

SENATE BILL No. 133

By Committee on Ways and Means

2-5

1 AN ACT concerning school districts; relating to school finance;
2 authorizing a local activities budget.

3
4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. (a) As used in this section:

6 (1) "District average amount per pupil" means the average amount
7 per pupil for the preceding school year of the combined general fund
8 budget and local option budget of the district as computed by the state
9 board pursuant to subsection (g).

10 (2) "School district" or "district" means a school which has adopted a
11 local option budget not less than 30% of the state financial aid of the
12 district in the current school year and whose district average amount per
13 pupil is less than the statewide median amount per pupil.

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

15 (4) "Statewide median amount per pupil" means the median amount
16 per pupil for the preceding school year of the combined general fund
17 budgets and local option budgets of all districts as computed by the state
18 board pursuant to subsection (f).

19 (b) (1) Each school year, the board of education of any district, by
20 resolution, may adopt a local activities budget. Except as provided by
21 paragraph (2), a local activities budget shall not exceed an amount
22 determined by multiplying 3% of the statewide median amount per pupil
23 by the enrollment of the district.

24 (2) If the sum of the district average amount per pupil and 3% of the
25 statewide median amount per pupil is greater than the statewide median
26 amount per pupil, then the local activities budget shall not exceed an
27 amount determined by multiplying the difference between the statewide
28 median amount per pupil and the district average amount per pupil for
29 such district by the enrollment of the district.

30 (c) (1) Except as otherwise provided in paragraph (3), such resolution
31 shall not be effective unless it is submitted to and approved by a majority
32 of the qualified electors of the school district voting on the question at an
33 election thereon. The resolution submitted to the qualified electors of the
34 school district shall specify the maximum local activities budget, which
35 shall not exceed the amount determined in subsection (b). If any district is
36 authorized to adopt a local activities budget under this section, but the

1 board of such district chooses, in any school year, not to adopt such a
2 budget or chooses, in any school year, to adopt such budget in an amount
3 less than the amount stated in the resolution, such board of education may
4 so choose. Whenever an initial resolution has been adopted under this
5 subsection, and such resolution specified an amount less than the amount
6 specified in the resolution, the board of the district may adopt one or more
7 subsequent resolutions under the same procedure as provided for the initial
8 resolution and subject to the same conditions, and shall be authorized to
9 increase the amount as specified in any such subsequent resolution. Any
10 amount specified in a subsequent resolution or in subsequent resolutions
11 shall be limited so that the sum of the percentage authorized in the initial
12 resolution and the amount authorized in any subsequent resolution is not in
13 excess of the amount determined in subsection (b). If the resolution is not
14 approved by a majority of the voters voting on the question at the election
15 thereon, no like resolution shall be adopted by the board within the nine
16 months following publication of the resolution.

17 (2) The authority to adopt a local activities budget granted by the
18 resolution to a school district shall expire five years from the date of the
19 election in which the resolution was approved by the majority of the
20 qualified electors of the school district voting on the question at the
21 election thereon.

22 (3) Upon the expiration of any resolution adopted pursuant to
23 paragraph (1), the board of education of such district may adopt a new
24 resolution authorizing a local activities budget in such amount that the
25 aggregate amount authorized by all such resolutions still in effect at such
26 time shall not exceed the amount determined in subsection (b). The
27 resolution shall be published at least once in a newspaper having general
28 circulation in the district. The resolution shall be published in substantial
29 compliance with the following form:

30 Unified School District No. _____,
31 _____ County, Kansas.

32 RESOLUTION

33 Be It Resolved that:

34 The board of education of the above-named school district shall be
35 authorized to adopt a local activities budget in each school year in an
36 amount not to exceed _____. The local activities budget authorized
37 by this resolution may be adopted, unless a petition in opposition to the
38 same, signed by not less than 5% of the qualified electors of the school
39 district, is filed with the county election officer of the home county of the
40 school district within 30 days after publication of this resolution. If a
41 petition is filed, the county election officer shall submit the question of
42 whether adoption of the local activities budget shall be authorized to the
43 electors of the school district at an election called for the purpose or at the

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

3 CERTIFICATE

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

7
8 Clerk of the board of education.

9 All of the blanks in the resolution shall be filled as is appropriate. If a
10 sufficient petition is not filed, the board may adopt a local activities
11 budget. If a sufficient petition is filed, the board may notify the county
12 election officer of the date of an election to be held to submit the question
13 of whether adoption of a local activities budget shall be authorized. If the
14 board fails to notify the county election officer within 30 days after a
15 sufficient petition is filed, the resolution shall be deemed abandoned and
16 no like resolution shall be adopted by the board within the nine months
17 following publication of the resolution.

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

23 (e) (1) There is hereby established in every district that adopts a local
24 activities budget a fund which shall be called a local activities fund. The
25 fund shall consist of all amounts deposited therein or credited thereto
26 according to law.

27 (2) Amounts in the local activities fund may be expended for the
28 purpose of funding the cost of providing those programs and activities in
29 the district which are not required by state law to be provided in accredited
30 schools.

31 (3) Any balance remaining in the local activities fund at the end of
32 the school year shall be carried forward into that fund for succeeding
33 school years. Such fund shall not be subject to the provisions of K.S.A. 79-
34 2925 through 79-2937, and amendments thereto. In preparing the local
35 activities budget of such school district, the amounts credited to and the
36 amount on hand in the local activities fund, and the amount expended
37 therefrom shall be included in the annual local activities fund budget for
38 the information of the residents of the school district. Interest earned on
39 the investment of moneys in any such fund shall be credited to that fund.

40 (f) Each school year, the state board shall determine the statewide
41 median amount per pupil as follows:

42 (1) Determine the district average amount per pupil for each district
43 pursuant to subsection (g);

1 (2) rank the districts from the lowest amount to the highest amount
2 based on the amounts determined under paragraph (1);

3 (3) identify the district average amount per pupil located at the 50th
4 percentile of the amounts ranked under paragraph (2). Such amount is the
5 statewide median amount per pupil.

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

8 (1) Determine the general fund budget for the district for the
9 preceding school year.

10 (2) Determine the local option budget for the district for the
11 preceding school year.

12 (3) Determine the enrollment of pupils in the district for the
13 preceding school year.

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

16 (h) (1) The board of a district that has adopted a local activities
17 budget may levy an ad valorem tax on the taxable tangible property of the
18 district for the purpose of financing that portion of the district's local
19 activities budget which is not financed from any other source provided by
20 law and for the purpose of paying a portion of the principal and interest on
21 bonds issued by cities under authority of K.S.A. 12-1774, and amendments
22 thereto, for the financing of redevelopment projects upon property located
23 within the district.

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

30 Sec. 2. This act shall take effect and be in force from and after its
31 publication in the statute book.