

As Amended by House Committee

Session of 2012

HOUSE BILL No. 2773

By Committee on Taxation

3-6

1 AN ACT concerning school districts; authorizing the expenditure of  
2 certain unencumbered funds; ~~relating to the local option budget;~~  
3 amending K.S.A. 2011 Supp. 72-965, 72-3607, 72-3715, 72-6414a, 72-  
4 6414b, 72-6420, 72-6421, 72-6423, 72-6426, ~~72-6433~~, 72-6460, 72-  
5 8237, 72-8250, 72-9509 and 72-9609 and repealing the existing  
6 section.

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

9 New Section 1. (a) ~~On June 30, 2013, the clerk or superintendent~~  
10 ~~of each school district shall certify under oath to the state board a report~~  
11 ~~showing the unencumbered balance of moneys remaining in each of the~~  
12 ~~following funds: At-risk education fund, as provided in K.S.A. 76-6414a,~~  
13 ~~and amendments thereto; bilingual education fund, as provided in K.S.A.~~  
14 ~~72-9509, and amendments thereto; contingency reserve fund, as provided~~  
15 ~~in K.S.A. 72-6426, and amendments thereto; driver training fund, as~~  
16 ~~provided in K.S.A. 72-6423, and amendments thereto; parent education~~  
17 ~~program fund, as provided in K.S.A. 72-3607, and amendments thereto;~~  
18 ~~preschool-aged at-risk education fund, as provided in K.S.A. 72-6414b,~~  
19 ~~and amendments thereto; professional development fund, as provided in~~  
20 ~~K.S.A. 72-9609, and amendments thereto; summer program fund, as~~  
21 ~~provided in K.S.A. 72-8237, and amendments thereto; textbook and~~  
22 ~~student materials revolving fund, as provided in K.S.A. 72-8250, and~~  
23 ~~amendments thereto; special education fund, as provided in K.S.A. 72-965~~  
24 ~~and 72-6420, and amendments thereto; virtual school fund, as provided in~~  
25 ~~K.S.A. 72-3715, and amendments thereto; and vocational education fund,~~  
26 ~~as provided in K.S.A. 72-6421, and amendments thereto.~~

27 (b) ~~Upon receipt of such report, the state board shall subtract the~~  
28 ~~aggregate amount of the unencumbered balance of moneys as certified by~~  
29 ~~the school district in the report from the amount of unencumbered balance~~  
30 ~~of moneys such school district was authorized to spend for general~~  
31 ~~operating expenses of the school district as determined pursuant to K.S.A.~~  
32 ~~2011 Supp. 72-6460, and amendments thereto.~~

33 (c) ~~The state board shall notify each school district of the difference~~  
34 ~~determined under subsection (b), if any. If there is a difference between the~~  
35 ~~amount of the unencumbered balance of moneys as certified by the school~~  
36 ~~district and the amount of unencumbered balance of moneys such school~~

1 ~~district was authorized to spend for general operating expenses of the~~  
2 ~~school district as determined pursuant to K.S.A. 2011 Supp. 72-6460, and~~  
3 ~~amendments thereto, then an amount equal to such difference shall be~~  
4 ~~transferred from the unencumbered balance of moneys in those funds set~~  
5 ~~forth in subsection (a) to the local option budget fund of such school~~  
6 ~~district, and any levy to be imposed by the school district pursuant to~~  
7 ~~K.S.A. 72-6435, and amendments thereto, for school year 2013-2014 shall~~  
8 ~~be reduced accordingly, except as otherwise provided in K.S.A. 72-6433,~~  
9 ~~and amendments thereto.~~

10 ~~New Sec. 2. The provisions of section 1 and K.S.A. 2011 Supp. 72-~~  
11 ~~6460, and amendments thereto, shall be a part of and supplemental to the~~  
12 ~~school district finance and quality performance act.—~~

13 ~~Section 3. 1. K.S.A. 2011 Supp. 72-965 is hereby amended to read as~~  
14 ~~follows: 72-965. (a) The state board shall be responsible for the~~  
15 ~~distribution and allocation of state and federal funds for special education.~~  
16 ~~Such moneys shall be expended only in accordance with and for the~~  
17 ~~purposes specified in federal or state law. Payments under this act may be~~  
18 ~~made in installments and in advance or by way of reimbursement, with~~  
19 ~~necessary adjustments for overpayments or underpayments. Federal funds~~  
20 ~~for special education shall be deposited in the state treasury.~~

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

27 ~~(c) (1) Each board may use up to 15% of the amount it receives each~~  
28 ~~year under the federal law to develop and implement coordinated, early~~  
29 ~~intervening services for students in kindergarten through grade 12, with a~~  
30 ~~particular emphasis on students in kindergarten through grade three, who~~  
31 ~~have not been identified as needing special education or related services~~  
32 ~~but who appear to need additional academic and behavioral support to~~  
33 ~~succeed in a general education environment.~~

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

36 ~~(A) Providing professional development for teachers and other school~~  
37 ~~staff to enable such personnel to deliver scientifically based academic~~  
38 ~~instruction and behavioral interventions, including scientifically based~~  
39 ~~literacy instruction and, where appropriate, instruction on the use of~~  
40 ~~adaptive and instructional software; and~~

41 ~~(B) providing educational and behavioral evaluations, services and~~  
42 ~~supports, including scientifically based literacy instruction.~~

43 ~~(3) Each board that develops and maintains coordinated, early~~

1 intervening services under this subsection shall annually report to the  
2 department:

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

4 (B) the number of students served under this subsection who  
5 subsequently receive special education and related services under this title  
6 during the two-year period preceding each report.

7 (d) Except for moneys received under K.S.A. 72-978, and  
8 amendments thereto, from cooperative agreements entered into under  
9 K.S.A. 72-968, and amendments thereto, any unencumbered balance of  
10 moneys attributable to appropriations by the legislature for special  
11 education or related services remaining in the special education fund of a  
12 school district on June 30, ~~2011~~, **or June 30, 2012**, may be expended  
13 in ~~school year 2011-2012~~ **2012-2013 the school year that immediately**  
14 **succeeds such date** by the school district for general operating expenses  
15 of the school district as approved by the board of education in an amount  
16 not to exceed 1/3 of the unencumbered balance of the school district's  
17 special education fund.

18 ~~Sec.-4.~~ **2.** K.S.A. 2011 Supp. 72-3607 is hereby amended to read as  
19 follows: 72-3607. (a) There is hereby established in every school district  
20 which has developed and is operating a parent education program for  
21 which grants are awarded under this act a fund which shall be called the  
22 parent education program fund, which fund shall consist of all moneys  
23 deposited therein or transferred thereto according to law. Notwithstanding  
24 any other provision of law, all moneys received by the school district from  
25 whatever source for a parent education program operated under this act  
26 shall be credited to the fund established by this section. Amounts deposited  
27 in the parent education program fund shall be used exclusively for the  
28 payment of expenses directly attributable to the program.

29 (b) Any unencumbered balance of moneys remaining in the parent  
30 education program fund of a school district on June 30, ~~2011~~, **or**  
31 **June 30, 2012**, may be expended in ~~school year 2011-2012~~ **2012-2013 the**  
32 **school year that immediately succeeds such date** by the school district  
33 for general operating expenses of the school district as approved by the  
34 board of education.

35 ~~Sec.-5.~~ **3.** K.S.A. 2011 Supp. 72-3715 is hereby amended to read as  
36 follows: 72-3715. (a) In order to be included in the full-time equivalent  
37 enrollment of a virtual school, a pupil shall be in attendance at the virtual  
38 school on; (1) A single school day on or before September 19 of each  
39 school year; and (2) on a single school day on or after September 20, but  
40 before October 4 of each school year.

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

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

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

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

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

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

16 (d) (1) Subject to the availability of appropriations for virtual school  
17 state aid and within the limits of any such appropriations, each school year  
18 a school district which offers a virtual school shall be entitled to virtual  
19 school state aid.

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

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

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

28 (C) add any amount determined under K.S.A. 2011 Supp. 72-3716,  
29 and amendments thereto; and

30 (D) add the amounts obtained under ~~paragraphs~~ *subparagraphs* (A)  
31 through (C). The sum is the amount of the virtual school state aid to which  
32 the school district is entitled.

33 (3) There is hereby established in every school district a fund which  
34 shall be called the virtual school fund, which fund shall consist of all  
35 moneys deposited therein or transferred thereto according to law. Moneys  
36 received as virtual school state aid shall be deposited in the general fund of  
37 the school district and transferred to the virtual school fund of the district.  
38 The expenses of a district directly attributable to virtual schools offered by  
39 a school district shall be paid from the virtual school fund. The cost of an  
40 advance placement course provided to a pupil described in subsection (d)  
41 (2)(D) shall be paid by the virtual school.

42 Any balance remaining in the virtual school fund at the end of the  
43 budget year shall be carried forward into the virtual school fund for

1 succeeding budget years. Such fund shall not be subject to the provisions  
2 of K.S.A. 79-2925 through 79-2937, and amendments thereto.

3 Any unencumbered balance of moneys remaining in the virtual school  
4 fund of a school district on June 30, ~~2011~~ **2011, or June 30, 2012**, may be  
5 expended in ~~school year 2011-2012~~ **2012-2013 the school year that**  
6 **immediately succeeds such date** by the school district for general  
7 operating expenses of the school district as approved by the board of  
8 education.

9 In preparing the budget of such school district, the amounts credited to  
10 and the amount on hand in the virtual school fund, and the amount  
11 expended therefrom shall be included in the annual budget for the  
12 information of the residents of the school district. Interest earned on the  
13 investment of moneys in any such fund shall be credited to that fund.

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

17 ~~Sec. 6.~~ **4.** K.S.A. 2011 Supp. 72-6414a is hereby amended to read as  
18 follows: 72-6414a. (a) There is hereby established in every district a fund  
19 which shall be called the at-risk education fund, which fund shall consist  
20 of all moneys deposited therein or transferred thereto according to law.  
21 The expenses of a district directly attributable to providing at-risk  
22 assistance or programs, including assistance or programs provided to  
23 nonproficient pupils, shall be paid from the at-risk education fund.

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

33 Any unencumbered balance of moneys remaining in the at-risk  
34 education fund of a school district on June 30, ~~2011~~ **2011, or June 30,**  
35 **2012**, may be expended in ~~school year 2011-2012~~ **2012-2013 the school**  
36 **year that immediately succeeds such date** by the school district for  
37 general operating expenses of the school district as approved by the board  
38 of education.

39 (c) Each year the board of education of each school district shall  
40 prepare and submit to the state board a report on the at-risk program or  
41 assistance provided by the district. Such report shall include information  
42 specifying the number of at-risk pupils and nonproficient pupils who were  
43 served or provided assistance, the type of service provided, the research

1 upon which the district relied in determining that a need for service or  
2 assistance existed, the results of providing such service or assistance and  
3 any other information required by the state board.

4 (d) In order to achieve uniform reporting of the number of at-risk  
5 pupils and nonproficient pupils provided service or assistance by school  
6 districts in at-risk programs, districts shall report the number of at-risk  
7 pupils and nonproficient pupils served or assisted in the manner required  
8 by the state board.

9 Sec.-7: 5. K.S.A. 2011 Supp. 72-6414b is hereby amended to read as  
10 follows: 72-6414b. (a) There is hereby established in every district a fund  
11 which shall be called the preschool-aged at-risk education fund, which  
12 fund shall consist of all moneys deposited therein or transferred thereto  
13 according to law. The expenses of a district directly attributable to  
14 providing preschool-aged at-risk assistance or programs shall be paid from  
15 the preschool-aged at-risk education fund.

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

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

29 Any unencumbered balance of moneys remaining in the preschool-aged  
30 at-risk education fund of a school district on June 30, ~~2011~~ **2011, or June**  
31 **30, 2012**, may be expended in ~~school year 2011-2012~~ ~~2012-2013~~ **the**  
32 **school year that immediately succeeds such date** by the school district  
33 for general operating expenses of the school district as approved by the  
34 board of education.

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

43 Sec.-8: 6. K.S.A. 2011 Supp. 72-6420 is hereby amended to read as

1 follows: 72-6420. (a) There is hereby established in every district a fund  
2 which shall be called the special education fund, which fund shall consist  
3 of all moneys deposited therein or transferred thereto according to law.  
4 Notwithstanding any other provision of law, all moneys received by the  
5 district from whatever source for special education shall be credited to the  
6 special education fund established by this section, except that: (1)  
7 Amounts of payments received by a district under K.S.A. 72-979, and  
8 amendments thereto, and amounts of grants, if any, received by a district  
9 under K.S.A. 72-983, and amendments thereto, shall be deposited in the  
10 general fund of the district and transferred to the special education fund;,  
11 and (2) moneys received by a district pursuant to lawful agreements made  
12 under K.S.A. 72-968, and amendments thereto, shall be credited to the  
13 special fund established under the agreements.

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

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

20 (d) Except for moneys received under K.S.A. 72-978, and  
21 amendments thereto, from cooperative agreements entered into under  
22 K.S.A. 72-968, and amendments thereto, any unencumbered balance of  
23 moneys attributable to appropriations by the legislature for special  
24 education or related services remaining in the special education fund of a  
25 school district on June 30, ~~2011~~, **or June 30, 2012**, may be expended  
26 in ~~school year 2011-2012~~ **2012-2013** **the school year that immediately**  
27 **succeeds such date** by the school district for general operating expenses  
28 of the school district as approved by the board of education in an amount  
29 not to exceed 1/3 of the unencumbered balance of the school district's  
30 special education fund.

31 ~~Sec. 7.~~ K.S.A. 2011 Supp. 72-6421 is hereby amended to read as  
32 follows: 72-6421. (a) There is hereby established in every district a fund  
33 which shall be called the vocational education fund. All moneys received  
34 by a district for any course or program authorized and approved under the  
35 provisions of article 44 of chapter 72 of Kansas Statutes Annotated, and  
36 amendments thereto, except for courses and programs conducted in an area  
37 vocational school, shall be credited to the vocational education fund. All  
38 moneys received by the district from tuition, fees or charges or from any  
39 other source for vocational education courses or programs, except for  
40 courses and programs conducted in an area vocational school, shall be  
41 credited to the vocational education fund. The expenses of a district  
42 directly attributable to vocational education shall be paid from the  
43 vocational education fund.

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

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

16 Any unencumbered balance of moneys attributable to appropriations by  
17 the legislature in the vocational education fund of a school district on June  
18 30, ~~2011~~, **or June 30, 2012**, may be expended in ~~school year 2011-~~  
19 ~~2012~~ **2012-2013 the school year that immediately succeeds such date**  
20 by the school district for general operating expenses of the school district  
21 as approved by the board of education.

22 ~~Sec. 8.~~ K.S.A. 2011 Supp. 72-6423 is hereby amended to read as  
23 follows: 72-6423. (a) There is hereby established in every district a fund  
24 which shall be called the driver training fund which fund shall consist of  
25 all moneys deposited therein or transferred thereto according to law. All  
26 moneys received by the district from distributions made from the state  
27 safety fund and the motorcycle safety fund and from tuition, fees or  
28 charges for driver training courses shall be credited to the driver training  
29 fund. The expenses of a district directly attributable to driver training shall  
30 be paid from the driver training fund.

31 (b) Any unencumbered balance of moneys remaining in the driver  
32 training fund of a school district on June 30, ~~2011~~, **or June 30, 2012**,  
33 may be expended in ~~school year 2011-2012~~ **2012-2013 the school year**  
34 **that immediately succeeds such date** by the school district for general  
35 operating expenses of the school district as approved by the board of  
36 education.

37 ~~Sec. 9.~~ K.S.A. 2011 Supp. 72-6426 is hereby amended to read as  
38 follows: 72-6426. (a) There is hereby established in every district a fund  
39 which shall be called the contingency reserve fund. Such fund shall consist  
40 of all moneys deposited therein or transferred thereto according to law.  
41 The fund shall be maintained for payment of expenses of a district  
42 attributable to financial contingencies as determined by the board.

43 (b) (1) Except as otherwise provided in subsection (c), at no time in



1 school year 2008-2009 through school year 2011-2012 shall the amount  
2 maintained in the contingency reserve fund exceed an amount equal to  
3 10% of the general fund budget of the district for the school year.

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

8 (c) (1) If the amount in the contingency reserve fund of a district is in  
9 excess of the amount authorized under subsection (b), and if such excess  
10 amount is the result of a reduction in the general fund budget of the district  
11 for the school year because of a decrease in enrollment, the district may  
12 maintain the excess amount in the fund until depletion of such excess  
13 amount by expenditure from the fund for the purposes thereof.

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

20 (d) Notwithstanding the provisions of subsection (c), any  
21 unencumbered balance of moneys remaining in the contingency reserve  
22 fund of a school district on June 30, ~~2011~~ **2011, or June 30, 2012**, may be  
23 expended in ~~school year 2011-2012~~ **2012-2013 the school year that**  
24 **immediately succeeds such date** by the school district for general  
25 operating expenses of the school district as approved by the board of  
26 education.

27 ~~Sec. 12.—K.S.A. 2011 Supp. 72-6433 is hereby amended to read as~~  
28 ~~follows: 72-6433. (a) As used in this section:~~

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

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

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

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

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

43 ~~(B) the amount which the board was authorized to adopt pursuant to~~

1 any resolution currently in effect; plus

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

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

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

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

19  
20 Unified School District No. \_\_\_\_\_,  
21 \_\_\_\_\_ County, Kansas.

22 RESOLUTION

23 Be It Resolved that:

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

36  
37  
38 CERTIFICATE

39 This is to certify that the above resolution was duly adopted by the  
40 board of education of unified School District  
41 No. \_\_\_\_\_, \_\_\_\_\_ County,  
42 Kansas, on the \_\_\_\_\_ day of \_\_\_\_\_  
43 \_\_\_\_\_, \_\_\_\_\_.

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Clerk of the board of education.

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

~~(e) (1) Any resolution authorizing the adoption of a local option budget in excess of 30% of the state financial aid of the district in the current school year shall not become effective unless such resolution has been submitted to and approved by a majority of the qualified electors of the school district voting at an election called and held thereon. The election shall be called and held in the manner provided by K.S.A. 10-120, and amendments thereto.~~

~~(2) For any school district that is required to make a transfer of moneys to the local option budget fund of such school district pursuant to subsection (e) of section 1, and amendments thereto, any resolution adopted during school year 2013-2014 authorizing the adoption of a local option budget in excess of an amount equal to the local option budget authorized for school year 2012-2013 less any amount transferred to the local option budget fund of the school district pursuant to subsection (e) of section 1, and amendments thereto, shall not become effective unless such resolution has been submitted to and approved by a majority of the qualified electors of the school district voting at an election called and held thereon. The election shall be called and held in the manner provided by K.S.A. 10-120, and amendments thereto.~~

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

~~(g) The board of any district may initiate procedures to renew or~~

1 increase the authority to adopt a local option budget at any time during a  
2 school year after the tax levied pursuant to K.S.A. 72-6435, and  
3 amendments thereto, is certified to the county clerk under any existing  
4 authorization.

5 ~~(h) The board of any district that is authorized to adopt a local option~~  
6 ~~budget prior to the effective date of this act under a resolution which~~  
7 ~~authorized the adoption of such budget in accordance with the provisions~~  
8 ~~of this section in effect prior to its amendment by this act may continue to~~  
9 ~~operate under such resolution for the period of time specified in the~~  
10 ~~resolution or may abandon the resolution and operate under the provisions~~  
11 ~~of this section as amended by this act. Any such district shall operate under~~  
12 ~~the provisions of this section as amended by this act after the period of~~  
13 ~~time specified in the resolution has expired.~~

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

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

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

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

38 ~~(4) (A) Except as provided in paragraph *subparagraph* (B), any~~  
39 ~~unexpended budget remaining in the supplemental general fund of a~~  
40 ~~district at the conclusion of any school year in which a local option budget~~  
41 ~~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 option  
2 budget of the district for the school year and multiply the total amount of  
3 the unexpended budget remaining by such ratio. An amount equal to the  
4 amount of the product shall be transferred to the general fund of the  
5 district or remitted to the state treasurer. Upon receipt of any such  
6 remittance, the state treasurer shall deposit the same in the state treasury to  
7 the credit of the state school district finance fund.

8 (k) ~~Each year the state board of education shall determine the~~  
9 ~~statewide average percentage of local option budgets legally adopted by~~  
10 ~~school districts for the preceding school year.~~

11 (l) ~~The provisions of this section shall be subject to the provisions of~~  
12 ~~K.S.A. 2011 Supp. 72-6433d and section I, and amendments thereto.~~

13 ~~Sec. 13. 10.~~ K.S.A. 2011 Supp. 72-6460 is hereby amended to read as  
14 follows: 72-6460. (a) For school year ~~2011-2012~~ **years 2011-2012 and**  
15 **2012-2013**, subject to any limitations as provided in this act, any school  
16 district may expend the unencumbered balance of the moneys held in the  
17 at-risk education fund, as provided in K.S.A. 76-6414a, and amendments  
18 thereto, bilingual education fund, as provided in K.S.A. 72-9509, and  
19 amendments thereto, contingency reserve fund, as provided in K.S.A. 72-  
20 6426, and amendments thereto, driver training fund, as provided in K.S.A.  
21 72-6423, and amendments thereto, parent education program fund, as  
22 provided in K.S.A. 72-3607, and amendments thereto, preschool-aged at-  
23 risk education fund, as provided in K.S.A. 72-6414b, and amendments  
24 thereto, professional development fund, as provided in K.S.A. 72-9609,  
25 and amendments thereto, summer program fund, as provided in K.S.A. 72-  
26 8237, and amendments thereto, textbook and student materials revolving  
27 fund, as provided in K.S.A. 72-8250, and amendments thereto, special  
28 education fund, as provided in K.S.A. 72-965 and 72-6420, and  
29 amendments thereto, virtual school fund, as provided in K.S.A. 72-3715,  
30 and amendments thereto, and vocational education fund, as provided in  
31 K.S.A. 72-6421, and amendments thereto, to pay for general operating  
32 expenses of the district out of the general fund as approved by the board of  
33 education of such district, ~~provided, that~~ . **For school year 2011-2012, any**  
34 **moneys transferred to the general fund of a school district pursuant to this**  
35 **section shall be expended first to pay for those costs incurred by the**  
36 **school district due to increases, if any, in the adjusted enrollment of the**  
37 **district and the at-risk pupil enrollment of the district compared to such**  
38 **enrollments in school year 2011-2012 2010-2011.**

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

41 (1) At-risk education fund, bilingual education fund, contingency  
42 reserve fund, driver training fund, parent education program fund,  
43 preschool-aged at-risk education fund, professional development fund,

- 1 summer program fund, virtual school fund and vocational education fund;  
2 (2) textbook and student materials revolving fund; and  
3 (3) special education fund.

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

9 (b) The amount of money expended by a school district in school  
10 year ~~2011-2012~~ **years 2011-2012 and 2012-2013** from the unencumbered  
11 balance of moneys in the funds under subsection (a) of this section shall  
12 not exceed, in the aggregate, an amount determined by the state board of  
13 education. Such amount shall be determined by the state board as follows:

14 (1) Determine the adjusted enrollment of the district, excluding  
15 special education and related services weighting, *for the current school*  
16 *year 2012-2013;*

17 (2) subtract the amount of base state aid per pupil appropriated to the  
18 department of education for ~~fiscal year 2012-2013~~ **the fiscal year ending**  
19 **on June 30 of the current school year** from \$4,012; ~~and~~

20 (3) multiply the difference obtained under paragraph (2) by the  
21 number determined under paragraph (1);

22 (4) *determine the adjusted enrollment of the district, excluding*  
23 *special education and related services weighting, for the immediately*  
24 **preceding school year 2011-2012;**

25 (5) *subtract the number determined under paragraph (4) from the*  
26 *number determined under paragraph (1);*

27 (6) *if the difference determined under paragraph (5) is greater than*  
28 *zero, then multiply such difference by the amount of base state aid per*  
29 *pupil appropriated to the department of education for* ~~fiscal year 2013~~ **the**  
30 **fiscal year ending on June 30 of the current school year;**

31 (7) *determine the enrollment of the district adjusted only by the at-*  
32 *risk pupil weighting determined pursuant to K.S.A. 72-6414, and*  
33 *amendments thereto, the high density at-risk pupil weighting determined*  
34 *pursuant to K.S.A. 72-6455, and amendments thereto, and the medium*  
35 *density at-risk pupil weighting determined pursuant to K.S.A. 72-6459,*  
36 *and amendments thereto, for the immediately preceding school year*  
37 **2011-2012;**

38 (8) *determine the enrollment of the district adjusted only by the at-*  
39 *risk pupil weighting determined pursuant to K.S.A. 72-6414, and*  
40 *amendments thereto, the high density at-risk pupil weighting determined*  
41 *pursuant to K.S.A. 72-6455, and amendments thereto, and the medium*  
42 *density at-risk pupil weighting determined pursuant to K.S.A. 72-6459,*  
43 *and amendments thereto, for the current school year 2012-2013;*

1       (9) subtract the number determined under paragraph (7) from the  
2 number determined under paragraph (8);

3       (10) if the difference determined under paragraph (9) is greater than  
4 zero, then multiply such difference by the amount of base state aid per  
5 pupil appropriated to the department of education for ~~fiscal year 2013~~ **the**  
6 **fiscal year ending on June 30 of the current school year**; and

7       (11) add the products determined under paragraphs (3), (6) and (10).  
8 The ~~product~~ sum is the aggregate amount of moneys that may be expended  
9 by a school district in **the current** school year ~~2011-2012 2012-2013~~ from  
10 the unencumbered balance of moneys in the funds under subsection (a) of  
11 this section.

12       (c) It is the public policy goal of the state of Kansas that at least 65%  
13 of the aggregate of all unencumbered balances authorized to be expended  
14 for general operating expenses pursuant to subsection (a) shall be  
15 expended in the classroom or for instruction, as provided in K.S.A. 2011  
16 Supp. 72-64c01, and amendments thereto.

17       Sec. ~~14~~ **11**. K.S.A. 2011 Supp. 72-8237 is hereby amended to read as  
18 follows: 72-8237. (a) The board of education of any school district may:  
19 (1) Establish, operate and maintain a summer program for pupils; (2) enter  
20 into cooperative or interlocal agreements with one or more other boards of  
21 education for the establishment, operation and maintenance of a summer  
22 program for pupils; and (3) prescribe and collect fees for providing a  
23 summer program for pupils or provide such program without charge.

24       (b) Fees for providing a summer program for pupils shall be  
25 prescribed and collected only to recover the costs incurred as a result of  
26 and directly attributable to the establishment, operation and maintenance  
27 of the program.

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

33       (d) There is hereby established in every district which establishes,  
34 operates and maintains a summer program a fund which shall be called the  
35 summer program fund, which fund shall consist of all moneys deposited  
36 therein or transferred thereto according to law. All moneys received by a  
37 district from fees collected under this section or from any other source for  
38 summer programs shall be credited to the summer program fund. The  
39 expenses of a district directly attributable to summer programs shall be  
40 paid from the summer program fund.

41       Any unencumbered balance of moneys remaining in the summer  
42 program fund of a school district on June 30, ~~2011~~ **2011, or June 30,**  
43 ~~2012~~, may be expended in ~~school year 2011-2012 2012-2013~~ **the school**

1 **year that immediately succeeds such date** by the school district for  
2 general operating expenses of the school district as approved by the board  
3 of education.

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

10 ~~Sec. 15.~~ **12.** K.S.A. 2011 Supp. 72-8250 is hereby amended to read as  
11 follows: 72-8250. (a) There is hereby established in every school district a  
12 textbook and student materials revolving fund. Moneys in such fund shall  
13 be used to:

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

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

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

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

29 Any unencumbered balance of moneys remaining in the textbook and  
30 student materials revolving fund of a school district on June 30, ~~2011~~  
31 **2011, or June 30, 2012**, may be expended in ~~school year 2011-2012~~ ~~2012-~~  
32 ~~2013~~ **the school year that immediately succeeds such date** by the school  
33 district for general operating expenses of the school district as approved by  
34 the board of education in an amount not to exceed 1/3 of the  
35 unencumbered balance of the school district's textbook and student  
36 materials revolving fund.

37 ~~Sec. 16.~~ **13.** K.S.A. 2011 Supp. 72-9509 is hereby amended to read as  
38 follows: 72-9509. (a) There is hereby established in every school district a  
39 fund which shall be called the bilingual education fund, which fund shall  
40 consist of all moneys deposited therein or transferred thereto according to  
41 law. The expenses of a district directly attributable to such bilingual  
42 education programs shall be paid from the bilingual education fund.

43 (b) Any balance remaining in the bilingual education fund at the end



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

9 Any unencumbered balance of moneys remaining in the bilingual  
10 education fund of a school district on June 30, ~~2011~~ **2011, or June 30,**  
11 ~~2012~~, may be expended in ~~school year 2011-2012~~ ~~2012-2013~~ **the school**  
12 **year that immediately succeeds such date** by the school district for  
13 general operating expenses of the school district as approved by the board  
14 of education.

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

23 ~~Sec. 14.~~ **14.** K.S.A. 2011 Supp. 72-9609 is hereby amended to read as  
24 follows: 72-9609. There is hereby established in every school district a  
25 fund which shall be called the professional development fund, which fund  
26 shall consist of all moneys deposited therein or transferred thereto  
27 according to law. All moneys received by the school district from whatever  
28 source for professional development programs established under this act  
29 shall be credited to the fund established by this section. The expenses of a  
30 school district directly attributable to professional development programs  
31 shall be paid from the professional development fund.

32 Any unencumbered balance of moneys remaining in the professional  
33 development fund of a school district on June 30, ~~2011~~ **2011, or June 30,**  
34 ~~2012~~, may be expended in ~~school year 2011-2012~~ ~~2012-2013~~ **the school**  
35 **year that immediately succeeds such date** by the school district for  
36 general operating expenses of the school district as approved by the board  
37 of education.

38 ~~Sec. 15.~~ **15.** K.S.A. 2011 Supp. 72-965, 72-3607, 72-3715, 72-6414a,  
39 72-6414b, 72-6420, 72-6421, 72-6423, 72-6426, ~~72-6433~~, 72-6460, 72-  
40 8237, 72-8250, 72-9509 and 72-9609 are hereby repealed.

41 ~~Sec. 16.~~ **16.** This act shall take effect and be in force from and after  
42 its publication in the ~~statute book~~ **Kansas register**.