

HOUSE BILL No. 2757

By Representative D. Williams

2-4

AN ACT concerning school districts; relating to budgetary funds; amending K.S.A. 2001 Supp. 72-6409, 72-6410, 72-6430, 72-6433, 72-8302, 72-8316 and 72-8317 and repealing the existing sections; also repealing K.S.A. 72-6421, 72-6423, 72-6425, 72-6427, 72-6428 and 72-6429 and K.S.A. 2001 Supp. 72-6426.

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

New Section 1. (a) On and after July 1, 2002, and except as provided further, all moneys received by the school district from the federal government or the state shall be credited to the district general fund. Use of such funds shall be determined by the school board of such school district.

(b) The balance of the following funds appropriated and reappropriated to the school districts are hereby transferred to the general fund of the school district: Program weighted fund, categorical fund, transportation fund, vocational education fund, bilingual education fund, driver training fund, adult education fund, adult supplementary education fund, inservice education fund, parent education program fund, summer program fund, extraordinary school program fund and educational excellence grant program fund. Such aforementioned funds are hereby abolished.

(c) Whenever the funds listed in subsection (b), or words of like effect concerning the funds are referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to apply to the general fund of the school district.

(d) The area vocational school fund, special education fund and the food service fund shall not be affected by this section.

Sec. 2. K.S.A. 2001 Supp. 72-8302 is hereby amended to read as follows: 72-8302. (a) The board of education of a school district may provide or furnish transportation for pupils who are enrolled in the school district to or from any school of the school district or to or from any school of another school district attended by such pupils in accordance with the provisions of an agreement entered into under authority of K.S.A. 72-8233, and amendments thereto.

(b) (1) When any or all of the conditions specified in this provision exist, the board of education of a school district shall provide or furnish

1 transportation for pupils who reside in the school district and who attend
2 any school of the school district or who attend any school of another
3 school district in accordance with the provisions of an agreement entered
4 into under authority of K.S.A. 72-8233, and amendments thereto. The
5 conditions which apply to the requirements of this provision are as
6 follows:

7 (A) The residence of the pupil is inside or outside the corporate limits
8 of a city, the school building attended is outside the corporate limits of a
9 city and the school building attended is more than 2½ miles by the usually
10 traveled road from the residence of the pupil; or

11 (B) the residence of the pupil is outside the corporate limits of a city,
12 the school building attended is inside the corporate limits of a city and
13 the school building attended is more than 2½ miles by the usually traveled
14 road from the residence of the pupil; or

15 (C) the residence of the pupil is inside the corporate limits of one
16 city, the school building attended is inside the corporate limits of a dif-
17 ferent city and the school building attended is more than 2½ miles by
18 the usually traveled road from the residence of the pupil.

19 (2) The provisions of this subsection are subject to the provisions of
20 subsections (c) and (d).

21 (c) The board of education of every school district is authorized to
22 adopt rules and regulations to govern the conduct, control and discipline
23 of all pupils while being transported in school buses. The board may
24 suspend or revoke the transportation privilege or entitlement of any pupil
25 who violates any rules and regulations adopted by the board under au-
26 thority of this subsection.

27 (d) The board of education of every school district may suspend or
28 revoke the transportation privilege or entitlement of any pupil who is
29 detained at school at the conclusion of the school day for violation of any
30 rules and regulations governing pupil conduct or for disobedience of an
31 order of a teacher or other school authority. Suspension or revocation of
32 the transportation privilege or entitlement of any pupil specified in this
33 subsection shall be limited to the school day or days on which the pupil
34 is detained at school. The provisions of this subsection do not apply to
35 any pupil who has been determined to be an exceptional child, except
36 gifted children, under the provisions of the special education for excep-
37 tional children act.

38 (e) (1) Subject to the limitations specified in this subsection, the
39 board of education of any school district may prescribe and collect fees
40 to offset, totally or in part, the costs incurred for the provision or fur-
41 nishing of transportation for pupils. The limitations which apply to the
42 authorization granted by this subsection are as follows:

43 (A) Fees for the provision or furnishing of transportation for pupils

1 shall be prescribed and collected only to recover the costs incurred as a
2 result of and directly attributable to the provision or furnishing of trans-
3 portation for pupils and only to the extent that such costs are not reim-
4 bursed from any other source provided by law;

5 (B) fees for the provision or furnishing of transportation may not be
6 assessed against or collected from any pupil who is counted in determin-
7 ing the transportation weighting of the school district under the provisions
8 of the school district finance and quality performance act or any pupil
9 who is determined to be a child with disabilities under the provisions of
10 the special education for exceptional children act or any pupil who is
11 eligible for free or reduced price meals under the national school lunch
12 act or any pupil who is entitled to transportation under the provisions of
13 subsection (a) of K.S.A. 72-8306, and amendments thereto, and who re-
14 sides 2½ miles or more by the regular route of a school bus from the
15 school attended;

16 (C) fees for the provision or furnishing of transportation for pupils in
17 accordance with the provisions of an agreement entered into under au-
18 thority of K.S.A. 72-8233 or 72-8307, and amendments thereto, shall be
19 controlled by the provisions of the agreement.

20 (2) All moneys received by a school district from fees collected under
21 this subsection shall be deposited in the ~~transportation~~ *general* fund of
22 the district.

23 Sec. 3. K.S.A. 2001 Supp. 72-8316 is hereby amended to read as
24 follows: 72-8316. (a) Any board of education, pursuant to a policy devel-
25 oped and adopted by it, may provide for the use of district-owned or
26 leased school buses when such buses are not being used for regularly
27 required school purposes. The policy may provide for:

28 (1) (A) Transporting parents and other adults to or from school-re-
29 lated functions or activities, (B) transporting pupils to or from functions
30 or activities sponsored by organizations, the membership of which is prin-
31 cipally composed of children of school age, and (C) transporting persons
32 engaged in field trips in connection with their participation in an adult
33 education program maintained by the transporting school district or by
34 any other school district, within or outside the boundaries of the trans-
35 porting school district; and

36 (2) contracting with (A) the governing body of any township, city or
37 county for transportation of individuals, groups or organizations, (B) the
38 governing authority of any nonpublic school for transportation of pupils
39 attending such nonpublic school to or from interschool or intraschool
40 functions or activities, (C) the board of trustees of any community college
41 for transportation of students enrolled in such community college to or
42 from attendance at class at the community college or to and from func-
43 tions or activities of the community college, (D) a public recreation com-

1 mission established and operated under the laws of this state, for any
2 purposes related to the operation of the recreation commission and all
3 programs and services thereof, (E) the board of education of any other
4 school district for transportation, on a cooperative and shared-cost basis,
5 of pupils, school personnel, parents and other adults to or from school-
6 related functions or activities, or (F) a four-year college or university, area
7 vocational school or area vocational-technical school for transportation of
8 students to or from attendance at class at the four-year college or uni-
9 versity, area vocational school or area vocational-technical school or for
10 transportation of students, alumni and other members of the public to or
11 from functions or activities of the four-year college or university, area
12 vocational school or area vocational-technical school.

13 (b) The costs related to the use of school buses under authority of
14 this section shall not be considered in determining the transportation
15 weighting of a school district under article 64 of chapter 72 of Kansas
16 Statutes Annotated.

17 (c) Transportation fees may be charged by the board to offset, totally
18 or in part, the costs incurred for the use of school buses under authority
19 of this section.

20 (d) Any revenues received by a board of education as transportation
21 fees or under any contract entered into pursuant to this section shall be
22 deposited in the ~~transportation~~ *general* fund of the district and may be
23 expended whether the same have been budgeted or not.

24 (e) The provisions of subsection (c) of K.S.A. 8-1556, and amend-
25 ments thereto, apply to the use of school buses under authority of this
26 section.

27 Sec. 4. K.S.A. 2001 Supp. 72-8317 is hereby amended to read as
28 follows: 72-8317. (a) The board of education of any school district, pur-
29 suant to a policy developed and adopted by the board, may provide that
30 whenever the school district furnishes school bus transportation for pupils
31 of the school district to or from attendance at class in an area vocational
32 school, area vocational-technical school, technical college, community col-
33 lege, or four-year college or university, adults who are students enrolled
34 at any such educational institution may be furnished such school bus
35 transportation to or from attendance at class, on a space available basis,
36 along with the pupils of the school district. Whenever any school district
37 shall furnish transportation for adult students pursuant to a policy adopted
38 under authority of this section, such transportation shall be furnished
39 subject to such terms and conditions as the board of education of the
40 school district shall impose.

41 (b) Fees for the furnishing of transportation for adult students pur-
42 suant to a policy adopted under authority of this section may be charged
43 such adult students to offset, totally or in part, any costs incurred by a

1 school district in the furnishing of such transportation, or such transportation
2 may be furnished free of charge. Any revenues received by a board
3 of education as fees charged adult students for transportation furnished
4 under authority of this section shall be deposited in the ~~transportation~~
5 *general* fund of the district and may be expended whether the same have
6 been budgeted or not.

7 Sec. 5. K.S.A. 2001 Supp. 72-6409 is hereby amended to read as
8 follows: 72-6409. (a) "General fund" means the fund of a district from
9 which operating expenses are paid and in which is deposited the proceeds
10 from the tax levied under K.S.A. 72-6431, and amendments thereto, all
11 amounts of general state aid under this act, payments under K.S.A. 72-
12 7105a, and amendments thereto, payments of federal funds made avail-
13 able under the provisions of title I of public law 874, except amounts
14 received for assistance in cases of major disaster and amounts received
15 under the low-rent housing program, and such other moneys as are pro-
16 vided by law.

17 (b) "Operating expenses" means the total expenditures and lawful
18 transfers from the general fund of a district during a school year for all
19 purposes, except expenditures for the purposes specified in K.S.A. 72-
20 6430, and amendments thereto.

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

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

25 ~~(e) "Program weighted fund" means and includes the following funds
26 of a district. Transportation fund, vocational education fund, and bilingual
27 education fund.~~

28 ~~(f) "Categorical fund" means and includes the following funds of a
29 district. Special education fund, food service fund, driver training fund,
30 adult education fund, adult supplementary education fund, area voca-
31 tional school fund, inservice education fund, parent education program
32 fund, summer program fund, extraordinary school program fund, and
33 educational excellence grant program fund.~~

34 Sec. 6. K.S.A. 2001 Supp. 72-6410 is hereby amended to read as
35 follows: 72-6410. (a) "State financial aid" means an amount equal to the
36 product obtained by multiplying base state aid per pupil by the adjusted
37 enrollment of a district.

38 (b) "Base state aid per pupil" means an amount of state financial aid
39 per pupil. Subject to the other provisions of this subsection, the amount
40 of base state aid per pupil is \$3,870. The amount of base state aid per
41 pupil is subject to reduction commensurate with any reduction under
42 K.S.A. 75-6704, and amendments thereto, in the amount of the appro-
43 priation from the state general fund for general state aid. If the amount

1 of appropriations for general state aid is insufficient to pay in full the
2 amount each district is entitled to receive for any school year, the amount
3 of base state aid per pupil for such school year is subject to reduction
4 commensurate with the amount of the insufficiency.

5 (c) "Local effort" means the sum of an amount equal to the proceeds
6 from the tax levied under authority of K.S.A. 72-6431, and amendments
7 thereto, and an amount equal to any unexpended and unencumbered
8 balance remaining in the general fund of the district, except amounts
9 received by the district and authorized to be expended for the purposes
10 specified in K.S.A. 72-6430, and amendments thereto, ~~and an amount~~
11 ~~equal to any unexpended and unencumbered balances remaining in the~~
12 ~~program weighted funds of the district, except any amount in the voca-~~
13 ~~tional education fund of the district if the district is operating an area~~
14 ~~vocational school,~~ and an amount equal to any remaining proceeds from
15 taxes levied under authority of K.S.A. 72-7056 and 72-7072, and amend-
16 ments thereto, prior to the repeal of such statutory sections, and an
17 amount equal to the amount deposited in the general fund in the current
18 school year from amounts received in such year by the district under the
19 provisions of subsection (a) of K.S.A. 72-1046a, and amendments thereto,
20 and an amount equal to the amount deposited in the general fund in the
21 current school year from amounts received in such year by the district
22 pursuant to contracts made and entered into under authority of K.S.A.
23 72-6757, and amendments thereto, and an amount equal to the amount
24 credited to the general fund in the current school year from amounts
25 distributed in such year to the district under the provisions of articles 17
26 and 34 of chapter 12 of Kansas Statutes Annotated and under the pro-
27 visions of articles 42 and 51 of chapter 79 of Kansas Statutes Annotated,
28 and an amount equal to the amount of payments received by the district
29 under the provisions of K.S.A. 72-979, and amendments thereto, and an
30 amount equal to the amount of a grant, if any, received by the district
31 under the provisions of K.S.A. 2001 Supp. 72-983, and amendments
32 thereto, and an amount equal to 75% of the federal impact aid of the
33 district.

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

1 thereunder.

2 Sec. 7. K.S.A. 2001 Supp. 72-6430 is hereby amended to read as
3 follows: 72-6430. Expenditures of a district for the following purposes are
4 not operating expenses:

5 (a) Payments to another district in an adjustment of rights as provided
6 in K.S.A. 72-6776, and amendments thereto, or upon transfer of territory
7 as provided in K.S.A. 72-7105, 72-7106 or 72-7107, and amendments to
8 such sections, if paid from any fund ~~other than the general fund.~~

9 (b) Payments to another district under K.S.A. 72-7105a, and amend-
10 ments thereto.

11 (c) The maintenance of student activities which are reimbursed.

12 (d) Expenditures from any lawfully authorized fund of a district other
13 than its general fund.

14 (e) The provision of educational services for pupils residing at the
15 Flint Hills job corps center or for pupils confined in a juvenile detention
16 facility for which the district is reimbursed by a grant of state moneys as
17 provided in K.S.A. 2001 Supp. 72-8187, and amendments thereto. As
18 used in this subsection, the term juvenile detention facility means any
19 community juvenile corrections center or facility, the Forbes Juvenile
20 Attention Facility, the Sappa Valley Youth Ranch of Oberlin, Salvation
21 Army/Koch Center Youth Services, the Clarence M. Kelley Youth Center,
22 the Clarence M. Kelley Transitional Living Center, Trego County Secure
23 Care Center, St. Francis Academy at Atchison, St. Francis Academy at
24 Ellsworth, St. Francis Academy at Salina, St. Francis Center at Salina,
25 King's Achievement Center, and Liberty Juvenile Services and
26 Treatment.

27 (f) Programs financed in part or in whole by federal funds which may
28 be expended although not included in the budget of the district, excepting
29 funds received under the provisions of title I of public law 874 (but not
30 including in such exception amounts received for assistance in cases of
31 major disaster and amounts received under the low-rent housing pro-
32 gram), to the extent of the federal funds to be provided.

33 Sec. 8. K.S.A. 2001 Supp. 72-6433 is hereby amended to read as
34 follows: 72-6433. (a) (1) The board of any district may adopt a local option
35 budget in each school year, commencing with the 1997-98 school year,
36 in an amount not to exceed an amount equal to the district prescribed
37 percentage of the amount of state financial aid determined for the district
38 in the school year. As used in this provision the term district prescribed
39 percentage means:

40 (A) For any district that was authorized to adopt and that adopted a
41 local option budget in the 1996-97 school year and to which the provisions
42 of K.S.A. 2001 Supp. 72-6444, and amendments thereto, do not apply in
43 the current school year, a percentage in the 1997-98 school year that is

1 equal to the percentage specified in the resolution under which the dis-
2 trict was authorized to adopt a local option budget in the 1996-97 school
3 year, in the 1998-99 school year, a percentage that is equal to 95% of the
4 percentage specified in the resolution under which the district was au-
5 thorized to adopt a local option budget in the 1996-97 school year, in the
6 1999-2000 school year, a percentage that is equal to 90% of the percent-
7 age specified in the resolution under which the district was authorized to
8 adopt a local option budget in the 1996-97 school year, in the 2000-01
9 school year, a percentage that is equal to 85% of the percentage specified
10 in the resolution under which the district was authorized to adopt a local
11 option budget in the 1996-97 school year, in the 2001-02 school year and
12 in each school year thereafter, a percentage that is equal to 80% of the
13 percentage specified in the resolution under which the district was au-
14 thorized to adopt a local option budget in the 1996-97 school year;

15 (B) for any district that was authorized to adopt and that adopted a
16 local option budget in the 1996-97 school year and to which the provisions
17 of K.S.A. 2001 Supp. 72-6444, and amendments thereto, apply in the
18 current school year, a percentage in the 1997-98 school year that is equal
19 to the sum of the percentage of the amount of state financial aid the
20 district was authorized to budget in the preceding school year and 20%
21 of the percentage computed for the district by the state board under the
22 provisions of K.S.A. 2001 Supp. 72-6444, and amendments thereto, a
23 percentage in the 1998-99 school year that is equal to the sum of the
24 percentage of the amount of state financial aid the district was authorized
25 to budget in the preceding school year and 40% of the percentage com-
26 puted for the district by the state board under the provisions of K.S.A.
27 2001 Supp. 72-6444, and amendments thereto, a percentage in the 1999-
28 2000 school year that is equal to the sum of the percentage of the amount
29 of state financial aid the district was authorized to budget in the preceding
30 school year and 60% of the percentage computed for the district by the
31 state board under the provisions of K.S.A. 2001 Supp. 72-6444, and
32 amendments thereto, a percentage in the 2000-01 school year that is
33 equal to the sum of the percentage of the amount of state financial aid
34 the district was authorized to budget in the preceding school year and
35 80% of the percentage computed for the district by the state board under
36 the provisions of K.S.A. 2001 Supp. 72-6444, and amendments thereto,
37 a percentage in the 2001-02 school year and each school year thereafter
38 that is equal to the sum of the percentage of the amount of state financial
39 aid the district was authorized to budget in the preceding school year and
40 the percentage computed for the district by the state board under the
41 provisions of K.S.A. 2001 Supp. 72-6444, and amendments thereto;

42 (C) for any district that was not authorized to adopt a local option
43 budget in the 1996-97 school year and to which the provisions of K.S.A.

1 2001 Supp. 72-6444, and amendments thereto, apply in the current
2 school year, a percentage in the 1997-98 school year that is equal to 20%
3 of the percentage computed for the district by the state board under the
4 provisions of K.S.A. 2001 Supp. 72-6444, and amendments thereto, a
5 percentage in the 1998-99 school year that is equal to the sum of the
6 percentage of the amount of state financial aid the district was authorized
7 to budget in the preceding school year and 40% of the percentage com-
8 puted for the district by the state board under the provisions of K.S.A.
9 2001 Supp. 72-6444, and amendments thereto, a percentage in the 1999-
10 2000 school year that is equal to the sum of the percentage of the amount
11 of state financial aid the district was authorized to budget in the preceding
12 school year and 60% of the percentage computed for the district by the
13 state board under the provisions of K.S.A. 2001 Supp. 72-6444, and
14 amendments thereto, a percentage in the 2000-01 school year that is
15 equal to the sum of the percentage of the amount of state financial aid
16 the district was authorized to budget in the preceding school year and
17 80% of the percentage computed for the district by the state board under
18 the provisions of K.S.A. 2001 Supp. 72-6444, and amendments thereto,
19 a percentage in the 2001-02 school year and each school year thereafter
20 that is equal to the sum of the percentage of the amount of state financial
21 aid the district was authorized to budget in the preceding school year and
22 the percentage computed for the district by the state board under the
23 provisions of K.S.A. 2001 Supp. 72-6444, and amendments thereto;

24 (D) for any district to which the provisions of K.S.A. 2001 Supp. 72-
25 6444, and amendments thereto, applied in the 1997-98 school year and
26 to which the provisions of K.S.A. 2001 Supp. 72-6444, and amendments
27 thereto, do not apply in the current school year, commencing with the
28 1998-99 school year, because an increase in the amount budgeted by the
29 district in its local option budget as authorized by a resolution adopted
30 under the provisions of subsection (b) causes the actual amount per pupil
31 budgeted by the district in the preceding school year as determined for
32 the district under provision (1) of subsection (a) of K.S.A. 2001 Supp. 72-
33 6444, and amendments thereto, to equal or exceed the average amount
34 per pupil of general fund budgets and local option budgets computed by
35 the state board under whichever of the provisions (7) through (10) of
36 subsection (a) of K.S.A. 2001 Supp. 72-6444, and amendments thereto,
37 is applicable to the district's enrollment group, a percentage that is equal
38 to the percentage of the amount of state financial aid the district was
39 authorized to budget in the preceding school year if the resolution au-
40 thorized the district to increase its local option budget on a continuous
41 and permanent basis. If the resolution that authorized the district to in-
42 crease its local option budget specified a definite period of time for which
43 the district would retain its authority to increase the local option budget

1 and such authority lapses at the conclusion of such period and is not
 2 renewed, the term district prescribed percentage means a percentage that
 3 is equal to the percentage of the amount of state financial aid the district
 4 was authorized to budget in the preceding school year less the percentage
 5 of increase that was authorized by the resolution unless the loss of the
 6 percentage of increase that was authorized by the resolution would cause
 7 the actual amount per pupil budgeted by the district to be less than the
 8 average amount per pupil of general fund budgets and local option bud-
 9 gets computed by the state board under whichever of the provisions (7)
 10 through (10) of subsection (a) of K.S.A. 2001 Supp. 72-6444, and amend-
 11 ments thereto, is applicable to the district's enrollment group, in which
 12 case, the term district prescribed percentage means a percentage that is
 13 equal to the percentage of the amount of state financial aid the district
 14 was authorized to budget in the preceding school year less the percentage
 15 of increase that was authorized by the resolution plus a percentage which
 16 shall be computed for the district by the state board in accordance with
 17 the provisions of K.S.A. 2001 Supp. 72-6444, and amendments thereto,
 18 except that, in making the determination of the actual amount per pupil
 19 budgeted by the district in the preceding school year, the state board shall
 20 exclude the percentage of increase that was authorized by the resolution.

21 (2) (A) Subject to the provisions of subpart (B), the adoption of a
 22 local option budget under authority of this subsection shall require a
 23 majority vote of the members of the board and shall require no other
 24 procedure, authorization or approval.

25 (B) In lieu of utilizing the authority granted by subpart (A) for adop-
 26 tion of a local option budget, the board of a district may pass a resolution
 27 authorizing adoption of such a budget and publish such resolution once
 28 in a newspaper having general circulation in the district. The resolution
 29 shall be published in substantial 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 authorized to adopt
 35 a local option budget in each school year for a period of time not to exceed _____ years
 36 in an amount not to exceed _____% of the amount of state financial aid determined for
 37 the current school year. The local option budget authorized by this resolution may be
 38 adopted, unless a petition in opposition to the same, signed by not less than 5% of the
 39 qualified electors of the school district, is filed with the county election officer of the home
 40 county of the school district within 30 days after publication of this resolution. In the event
 41 a petition is filed, the county election officer shall submit the question of whether adoption
 42 of the local option budget shall be authorized to the electors of the school district at an
 43 election called for the purpose or at the next general election, as is specified by the board

1 of education of the school district.

2 CERTIFICATE

3 This is to certify that the above resolution was duly adopted by the board of education of
 4 Unified School District No. _____, _____ County, Kansas, on the _____ day of
 5 _____, ~~19~~ _____.

6 _____
 7 Clerk of the board of education.

8 All of the blanks in the resolution shall be appropriately filled. The
 9 blank preceding the word “years” shall be filled with a specific number,
 10 and the blank preceding the percentage symbol shall be filled with a
 11 specific number. No word shall be inserted in either of the blanks. The
 12 percentage specified in the resolution shall not exceed the district pre-
 13 scribed percentage. The resolution shall be published once in a news-
 14 paper having general circulation in the school district. If no petition as
 15 specified above is filed in accordance with the provisions of the resolution,
 16 the board may adopt a local option budget. If a petition is filed as provided
 17 in the resolution, the board may notify the county election officer of the
 18 date of an election to be held to submit the question of whether adoption
 19 of a local option budget shall be authorized. If the board fails to notify
 20 the county election officer within 30 days after a petition is filed, the
 21 resolution shall be deemed abandoned and no like resolution shall be
 22 adopted by the board within the nine months following publication of the
 23 resolution. If any district is authorized to adopt a local option budget
 24 under this subpart, but the board of such district chooses, in any school
 25 year, not to adopt such a budget or chooses, in any school year, to adopt
 26 such budget in an amount less than the amount of the district prescribed
 27 percentage of the amount of state financial aid in any school year, such
 28 board of education may so choose. If the board of any district refrains
 29 from adopting a local option budget in any one or more school years or
 30 refrains from budgeting the total amount authorized for any one or more
 31 school years, the authority of such district to adopt a local option budget
 32 shall not be extended by such refrainment beyond the period specified
 33 in the resolution authorizing adoption of such budget, nor shall the
 34 amount authorized to be budgeted in any succeeding school year be in-
 35 creased by such refrainment. Whenever an initial resolution has been
 36 adopted under this subpart, and such resolution specified a lesser per-
 37 centage than the district prescribed percentage, the board of the district
 38 may adopt one or more subsequent resolutions under the same procedure
 39 as provided for the initial resolution and subject to the same conditions,
 40 and shall be authorized to increase the percentage as specified in any
 41 such subsequent resolution for the remainder of the period of time spec-
 42 ified in the initial resolution. Any percentage specified in a subsequent
 43 resolution or in subsequent resolutions shall be limited so that the sum

1 of the percentage authorized in the initial resolution and the percentage
2 authorized in the subsequent resolution or in subsequent resolutions is
3 not in excess of the district prescribed percentage in any school year. The
4 board of any district that has been authorized to adopt a local option
5 budget under this subpart and levied a tax under authority of K.S.A. 72-
6 6435, and amendments thereto, may initiate, at any time after the final
7 levy is certified to the county clerk under any current authorization, pro-
8 cedures to renew its authority to adopt a local option budget in the man-
9 ner specified in this subpart or may utilize the authority granted by sub-
10 part (A). As used in this subpart, the term “authorized to adopt a local
11 option budget” means that a district has adopted a resolution under this
12 subpart, has published the same, and either that the resolution was not
13 protested or that it was protested and an election was held by which the
14 adoption of a local option budget was approved.

15 (3) The provisions of this subsection are subject to the provisions of
16 subsections (b) and (c).

17 (b) (1) The board of any district that adopts a local option budget
18 under subsection (a) may increase the amount of such budget in each
19 school year, commencing with the 1997-98 school year, in an amount
20 which together with the percentage of the amount of state financial aid
21 budgeted under subsection (a) does not exceed the state prescribed per-
22 centage of the amount of state financial aid determined for the district in
23 the school year if the board of the district determines that an increase in
24 such budget would be in the best interests of the district.

25 (2) No district may increase a local option budget under authority of
26 this subsection until: (A) A resolution authorizing such an increase is
27 passed by the board and published once in a newspaper having general
28 circulation in the district; or (B) the question of whether the board shall
29 be authorized to increase the local option budget has been submitted to
30 and approved by the qualified electors of the district at a special election
31 called for the purpose. Any such election shall be noticed, called and held
32 in the manner provided by K.S.A. 10-120, and amendments thereto, for
33 the noticing, calling and holding of elections upon the question of issuing
34 bonds under the general bond law. The notice of such election shall state
35 the purpose for and time of the election, and the ballot shall be designed
36 with the question of whether the board of education of the district shall
37 be continuously and permanently authorized to increase the local option
38 budget of the district in each school year by a percentage which together
39 with the percentage of the amount of state financial aid budgeted under
40 subsection (a) does not exceed the state prescribed percentage in any
41 school year. If a majority of the qualified electors voting at the election
42 approve authorization of the board to increase the local option budget,
43 the board shall have such authority. If a majority of the qualified electors

1 voting at the election are opposed to authorization of the board to increase
2 the local option budget, the board shall not have such authority and no
3 like question shall be submitted to the qualified electors of the district
4 within the nine months following the election.

5 (3) (A) Subject to the provisions of subpart (B), a resolution author-
6 izing an increase in the local option budget of a district shall state that
7 the board of education of the district shall be authorized to increase the
8 local option budget of the district in each school year in an amount not
9 to exceed _____% of the amount of state financial aid determined for the
10 current school year and that the percentage of increase may be reduced
11 so that the sum of the percentage of the amount of state financial aid
12 budgeted under subsection (a) and the percentage of increase specified
13 in the resolution does not exceed the state prescribed percentage in any
14 school year. The blank preceding the percentage symbol shall be filled
15 with a specific number. No word shall be inserted in the blank. The
16 resolution shall specify a definite period of time for which the board shall
17 be authorized to increase the local option budget and such period of time
18 shall be expressed by the specific number of school years for which the
19 board shall retain its authority to increase the local option budget. No
20 word shall be used to express the number of years for which the board
21 shall be authorized to increase the local option budget.

22 (B) In lieu of the requirements of subpart (A) and at the discretion
23 of the board, a resolution authorizing an increase in the local option
24 budget of a district may state that the board of education of the district
25 shall be continuously and permanently authorized to increase the local
26 option budget of the district in each school year by a percentage which
27 together with the percentage of the amount of state financial aid budgeted
28 under subsection (a) does not exceed the state prescribed percentage in
29 any school year.

30 (4) A resolution authorizing an increase in the local option budget of
31 a district shall state that the amount of the local option budget may be
32 increased as authorized by the resolution unless a petition in opposition
33 to such increase, signed by not less than 5% of the qualified electors of
34 the school district, is filed with the county election officer of the home
35 county of the school district within 30 days after publication. If no petition
36 is filed in accordance with the provisions of the resolution, the board is
37 authorized to increase the local option budget of the district. If a petition
38 is filed as provided in the resolution, the board may notify the county
39 election officer of the date of an election to be held to submit the question
40 of whether the board shall be authorized to increase the local option
41 budget of the district. If the board fails to notify the county election officer
42 within 30 days after a petition is filed, the resolution shall be deemed
43 abandoned and no like resolution shall be adopted by the board within

1 the nine months following publication of the resolution.

2 (5) The requirements of provision (2) do not apply to any district that
3 is continuously and permanently authorized to increase the local option
4 budget of the district. An increase in the amount of a local option budget
5 by such a district shall require a majority vote of the members of the
6 board and shall require no other procedure, authorization or approval.

7 (6) If any district is authorized to increase a local option budget, but
8 the board of such district chooses, in any school year, not to adopt or
9 increase such budget or chooses, in any school year, to adopt or increase
10 such budget in an amount less than the amount authorized, such board
11 of education may so choose. If the board of any district refrains from
12 adopting or increasing a local option budget in any one or more school
13 years or refrains from budgeting the total amount authorized for any one
14 or more school years, the amount authorized to be budgeted in any suc-
15 ceeding school year shall not be increased by such refrainment, nor shall
16 the authority of the district to increase its local option budget be extended
17 by such refrainment beyond the period of time specified in the resolution
18 authorizing an increase in the local option budget if the resolution spec-
19 ified such a period of time.

20 (7) Whenever an initial resolution has been adopted under this sub-
21 section, and such resolution specified a percentage which together with
22 the percentage of the amount of state financial aid budgeted under sub-
23 section (a) is less than the state prescribed percentage, the board of the
24 district may adopt one or more subsequent resolutions under the same
25 procedure as provided for the initial resolution and shall be authorized
26 to increase the percentage as specified in any such subsequent resolution.
27 If the initial resolution specified a definite period of time for which the
28 district is authorized to increase its local option budget, the authority to
29 increase such budget by the percentage specified in any subsequent res-
30 olution shall be limited to the remainder of the period of time specified
31 in the initial resolution. Any percentage specified in a subsequent reso-
32 lution or in subsequent resolutions shall be limited so that the sum of the
33 percentage authorized in the initial resolution and the percentage au-
34 thorized in the subsequent resolution or in subsequent resolutions to-
35 gether with the percentage of the amount of state financial aid budgeted
36 under subsection (a) is not in excess of the state prescribed percentage
37 in any school year.

38 (8) (A) Subject to the provisions of subpart (B), the board of any
39 district that has adopted a local option budget under subsection (a), has
40 been authorized to increase such budget under a resolution which spec-
41 ified a definite period of time for retention of such authorization, and has
42 levied a tax under authority of K.S.A. 72-6435, and amendments thereto,
43 may initiate, at any time after the final levy is certified to the county clerk

1 under any current authorization, procedures to renew the authority to
2 increase the local option budget subject to the conditions and in the
3 manner specified in provisions (2) and (3) of this subsection.

4 (B) The provisions of subpart (A) do not apply to the board of any
5 district that is continuously and permanently authorized to increase the
6 local option budget of the district.

7 (9) As used in this subsection:

8 (A) "Authorized to increase a local option budget" means either that
9 a district has held a special election under provision (2)(B) by which au-
10 thority of the board to increase a local option budget was approved, or
11 that a district has adopted a resolution under provision (2) (A), has pub-
12 lished the same, and either that the resolution was not protested or that
13 it was protested and an election was held by which the authority of the
14 board to increase a local option budget was approved.

15 (B) "State prescribed percentage" means 25%.

16 (c) To the extent the provisions of the foregoing subsections conflict
17 with this subsection, this subsection shall control. Any district that is au-
18 thorized to adopt a local option budget in the 1997-98 school year under
19 a resolution which authorized the adoption of such budget in accordance
20 with the provisions of this section prior to its amendment by this act may
21 continue to operate under such resolution for the period of time specified
22 in the resolution or may abandon the resolution and operate under the
23 provisions of this section as amended by this act. Any such district shall
24 operate under the provisions of this section as amended by this act after
25 the period of time specified in the resolution has expired.

26 (d) (1) There is hereby established in every district that adopts a local
27 option budget a fund which shall be called the supplemental general fund.
28 The fund shall consist of all amounts deposited therein or credited thereto
29 according to law.

30 (2) Subject to the limitation imposed under provision (3), amounts in
31 the supplemental general fund may be expended for any purpose for
32 which expenditures from the general fund are authorized or may be trans-
33 ferred to the general fund of the district ~~or to any program weighted fund~~
34 ~~or categorical fund of the district.~~

35 (3) Amounts in the supplemental general fund may not be expended
36 nor transferred to the general fund of the district for the purpose of
37 making payments under any lease-purchase agreement involving the ac-
38 quisition of land or buildings which is entered into pursuant to the pro-
39 visions of K.S.A. 72-8225, and amendments thereto.

40 (4) Any unexpended and unencumbered cash balance remaining in
41 the supplemental general fund of a district at the conclusion of any school
42 year in which a local option budget is adopted shall be disposed of as
43 provided in this subsection. If the district did not receive supplemental

1 general state aid in the school year and the board of the district deter-
2 mines that it will be necessary to adopt a local option budget in the en-
3 suing school year, the total amount of the cash balance remaining in the
4 supplemental general fund shall be maintained in such fund or trans-
5 ferred to the general fund of the district. If the board of such a district
6 determines that it will not be necessary to adopt a local option budget in
7 the ensuing school year, the total amount of the cash balance remaining
8 in the supplemental general fund shall be transferred to the general fund
9 of the district. If the district received supplemental general state aid in
10 the school year, transferred or expended the entire amount budgeted in
11 the local option budget for the school year, and determines that it will be
12 necessary to adopt a local option budget in the ensuing school year, the
13 total amount of the cash balance remaining in the supplemental general
14 fund shall be maintained in such fund or transferred to the general fund
15 of the district. If such a district determines that it will not be necessary
16 to adopt a local option budget in the ensuing school year, the total amount
17 of the cash balance remaining in the supplemental general fund shall be
18 transferred to the general fund of the district. If the district received
19 supplemental general state aid in the school year, did not transfer or
20 expend the entire amount budgeted in the local option budget for the
21 school year, and determines that it will not be necessary to adopt a local
22 option budget in the ensuing school year, the total amount of the cash
23 balance remaining in the supplemental general fund shall be transferred
24 to the general fund of the district. If the district received supplemental
25 general state aid in the school year, did not transfer or expend the entire
26 amount budgeted in the local option budget for the school year, and
27 determines that it will be necessary to adopt a local option budget in the
28 ensuing school year, the state board shall determine the ratio of the
29 amount of supplemental general state aid received to the amount of the
30 local option budget of the district for the school year and multiply the
31 total amount of the cash balance remaining in the supplemental general
32 fund by such ratio. An amount equal to the amount of the product shall
33 be transferred to the general fund of the district. The amount remaining
34 in the supplemental general fund may be maintained in such fund or
35 transferred to the general fund of the district.

36 Sec. 9. K.S.A. 72-6421, 72-6423, 72-6425, 72-6427, 72-6428 and 72-
37 6429 and K.S.A. 2001 Supp. 72-6409, 72-6410, 72-6426, 72-6430, 72-
38 6433, 72-8302, 72-8316 and 72-8317 are hereby repealed.

39 Sec. 10. This act shall take effect and be in force from and after its
40 publication in the statute book.

41
42
43