

SENATE BILL No. 178

By Senator Hensley

2-12

1 AN ACT concerning school districts; relating to the amount of base state
2 aid per pupil; relating to the local option budget; amending K.S.A.
3 2012 Supp. 72-6410 and 72-6433 and repealing the existing sections.
4

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

6 Section 1. K.S.A. 2012 Supp. 72-6410 is hereby amended to read as
7 follows: 72-6410. (a) "State financial aid" means an amount equal to the
8 product obtained by multiplying base state aid per pupil by the adjusted
9 enrollment of a district.

10 (b) (1) "Base state aid per pupil" means an amount of state financial
11 aid per pupil. Subject to the other provisions of this subsection, the amount
12 of base state aid per pupil is ~~\$4,433 in school year 2008-2009 and :~~

13 (A) \$4,492 in school year ~~2009-2010~~ years 2012-2013 and 2015-
14 2016 and each school year thereafter;

15 (B) \$3,910 in school year 2013-2014; and

16 (C) \$3,982 in school year 2014-2015.

17 (2) *The provisions of subparagraph (1)(B) shall have no force and*
18 *effect unless the aggregate amount of appropriations for supplemental*
19 *general state aid for school year 2012-2013 is equal to 92.5% of the*
20 *amount of supplemental general state aid school districts are entitled to*
21 *receive for such school year as determined by K.S.A. 72-6434, and*
22 *amendments thereto. The provisions of subparagraph (1)(C) shall have no*
23 *force and effect unless the aggregate amount of appropriations for*
24 *supplemental general state aid for school year 2013-2014 is equal to*
25 *100% of the amount of supplemental general state aid school districts are*
26 *entitled to receive for such school year as determined by K.S.A. 72-6434,*
27 *and amendments thereto. In the event either subparagraph (1)(B) or (1)*
28 *(C) does not take effect in its corresponding school year, then the base*
29 *state aid per pupil for such school year shall be \$3,838.*

30 (3) The amount of base state aid per pupil is subject to reduction
31 commensurate with any reduction under K.S.A. 75-6704, and amendments
32 thereto, in the amount of the appropriation from the state general fund for
33 general state aid. If the amount of appropriations for general state aid is
34 insufficient to pay in full the amount each district is entitled to receive for
35 any school year, the amount of base state aid per pupil for such school year
36 is subject to reduction commensurate with the amount of the insufficiency.

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

30 (d) "Federal impact aid" means an amount equal to the federally
31 qualified percentage of the amount of moneys a district receives in the
32 current school year under the provisions of title I of public law 874 and
33 congressional appropriations therefor, excluding amounts received for
34 assistance in cases of major disaster and amounts received under the low-
35 rent housing program. The amount of federal impact aid defined herein as
36 an amount equal to the federally qualified percentage of the amount of
37 moneys provided for the district under title I of public law 874 shall be
38 determined by the state board in accordance with terms and conditions
39 imposed under the provisions of the public law and rules and regulations
40 thereunder.

41 Sec. 2. K.S.A. 2012 Supp. 72-6433 is hereby amended to read as
42 follows: 72-6433. (a) As used in this section:

43 (1) (A) "State prescribed percentage" means ~~31% of state financial aid~~

1 ~~of the district in the current school year :~~

2 (i) For school year 2013-2014, 32% of state financial aid of the
3 district in such school year; and

4 (ii) for school year 2014-2015 and each school year thereafter, 33%
5 of state financial aid of the district in such school year.

6 (B) The provisions of subparagraph (1)(A)(i) shall have no force and
7 effect unless the aggregate amount of appropriations for supplemental
8 general state aid for school year 2012-2013 is equal to 92.5% of the
9 amount of supplemental general state aid school districts are entitled to
10 receive for such school year as determined by K.S.A. 72-6434, and
11 amendments thereto. The provisions of subparagraph (1)(A)(ii) shall have
12 no force and effect unless the aggregate amount of appropriations for
13 supplemental general state aid for school year 2013-2014 is equal to
14 100% of the amount of supplemental general state aid school districts are
15 entitled to receive for such school year as determined by K.S.A. 72-6434,
16 and amendments thereto.

17 (2) "Authorized to adopt a local option budget" means that a district
18 has adopted a resolution under this section, has published the same, and
19 either the resolution was not protested or it was protested and an election
20 was held by which the adoption of a local option budget was approved.

21 (b) In each school year, the board of any district may adopt a local
22 option budget which does not exceed the state prescribed percentage.

23 (c) Subject to the limitation of subsection (b), in each school year, the
24 board of any district may adopt, by resolution, a local option budget in an
25 amount not to exceed:

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

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

31 (C) the amount which the board was authorized to adopt pursuant to
32 K.S.A. 72-6444, and amendments thereto, if applicable to the district; or

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

35 Except as provided by subsection (e), the adoption of a resolution
36 pursuant to this subsection shall require a majority vote of the members of
37 the board. Such resolution shall be effective upon adoption and shall
38 require no other procedure, authorization or approval.

39 (d) If the board of a district desires to increase its local option budget
40 authority above the amount authorized under subsection (c) or if the board
41 was not authorized to adopt a local option budget in 2006-2007, the board
42 may adopt, by resolution, such budget in an amount not to exceed the state
43 prescribed percentage. The adoption of a resolution pursuant to this

1 subsection shall require a majority vote of the members of the board. The
2 resolution shall be published at least once in a newspaper having general
3 circulation in the district. The resolution shall be published in substantial
4 compliance with the following form:

5 Unified School District No. _____,
6 _____ County, Kansas.

7 RESOLUTION

8 Be It Resolved that:

9 The board of education of the above-named school district shall be
10 authorized to adopt a local option budget in each school year in an amount
11 not to exceed ____% of the amount of state financial aid. The local option
12 budget authorized by this resolution may be adopted, unless a petition in
13 opposition to the same, signed by not less than 5% of the qualified electors
14 of the school district, is filed with the county election officer of the home
15 county of the school district within 30 days after publication of this
16 resolution. If a petition is filed, the county election officer shall submit the
17 question of whether adoption of the local option budget shall be authorized
18 to the electors of the school district at an election called for the purpose or
19 at the next general election, as is specified by the board of education of the
20 school district.

21 CERTIFICATE

22 This is to certify that the above resolution was duly adopted by the
23 board of education of unified School District
24 No. _____ County,
25 Kansas, on the _____ day of _____
26 _____.

27 _____
28 Clerk of the board of education.

29 All of the blanks in the resolution shall be filled as is appropriate. If a
30 sufficient petition is not filed, the board may adopt a local option budget.
31 If a sufficient petition is filed, the board may notify the county election
32 officer of the date of an election to be held to submit the question of
33 whether adoption of a local option budget shall be authorized. Any such
34 election shall be noticed, called and held in the manner provided by K.S.A.
35 10-120, and amendments thereto. If the board fails to notify the county
36 election officer within 30 days after a sufficient petition is filed, the
37 resolution shall be deemed abandoned and no like resolution shall be
38 adopted by the board within the nine months following publication of the
39 resolution.

40 (e) Any resolution authorizing the adoption of a local option budget
41 in excess of 30% of the state financial aid of the district in the current
42 school year shall not become effective unless such resolution has been
43 submitted to and approved by a majority of the qualified electors of the

1 school district voting at an election called and held thereon. The election
2 shall be called and held in the manner provided by K.S.A. 10-120, and
3 amendments thereto.

4 (f) Unless specifically stated otherwise in the resolution, the authority
5 to adopt a local option budget shall be continuous and permanent. The
6 board of any district which is authorized to adopt a local option budget
7 may choose not to adopt such a budget or may adopt a budget in an
8 amount less than the amount authorized. If the board of any district whose
9 authority to adopt a local option budget is not continuous and permanent
10 refrains from adopting a local option budget, the authority of such district
11 to adopt a local option budget shall not be extended by such refrainment
12 beyond the period specified in the resolution authorizing adoption of such
13 budget.

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

19 (h) The board of any district that is authorized to adopt a local option
20 budget prior to the effective date of this act under a resolution which
21 authorized the adoption of such budget in accordance with the provisions
22 of this section in effect prior to its amendment by this act may continue to
23 operate under such resolution for the period of time specified in the
24 resolution or may abandon the resolution and operate under the provisions
25 of this section as amended by this act. Any such district shall operate under
26 the provisions of this section as amended by this act after the period of
27 time specified in the resolution has expired.

28 (i) Any resolution adopted pursuant to this section may revoke or
29 repeal any resolution previously adopted by the board. If the resolution
30 does not revoke or repeal previously adopted resolutions, all resolutions
31 which are in effect shall expire on the same date. The maximum amount of
32 the local option budget of a school district under all resolutions in effect
33 shall not exceed the state prescribed percentage in any school year.

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

38 (2) Subject to the limitation imposed under paragraph (3) and
39 subsection (e) of K.S.A. 72-6434, and amendments thereto, amounts in the
40 supplemental general fund may be expended for any purpose for which
41 expenditures from the general fund are authorized or may be transferred to
42 any program weighted fund or categorical fund of the district. Amounts in
43 the supplemental general fund attributable to any percentage over 25% of

1 state financial aid determined for the current school year may be
2 transferred to the capital improvements fund of the district and the capital
3 outlay fund of the district if such transfers are specified in the resolution
4 authorizing the adoption of a local option budget in excess of 25%.

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

9 (4) (A) Except as provided in ~~paragraph~~ *subparagraph* (B), any
10 unexpended budget remaining in the supplemental general fund of a
11 district at the conclusion of any school year in which a local option budget
12 is adopted shall be maintained in such fund.

13 (B) If the district received supplemental general state aid in the
14 school year, the state board shall determine the ratio of the amount of
15 supplemental general state aid received to the amount of the local option
16 budget of the district for the school year and multiply the total amount of
17 the unexpended budget remaining by such ratio. An amount equal to the
18 amount of the product shall be transferred to the general fund of the
19 district or remitted to the state treasurer. Upon receipt of any such
20 remittance, the state treasurer shall deposit the same in the state treasury to
21 the credit of the state school district finance fund.

22 (k) Each year the state board of education shall determine the
23 statewide average percentage of local option budgets legally adopted by
24 school districts for the preceding school year.

25 (l) The provisions of this section shall be subject to the provisions of
26 K.S.A. 2012 Supp. 72-6433d, and amendments thereto.

27 Sec. 3. K.S.A. 2012 Supp. 72-6410 and 72-6433 are hereby repealed.

28 Sec. 4. This act shall take effect and be in force from and after its
29 publication in the statute book.