

SENATE BILL No. 356

By Committee on Ways and Means

3-13

AN ACT concerning unified school district No. 512, Johnson county, Kansas; relating to elections on closure of school buildings; authorizing the levy of an ad valorem tax for operation of school buildings not closed; providing for extraordinary school facilities weighting; amending K.S.A. 72-8136e and K.S.A. 2000 Supp. 72-6407 and repealing the existing sections.

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

Section 1. K.S.A. 72-8136e is hereby amended to read as follows: 72-8136e. (a) Subsequent to the public hearing provided for in K.S.A. 72-8136d, and amendments thereto, the board of education ~~shall~~, after considering all the testimony and evidence brought forth at the public hearing and reconsidering the factors set forth in K.S.A. 72-8136b, and amendments thereto, *shall* make a final decision as to the closing of the affected school building. The decision shall be in writing and shall include a statement by the board of all factors considered by the board in reaching its decision, including those factors heretofore set forth and all of the factors shall be supported with appropriate data and information.

(b) Within 30 days after the date of the public hearing and in no event later than January 15 of the school year, the board shall publish its final decision as to the closing of the affected school building in a newspaper of general circulation in the school district at least once a week for two consecutive weeks. The final decision either not to close the affected school building or to close the affected school building at the conclusion of the school year may be implemented unless a petition in opposition to implementation of the same, signed by not less than 5% of the registered electors residing within the ~~member district of the~~ unified school district ~~in which the affected school building is located~~, is filed with the county election officer of the home county of the school district within 45 days after publication of the final decision. In the event such a petition is filed, such county election officer shall hold an election upon the question of whether such school building should be closed. Such election shall be called within 30 days after such petition is filed and shall be held in the manner provided by law for elections on questions submitted in the school district. All registered electors residing within ~~the member district of the~~

1 unified school district in which the affected school building is located may
2 vote at the election. The board shall not close any affected school building
3 pending any election to be held under the provisions of this section. If a
4 majority of those voting at such election are not in favor of closing the
5 affected school building the same shall not be closed. If a majority of the
6 votes at such election are in favor of closing the affected school building,
7 the board may close the affected school building at the conclusion of the
8 current school year.

9 ~~(c) In the event the attendance area in which the affected school
10 building is located consists of territory which is located in more than one
11 member district of the school district, the registered electors residing in
12 any precinct or precincts in which any portion of the attendance area
13 which is outside the member district in which the affected school building
14 is located shall be eligible to sign the petition and to vote at the election
15 provided for by subsection (b) of this section.~~

16 *(c) (1) If a majority of the votes at an election held under subsection
17 (b) are not in favor of closing an affected school building, the board of
18 the district may levy an ad valorem tax on the taxable tangible property
19 of the district each year in an amount not to exceed the amount authorized
20 by the state board of tax appeals under this subsection for the purpose of
21 financing the costs incurred by the state that are directly attributable to
22 assignment of extraordinary school facilities weighting to enrollment of
23 the district. The state board of tax appeals may authorize the district to
24 make a levy which will produce an amount that is not greater than the
25 amount of costs directly attributable to continuing operation of one or
26 more school buildings retained in operation as the result of an election
27 not favoring closure of such building or buildings, which costs the district
28 would not have incurred if the building or buildings had been closed and
29 pupils in attendance at school in such building or buildings had been
30 reassigned to another building or buildings.*

31 *(2) The board of tax appeals shall certify to the state board of edu-
32 cation the amount authorized to be produced by the levy of a tax under
33 provision (1).*

34 *(3) The state board of tax appeals may adopt rules and regulations
35 necessary to properly effectuate the provisions of this subsection, includ-
36 ing rules relating to the evidence required in support of a district's claim
37 that the costs attributable to continuing operation of one or more school
38 buildings are costs the district would not have incurred if the building or
39 buildings had been closed.*

40 *(4) The proceeds from the tax levied by the district under authority
41 of this subsection shall be remitted to the state treasurer. Upon receipt of
42 such remittance, the state treasurer shall deposit the same in the state
43 treasury to the credit of the state school district finance fund.*

1 Sec. 2. K.S.A. 2000 Supp. 72-6407 is hereby amended to read as
2 follows: 72-6407. (a) "Pupil" means any person who is regularly enrolled
3 in a district and attending kindergarten or any of the grades one through
4 12 maintained by the district or who is regularly enrolled in a district and
5 attending kindergarten or any of the grades one through 12 in another
6 district in accordance with an agreement entered into under authority of
7 K.S.A. 72-8233, and amendments thereto, or who is regularly enrolled in
8 a district and attending special education services provided for preschool-
9 aged exceptional children by the district. Except as otherwise provided
10 in this subsection, a pupil in attendance full time shall be counted as one
11 pupil. A pupil in attendance part time shall be counted as that proportion
12 of one pupil (to the nearest $\frac{1}{10}$) that the pupil's attendance bears to full-
13 time attendance. A pupil attending kindergarten shall be counted as $\frac{1}{2}$
14 pupil. A pupil enrolled in and attending an institution of postsecondary
15 education which is authorized under the laws of this state to award aca-
16 demic degrees shall be counted as one pupil if the pupil's postsecondary
17 education enrollment and attendance together with the pupil's attend-
18 ance in either of the grades 11 or 12 is at least $\frac{5}{6}$ time, otherwise the
19 pupil shall be counted as that proportion of one pupil (to the nearest $\frac{1}{10}$)
20 that the total time of the pupil's postsecondary education attendance and
21 attendance in grade 11 or 12, as applicable, bears to full-time attendance.
22 A pupil enrolled in and attending an area vocational school, area voca-
23 tional-technical school or approved vocational education program shall be
24 counted as one pupil if the pupil's vocational education enrollment and
25 attendance together with the pupil's attendance in any of grades nine
26 through 12 is at least $\frac{5}{6}$ time, otherwise the pupil shall be counted as that
27 proportion of one pupil (to the nearest $\frac{1}{10}$) that the total time of the
28 pupil's vocational education attendance and attendance in any of grades
29 nine through 12 bears to full-time attendance. A pupil enrolled in a dis-
30 trict and attending special education services, except special education
31 services for preschool-aged exceptional children, provided for by the dis-
32 trict shall be counted as one pupil. A pupil enrolled in a district and
33 attending special education services for preschool-aged exceptional chil-
34 dren provided for by the district shall be counted as $\frac{1}{2}$ pupil. A preschool-
35 aged at-risk pupil enrolled in a district and receiving services under an
36 approved at-risk pupil assistance plan maintained by the district shall be
37 counted as $\frac{1}{2}$ pupil. A pupil in the custody of the secretary of social and
38 rehabilitation services and enrolled in unified school district No. 259,
39 Sedgwick county, Kansas, but housed, maintained, and receiving educa-
40 tional services at the Judge James V. Riddel Boys Ranch, shall be counted
41 as two pupils. A pupil residing at the Flint Hills job corps center shall not
42 be counted. A pupil confined in and receiving educational services pro-
43 vided for by a district at a juvenile detention facility shall not be counted.

1 A pupil enrolled in a district but housed, maintained, and receiving ed-
2 ucational services at a state institution shall not be counted.

3 (b) "Preschool-aged exceptional children" means exceptional chil-
4 dren, except gifted children, who have attained the age of three years but
5 are under the age of eligibility for attendance at kindergarten.

6 (c) "At-risk pupils" means pupils who are eligible for free meals un-
7 der the national school lunch act and who are enrolled in a district which
8 maintains an approved at-risk pupil assistance plan.

9 (d) "Preschool-aged at-risk pupil" means an at-risk pupil who has
10 attained the age of four years, is under the age of eligibility for attendance
11 at kindergarten, and has been selected by the state board in accordance
12 with guidelines consonant with guidelines governing the selection of pu-
13 pils for participation in head start programs. The state board shall select
14 not more than ~~1,794 preschool aged at risk pupils to be counted in the~~
15 ~~1999-2000 school year and not more than 2,230 preschool-aged at-risk~~
16 ~~pupils to be counted in any school year thereafter.~~

17 (e) "Enrollment" means, for districts scheduling the school days or
18 school hours of the school term on a trimestral or quarterly basis, the
19 number of pupils regularly enrolled in the district on September 20 plus
20 the number of pupils regularly enrolled in the district on February 20
21 less the number of pupils regularly enrolled on February 20 who were
22 counted in the enrollment of the district on September 20; and for dis-
23 tricts not hereinbefore specified, the number of pupils regularly enrolled
24 in the district on September 20. Notwithstanding the foregoing, if en-
25 rollment in a district in any school year has decreased from enrollment
26 in the preceding school year, enrollment of the district in the current
27 school year means whichever is the greater of (1) enrollment in the pre-
28 ceding school year minus enrollment in such school year of preschool-
29 aged at-risk pupils, if any such pupils were enrolled, plus enrollment in
30 the current school year of preschool-aged at-risk pupils, if any such pupils
31 are enrolled, or (2) the sum of enrollment in the current school year of
32 preschool-aged at-risk pupils, if any such pupils are enrolled and the av-
33 erage (mean) of the sum of (A) enrollment of the district in the current
34 school year minus enrollment in such school year of preschool-aged at-
35 risk pupils, if any such pupils are enrolled and (B) enrollment in the
36 preceding school year minus enrollment in such school year of preschool-
37 aged at-risk pupils, if any such pupils were enrolled and (C) enrollment
38 in the school year next preceding the preceding school year minus en-
39 rollment in such school year of preschool-aged at-risk pupils, if any such
40 pupils were enrolled.

41 (f) "Adjusted enrollment" means enrollment adjusted by adding at-
42 risk pupil weighting, program weighting, low enrollment weighting, if any,
43 correlation weighting, if any, school facilities weighting, if any, ancillary

1 school facilities weighting, if any, and transportation weighting to
2 enrollment.

3 (g) "At-risk pupil weighting" means an addend component assigned
4 to enrollment of districts on the basis of enrollment of at-risk pupils.

5 (h) "Program weighting" means an addend component assigned to
6 enrollment of districts on the basis of pupil attendance in educational
7 programs which differ in cost from regular educational programs.

8 (i) "Low enrollment weighting" means an addend component as-
9 signed to enrollment of districts having under 1,725 enrollment on the
10 basis of costs attributable to maintenance of educational programs by such
11 districts in comparison with costs attributable to maintenance of educa-
12 tional programs by districts having 1,725 or over enrollment.

13 (j) "School facilities weighting" means an addend component as-
14 signed to enrollment of districts on the basis of costs attributable to com-
15 mencing operation of new school facilities. School facilities weighting may
16 be assigned to enrollment of a district only if the district has adopted a
17 local option budget and budgeted therein the total amount authorized for
18 the school year. School facilities weighting may be assigned to enrollment
19 of the district only in the school year in which operation of a new school
20 facility is commenced and in the next succeeding school year.

21 (k) "Transportation weighting" means an addend component as-
22 signed to enrollment of districts on the basis of costs attributable to the
23 provision or furnishing of transportation.

24 (l) "Correlation weighting" means an addend component assigned to
25 enrollment of districts having 1,725 or over enrollment on the basis of
26 costs attributable to maintenance of educational programs by such dis-
27 tricts as a correlate to low enrollment weighting assigned to enrollment
28 of districts having under 1,725 enrollment.

29 (m) "Ancillary school facilities weighting" means an addend compo-
30 nent assigned to enrollment of districts to which the provisions of K.S.A.
31 2000 Supp. 72-6441, and amendments thereto, apply on the basis of costs
32 attributable to commencing operation of new school facilities. Ancillary
33 school facilities weighting may be assigned to enrollment of a district only
34 if the district has levied a tax under authority of K.S.A. 2000 Supp. 72-
35 6441, and amendments thereto, and remitted the proceeds from such tax
36 to the state treasurer. Ancillary school facilities weighting is in addition
37 to assignment of school facilities weighting to enrollment of any district
38 eligible for such weighting.

39 (n) "Juvenile detention facility" means any community juvenile cor-
40 rections center or facility, the Forbes Juvenile Attention Facility, the
41 Sappa Valley Youth Ranch of Oberlin, Salvation Army/Koch Center Youth
42 Services, the Clarence M. Kelley Youth Center, Trego County Secure
43 Care Center, St. Francis Academy at Atchison, St. Francis Academy at

1 Ellsworth, St. Francis Academy at Salina, and St. Francis Center at Salina.

2 (o) *“Extraordinary school facilities weighting” means an addend com-*
3 *ponent assigned to enrollment of the district to which the provisions of*
4 *K.S.A. 72-8136e, and amendments thereto, apply on the basis of costs*
5 *attributable to operation of a school facility continued in operation as the*
6 *result of an election not favoring closure of such facility. Extraordinary*
7 *school facilities weighting may be assigned to enrollment of the district*
8 *only if the district has levied a tax under authority of K.S.A. 72-8136e,*
9 *and amendments thereto, and remitted the proceeds from such tax to the*
10 *state treasurer.*

11 New Sec. 3. The extraordinary school facilities weighting of a district
12 shall be determined in each school year in which such weighting may be
13 assigned to enrollment of the district as follows:

14 (1) Determine the amount authorized under subsection (c) of K.S.A.
15 72-8136e, and amendments thereto, to be produced by a tax levy and
16 certified to the state board by the board of tax appeals;

17 (2) divide the amount determined under (1) by base state aid per
18 pupil. The quotient is the extraordinary school facilities weighting of the
19 district.

20 Sec. 4. K.S.A. 72-8136e and K.S.A. 2000 Supp. 72-6407 are hereby
21 repealed.

22 Sec. 5. This act shall take effect and be in force from and after its
23 publication in the statute book.

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