

{As Amended by House Committee of the Whole}

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,~~
8 ~~{72-64b01,} 72-8814, 72-9002, 72-9003, 72-9608 and{,} 75-2319~~
9 ~~{and 76-729} and repealing the existing sections; also repealing~~
10 ~~K.S.A. 2011 Supp. 72-6459.~~

11

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

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

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

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

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

28 **(b) (1)** Each school year, to the extent there are sufficient moneys
29 appropriated to the **career technical education incentive** program, the
30 **state** board of regents shall make an award to those school districts who
31 have at least one pupil who graduates from a high school in the school
32 district having obtained an industry-recognized credential in an occupation

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

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

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

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

40 (c) (1) Each school year, to the extent there are sufficient moneys
41 appropriated to the career technical education incentive program, the
42 state board of regents shall make an award to a community college,
43 technical college or institute of technology who has at least one

1 secondary student who is currently or was previously admitted to a
2 career technical education course or program in accordance with
3 subsection (c) of K.S.A. 72-4417, and amendments thereto, and such
4 secondary student is regularly enrolled in and attending a private
5 secondary school. The purpose of such award is to reimburse such
6 community college, technical college or institute of technology for the
7 costs of paying for an industry-recognized credential assessment in an
8 occupation that has been identified by the secretary of labor, in
9 consultation with the state board of regents and the state board of
10 education, as an occupation in highest need of additional skilled
11 employees at the time the secondary student was admitted into such
12 career technical education course or program.

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

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

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

43 (4) In each school year, each governing body of a community

1 college, technical college or institute of technology is entitled to receive
2 from appropriations for the career technical education incentive
3 program an amount which is equal to the amount certified to the state
4 board of regents in accordance with the provisions of subsection (c)(3).
5 The state board of regents shall certify to the director of accounts and
6 reports the amount due each governing body of a community college,
7 technical college or institute of technology. The director of accounts
8 and reports shall draw warrants on the state treasurer payable to the
9 treasurer of each governing body of a community college, technical
10 college or institute of technology entitled to payment under this
11 subsection upon vouchers approved by the state board of regents.

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

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

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

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

40 New Sec. 3. (a) Provided a particular career technical education
41 program is not offered in a particular service area, the governing board of a
42 community college, technical college or institute of technology located
43 outside such service area, in coordination with one or more school districts

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

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

20 (c) For purposes of this section:

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

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

26 (3) "Service area" means: (A) For community colleges, a designated
27 geographic area of the state established pursuant to agreement of the
28 presidents of the community colleges and adopted in policy by the state
29 board of regents; (B) for technical colleges, the territory set forth in the
30 college's plan submitted to the board of regents pursuant to K.S.A. 72-
31 4470a, and amendments thereto; and (C) for the institute of technology,
32 Shawnee county.

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

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

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

42 Sec. 5. From and after July 1, 2013, K.S.A. 2011 Supp. 71-201 is
43 hereby amended to read as follows: 71-201. (a) The board of trustees, in

1 accordance with the provisions of law and the rules and regulations of the
2 state board of regents, shall have custody of and be responsible for the
3 property of the community college and shall be responsible for the
4 operation, management and control of the college. The board of trustees
5 shall hold at least one regular meeting each month at a time prescribed by
6 the board. The board shall make an annual report in the manner prescribed
7 by the state board of regents. Members of the board of trustees shall be
8 paid subsistence allowances, mileage and other actual and necessary
9 expenses incurred in the performance of their official duties.

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

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

17 (2) To sue and be sued.

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

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

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

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

36 (7) To enter into contracts.

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

41 (9) To acquire by gift, purchase, lease-purchase, condemnation or
42 otherwise, and to own, lease, use and operate property, whether real,
43 personal, or mixed, or any interest therein, which is necessary or desirable

1 for community college purposes. Any lease-purchase agreement entered
2 into under authority of this subsection shall be subject to the conditions set
3 forth in K.S.A. 10-1116c, and amendments thereto. The term of any lease
4 entered into under authority of this subsection may be for not to exceed 10
5 years. Such lease may provide for annual or other payment of rent or rental
6 fees and may obligate the community college to payment of maintenance
7 or other expenses. Any lease or lease-purchase agreement entered into
8 under authority of this subsection shall be subject to change or termination
9 at any time by the legislature. Any assignment of rights in any lease or
10 lease-purchase made under this subsection shall contain a citation of this
11 section and a recitation that the lease or lease-purchase agreement and
12 assignment thereof are subject to change or termination by the legislature.
13 To the extent that the provisions of the cash-basis and budget laws conflict
14 with this subsection in such a manner as to prevent the intention of this
15 subsection from being made effective, the provisions of this subsection
16 shall control. This provision is subject to the provisions of subsection (d).

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

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

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

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

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

1 (15) To appoint a member to fill any vacancy on the board of trustees
2 for the balance of the unexpired term. When a vacancy occurs, the board
3 shall publish a notice one time in a newspaper having general circulation
4 in the community college district stating that the vacancy has occurred and
5 that it will be filled by appointment by the board not sooner than 15 days
6 after such publication.

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

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

1 advanced against the salary of an employee. All employees entrusted with
2 such funds under this subsection shall be bonded by the community
3 college district.

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

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

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

1 Sec. 6. K.S.A. 72-4417 is hereby amended to read as follows: 72-
2 4417. (a) Students admitted to a ~~vocational~~ *career technical* education
3 course or program which is conducted by the school district in which the
4 student is enrolled may be charged fees but shall not be charged tuition.

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

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

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

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

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

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

40 (C) **"Institute of technology" means the institute of technology at**
41 **Washburn university.**

42 (D) **"Secondary student" means a pupil who: (i) Has not attained**
43 **a high school diploma or a general educational development (GED)**

1 **credential; and (ii) is regularly enrolled in and attending a public or**
2 **private secondary school.**

3 **(E) "Technical college" means a technical college designated**
4 **pursuant to K.S.A. 72-4472, 72-4473, 72-4474, 72-4475, 72-4477 or 72-**
5 **4477a, and amendments thereto.**

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

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

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

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

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

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

10 **Sec. 8. K.S.A. 2011 Supp. 72-6413 is hereby amended to read as**
11 **follows: 72-6413. (a) (1) In school year 2012-2013, school year 2013-**
12 **2014 and school year 2014-2015, the program weighting of each**
13 **district shall be determined by the state board as follows:**

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

16 ~~(2)~~ **(B) compute full time equivalent enrollment in approved**
17 **vocational education programs and multiply the computed enrollment**
18 **by 0.5;**

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

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

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

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

38 **New Sec. 10. (a) If a pupil submits an application for free meals**
39 **under the national school lunch act on or before the date on which the**
40 **enrollment of the school district is calculated and it is later determined**
41 **by the school district or the department of education that the pupil**
42 **should not have been eligible for free meals, the district or the**
43 **department shall notify the state board of such determination. Except**

1 as provided in subsection (b), upon receipt of such notice, the state
2 board shall recompute the adjusted enrollment of the district and the
3 general fund budget of the district based on the adjusted enrollment of
4 the district excluding the at-risk pupil weighting, medium density at-
5 risk pupil weighting and high density at-risk pupil weighting, if any,
6 assigned to such pupil.

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

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

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

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

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

35 The provisions of this subsection paragraph shall expire on June 30,
36 2011. The high density at-risk pupil weighting of each school district shall
37 be determined by the state board as follows:

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

41 (i) Subtract 35% from the percentage of at-risk enrollment in the
42 district;

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

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

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

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

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

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

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

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

25 **(3) prepare a schedule of dollar amounts using the amount of the**
26 **median AVPP of all school districts as the point of beginning. The**
27 **schedule of dollar amounts shall range upward in equal \$1,000**
28 **intervals from the point of beginning to and including an amount that**
29 **is equal to the amount of the AVPP of the school district with the**
30 **highest AVPP of all school districts and shall range downward in equal**
31 **\$1,000 intervals from the point of beginning to and including an**
32 **amount that is equal to the amount of the AVPP of the school district**
33 **with the lowest AVPP of all school districts;**

34 **(4) (A) determine a state aid percentage factor for each school**
35 **district by assigning a state aid computation percentage to the amount**
36 **of the median AVPP shown on the schedule, decreasing the state aid**
37 **computation percentage assigned to the amount of the median AVPP**
38 **by one percentage point for each \$1,000 interval above the amount of**
39 **the median AVPP, and increasing the state aid computation percentage**
40 **assigned to the amount of the median AVPP by one percentage point**
41 **for each \$1,000 interval below the amount of the median AVPP. Except**
42 **as provided by K.S.A. 2011 Supp. 72-8814b, and amendments thereto,**
43 **the state aid percentage factor of a school district is the percentage**

1 assigned to the schedule amount that is equal to the amount of the
2 AVPP of the school district, except that the state aid percentage factor
3 of a school district shall not exceed 100%. ~~The state aid computation~~
4 ~~percentage is 25%;~~

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

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

15 (iii) *For levies imposed by a school district pursuant to a resolution*
16 *adopted on or after July 1, 2012, the state aid computation percentage is*
17 *15%; and*

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

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

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

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

1 (e) Amounts transferred to the capital outlay fund of a school
2 district as authorized by K.S.A. 72-6433, and amendments thereto,
3 shall not be included in the computation when determining the
4 amount of state aid to which a district is entitled to receive under this
5 section.

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

11 (b) Subject to the provisions of subsection (f), in each school year,
12 each school district which is obligated to make payments from its
13 capital improvements fund shall be entitled to receive payment from
14 the school district capital improvements fund in an amount
15 determined by the state board of education as provided in this
16 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. 2010 Supp. 75-2319c, 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. The state aid percentage factor of a school
43 district shall not exceed 100%. ~~The state aid computation percentage is~~

1 5% for contractual bond obligations incurred by a school district prior to
2 the effective date of this act, and 25% for contractual bond obligations
3 incurred by a school district on or after the effective date of this act;

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

6 (ii) For contractual bond obligations incurred by a school district on
7 or after July 1, 1992, if the issuance of such bonds has been approved by
8 the electors of the school district at an election held prior to January 1,
9 2013, the state aid computation percentage is 25%.

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

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

21 (6) multiply each of the amounts computed under (5) by the
22 applicable state aid percentage factor; and

23 (7) add the products obtained under (6). The amount of the sum
24 is the amount of payment the school district is entitled to receive from
25 the school district capital improvements fund in the school year.

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

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

1 district. Upon receipt of the warrant, the treasurer of the school
2 district shall credit the amount thereof to the bond and interest fund
3 of the school district to be used for the purposes of such fund.

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

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

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

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

17 (2) "Joint committee" means the joint committee on state
18 building construction.

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

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

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

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

36 ~~(1) "Applicant" means a person who:~~

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

40 ~~(B) is currently employed by a community college, technical~~
41 ~~college or the institute of technology, to teach a career technical~~
42 ~~education course or program;~~

43 ~~(2) "board" means the board of education of any public school~~

1 district;

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

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

6 ~~(5) "teacher preparation program" means professional education~~
7 ~~pedagogy coursework provided at an accredited college or university~~
8 ~~engaged in teacher preparation; and~~

9 ~~(6) "state board" means the state board of education.~~

10 ~~(b) No applicant shall be required to complete a teacher~~
11 ~~preparation program prior to certification as a teacher in the area of~~
12 ~~instruction of career technical education.~~

13 ~~(c) An applicant shall be authorized to teach only in the subject~~
14 ~~or subjects specified on the face of the certificate to teach.~~

15 ~~(d) The state board shall adopt rules and regulations necessary to~~
16 ~~carry out the provisions of this section.~~

17 ~~(e) This section shall be part of and supplemental to the~~
18 ~~provisions of article 13 of chapter 72 of the Kansas Statutes~~
19 ~~Annotated, and amendments thereto.~~

20 New Sec. ~~17~~ {16}. (a) (1) The board of education of each school
21 district may apply to the state board for a grant of state moneys for
22 the purpose of paying the costs for a probationary teacher or
23 administrative employee to attend mentor programs. The state board
24 shall award such grants of state moneys in accordance with the
25 provisions of this section.

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

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

35 (b) The state board may adopt rules and regulations, which
36 establish:

37 (1) Standards and criteria for evaluating and approving mentor
38 programs and applications of school districts for grants; and

39 (2) the evaluation and approval of mentor programs.

40 (c) Within the limitations of appropriations therefor, the state
41 board shall determine the amount of grants to be awarded to each
42 school district by considering the number of probationary teachers
43 and administrative employees participating in a mentor program.

1 Upon receipt of a grant of state moneys, in accordance with this
2 section, the amount of the grant shall be deposited in the general fund
3 of a school district. Moneys deposited in the general fund of a school
4 district under this subsection shall be considered reimbursements for
5 the purpose of the school district finance and quality performance act.
6 The full amount of the grant shall be allocated among the
7 probationary teachers and administrative employees employed by the
8 school district.

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

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

15 New Sec. ~~18~~ {17}. Evaluations adopted under K.S.A. 72-9004, and
16 amendments thereto, shall meet the following criteria:

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

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

22 (A) Highly effective;

23 (B) effective;

24 (C) progressing; or

25 (D) ineffective.

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

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

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

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

43 (e) This section shall be part of and supplemental to the

1 provisions of article 90 of chapter 72 of the Kansas Statutes
2 Annotated, and amendments thereto.

3 New Sec. ~~19~~ {18}. (a) Grounds for nonrenewal or termination of a
4 contract of a teacher who has earned due process protections and
5 rights under K.S.A. 72-5445, and amendments thereto, include, but
6 are not limited to, a teacher's receipt of a rating designation of
7 ineffective pursuant to K.S.A. 72-9001 *et seq.*, and amendments
8 thereto, in two consecutive school years and, during such two-year
9 period, the teacher was provided an opportunity to participate in
10 appropriate professional development in accordance with the
11 provisions of K.S.A. 72-9601 *et seq.*, and amendments thereto.

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

15 New Sec. ~~20~~ {19}. (a) Any moneys received under K.S.A. 72-9608,
16 and amendments thereto, shall be expended towards deficiencies
17 identified through the evaluation procedure set forth in K.S.A. 72-
18 9001 *et seq.*, and amendments thereto, and to support activities
19 identified by the state board of education that measure teacher
20 performance, including, but not limited to, growth in student
21 achievement.

22 (b) The state board of education shall adopt any rules and
23 regulations relating to expenditures of state aid which the state board
24 deems necessary to administer and enforce the professional
25 development act.

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

28 Sec. ~~21~~ {20}. K.S.A. 72-1412 is hereby amended to read as
29 follows: 72-1412. As used in K.S.A. 72-1412 through 72-1415 and
30 section ~~17~~ {16}, and amendments thereto:

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

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

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

42 (b)(d) "*Mentor teacher*" means a certificated teacher who has
43 completed at least three consecutive school years of employment in the

1 school district, has been selected by the board of education of the
2 school district on the basis of having demonstrated exemplary
3 teaching ability as indicated by criteria established by the state board
4 of education, and has participated in and successfully completed a
5 training program for mentor teachers provided for by the board of
6 education of the school district in accordance with guidelines
7 prescribed by the state board of education. The primary function of a
8 mentor teacher shall be to provide probationary teachers with
9 professional support and assistance. A mentor teacher may provide
10 assistance and guidance to not more than two probationary teachers.

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

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

15 Sec. 22 {21}. K.S.A. 2011 Supp. 72-5413 is hereby amended to
16 read as follows: 72-5413. As used in this act ~~and in acts amendatory~~
17 ~~thereof or supplemental thereto:~~

18 (a) The term "persons" includes one or more individuals,
19 organizations, associations, corporations, boards, committees,
20 commissions, agencies, or their representatives.

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

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

37 (d) "Administrative employee" means, in the case of a school
38 district, any person who is employed by a board of education in an
39 administrative capacity and who is fulfilling duties for which an
40 administrator's certificate is required under K.S.A. 72-7513, and
41 amendments thereto; and, in the case of an area vocational-technical
42 school or community college, any person who is employed by the
43 board of control or the board of trustees in an administrative capacity

1 and who is acting in that capacity and who has authority, in the
2 interest of the board of control or the board of trustees, to hire,
3 transfer, suspend, layoff, recall, promote, discharge, assign, reward or
4 discipline other employees, or responsibly to direct them or to adjust
5 their grievances, or effectively to recommend a preponderance of such
6 actions, if in connection with the foregoing, the exercise of such
7 authority is not of a merely routine or clerical nature, but requires the
8 use of independent judgment.

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

15 (f) "Representative" means any professional employees'
16 organization or any person it authorizes or designates to act in its
17 behalf or any person a board of education authorizes or designates to
18 act in its behalf.

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

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

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

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

41 (k) "Lockout" means action taken by a board of education to
42 provoke interruptions of or prevent the continuity of work normally
43 and usually performed by the professional employees for the purpose

1 of coercing professional employees into relinquishing rights
2 guaranteed by this act and the act of which this section is amendatory.

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

42 (2) Nothing in this act, and amendments thereto, shall authorize
43 the diminution of any right, duty or obligation of either the

1 professional employee or the board of education which have been
2 fixed by statute or by the constitution of this state. Except as otherwise
3 expressly provided in this subsection (l), the fact that any matter may
4 be the subject of a statute or the constitution of this state does not
5 preclude negotiation thereon so long as the negotiation proposal would
6 not prevent the fulfillment of the statutory or constitutional objective.

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

13 (m) "Secretary" means the secretary of labor or a designee
14 thereof.

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

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

24 Sec. ~~22~~ {22}. K.S.A. 2011 Supp. 72-9002 is hereby amended to
25 read as follows: 72-9002. As used in this act:

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

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

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

34 (c) "Employees" means all licensed employees of school districts
35 and of nonpublic schools and all instructional and administrative
36 employees of area vocational-technical schools.

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

38 ~~(e) "Accredited" means accredited by the state board of
39 education.~~ "State board" means, in the case of school districts and
40 nonpublic schools, the state board of education, and in the case of area
41 vocational-technical schools, the state board of regents.

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

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

3 Sec. 24 {23}. K.S.A. 2011 Supp. 72-9003 is hereby amended to
4 read as follows: 72-9003. Each board shall adopt a written policy of
5 personnel evaluation procedure in accordance with K.S.A. 72-9002 *et*
6 *seq.*, and amendments thereto. For school districts, such policy shall
7 include, but is not limited to, the Kansas educator evaluation protocol
8 adopted by the state board of education. Every policy so adopted shall:

9 (a) Be prescribed in writing at the time of original adoption and
10 at all times thereafter when any amendments are adopted-;

11 (b) Include evaluation procedures applicable to all employees-;

12 (c) Provide that all evaluations are to be made in writing and that
13 evaluation documents and responses thereto are to be maintained in a
14 personnel file for each employee for a period of not less than three
15 years from the date each evaluation is made-;

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

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

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

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

35 Sec. 25 {24}. K.S.A. 72-9004 is hereby amended to read as
36 follows: 72-9004. Evaluation policies adopted under K.S.A. 72-9003,
37 and amendments thereto, shall meet the following guidelines or
38 criteria:

39 (a) Consideration shall be given to the following employee
40 attributes: Efficiency, personal qualities, professional department,
41 ability, results and performance, including improvement in the
42 academic performance of pupils or students insofar as the evaluated
43 employee has authority to cause such academic improvement, in the

1 case of teachers, the capacity to maintain control of pupils or students,
2 and such other matters as may be deemed material.

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

5 (c) The original policy and amendments thereto shall be
6 developed by the board in cooperation with the persons responsible
7 for making evaluations and the persons who are to be evaluated, and,
8 to the extent practicable, consideration shall be given to comment and
9 suggestions from other community interests.

10 (d) Evaluations of the chief administrator employed by a board
11 shall be made by the board. The board shall place primary
12 responsibility upon members of the administrative staff in making
13 evaluations of other employees.

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

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

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

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

32 (b) *If an employee receives a rating designation of progressing or*
33 *ineffective pursuant to section 18 {17}, and amendments thereto, such*
34 *employee shall be entitled to an in-person conference with the*
35 *superintendent to discuss such employee's evaluation.*

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

1 his or her board.

2 Sec. ~~27~~ {26}. K.S.A. 2011 Supp. 72-9608 is hereby amended to
3 read as follows: 72-9608. (a) In each school year, each school district
4 which is maintaining an approved professional development program
5 shall be eligible to receive from state funds, within the limits of
6 appropriations for professional development, an amount to be
7 determined by the state board on the basis of priorities established
8 through a needs-assessment survey conducted by the state board *pursuant*
9 *to section ~~20~~ {19}*, and amendments thereto. In no event shall the amount
10 allocated and distributed to any school district under this act exceed:
11 (1) An amount which is equal to .50 of 1% of the amount of the
12 general fund budget of the school district, or an amount equal to 50%
13 of the actual expenses incurred by the school district in maintaining
14 an approved professional development program, whichever is the
15 lesser amount; or (2) an amount which is equal to 50% of the actual
16 expenses incurred by the school district for the provision of innovative
17 and experimental procedures, activities and services, if any of the
18 same are provided and approved by the state board, in a professional
19 development program maintained by the school district and approved
20 by the state board.

21 (b) If the amount of appropriations for professional development
22 programs is insufficient to pay in full the amount each school district
23 is determined to be eligible to receive for the school year, the state
24 board shall prorate the amount appropriated among all school
25 districts which are eligible to receive state aid under the provisions of
26 this act in proportion to the amount each school district is determined
27 to be eligible to receive.

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

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

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

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

41 (2) subtract from the amount determined in paragraph (1) the
42 total amount attributable to assignment of transportation weighting,
43 program weighting, special education weighting and at-risk pupil

1 weighting to enrollment of all school districts;

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

5 (4) determine the total full-time equivalent enrollment of
6 exceptional children receiving special education and related services
7 provided by all school districts;

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

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

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

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

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

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

22 (11) multiply the remainder obtained under paragraph (10) by
23 92%.

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

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

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

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

43 (3) reimbursement in an amount equal to 80% of the actual

1 expenses incurred for the maintenance of an exceptional child at some
2 place other than the residence of such child for the purpose of
3 providing special education or related services; such reimbursement
4 shall not exceed \$600 per exceptional child per school year; and

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

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

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

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

1 such cooperative for provision of such special education and related
2 services.

3 (e) No time spent by a special teacher in connection with duties
4 performed under a contract entered into by the Kansas juvenile
5 correctional complex, the Atchison juvenile correctional facility, the
6 Larned juvenile correctional facility, or the Topeka juvenile
7 correctional facility and a school district for the provision of special
8 education services by such state institution shall be counted in making
9 computations under this section.

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

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

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

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

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

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

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

33 (3) If the amount determined under paragraph (4) of subsection
34 (b) is less than the product obtained under (2)(B), the district shall
35 receive state aid in an amount equal to the product obtained under (2)
36 (B), plus any amount determined under paragraph (5) of this
37 subsection.

38 (4) If the amount determined under paragraph (4) of subsection
39 (b), plus any amount determined under paragraph (5) of this
40 subsection, is greater than the product obtained under (2) (C), the
41 district shall receive state aid in an amount equal to the product
42 obtained under (2)(C). The balance of state aid remaining after
43 determining the amount of state aid payable to districts under this

1 paragraph shall be reallocated to districts as provided by paragraph
2 (5) of this subsection.

3 (5) The balance of state aid remaining after determining the
4 amount of state aid payable to districts under paragraph (4) of this
5 subsection shall be reallocated to districts which have not received
6 state aid in an amount equal to the product obtained under (2)(B).
7 Such state aid shall be reallocated to such districts in the same manner
8 as the original allocation. If the balance is insufficient to pay each such
9 district the minimum amount specified in this subsection, the state
10 board shall prorate the balance among such districts.

11 (6) The provisions of this subsection (f) shall expire on June 30,
12 2014.

13 Sec. ~~29~~ {28}. K.S.A. 2011 Supp. 72-6409 is hereby amended to
14 read as follows: 72-6409. (a) "General fund" means the fund of a
15 district from which operating expenses are paid and in which is
16 deposited the proceeds from the tax levied under K.S.A. 72-6431, and
17 amendments thereto, all amounts of general state aid under this act,
18 payments under K.S.A. 72-7105a, and amendments thereto, *amounts*
19 *transferred from the supplemental general fund to the general fund of a*
20 *district in accordance with subsection (j)(5) of K.S.A. 72-6433, and*
21 *amendments thereto*, payments of federal funds made available under
22 the provisions of title I of public law 874, except amounts received for
23 assistance in cases of major disaster and amounts received under the
24 low-rent housing program, and such other moneys as are provided by
25 law.

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

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

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

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

37 (f) "Categorical fund" means and includes the following funds of
38 a district: Special education fund, food service fund, driver training
39 fund, adult education fund, adult supplementary education fund, area
40 vocational school fund, professional development fund, parent
41 education program fund, summer program fund, extraordinary school
42 program fund, and educational excellence grant program fund.

43 Sec. ~~30~~ {29}. K.S.A. 2011 Supp. 72-6410 is hereby amended to

1 read as follows: 72-6410. (a) "State financial aid" means an amount
2 equal to the product obtained by multiplying base state aid per pupil
3 by the adjusted enrollment of a district.

4 (b) (1) "Base state aid per pupil" means an amount of state
5 financial aid per pupil. Subject to the other provisions of this
6 subsection, the amount of base state aid per pupil is ~~\$4,433 in school~~
7 ~~year 2008-2009 and \$4,492 in school year 2009-2010~~ {is} \$4,200 {\$4,241}
8 *in school year 2012-2013* {and school year 2013-2014 and \$4,492 in
9 school year 2014-2015} and each school year thereafter.

10 (2) The amount of base state aid per pupil is subject to reduction
11 commensurate with any reduction under K.S.A. 75-6704, and
12 amendments thereto, in the amount of the appropriation from the
13 state general fund for general state aid. If the amount of
14 appropriations for general state aid is insufficient to pay in full the
15 amount each district is entitled to receive for any school year, the
16 amount of base state aid per pupil for such school year is subject to
17 reduction commensurate with the amount of the insufficiency.

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

1 51 of chapter 79 of Kansas Statutes Annotated, and an amount equal
 2 to the amount of payments received by the district under the
 3 provisions of K.S.A. 72-979, and amendments thereto, and an amount
 4 equal to the amount of a grant, if any, received by the district under
 5 the provisions of K.S.A. 72-983, and amendments thereto, and an
 6 amount equal to 70% of the federal impact aid of the district.

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

18 Sec. ~~31~~ {30}. K.S.A. 2011 Supp. 72-6415b is hereby amended to
 19 read as follows: 72-6415b. School facilities weighting may be assigned
 20 to enrollment of a district only if the district has adopted a local ~~option~~
 21 *operating* budget in an amount equal to at least ~~25%~~ {22.5%} of the
 22 amount of the state financial aid determined for the district in the
 23 current school year. School facilities weighting may be assigned to
 24 enrollment of the district only in the school year in which operation of
 25 a new school facility is commenced and in the next succeeding school
 26 year.

27 Sec. ~~32~~ {31}. K.S.A. 2011 Supp. 72-6433 is hereby amended to
 28 read as follows: 72-6433. (a) As used in this section:

29 (1) "State prescribed percentage" means ~~31%~~ {28%} of state
 30 financial aid of the district in the current school year.

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

36 (b) (1) In each school year, the board of any district ~~may~~ *shall*
 37 ~~adopt a local option operating budget which does not exceed the state~~
 38 ~~prescribed percentage~~, *which shall be at least 10% but not more than* ~~30%~~
 39 ~~{27%}~~ *of the state financial aid of the district in the current school year.*

40 (2) *Subject to subsection (i), in each school year, the board of any*
 41 *district may adopt a local operating budget in excess of* ~~30%~~ {27%} *of the*
 42 *state financial aid of the district in the current school year. Such excess*
 43 *percentage shall be adopted by separate resolution.*

1 district.

2 CERTIFICATE

3 This is to certify that the above resolution was duly adopted by the
4 board of education of unified School District

5 No. ____, _____ County, Kansas, on the _____ day of
6 _____, _____.

7 _____
8 Clerk of the board of education.

9 All of the blanks in the resolution shall be filled as is appropriate. If
10 a sufficient petition is not filed, the board may adopt a local ~~option~~
11 *operating* budget. If a sufficient petition is filed, the board may notify
12 the county election officer of the date of an election to be held to
13 submit the question of whether adoption of a local ~~option~~ *operating*
14 budget shall be authorized. Any such election shall be noticed, called
15 and held in the manner provided by K.S.A. 10-120, and amendments
16 thereto. If the board fails to notify the county election officer within 30
17 days after a sufficient petition is filed, the resolution shall be deemed
18 abandoned and no like resolution shall be adopted by the board within
19 the nine months following publication of the resolution.

20 (e) Any resolution authorizing the adoption of a local option budget
21 in excess of 30% of the state financial aid of the district in the current
22 school year adopted under subsection (b)(2) shall not become effective
23 unless such resolution specifying the excess percentage has been
24 submitted to and approved by a majority of the qualified electors of
25 the school district voting at an election called and held thereon. The
26 election shall be called and held in the manner provided by K.S.A. 10-
27 120, and amendments thereto.

28 (f) Unless specifically stated otherwise in the resolution, the
29 authority to adopt a local option operating budget shall be continuous
30 and permanent. The board of any district which is authorized to adopt a
31 local option budget may choose not to adopt such a budget or may adopt a
32 budget in an amount less than the amount authorized. If the board of any
33 district whose authority to adopt a local option budget is not continuous
34 and permanent refrains from adopting a local option budget, the authority
35 of such district to adopt a local option budget shall not be extended by
36 such refrainment beyond the period specified in the resolution authorizing
37 adoption of such budget.

38 (g) The board of any district may initiate procedures to renew or
39 increase the authority to adopt a local ~~option~~ *operating* budget at any
40 time during a school year after the tax levied pursuant to K.S.A. 72-
41 6435, and amendments thereto, is certified to the county clerk under
42 any existing authorization.

43 (h) The board of any district that is authorized to adopt a local

1 ~~option~~ *operating* budget prior to the effective date of this act under a
2 resolution which authorized the adoption of such budget in
3 accordance with the provisions of this section in effect prior to its
4 amendment by this act may continue to operate under such resolution
5 for the period of time specified in the resolution or may abandon the
6 resolution and operate under the provisions of this section as amended
7 by this act. Any such district shall operate under the provisions of this
8 section as amended by this act after the period of time specified in the
9 resolution has expired.

10 (i) Any resolution adopted pursuant to this section may revoke or
11 repeal any resolution previously adopted by the board. If the
12 resolution does not revoke or repeal previously adopted resolutions, all
13 resolutions which are in effect shall expire on the same date. The
14 maximum amount of the local ~~option~~ *operating* budget of a school
15 district under all resolutions in effect shall not exceed the state
16 prescribed percentage in any school year.

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

21 (2) Subject to the limitation imposed under ~~paragraph~~ *paragraphs*
22 (3) and (5) and subsection (e) of K.S.A. 72-6434, and amendments
23 thereto, amounts in the supplemental general fund may be expended
24 for any purpose for which expenditures from the general fund are
25 authorized or may be transferred to any program weighted fund or
26 categorical fund of the district. Amounts in the supplemental general
27 fund attributable to any percentage over 25% of state financial aid
28 determined for the current school year may be transferred to the
29 capital improvements fund of the district and the capital outlay fund
30 of the district if such transfers are specified in the resolution
31 authorizing the adoption of a local ~~option~~ *operating* budget in excess of
32 25%.

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

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

42 (B) If the district received supplemental general state aid in the
43 school year, the state board shall determine the ratio of the amount of

1 **supplemental general state aid received to the amount of the local**
 2 **~~option operating~~ budget of the district for the school year and multiply**
 3 **the total amount of the unexpended budget remaining by such ratio.**
 4 **An amount equal to the amount of the product shall be transferred to**
 5 **the general fund of the district or remitted to the state treasurer. Upon**
 6 **receipt of any such remittance, the state treasurer shall deposit the**
 7 **same in the state treasury to the credit of the state school district**
 8 **finance fund.**

9 (5) (A) *An amount equal to the product obtained by multiplying ~~\$420~~*
 10 **{10% of the base state aid per pupil}** *by the adjusted enrollment of the*
 11 *district shall be transferred to the general fund of the district. Such*
 12 *amount shall be expended in the following manner and order of priority:*

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

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

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

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

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

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

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

36 **Sec. ~~32~~ {32}. K.S.A. 2011 Supp. 72-6433d is hereby amended to**
 37 **read as follows: 72-6433d. (a) (1) The provisions of this subsection**
 38 **shall apply in any school year in which the amount of base state aid**
 39 **per pupil is \$4,433 or less.**

40 (2) **The board of any school district may adopt a local ~~option-~~**
 41 **operating budget which does not exceed the local ~~option operating~~**
 42 **budget calculated as if the base state aid per pupil was ~~\$4,433~~ {\$4,926}**
 43 **or which does not exceed an amount as authorized by K.S.A. 72-6433,**

1 and amendments thereto, whichever is greater.

2 (b) (1) The provisions of this subsection shall apply in any school
3 year in which the amount appropriated for state aid for special
4 education and related services is less than the amount appropriated
5 for state aid for special education and related services in school year
6 2008-2009.

7 (2) The board of education of any school district may adopt a
8 local ~~option~~ *operating* budget which does not exceed the local ~~option~~
9 *operating* budget calculated as if the district received state aid for
10 special education and related services equal to the amount of state aid
11 for special education and related services received in school year 2008-
12 2009, or which does not exceed an amount as authorized by K.S.A. 72-
13 6433, and amendments thereto, whichever is greater.

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

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

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

21 Sec. ~~34~~ {33}. K.S.A. 2011 Supp. 72-6434 is hereby amended to
22 read as follows: 72-6434.(a) In each school year, each district that has
23 adopted a local ~~option~~ *operating* budget is eligible for entitlement to an
24 amount of supplemental general state aid. Except as provided by
25 K.S.A. 2011 Supp. 72-6434b, and amendments thereto, entitlement of
26 a district to supplemental general state aid shall be determined by the
27 state board as provided in this subsection. The state board shall:

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

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

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

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

36 (5) subtract the ratio obtained under (4) from 1.0. If the resulting
37 ratio equals or exceeds 1.0, the eligibility of the district for entitlement
38 to supplemental general state aid shall lapse. If the resulting ratio is
39 less than 1.0, the district is entitled to receive supplemental general
40 state aid in an amount which shall be determined by the state board
41 by multiplying the amount of the local option operating budget of the
42 district by such ratio. The product is the amount of supplemental
43 general state aid the district is entitled to receive for the school year.

1 **(b) If the amount of appropriations for supplemental general**
2 **state aid is less than the amount each district is entitled to receive for**
3 **the school year, the state board shall prorate the amount appropriated**
4 **among the districts in proportion to the amount each district is**
5 **entitled to receive.**

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

16 **(d) If any amount of supplemental general state aid that is due to**
17 **be paid during the month of June of a school year pursuant to the**
18 **other provisions of this section is not paid on or before June 30 of such**
19 **school year, then such payment shall be paid on or after the ensuing**
20 **July 1, as soon as moneys are available therefor. Any payment of**
21 **supplemental general state aid that is due to be paid during the month**
22 **of June of a school year and that is paid to school districts on or after**
23 **the ensuing July 1 shall be recorded and accounted for by school**
24 **districts as a receipt for the school year ending on the preceding June**
25 **30.**

26 **(e) (1) Except as provided by paragraph (2), moneys received as**
27 **supplemental general state aid shall be used to meet the requirements**
28 **under the school performance accreditation system adopted by the**
29 **state board, to provide programs and services required by law and to**
30 **improve student performance.**

31 **(2) Amounts of supplemental general state aid attributable to any**
32 **percentage over 25% of state financial aid determined for the current**
33 **school year may be transferred to the capital improvements fund of**
34 **the district and the capital outlay fund of the district if such transfers**
35 **are specified in the resolution authorizing the adoption of a local**
36 ***option operating* budget in excess of 25%.**

37 **(f) For the purposes of determining the total amount of state**
38 **moneys paid to school districts, all moneys appropriated as**
39 **supplemental general state aid shall be deemed to be state moneys for**
40 **educational and support services for school districts.**

41 **Sec. ~~35~~ {34}. K.S.A. 2011 Supp. 72-6435 is hereby amended to**
42 **read as follows: 72-6435. (a) In each school year, the board of every**
43 **district ~~that has adopted a local option budget may~~ shall levy an *ad***

1 ***valorem*** tax on the taxable tangible property of the district for the
2 purpose of: (1) Financing that portion of the district's local ~~option~~
3 *operating* budget which is not financed from any other source
4 provided by law; (2) paying a portion of the principal and interest on
5 bonds issued by cities under authority of K.S.A. 12-1774, and
6 amendments thereto, for the financing of redevelopment projects upon
7 property located within the district; and (3) funding transfers to the
8 capital improvement fund of the district and the capital outlay fund of
9 the district if such transfers are specified in the resolution authorizing
10 the adoption of a local ~~option~~ *operating* budget in excess of 25% of
11 state financial aid determined for the current school year.

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

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

21 Sec. ~~36~~ {35}. K.S.A. 2011 Supp. 72-6441 is hereby amended to
22 read as follows: 72-6441. (a) (1) The board of any district to which the
23 provisions of this subsection apply may levy an *ad valorem* tax on the
24 taxable tangible property of the district each year for a period of time
25 not to exceed two years in an amount not to exceed the amount
26 authorized by the state court of tax appeals under this subsection for
27 the purpose of financing the costs incurred by the state that are
28 directly attributable to assignment of ancillary school facilities
29 weighting to enrollment of the district. The state court of tax appeals
30 may authorize the district to make a levy which will produce an
31 amount that is not greater than the difference between the amount of
32 costs directly attributable to commencing operation of one or more
33 new school facilities and the amount that is financed from any other
34 source provided by law for such purpose, including any amount
35 attributable to assignment of school facilities weighting to enrollment
36 of the district for each school year in which the district is eligible for
37 such weighting. If the district is not eligible, or will be ineligible, for
38 school facilities weighting in any one or more years during the two-
39 year period for which the district is authorized to levy a tax under this
40 subsection, the state court of tax appeals may authorize the district to
41 make a levy, in such year or years of ineligibility, which will produce
42 an amount that is not greater than the actual amount of costs
43 attributable to commencing operation of the facility or facilities.

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

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

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

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

1 the district may levy a tax under authority of this subsection; and (4)
2 compute 25% of the amount of the sum obtained under (1), which
3 computed amount is the amount the district may levy in the third year
4 of the three-year period for which the district may levy a tax under
5 authority of this subsection.

6 In determining the amount produced by the tax levied by the
7 district under authority of subsection (a), the state board shall include
8 any moneys which have been apportioned to the ancillary facilities
9 fund of the district from taxes levied under the provisions of K.S.A.
10 79-5101 *et seq.* and 79-5118 *et seq.*, and amendments thereto.

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

17 Sec. ~~37~~ {36}. K.S.A. 72-6444 is hereby amended to read as follows:
18 72-6444. (a) In each school year, commencing with the 1997-98 school
19 year, the state board shall compute a district prescribed percentage
20 for the purpose of determining the amount of a local ~~option~~ *operating*
21 budget the board of a district to which the provisions of this section
22 apply may adopt for the school year. The district prescribed
23 percentage for each district to which the provisions of this section
24 apply shall be computed by the state board as provided in this section.
25 The state board shall:

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

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

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

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

38 (5) compute an average amount per pupil for the preceding school
39 year of general fund budgets and local ~~option~~ *operating* budgets of
40 districts with 100-299.9 enrollment in such school year by preparing a
41 schedule based upon an accepted mathematical formula and deriving
42 an amount for each such district from a linear transition between the
43 average amount per pupil computed under (2) and the average

1 amount per pupil computed under (3);

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

9 (7) for districts with 0-99.9 enrollment, compare the amount
10 determined for the district under (1) to the average amount computed
11 under (2). If the amount determined under (1) is equal to or greater
12 than the average amount computed under (2), the provisions of this
13 section do not apply to the district. If the amount determined under
14 (1) is less than the average amount computed under (2), subtract the
15 amount determined under (1) from the amount computed under (2),
16 multiply the remainder by enrollment of the district in the preceding
17 school year, and divide the product by the amount of state financial
18 aid determined for the district in the preceding school year. The
19 quotient is the district prescribed percentage of the district;

20 (8) for districts with 100-299.9 enrollment, compare the amount
21 determined for the district under (1) to the average amount computed
22 under (5). If the amount determined under (1) is equal to or greater
23 than the average amount computed under (5), the provisions of this
24 section do not apply to the district. If the amount determined under
25 (1) is less than the average amount computed under (5), subtract the
26 amount determined under (1) from the amount computed under (5),
27 multiply the remainder by enrollment of the district in the preceding
28 school year, and divide the product by the amount of state financial
29 aid determined for the district in the preceding school year. The
30 quotient is the district prescribed percentage of the district;

31 (9) for districts with 300-1,799.9 enrollment, compare the amount
32 determined for the district under (1) to the average amount computed
33 under (6). If the amount determined under (1) is equal to or greater
34 than the average amount computed under (6), the provisions of this
35 section do not apply to the district. If the amount determined under
36 (1) is less than the average amount computed under (6), subtract the
37 amount determined under (1) from the amount computed under (6),
38 multiply the remainder by enrollment of the district in the preceding
39 school year, and divide the product by the amount of state financial
40 aid determined for the district in the preceding school year. The
41 quotient is the district prescribed percentage of the district;

42 (10) for districts with 1,800 or over enrollment, compare the
43 amount determined for the district under (1) to the average amount

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

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

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

20 Sec. ~~38~~ {37}. K.S.A. 2011 Supp. 72-6449 is hereby amended to
21 read as follows: 72-6449. (a) As used in this section, "school district"
22 or "district" means a school district authorized to make a levy under
23 this section.

24 (b) The board of education of any district may levy a tax on the
25 taxable tangible property within the district for the purpose of
26 financing the costs incurred by the state that are attributable directly
27 to assignment of the cost of living weighting to the enrollment of the
28 district. There is hereby established in every school district a fund
29 which shall be called the cost of living fund, which fund shall consist of
30 all moneys deposited therein or transferred thereto in accordance with
31 law. All moneys derived from a tax imposed pursuant to this section
32 shall be credited to the cost of living fund. The proceeds from the tax
33 levied by a district credited to the cost of living fund shall be remitted
34 to the state treasurer in accordance with the provisions of K.S.A. 75-
35 4215, and amendments thereto. Upon receipt of each such remittance,
36 the state treasurer shall deposit the entire amount in the state treasury
37 to the credit of the state school district finance fund.

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

40 (1) Determine the statewide average appraised value of single
41 family residences for the calendar year preceding the current school
42 year;

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

1 (3) determine the average appraised value of single family
2 residences in each school district for the calendar year preceding the
3 current school year; and

4 (4) (A) subtract the amount determined under (2) from the
5 amount determined under (3). If the amount determined for the
6 district under this paragraph is a positive number and the district is
7 authorized to adopt and has adopted a local ~~option~~ *operating* budget in
8 an amount equal to at least ~~3+%~~ {28%} of the state financial aid for
9 the school district, the district qualifies for assignment of cost of living
10 weighting and may levy a tax on the taxable tangible property of the
11 district for the purpose of financing the costs that are attributable
12 directly to assignment of the cost of living weighting to enrollment of
13 the district; or

14 (B) as an alternative to the authority provided in paragraph (4)
15 (A), if a district was authorized to make a levy pursuant to this section
16 in school year 2006-2007, such district shall remain authorized to levy
17 such tax at a rate necessary to generate revenue in the same amount
18 generated in school year 2006-2007 if: (i) The amount determined
19 under paragraph (4)(A) is a positive number; and (ii) the district
20 continues to adopt a local ~~option~~ *operating* budget in an amount equal
21 to the state prescribed percentage in effect in school year 2006-2007.

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

28 Unified School District No. _____,
29 _____ County, Kansas.

30 RESOLUTION

31 Be It Resolved that:

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

1 election of the school district, as is specified by the board of education
2 of the school district.

3 CERTIFICATE

4 This is to certify that the above resolution was duly adopted by the
5 board of education of
6 Unified School District No. _____, _____ County, Kansas, on
7 the ____ day of _____, (year)____.

8 _____
9 Clerk of the board of education.

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

26 (e) In determining the amount produced by the tax levied by the
27 district under the authority of this section, the state board shall
28 include any moneys which have been apportioned to the cost of living
29 fund of the district from taxes levied under the provisions of K.S.A.
30 79-5101 *et seq.* and 79-5118 *et seq.*, and amendments thereto.

31 Sec. ~~39~~ {38}. K.S.A. 2011 Supp. 72-6451 is hereby amended to
32 read as follows: 72-6451. (a) As used in this section:

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

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

41 (b) (1) (A) A school district may levy an *ad valorem* tax on the
42 taxable tangible property of the district each year for a period of time
43 not to exceed two years in an amount not to exceed the amount

1 authorized by the state court of tax appeals under this subsection for
2 the purpose of financing the costs incurred by the state that are
3 directly attributable to assignment of declining enrollment weighting
4 to enrollment of the district. The state court of tax appeals may
5 authorize the district to make a levy which will produce an amount
6 that is not greater than the amount of revenues lost as a result of the
7 declining enrollment of the district. Such amount shall not exceed 5%
8 of the general fund budget of the district in the school year in which
9 the district applies to the state court of tax appeals for authority to
10 make a levy pursuant to this section.

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

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

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

24 (c) A district may levy the tax authorized pursuant to this section
25 for a period of time not to exceed two years unless authority to make
26 such levy is renewed by the state court of tax appeals. The state court
27 of tax appeals may renew the authority to make such levy for periods
28 of time not to exceed two years.

29 (d) The state board shall provide to the state court of tax appeals
30 such school data and information requested by the state court of tax
31 appeals and any other information deemed necessary by the state
32 board.

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

1 (f) In determining the amount produced by the tax levied by the
2 district under authority of this section, the state board shall include
3 any moneys which have been apportioned to the declining enrollment
4 fund of the district from taxes levied under the provisions of K.S.A.
5 79-5101 *et seq.* and 79-5118 *et seq.*, and amendments thereto.

6 Sec. ~~40~~ {39}. K.S.A. 2011 Supp. 72-6456 is hereby amended to
7 read as follows: 72-6456. (a) For the purpose of determining the
8 general fund budget of a school district, weightings shall not be
9 assigned to a pupil enrolled in and attending KAMS.

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

13 (c) The provisions of this section shall be part of and
14 supplemental to the school district finance and quality performance
15 act.

16 New Sec. ~~41~~ {40}. (a) In any action challenging the adequacy of
17 the state's provision for finance of the educational interests of the
18 state, no less than 65% of all state moneys appropriated, distributed
19 or otherwise provided by or through the state to school districts shall
20 be deemed by the court to have been expended in the classroom or for
21 instruction, as defined in subsection (d) of K.S.A. 2011 Supp. 72-64c01,
22 and amendments thereto. Such moneys shall be deemed by the court
23 to have been first applied to pay the costs related to providing the
24 areas of instruction required by K.S.A. 72-1101, 72-1103 and 72-1117,
25 and amendments thereto, and for the course included in the precollege
26 curriculum prescribed by the state board of regents pursuant to
27 K.S.A. 76-717, and amendments thereto.

28 (b) Any party challenging the adequacy of the state's provision
29 for finance of the educational interests of the state shall have the
30 burden, at all times, to prove that state moneys appropriated,
31 distributed or otherwise provided by the state to a school district or
32 districts, which is the subject of such action, were not sufficient to
33 fund the costs of the areas of instruction required by K.S.A. 72-1101,
34 72-1103 and 72-1117, and amendments thereto, and for courses
35 included in the precollege curriculum prescribed by the state board of
36 regents pursuant to K.S.A. 76-717, and amendments thereto.

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

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

1 **Sec. 42 {41}. K.S.A. 2011 Supp. 72-4470a is hereby amended to**
2 **read as follows: 72-4470a. (a) All technical college boards shall**
3 **establish and maintain a plan for a governing board, which shall be**
4 **separate and independent of any board of education of any school**
5 **district, to operate, control and manage the technical college. The plan**
6 **shall include, but not be limited to, provisions relating to:**

7 **(1) The composition of the independent governing board;**

8 **(2) the territory of the technical college. If the territory of the**
9 **technical college includes more than one county, the plan shall**
10 **designate a home county;**

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

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

15 **(5) the manner, terms upon which and extent to which the**
16 **facilities will be transferred to the independent governing board and**
17 **the division of other assets and indebtedness and other liabilities; and**

18 **(6) the manner and terms upon which faculty, employees and**
19 **students will be transferred to the independent governing board.**
20 **Subject to the provisions of K.S.A. 2011 Supp. 72-4478, and**
21 **amendments thereto, such provisions shall specify terms of**
22 **employment and address other personnel matters.**

23 **(b) On the date determined in the approved plan, the independent**
24 **governing board established under subsection (a) of this section shall**
25 **operate subject to the rules, regulations and supervision of the state**
26 **board of regents in the same manner as other technical colleges. Any**
27 **amendments to the plan shall be submitted to the state board of**
28 **regents for approval.**

29 **(c) In addition to such other powers expressly granted by law and**
30 **subject to the provisions of subsection (b), the governing board shall**
31 **have the power to:**

32 **(1) Determine the career technical and general education courses**
33 **of instruction that will comprise the associate of applied science degree**
34 **programs of the college;**

35 **(2) establish the requirements for satisfactory completion of the**
36 **associate of applied science degree programs of the college;**

37 **(3) confer the associate of applied science degree upon students**
38 **who successfully complete an associate of applied science degree**
39 **program of the college and to award a certificate or diploma to**
40 **students who successfully complete a career technical education**
41 **program of the college;**

42 **(4) appoint teaching staff and fix and determine teacher**
43 **qualifications, duties and compensation. No teacher appointed to teach**

1 courses comprising the associate of applied science degree programs
2 of the college shall be required to meet licensure requirements greater
3 than those required in the state educational institutions;

4 (5) have custody of, and be responsible for, the property of the
5 college and be responsible for the operation, management and control
6 of the college;

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

9 (7) sue and be sued;

10 (8) appoint and fix the compensation and term of office of a
11 president or chief administrative officer of the college;

12 (9) fix and determine, within state adopted standards, all other
13 employees' qualifications, duties, compensation and all other items
14 and conditions of employment;

15 (10) enter into contracts;

16 (11) accept any gifts, grants or donations;

17 (12) acquire and dispose of real or personal property;

18 (13) enter into lease agreements as lessor of any property owned
19 or controlled by the college;

20 (14) adopt any rules and regulations, not inconsistent with any
21 law or any rules and regulations of the state board of regents, which
22 are necessary for the administration and operation of the college or
23 for the conduct of business of the governing board;

24 (15) contract with one or more agencies, either public or private,
25 whether located within or outside the territory of the college or
26 whether located within or outside the state of Kansas, for the conduct
27 by any such agency of academic or career technical education for
28 students of the college and to provide for the payment to any such
29 agency for the contracted educational services from any funds or
30 moneys of the college, including funds or moneys received from
31 student tuition and fees;

32 (16) appoint as its resident agent for the purpose of service of
33 process, either the president of the technical college or the chairperson
34 of the governing board, or both;

35 (17) take any other action, not inconsistent with any law or any
36 rules and regulations of the state board of regents, which is necessary
37 or incidental to the establishment, operation and maintenance of the
38 college;

39 (18) issue bonds for capital improvement projects, enter into bond
40 covenants and take such ancillary action as the governing board
41 approves, relating thereto, except that such bonds shall not be secured
42 by a pledge of any property tax revenues of the technical college;

43 (19) enter into agreements with counties relating to funding for

1 **capital improvement projects at technical colleges; and**

2 **(20) fix different rates per hour of tuition, fees and charges for the**
3 **different postsecondary programs administered by such board; and**

4 *(21) to acquire by lease-purchase any property, whether real,*
5 *personal, or mixed, or any interest therein, which is necessary or desirable*
6 *for technical college purposes. The term of any lease-purchase agreement*
7 *entered into under authority of this subsection may be for not to exceed 10*
8 *years. Such lease-purchase agreement may provide for annual or other*
9 *payment of rent or rental fees and may obligate the technical college to*
10 *payment of maintenance or other expenses. Any lease-purchase agreement*
11 *entered into under authority of this subsection shall be subject to change*
12 *or termination at any time by the legislature. Any assignment of rights in*
13 *any lease-purchase made under this subsection shall contain a citation of*
14 *this section and a recitation that the lease-purchase agreement and*
15 *assignment thereof are subject to change or termination by the legislature.*

16 **{New Sec. 42. (a) As used in this section:**

17 **(1) "Authorized to adopt an extracurricular school activities**
18 **budget" means that a district has adopted a resolution under this**
19 **section and the resolution was approved at an election thereon.**

20 **(2) "District average amount per pupil" means the average**
21 **amount per pupil for the preceding school year of the combined**
22 **general fund budget and local option budget of the district as**
23 **computed by the state board under subsection (g).**

24 **(3) "School district" or "district" means a school which has**
25 **adopted a local option budget not less than 30% of the state financial**
26 **aid of the district in the current school year and is below the statewide**
27 **average amount per pupil.**

28 **(4) "State board" means the state board of education.**

29 **(5) "Statewide average amount per pupil" means the average**
30 **amount per pupil for the preceding school year of the combined**
31 **general fund budgets and local option budgets of all districts as**
32 **computed by the state board under subsection (f).**

33 **(b) (1) Each school year, the board of education of any district,**
34 **by resolution, may adopt an extracurricular school activities budget.**
35 **Except as provided by subsection (b)(2), an extracurricular school**
36 **activities budget shall not exceed 2% of the statewide average amount**
37 **per pupil.}**

38 **(2) If the sum of the district average amount per pupil and the**
39 **extracurricular school activities budget as adopted in subsection (b)(1)**
40 **is an amount greater than the statewide average per pupil, then the**
41 **extracurricular school activities budget shall be the difference between**
42 **the statewide average amount per pupil and the district average**
43 **amount per pupil for such district.**

1 (c) (1) Such resolution shall not be effective unless it is submitted
2 to and approved by a majority of the qualified electors of the school
3 district voting on the question at an election thereon. The resolution
4 submitted to the qualified electors of the school district shall specify
5 the maximum extracurricular school activities budget, which shall not
6 exceed the amount determined in subsection (b). If any district is
7 authorized to adopt an extracurricular school activities budget under
8 this section, but the board of such district chooses, in any school year,
9 not to adopt such a budget or chooses, in any school year, to adopt
10 such budget in an amount less than the amount stated in the
11 resolution, such board of education may so choose. Whenever an
12 initial resolution has been adopted under this subsection, and such
13 resolution specified an amount less than the amount specified in the
14 resolution, the board of the district may adopt one or more subsequent
15 resolutions under the same procedure as provided for the initial
16 resolution and subject to the same conditions, and shall be authorized
17 to increase the amount as specified in any such subsequent resolution.
18 Any amount specified in a subsequent resolution or in subsequent
19 resolutions shall be limited so that the sum of the percentage
20 authorized in the initial resolution and the amount authorized in any
21 subsequent resolution is not in excess of the amount determined in
22 subsection (b). If the resolution is not approved by a majority of the
23 voters voting on the question at the election thereon, no like resolution
24 shall be adopted by the board within the nine months following
25 publication of the resolution.

26 (2) The authority to adopt an extracurricular school activities
27 budget granted by the resolution to a school district shall expire five
28 years from the date of the election in which the resolution was
29 approved by the majority of the qualified electors of the school district
30 voting on the question at the election thereon. Upon expiration, no
31 school district shall levy a tax under subsection (h) of this section
32 unless a new resolution has been approved at an election in
33 accordance with this subsection.

34 (d) Any election called pursuant to this section shall be noticed,
35 called and held in the manner provided by K.S.A. 10-120, and
36 amendments thereto, for the noticing, calling and holding of elections
37 upon the question of issuing bonds under the general bond law. Such
38 election may be conducted in the manner provided by the mail ballot
39 act.

40 (e) (1) There is hereby established in every district that adopts an
41 extracurricular school activities budget a fund which shall be called an
42 extracurricular school activities fund. The fund shall consist of all
43 amounts deposited therein or credited thereto according to law.

1 **(2) Amounts in the extracurricular school activities fund may be**
2 **expended for the purpose of funding the cost of providing**
3 **extracurricular school activities in the district which are voluntary**
4 **activities sponsored by the school and are not required by state law to**
5 **be provided in accredited schools. Extracurricular school activities**
6 **include, but are not limited to, preparation for and involvement in**
7 **public performances, contests, athletic competitions, demonstrations,**
8 **displays and club activities.**

9 **(3) Any balance remaining in the extracurricular school activities**
10 **fund at the end of the school year shall be carried forward into that**
11 **fund for succeeding school years. Such fund shall not be subject to the**
12 **provisions of K.S.A. 79-2925 through 79-2937, and amendments**
13 **thereto. In preparing the extracurricular school activities budget of**
14 **such school district, the amounts credited to and the amount on hand**
15 **in the extracurricular school activities fund, and the amount expended**
16 **therefrom shall be included in the annual extracurricular school**
17 **activities fund budget for the information of the residents of the school**
18 **district. Interest earned on the investment of moneys in any such fund**
19 **shall be credited to that fund.**

20 **(f) Each school year, the state board shall determine the statewide**
21 **average amount per pupil as follows:**

22 **(1) Determine the general fund budgets for all districts for the**
23 **preceding school year.**

24 **(2) Determine the local option budgets for all districts for the**
25 **preceding school year.**

26 **(3) Determine the enrollment of pupils in all districts for the**
27 **preceding school year.**

28 **(4) Divide the sum of paragraphs (1) and (2) by paragraph (3).**
29 **The result is the statewide average amount per pupil.**

30 **(g) Each school year for a district, the state board shall determine**
31 **the district average amount per pupil as follows:**

32 **(1) Determine the general fund budget for the district for the**
33 **preceding school year.**

34 **(2) Determine the local option budget for the district for the**
35 **preceding school year.**

36 **(3) Determine the enrollment of pupils in the district for the**
37 **preceding school year.**

38 **(4) Divide the sum of paragraphs (1) and (2) by paragraph (3).**
39 **The result is the district average amount per pupil for such district.**

40 **(h) (1) The board of a district that has adopted an extracurricular**
41 **school activities budget may levy an *ad valorem* tax on the taxable**
42 **tangible property of the district for the purpose of financing that**
43 **portion of the district's extracurricular school activities budget which**

1 is not financed from any other source provided by law and for the
2 purpose of paying a portion of the principal and interest on bonds
3 issued by cities under authority of K.S.A. 12-1774, and amendments
4 thereto, for the financing of redevelopment projects upon property
5 located within the district.

6 (2) The proceeds from the tax levied by a district under authority of
7 this section, except the proceeds of such tax levied for the purposes of
8 paying a portion of the principal and interest on bonds issued by cities
9 under authority of K.S.A. 12-1774, and amendments thereto, for the
10 financing of redevelopment projects upon property located within the
11 district, shall be deposited in the extracurricular school activities fund
12 of the district.}

13 {Sec. 43. K.S.A. 2011 Supp. 72-64b01 is hereby amended to read
14 as follows: 72-64b01. (a) No school district shall expend, use or
15 transfer any moneys from the general fund *or supplemental general*
16 *fund* of the district for the purpose of engaging in or supporting in any
17 manner any litigation by the school district or any person, association,
18 corporation or other entity against the state of Kansas, the state board
19 of education, the state department of education, other state agency or
20 any state officer or employee regarding the school district finance and
21 quality performance act or any other law concerning school finance.
22 No such moneys shall be paid, donated or otherwise provided to any
23 person, association, corporation or other entity and used for the
24 purpose of any such litigation.

25 (b) ~~Nothing in K.S.A. 72-6433 or this section, and amendments thereto,~~
26 ~~shall be construed as prohibiting the expenditure, use or transfer of~~
27 ~~moneys from the supplemental general fund~~ *Any moneys received by a*
28 *school district under K.S.A. 72-8210, and amendments thereto, may be*
29 *expended for the purposes specified in subsection (a).}*

30 {New Sec. 44. (a) For the tax years commencing after December
31 31, 2012, each Kansas state individual income tax return form shall
32 contain a designation as follows:

33 Unified School District Contribution Program. Check if you wish
34 to donate, in addition to your tax liability, or designate from your
35 refund, ___ \$1, ___ \$5, ___ \$10, or \$ _____ to unified school district No.
36 _____.

37 (b) The director of taxation of the department of revenue shall
38 determine annually the total amount designated for contribution to
39 the unified school district contribution program pursuant to
40 subsection (a) and shall report such amount to the state treasurer who
41 shall credit the entire amount thereof to the unified school district
42 contribution program check-off fund which is hereby established in
43 the state treasury. Such funds shall be administered by the

1 department of education to be provided to the unified school district
2 designated by the taxpayer, and such funds shall be treated as a
3 donation by the unified school district in accordance with K.S.A. 72-
4 8210, and amendments thereto. The director shall remit the entire
5 amount thereof to the state treasurer in accordance with K.S.A. 75-
6 4215, and amendments thereto. Upon receipt of such remittance, the
7 state treasurer shall deposit the entire amount in the state treasury to
8 the credit of such fund. All moneys deposited in such fund shall be
9 used for the purpose of financing education in the unified school
10 district of the taxpayer's choice. All expenditures from such fund shall
11 be made in accordance with appropriation acts upon warrants of the
12 director of accounts and reports issued pursuant to vouchers
13 approved by the state board of education.}

14 {Sec. 45. K.S.A. 2011 Supp. 76-729 is hereby amended to read as
15 follows: 76-729. (a)(1) Persons enrolling at the state educational
16 institutions under the control and supervision of the state board of
17 regents who, if such persons are adults, have been domiciliary
18 residents of the state of Kansas or, if such persons are minors, whose
19 parents have been domiciliary residents of the state of Kansas for at
20 least 12 months prior to enrollment for any term or session at a state
21 educational institution are residents for fee purposes. A person who
22 has been a resident of the state of Kansas for fee purposes and who
23 leaves the state of Kansas to become a resident of another state or
24 country shall retain status as a resident of the state of Kansas for fee
25 purposes if the person returns to domiciliary residency in the state of
26 Kansas within 60 months of departure. All other persons are
27 nonresidents of the state of Kansas for fee purposes.

28 (2) The provisions of this subsection shall be applicable to any
29 person enrolling at a state educational institution from and after July
30 1, 2006. Any person who (A) qualifies as a resident of the state of
31 Kansas for fee purposes under the provisions of this subsection, (B)
32 attended a state educational institution during academic year 2006-
33 2007 and (C) paid fees as if such person was not a resident of the state
34 of Kansas, may apply to such state educational institution to be
35 reimbursed in an amount equal to the difference between the amount
36 the person paid in fees and the amount the person would have paid if
37 such person had been treated as a resident of the state of Kansas. Such
38 reimbursement shall be paid by the state educational institution at
39 which such person was enrolled during academic year 2006-2007.

40 (3) The provisions of this subsection shall not apply to a person
41 who is deemed a resident for fee purposes pursuant to K.S.A. 2011
42 Supp. 76-731a, and amendments thereto.

43 (b) The state board of regents may authorize the following

1 persons, or any class or classes thereof, and their spouses and
2 dependents to pay an amount equal to resident fees:

3 (1) Persons who are employees of a state educational institution;

4 (2) ~~persons who are in military service;~~

5 ~~(3) persons who are domiciliary residents of the state, who were in~~
6 ~~active military service prior to becoming domiciliary residents of the state,~~
7 ~~who were present in the state for a period of not less than two years during~~
8 ~~their tenure in active military service, whose domiciliary residence was~~
9 ~~established in the state within 30 days of discharge or retirement from~~
10 ~~active military service under honorable conditions, but whose domiciliary~~
11 ~~residence was not timely enough established to meet the residence~~
12 ~~duration requirement of subsection (a);~~

13 (4) ~~persons having special domestic relations circumstances;~~

14 (5)(3) persons who have lost their resident status within six
15 months of enrollment;

16 (6)(4) persons who are not domiciliary residents of the state, who
17 have graduated from a high school accredited by the state board of
18 education within six months of enrollment, who were domiciliary
19 residents of the state at the time of graduation from high school or
20 within 12 months prior to graduation from high school, and who are
21 entitled to admission at a state educational institution pursuant to
22 K.S.A. 72-116, and amendments thereto;

23 (7)(5) persons who are domiciliary residents of the state, whose
24 domiciliary residence was established in the state for the purpose of
25 accepting, upon recruitment by an employer, or retaining, upon
26 transfer required by an employer, a position of full-time employment
27 at a place of employment in Kansas, but the domiciliary residence of
28 whom was not timely enough established to meet the residence
29 duration requirement of subsection (a), and who are not otherwise
30 eligible for authorization to pay an amount equal to resident fees
31 under this subsection; *and*

32 (8)(6) persons who have graduated from a high school accredited
33 by the state board of education within six months of enrollment and
34 who, at the time of graduation from such a high school or while
35 enrolled and in attendance at such a high school prior to graduation
36 therefrom, were dependents of a person in military service within the
37 state; if the person, whose dependent is eligible for authorization to
38 pay an amount equal to resident fees under this provision, does not
39 establish domiciliary residence in the state upon retirement from
40 military service, eligibility of the dependent for authorization to pay
41 an amount equal to resident fees shall lapse; ~~and~~

42 (9) ~~persons who have retired or have been honorably discharged from~~
43 ~~military service, had a permanent change of station order for active duty in~~

1 ~~Kansas during such military service and live in Kansas at the time of~~
2 ~~enrollment.~~

3 **(c) (1) The state board of regents shall authorize the following**
4 **class of persons to pay an amount equal to resident fees:**

5 *(A) Persons who are in military service;*

6 *(B) persons who are domiciliary residents of the state at the time of*
7 *enrollment, were in active military service for a period of not less than 36*
8 *months prior to becoming domiciliary residents of the state and have been*
9 *discharged or retired from military service under honorable conditions;*
10 *and*

11 *(C) any dependent or spouse of a person in military service who is*
12 *reassigned from Kansas to another duty station so long as such*
13 *dependent or spouse continues to reside in Kansas.*

14 **(2) So long as a person***dependent or spouse of a person in military*
15 *service, as described in paragraph (1) of this subsection, remains*
16 **continuously enrolled, exclusive of summer sessions, a person who**
17 **qualifies to pay resident fees by virtue of being a spouse or dependent**
18 **of a person in military service shall not lose such status because of a**
19 **divorce or the death of a spouse.**

20 **(d) As used in this section:**

21 **(1) "Parents" means and includes natural parents, adoptive**
22 **parents, stepparents, guardians and custodians.**

23 **(2) "Guardian" has the meaning ascribed thereto by provided by**
24 **K.S.A. 59-3051, and amendments thereto.**

25 **(3) "Custodian" means a person, agency or association granted**
26 **legal custody of a minor under the revised Kansas code for care of**
27 **children.**

28 **(4) "Domiciliary resident" means a person who has present and**
29 **fixed residence in Kansas where the person intends to remain for an**
30 **indefinite period and to which the person intends to return following**
31 **absence.**

32 **(5) "Full-time employment" means employment requiring at**
33 **least 1,500 hours of work per year.**

34 **(6) "Dependent" means: (A) A birth child, adopted child or**
35 **stepchild; or**

36 **(B) any child other than the foregoing who is actually dependent**
37 **in whole or in part on the person in military service and who is related**
38 **to such individual by marriage or consanguinity.**

39 **(7) "Military service" means: (A) Any active service in any**
40 **armed service of the United States; or (B) membership in the Kansas**
41 **army or air national guard.**

42 **(8) "Academic year" means the twelve-month period ending June**
43 **30.}**

1 **New Sec. ~~43~~ {46}. If any provision of this act, or the application**
2 **thereof, is held invalid or unconstitutional, such invalidity shall not**
3 **affect other provisions or applications of the act which can be given**
4 **effect without the invalid provision or application, and to this end the**
5 **provisions of this act are declared to be severable.**

6 Sec. ~~8-9, 44~~ {47}. K.S.A. ~~72-4417 and 72-4419 and K.S.A. 2011-~~
7 ~~Supp. 72-6413~~72-1412, 72-4417, 72-4419, 72-6444, 72-9004, 72-9005
8 **and K.S.A. 2011 Supp. 72-978, 72-4470a, 72-5413, 72-6409, 72-6410,**
9 **72-6413, 72-6415b, 72-6433, 72-6433d, 72-6434, 72-6435, 72-6441, 72-**
10 **6449, 72-6451, 72-6455, 72-6456, 72-6459,{72-64b01,} 72-8814, 72-**
11 **9002, 72-9003, 72-9608 and {,}75-2319 {and 76-729} are hereby repealed.**

12 Sec. ~~9-10, 45~~ {48}. From and after July 1, 2013, K.S.A. 2011 Supp.
13 71-201 is hereby repealed.

14 Sec. ~~10-11, 46~~ {49}. This act shall take effect and be in force from
15 and after its publication in the statute book.