, and divide the product by the amount of state
42 financial aid determined for the district in the preceding school year.
43 The quotient is the district prescribed percentage of the district.

1 **(b) The provisions of this section apply to any district that**
2 **budgeted an amount per pupil in the preceding school year, as**
3 **determined under provision (1) of subsection (a), that was less than**
4 **the average amount per pupil of general fund budgets and local ~~option~~**
5 **operating budgets computed by the state board under whichever of the**
6 **provisions (7) through (10) of subsection (a) is applicable to the**
7 **district's enrollment group.**

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

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

15 **(b) The board of education of any district may levy a tax on the**
16 **taxable tangible property within the district for the purpose of**
17 **financing the costs incurred by the state that are attributable directly**
18 **to assignment of the cost of living weighting to the enrollment of the**
19 **district. There is hereby established in every school district a fund**
20 **which shall be called the cost of living fund, which fund shall consist of**
21 **all moneys deposited therein or transferred thereto in accordance with**
22 **law. All moneys derived from a tax imposed pursuant to this section**
23 **shall be credited to the cost of living fund. The proceeds from the tax**
24 **levied by a district credited to the cost of living fund shall be remitted**
25 **to the state treasurer in accordance with the provisions of K.S.A. 75-**
26 **4215, and amendments thereto. Upon receipt of each such remittance,**
27 **the state treasurer shall deposit the entire amount in the state treasury**
28 **to the credit of the state school district finance fund.**

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

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

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

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

38 **(4) (A) subtract the amount determined under (2) from the**
39 **amount determined under (3). If the amount determined for the**
40 **district under this paragraph is a positive number and the district is**
41 **authorized to adopt and has adopted a local ~~option~~ operating budget in**
42 **an amount equal to at least 31% of the state financial aid for the**
43 **school district, the district qualifies for assignment of cost of living**

1 weighting and may levy a tax on the taxable tangible property of the
2 district for the purpose of financing the costs that are attributable
3 directly to assignment of the cost of living weighting to enrollment of
4 the district; or

5 (B) as an alternative to the authority provided in paragraph (4)
6 (A), if a district was authorized to make a levy pursuant to this section
7 in school year 2006-2007, such district shall remain authorized to levy
8 such tax at a rate necessary to generate revenue in the same amount
9 generated in school year 2006-2007 if: (i) The amount determined
10 under paragraph (4)(A) is a positive number; and (ii) the district
11 continues to adopt a local ~~option~~ operating budget in an amount equal
12 to the state prescribed percentage in effect in school year 2006-2007.

13 (d) No tax may be levied under this section unless the board of
14 education adopts a resolution authorizing such a tax levy and
15 publishes the resolution at least once in a newspaper having general
16 circulation in the district. Except as provided by subsection (e), the
17 resolution shall be published in substantial compliance with the
18 following form:

19 Unified School District No. _____,
20 _____ County, Kansas.

21 **RESOLUTION**

22 **Be It Resolved that:**

23 The board of education of the above-named school district shall be
24 authorized to levy an ad valorem tax in an amount not to exceed the
25 amount necessary to finance the costs attributable directly to the
26 assignment of cost of living weighting to the enrollment of the district.
27 The ad valorem tax authorized by this resolution may be levied unless
28 a petition in opposition to the same, signed by not less than 5% of the
29 qualified electors of the school district, is filed with the county election
30 officer of the home county of the school district within 30 days after
31 the publication of this resolution. If a petition is filed, the county
32 election officer shall submit the question of whether the levy of such a
33 tax shall be authorized in accordance with the provisions of this
34 resolution to the electors of the school district at the next general
35 election of the school district, as is specified by the board of education
36 of the school district.

37 **CERTIFICATE**

38 This is to certify that the above resolution was duly adopted by the
39 board of education of
40 Unified School District No. _____, _____ County, Kansas, on
41 the ____ day of _____, (year) ____.

42 _____
43 Clerk of the board of education.

1 All of the blanks in the resolution shall be filled. If no petition as
2 specified above is filed in accordance with the provisions of the
3 resolution, the resolution authorizing the ad valorem tax levy shall
4 become effective. If a petition is filed as provided in the resolution, the
5 board may notify the county election officer to submit the question of
6 whether such tax levy shall be authorized. If the board fails to notify
7 the county election officer within 30 days after a petition is filed, the
8 resolution shall be deemed abandoned and of no force and effect and
9 no like resolution shall be adopted by the board within the nine
10 months following publication of the resolution. If a majority of the
11 votes cast in an election conducted pursuant to this provision are in
12 favor of the resolution, such resolution shall be effective on the date of
13 such election. If a majority of the votes cast are not in favor of the
14 resolution, the resolution shall be deemed of no effect and no like
15 resolution shall be adopted by the board within the nine months
16 following such election.

17 (e) In determining the amount produced by the tax levied by the
18 district under the authority of this section, the state board shall
19 include any moneys which have been apportioned to the cost of living
20 fund of the district from taxes levied under the provisions of K.S.A.
21 79-5101 et seq. and 79-5118 et seq., and amendments thereto.

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

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

30 (2) "Declining enrollment" means an enrollment which has
31 declined in amount from that of the preceding school year.

32 (b) (1) (A) A school district may levy an ad valorem tax on the
33 taxable tangible property of the district each year for a period of time
34 not to exceed two years in an amount not to exceed the amount
35 authorized by the state court of tax appeals under this subsection for
36 the purpose of financing the costs incurred by the state that are
37 directly attributable to assignment of declining enrollment weighting
38 to enrollment of the district. The state court of tax appeals may
39 authorize the district to make a levy which will produce an amount
40 that is not greater than the amount of revenues lost as a result of the
41 declining enrollment of the district. Such amount shall not exceed 5%
42 of the general fund budget of the district in the school year in which
43 the district applies to the state court of tax appeals for authority to

1 make a levy pursuant to this section.

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

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

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

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

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

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

35 (f) In determining the amount produced by the tax levied by the
36 district under authority of this section, the state board shall include
37 any moneys which have been apportioned to the declining enrollment
38 fund of the district from taxes levied under the provisions of K.S.A.
39 79-5101 et seq. and 79-5118 et seq., and amendments thereto.

40 Sec. 40. K.S.A. 2011 Supp. 72-6456 is hereby amended to read as
41 follows: 72-6456. (a) For the purpose of determining the general fund
42 budget of a school district, weightings shall not be assigned to a pupil
43 enrolled in and attending KAMS.

1 (b) Moneys in the general fund which are attributable to a pupil
2 enrolled in and attending KAMS shall not be included in the
3 computation of the local ~~option~~ *operating* budget of the school district.

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

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

19 (b) Any party challenging the adequacy of the state's provision
20 for finance of the educational interests of the state shall have the
21 burden, at all times, to prove that state moneys appropriated,
22 distributed or otherwise provided by the state to a school district or
23 districts, which is the subject of such action, were not sufficient to
24 fund the costs of the areas of instruction required by K.S.A. 72-1101,
25 72-1103 and 72-1117, and amendments thereto, and for courses
26 included in the precollege curriculum prescribed by the state board of
27 regents pursuant to K.S.A. 76-717, and amendments thereto.

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

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

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

41 (1) The composition of the independent governing board;

42 (2) the territory of the technical college. If the territory of the
43 technical college includes more than one county, the plan shall

1 designate a home county;

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

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

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

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

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

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

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

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

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

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

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

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

43 (7) sue and be sued;

- 1 **(8) appoint and fix the compensation and term of office of a**
2 **president or chief administrative officer of the college;**
- 3 **(9) fix and determine, within state adopted standards, all other**
4 **employees' qualifications, duties, compensation and all other items**
5 **and conditions of employment;**
- 6 **(10) enter into contracts;**
- 7 **(11) accept any gifts, grants or donations;**
- 8 **(12) acquire and dispose of real or personal property;**
- 9 **(13) enter into lease agreements as lessor of any property owned**
10 **or controlled by the college;**
- 11 **(14) adopt any rules and regulations, not inconsistent with any**
12 **law or any rules and regulations of the state board of regents, which**
13 **are necessary for the administration and operation of the college or**
14 **for the conduct of business of the governing board;**
- 15 **(15) contract with one or more agencies, either public or private,**
16 **whether located within or outside the territory of the college or**
17 **whether located within or outside the state of Kansas, for the conduct**
18 **by any such agency of academic or career technical education for**
19 **students of the college and to provide for the payment to any such**
20 **agency for the contracted educational services from any funds or**
21 **moneys of the college, including funds or moneys received from**
22 **student tuition and fees;**
- 23 **(16) appoint as its resident agent for the purpose of service of**
24 **process, either the president of the technical college or the chairperson**
25 **of the governing board, or both;**
- 26 **(17) take any other action, not inconsistent with any law or any**
27 **rules and regulations of the state board of regents, which is necessary**
28 **or incidental to the establishment, operation and maintenance of the**
29 **college;**
- 30 **(18) issue bonds for capital improvement projects, enter into bond**
31 **covenants and take such ancillary action as the governing board**
32 **approves, relating thereto, except that such bonds shall not be secured**
33 **by a pledge of any property tax revenues of the technical college;**
- 34 **(19) enter into agreements with counties relating to funding for**
35 **capital improvement projects at technical colleges; and**
- 36 **(20) fix different rates per hour of tuition, fees and charges for the**
37 **different postsecondary programs administered by such board; and**
38 *(21) to acquire by lease-purchase any property, whether real,*
39 *personal, or mixed, or any interest therein, which is necessary or desirable*
40 *for technical college purposes. The term of any lease-purchase agreement*
41 *entered into under authority of this subsection may be for not to exceed 10*
42 *years. Such lease-purchase agreement may provide for annual or other*
43 *payment of rent or rental fees and may obligate the technical college to*

1 *payment of maintenance or other expenses. Any lease-purchase agreement*
2 *entered into under authority of this subsection shall be subject to change*
3 *or termination at any time by the legislature. Any assignment of rights in*
4 *any lease-purchase made under this subsection shall contain a citation of*
5 *this section and a recitation that the lease-purchase agreement and*
6 *assignment thereof are subject to change or termination by the legislature.*

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

12 ~~Sec. 8-9, 44. K.S.A. 72-4417 and 72-4419 and K.S.A. 2011 Supp.~~
13 ~~72-6413, 72-1412, 72-4417, 72-4419, 72-6444, 72-9004, 72-9005 and~~
14 ~~K.S.A. 2011 Supp. 72-978, 72-4470a, 72-5413, 72-6409, 72-6410, 72-~~
15 ~~6413, 72-6415b, 72-6433, 72-6433d, 72-6434, 72-6435, 72-6441, 72-~~
16 ~~6449, 72-6451, 72-6455, 72-6456, 72-6459, 72-8814, 72-9002, 72-9003,~~
17 ~~72-9608 and 75-2319 are hereby repealed.~~

18 ~~Sec. 9-10, 45. From and after July 1, 2013, K.S.A. 2011 Supp. 71-~~
19 ~~201 is hereby repealed.~~

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