

HOUSE BILL No. 2153

By Representative F. Miller

2-3

AN ACT concerning schools; amending K.S.A. 72-1906, 72-5389, 72-6409, 72-6410, 72-6426, 72-6430, 72-6433, 72-8302, 72-8316, 72-8317, 72-89a01, 72-89b02, 72-89b03, 72-89c01 and 72-9606 and repealing the existing sections; also repealing K.S.A. 72-5436, 72-5437, 72-5438, 72-5439, 72-5440, 72-5441, 72-5442, 72-5443, 72-5444, 72-5445, 72-5446, 72-5447, 72-6421, 72-6423, 72-6425, 72-6427, 72-6428, 72-6429, 72-6439 and 72-8231.

Whereas, The scope of education has vastly increased beyond teaching kindergarten through 12th grade; and

Whereas, The Kansas legislature is committed to support education from one half day of kindergarten through the 12th grade and must become more fiscally prudent concerning the addition or expansion of programs that go beyond a kindergarten through 12th grade education; and

Whereas, Any other educational additions should be funded by local tax programs; and

Whereas, The Kansas board of education shall revise and restrict, or both, school curriculum as to accentuate basic academics to include, but not be limited to, reading, writing, mathematics, science, history and geography; and

Whereas, The Kansas board of education should exercise oversight to mandate policies that will gradually increase teacher average pay within the districts so as to lower the gap between average teacher pay and average administrative pay: Now, therefore

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

New Section 1. (a) Subject to funds made available for such purposes by the board of education of the school district, pay increases or decreases effective for the 2004-05 school year and each school year thereafter, for teachers and other school district employees excluding administrators and supervisors, shall be determined by the school principal or such employee's supervisor. Such changes shall be made on the basis of economic conditions, merit and time of service. Teachers and employees may file disputes or claims of unfair consideration to the board of education of the school district in writing. Such written dispute documentation shall

1 not exceed 500 words in length. Such claims shall be resolved by the
2 board of education of the school district in consultation with the parties
3 involved.

4 (b) Pay increases or decreases effective for the 2004-05 school year
5 and each school year thereafter, for administrators and supervisors shall
6 be determined by the board of education of the school district. Such
7 changes shall be made on the basis of comparable fairness with pay in-
8 creases or decreases given to teachers, economic conditions, merit and
9 time of service.

10 (c) The state board of education may suggest recommended pay in-
11 creases or decreases for teachers, other school district employees, admin-
12 istrators and supervisors ranging from 0%, an average percentage and a
13 maximum percentage.

14 New Sec. 2. (a) The state board of education and local boards of
15 education shall implement testing standards and accredit schools based
16 only on the federal no child left behind act of 2001.

17 (b) Local boards of education and school districts shall simplify and
18 keep to a minimum the testing standards and student records required
19 to be filed by teachers.

20 New Sec. 3. (a) On and after July 1, 2003, and except as provided
21 further, all moneys received by the school district from the federal gov-
22 ernment, where not restricted by federal law, or the state shall be credited
23 to the district general fund. Use of such funds shall be determined by the
24 school board of such school district.

25 (b) The balance of the following funds appropriated and reappro-
26 priated to the school districts are hereby transferred to the general fund
27 of the school district: Program weighted fund, categorical fund, trans-
28 portation fund, vocational education fund, bilingual education fund,
29 driver training fund, adult education fund, adult supplementary education
30 fund, inservice education fund, parent education program fund, summer
31 program fund, extraordinary school program fund and educational excel-
32 lence grant program fund. Such aforementioned funds are hereby
33 abolished.

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

38 (d) The area vocational school fund, special education fund, contin-
39 gency reserve fund and food service fund shall not be affected by this
40 section.

41 New Sec. 4. There is hereby established in every district a fund
42 which shall be called the future capital investment fund. Such fund shall
43 consist of all moneys deposited therein or transferred thereto according

1 to law. The board may transfer moneys from the general fund to the
2 future capital investment fund. The fund shall be maintained for payment
3 of expenses of future capital investments as determined by the board.

4 New Sec. 5. The teacher contract termination and due process pro-
5 cedure of K.S.A. 72-5436 through 72-5447 are repealed by this act.
6 Teacher's contracts shall be governed by the provisions of K.S.A. 72-5410,
7 72-5411, 72-5412 and 72-5412a, and amendments thereto.

8 Sec. 6. K.S.A. 72-1906 is hereby amended to read as follows: 72-
9 1906. (a) The state board of education shall design and prescribe the
10 format of a petition for establishment of charter schools. The petition
11 shall be designed in a manner that will provide for inclusion of a descrip-
12 tion of the key elements of the charter under which the school will be
13 operated. The board of education of a school district may adopt policies
14 and procedures for receiving, reviewing and screening petitions.

15 (b) A petition for the establishment of a charter school may be pre-
16 pared and submitted to the board of education of a school district by or
17 on behalf of a school building or school district employees group, an
18 educational services contractor, or any other person or entity. Any such
19 petition shall be submitted by not later than December 1 of the school
20 year preceding the school year in which the charter school is proposed
21 to be established.

22 (c) The board of education of a school district shall receive and review
23 each petition for establishment or continuation of a charter school and
24 may grant or renew a charter for operation of the school. The charter
25 must contain the following key elements:

26 (1) A description of the educational program of the school, including
27 the facilities that will be used to house the program;

28 (2) a description of the level of interest and support on the part of
29 school district employees, parents, and the community;

30 (3) specification of program goals and the measurable pupil outcomes
31 consonant with achieving the goals;

32 (4) explanation of how pupil performance in achieving the specified
33 outcomes will be measured, evaluated, and reported;

34 (5) the governance structure of the school, including the means of
35 ensuring accountability to the board of education;

36 (6) a description of qualifications to be met by persons employed by
37 the district for assignment to the charter school;

38 (7) procedures that will be followed to ensure the health and safety
39 of pupils and staff;

40 (8) criteria for admission of pupils, including a description of the lot-
41 tery method to be used if too many pupils seek enrollment in the school;

42 (9) manner in which annual financial and program audits will be
43 conducted;

1 (10) pupil suspension and expulsion policies, to the extent there is
2 deviation from districtwide policies;

3 (11) manner of pupil participation in the Kansas assessment program;

4 (12) terms and conditions of employment in the charter school;

5 (13) specification of the manner in which contracts of employment
6 and status of certificated employees of the district who participate in the
7 operation of the school will be dealt with upon nonrenewal or revocation
8 of the charter or upon a decision by any such employees to discontinue
9 participation in the operation of the school;

10 (14) identification of school district policies and state board of edu-
11 cation rules and regulations from which waiver is sought in order to fa-
12 cilitate operation of the school and explanation of the reasons such waivers
13 are being requested; and

14 (15) the proposed school budget.

15 (d) In addition to satisfying a board of education with regard to the
16 key elements contained in the charter, a charter school must comply with
17 the following requirements in order to qualify for establishment or
18 continuation:

19 (1) The school must be focused on outcomes or results and must
20 participate in the ~~quality performance~~ accreditation process unless a spe-
21 cific request documenting the reasons for deviation from the process is
22 submitted to and approved by the board of education and the state board
23 of education;

24 (2) pupils in attendance at the school must be reasonably reflective
25 of the racial and socio-economic composition of the school district as a
26 whole;

27 (3) pupils may not be charged tuition; and

28 (4) compliance with applicable health, safety, and access laws must
29 be assured.

30 (e) If, upon receipt of a petition for establishment or continuation of
31 a charter school, a board of education finds the petition to be incomplete,
32 the board may request the necessary information from the petitioner.
33 After receiving a satisfactory petition, the board of education shall give
34 notice of the time, date and place for the holding of a public hearing on
35 the petition and shall rule on the petition within 30 days after the public
36 hearing is held. If the board of education approves the petition, the board
37 shall notify the petitioner and the state board of education within 30 days
38 after the approval or by February 1 of the school year preceding the
39 school year in which the charter school is proposed to be established,
40 whichever is earlier.

41 (f) After being notified by a board of education of the approval of a
42 petition, the state board shall determine whether the charter school can
43 reasonably be expected to accomplish the program goals such charter

1 school established pursuant to subsection (c). If the state board finds such
2 charter school is not likely to achieve such program goals, the state board
3 shall not approve the petition.

4 (g) The state board shall notify boards of education and petitioners
5 for the establishment of a charter school of the approval or disapproval
6 thereof by not later than April 1 of the school year preceding the school
7 year in which the charter school is proposed to be established.

8 (h) If a charter school that has been approved for establishment has
9 sought waiver from any school district policy or state board of education
10 rules and regulations, the board of education of the school district in
11 which the charter school will be established may consider the reasons for
12 which the waivers have been requested. If the board of education deter-
13 mines that the reasons for seeking such waivers are meritorious and le-
14 gitimately related to successful operation of the charter school, the board
15 of education may grant waiver of school district policy and may make
16 application, on behalf of the charter school, to the state board of education
17 for waiver of state board rules and regulations. The state board may con-
18 sider the application for waiver and approve, deny, or amend and approve
19 the application. Upon approval or amendment and approval of the ap-
20 plication, the charter school may operate under the terms and conditions
21 of the waiver. The manner and method of exercising the rights and per-
22 forming the responsibilities, duties and functions provided for under any
23 school district policy or state board rules and regulations that are waived
24 under authority of this subsection shall be prescribed in the charter and
25 governed thereby.

26 Sec. 7. K.S.A. 72-5389 is hereby amended to read as follows: 72-
27 5389. (a) The board of education of any school district may purchase,
28 for the use of the pupils of the district, any of the following:

29 ~~(a)~~ (1) Workbooks and materials which are supplemental to textbooks
30 used in specific courses;

31 ~~(b)~~ (2) specialized clothing and towels for use in physical education,
32 shop, and science courses;

33 ~~(c)~~ (3) musical instruments for use in band or orchestra;

34 ~~(d)~~ (4) instructional materials for the use of technology in specific
35 courses; and

36 ~~(e)~~ (5) materials or supplies which are consumed in specific courses
37 or projects or in which the pupil may retain ownership upon completion
38 of such courses or projects.

39 (b) *The board of education of any school district shall purchase all*
40 *reasonable materials required in the classroom as requisitioned by the*
41 *teacher and approved by the principal of the building where such teacher*
42 *is located.*

43 (c) *Materials to be purchased by students as required by the teacher*

1 *shall be reasonable in quantity and generic if quality is comparable.*

2 Sec. 8. K.S.A. 72-6409 is hereby amended to read as follows: 72-
3 6409. (a) “General fund” means the fund of a district from which oper-
4 ating expenses are paid and in which is deposited the proceeds from the
5 tax levied under K.S.A. 72-6431, and amendments thereto, all amounts
6 of general state aid under this act, payments under K.S.A. 72-7105a, and
7 amendments thereto, payments of federal funds made available under
8 the provisions of title I of public law 874, except amounts received for
9 assistance in cases of major disaster and amounts received under the low-
10 rent housing program, and such other moneys as are provided by law.

11 (b) “Operating expenses” means the total expenditures and lawful
12 transfers from the general fund of a district during a school year for all
13 purposes, except expenditures for the purposes specified in K.S.A. 72-
14 6430, and amendments thereto.

15 (c) “General fund budget” means the amount budgeted for operating
16 expenses in the general fund of a district.

17 (d) “Budget per pupil” means the general fund budget of a district
18 divided by the enrollment of the district.

19 ~~(e) “Program weighted fund” means and includes the following funds~~
20 ~~of a district. Transportation fund, vocational education fund, and bilingual~~
21 ~~education fund.~~

22 ~~—(f) “Categorical fund” means and includes the following funds of a~~
23 ~~district. Special education fund, food service fund, driver training fund,~~
24 ~~adult education fund, adult supplementary education fund, area voca-~~
25 ~~tional school fund, inservice education fund, parent education program~~
26 ~~fund, summer program fund, extraordinary school program fund, and~~
27 ~~educational excellence grant program fund.~~

28 Sec. 9. K.S.A. 72-6410 is hereby amended to read as follows: 72-
29 6410. (a) “State financial aid” means an amount equal to the product
30 obtained by multiplying base state aid per pupil by the adjusted enroll-
31 ment of a district.

32 (b) “Base state aid per pupil” means an amount of state financial aid
33 per pupil. Subject to the other provisions of this subsection, the amount
34 of base state aid per pupil is \$3,870. The amount of base state aid per
35 pupil is subject to reduction commensurate with any reduction under
36 K.S.A. 75-6704, and amendments thereto, in the amount of the appro-
37 priation from the state general fund for general state aid. If the amount
38 of appropriations for general state aid is insufficient to pay in full the
39 amount each district is entitled to receive for any school year, the amount
40 of base state aid per pupil for such school year is subject to reduction
41 commensurate with the amount of the insufficiency.

42 (c) “Local effort” means the sum of an amount equal to the proceeds
43 from the tax levied under authority of K.S.A. 72-6431, and amendments

1 thereto, and an amount equal to any unexpended and unencumbered
2 balances remaining in the program weighted funds of the district, except
3 any amount in the vocational education fund of the district if the district
4 is operating an area vocational school, and an amount equal to any re-
5 maining proceeds from taxes levied under authority of K.S.A. 72-7056
6 and 72-7072, and amendments thereto, prior to the repeal of such stat-
7 utory sections, and an amount equal to the amount deposited in the gen-
8 eral fund in the current school year from amounts received in such year
9 by the district under the provisions of subsection (a) of K.S.A. 72-1046a,
10 and amendments thereto, and an amount equal to the amount deposited
11 in the general fund in the current school year from amounts received in
12 such year by the district pursuant to contracts made and entered into
13 under authority of K.S.A. 72-6757, and amendments thereto, and an
14 amount equal to the amount credited to the general fund in the current
15 school year from amounts distributed in such year to the district under
16 the provisions of articles 17 and 34 of chapter 12 of Kansas Statutes
17 Annotated and under the provisions of articles 42 and 51 of chapter 79
18 of Kansas Statutes Annotated, and an amount equal to the amount of
19 payments received by the district under the provisions of K.S.A. 72-979,
20 and amendments thereto, and an amount equal to the amount of a grant,
21 if any, received by the district under the provisions of K.S.A. 2001 Supp.
22 72-983, and amendments thereto, and an amount equal to 75% of the
23 federal impact aid of the district.

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

35 Sec. 10. K.S.A. 72-6426 is hereby amended to read as follows: 72-
36 6426. ~~(a)~~ There is hereby established in every district a fund which shall
37 be called the contingency reserve fund. Such fund shall consist of all
38 moneys deposited therein or transferred thereto according to law. The
39 fund shall be maintained for payment of expenses of a district attributable
40 to financial contingencies as determined by the board. ~~Except as other-~~
41 ~~wise provided in subsection (b), at no time in any school year shall the~~
42 ~~amount maintained in the fund exceed an amount equal to 4% of the~~
43 ~~general fund budget of the district for the school year.~~

1 ~~—(b) In any school year, if the amount in the contingency reserve fund~~
2 ~~of a district is in excess of the amount authorized under subsection (a) to~~
3 ~~be maintained in the fund, and if such excess amount is the result of a~~
4 ~~reduction in the general fund budget of the district for the school year~~
5 ~~because of a decrease in enrollment, the district may maintain the excess~~
6 ~~amount in the fund until depletion of such excess amount by expenditure~~
7 ~~from the fund for the purposes thereof.~~

8 Sec. 11. K.S.A. 72-6430 is hereby amended to read as follows: 72-
9 6430. Expenditures of a district for the following purposes are not op-
10 erating expenses:

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

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

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

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

20 (e) The provision of educational services for pupils residing at the
21 Flint Hills job corps center or for pupils confined in a juvenile detention
22 facility for which the district is reimbursed by a grant of state moneys as
23 provided in K.S.A. 72-8187, and amendments thereto. As used in this
24 subsection, the term juvenile detention facility shall have the meaning
25 ascribed thereto by K.S.A. 72-6407, and amendments thereto.

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

32 Sec. 12. K.S.A. 72-6433 is hereby amended to read as follows: 72-
33 6433. (a) (1) The board of any district may adopt a local option budget
34 in each school year in an amount not to exceed an amount equal to the
35 district prescribed percentage of the amount of state financial aid deter-
36 mined for the district in the school year. As used in this section, “district
37 prescribed percentage” means:

38 (A) For any district that was authorized to adopt and that adopted a
39 local option budget in the 1996-97 school year and to which the provisions
40 of K.S.A. 72-6444, and amendments thereto, do not apply in the current
41 school year, in the 2001-02 school year and in each school year thereafter,
42 a percentage that is equal to 80% of the percentage specified in the res-
43 olution under which the district was authorized to adopt a local option

1 budget in the 1996-97 school year;

2 (B) for any district that was authorized to adopt and that adopted a
3 local option budget in the 1996-97 school year and to which the provisions
4 of K.S.A. 72-6444, and amendments thereto, apply in the current school
5 year, a percentage in the 2001-02 school year and each school year there-
6 after that is equal to the sum of the percentage of the amount of state
7 financial aid the district was authorized to budget in the preceding school
8 year and the percentage computed for the district by the state board
9 under the provisions of K.S.A. 72-6444, and amendments thereto;

10 (C) for any district that was not authorized to adopt a local option
11 budget in the 1996-97 school year and to which the provisions of K.S.A.
12 72-6444, and amendments thereto, apply in the current school year, a
13 percentage in the 2001-02 school year and each school year thereafter
14 that is equal to the sum of the percentage of the amount of state financial
15 aid the district was authorized to budget in the preceding school year and
16 the percentage computed for the district by the state board under the
17 provisions of K.S.A. 72-6444, and amendments thereto;

18 (D) for any district to which the provisions of K.S.A. 72-6444, and
19 amendments thereto, applied in the 1997-98 school year and to which
20 the provisions of K.S.A. 72-6444, and amendments thereto, do not apply
21 in the current school year because an increase in the amount budgeted
22 by the district in its local option budget as authorized by a resolution
23 adopted under the provisions of subsection (b) causes the actual amount
24 per pupil budgeted by the district in the preceding school year as deter-
25 mined for the district under provision (1) of subsection (a) of K.S.A. 72-
26 6444, and amendments thereto, to equal or exceed the average amount
27 per pupil of general fund budgets and local option budgets computed by
28 the state board under whichever of the provisions (7) through (10) of
29 subsection (a) of K.S.A. 72-6444, and amendments thereto, is applicable
30 to the district's enrollment group, a percentage that is equal to the per-
31 centage of the amount of state financial aid the district was authorized to
32 budget in the preceding school year if the resolution authorized the dis-
33 trict to increase its local option budget on a continuous and permanent
34 basis. If the resolution that authorized the district to increase its local
35 option budget specified a definite period of time for which the district
36 would retain its authority to increase the local option budget and such
37 authority lapses at the conclusion of such period and is not renewed, the
38 term district prescribed percentage means a percentage that is equal to
39 the percentage of the amount of state financial aid the district was au-
40 thorized to budget in the preceding school year less the percentage of
41 increase that was authorized by the resolution unless the loss of the per-
42 centage of increase that was authorized by the resolution would cause the
43 actual amount per pupil budgeted by the district to be less than the av-

1 erage amount per pupil of general fund budgets and local option budgets
 2 computed by the state board under whichever of the provisions (7)
 3 through (10) of subsection (a) of K.S.A. 72-6444, and amendments
 4 thereto, is applicable to the district's enrollment group, in which case, the
 5 term district prescribed percentage means a percentage that is equal to
 6 the percentage of the amount of state financial aid the district was au-
 7 thorized to budget in the preceding school year less the percentage of
 8 increase that was authorized by the resolution plus a percentage which
 9 shall be computed for the district by the state board in accordance with
 10 the provisions of K.S.A. 72-6444, and amendments thereto, except that,
 11 in making the determination of the actual amount per pupil budgeted by
 12 the district in the preceding school year, the state board shall exclude the
 13 percentage of increase that was authorized by the resolution.

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

18 (B) In lieu of utilizing the authority granted by subpart (A) for adop-
 19 tion of a local option budget, the board of a district may pass a resolution
 20 authorizing adoption of such a budget and publish such resolution once
 21 in a newspaper having general circulation in the district. The resolution
 22 shall be published in substantial compliance with the following form:

23 Unified School District No. _____,
 24 _____ County, Kansas.

25 RESOLUTION

26 Be It Resolved that:

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

38 CERTIFICATE

39 This is to certify that the above resolution was duly adopted by the board of education of
 40 Unified School District No. _____, _____ County, Kansas, on the _____ day of
 41 _____, _____.

42 _____
 43 Clerk of the board of education.

1 All of the blanks in the resolution shall be appropriately filled. The
2 blank preceding the word “years” shall be filled with a specific number,
3 and the blank preceding the percentage symbol shall be filled with a
4 specific number. No word shall be inserted in either of the blanks. The
5 percentage specified in the resolution shall not exceed the district pre-
6 scribed percentage. The resolution shall be published once in a news-
7 paper having general circulation in the school district. If no petition as
8 specified above is filed in accordance with the provisions of the resolution,
9 the board may adopt a local option budget. If a petition is filed as provided
10 in the resolution, the board may notify the county election officer of the
11 date of an election to be held to submit the question of whether adoption
12 of a local option budget shall be authorized. If the board fails to notify
13 the county election officer within 30 days after a petition is filed, the
14 resolution shall be deemed abandoned and no like resolution shall be
15 adopted by the board within the nine months following publication of the
16 resolution. If any district is authorized to adopt a local option budget
17 under this subpart, but the board of such district chooses, in any school
18 year, not to adopt such a budget or chooses, in any school year, to adopt
19 such budget in an amount less than the amount of the district prescribed
20 percentage of the amount of state financial aid in any school year, such
21 board of education may so choose. If the board of any district refrains
22 from adopting a local option budget in any one or more school years or
23 refrains from budgeting the total amount authorized for any one or more
24 school years, the authority of such district to adopt a local option budget
25 shall not be extended by such refrainment beyond the period specified
26 in the resolution authorizing adoption of such budget, nor shall the
27 amount authorized to be budgeted in any succeeding school year be in-
28 creased by such refrainment. Whenever an initial resolution has been
29 adopted under this subpart, and such resolution specified a lesser per-
30 centage than the district prescribed percentage, the board of the district
31 may adopt one or more subsequent resolutions under the same procedure
32 as provided for the initial resolution and subject to the same conditions,
33 and shall be authorized to increase the percentage as specified in any
34 such subsequent resolution for the remainder of the period of time spec-
35 ified in the initial resolution. Any percentage specified in a subsequent
36 resolution or in subsequent resolutions shall be limited so that the sum
37 of the percentage authorized in the initial resolution and the percentage
38 authorized in the subsequent resolution or in subsequent resolutions is
39 not in excess of the district prescribed percentage in any school year. The
40 board of any district that has been authorized to adopt a local option
41 budget under this subpart and levied a tax under authority of K.S.A. 72-
42 6435, and amendments thereto, may initiate, at any time after the final
43 levy is certified to the county clerk under any current authorization, pro-

1 cedures to renew its authority to adopt a local option budget in the man-
2 ner specified in this subpart or may utilize the authority granted by sub-
3 part (A). As used in this subpart, the term “authorized to adopt a local
4 option budget” means that a district has adopted a resolution under this
5 subpart, has published the same, and either that the resolution was not
6 protested or that it was protested and an election was held by which the
7 adoption of a local option budget was approved.

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

10 (b) The provisions of this subsection (b) shall be subject to the pro-
11 visions of K.S.A. 72-6433a, and amendments thereto.

12 (1) The board of any district that adopts a local option budget under
13 subsection (a) may increase the amount of such budget in each school
14 year in an amount which together with the percentage of the amount of
15 state financial aid budgeted under subsection (a) does not exceed the state
16 prescribed percentage of the amount of state financial aid determined for
17 the district in the school year if the board of the district determines that
18 an increase in such budget would be in the best interests of the district.

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

42 (3) (A) Subject to the provisions of subpart (B), a resolution author-
43 izing an increase in the local option budget of a district shall state that

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

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

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

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

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

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

32 (8) (A) Subject to the provisions of subpart (B), the board of any
33 district that has adopted a local option budget under subsection (a), has
34 been authorized to increase such budget under a resolution which spec-
35 ified a definite period of time for retention of such authorization, and has
36 levied a tax under authority of K.S.A. 72-6435, and amendments thereto,
37 may initiate, at any time after the final levy is certified to the county clerk
38 under any current authorization, procedures to renew the authority to
39 increase the local option budget subject to the conditions and in the
40 manner specified in provisions (2) and (3) of this subsection.

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

1 (9) As used in this subsection:

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

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

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

20 (d) (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 provision (3), amounts in
25 the supplemental general fund may be expended for any purpose for
26 which expenditures from the general fund are authorized or may be trans-
27 ferred to the general fund of the district ~~or to any program weighted fund~~
28 ~~or categorical fund of the district.~~

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

34 (4) Any unexpended and unencumbered cash balance remaining in
35 the supplemental general fund of a district at the conclusion of any school
36 year in which a local option budget is adopted shall be disposed of as
37 provided in this subsection. If the district did not receive supplemental
38 general state aid in the school year and the board of the district deter-
39 mines that it will be necessary to adopt a local option budget in the en-
40 suing school year, the total amount of the cash balance remaining in the
41 supplemental general fund shall be maintained in such fund or trans-
42 ferred to the general fund of the district. If the board of such a district
43 determines that it will not be necessary to adopt a local option budget in

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

30 Sec. 13. K.S.A. 72-8302 is hereby amended to read as follows: 72-
31 8302. (a) The board of education of a school district may provide or
32 furnish transportation for pupils who are enrolled in the school district
33 to or from any school of the school district or to or from any school of
34 another school district attended by such pupils in accordance with the
35 provisions of an agreement entered into under authority of K.S.A. 72-
36 8233, and amendments thereto.

37 (b) (1) When any or all of the conditions specified in this provision
38 exist, the board of education of a school district shall provide or furnish
39 transportation for pupils who reside in the school district and who attend
40 any school of the school district or who attend any school of another
41 school district in accordance with the provisions of an agreement entered
42 into under authority of K.S.A. 72-8233, and amendments thereto. The
43 conditions which apply to the requirements of this provision are as fol-

1 lows:

2 (A) The residence of the pupil is inside or outside the corporate limits
3 of a city, the school building attended is outside the corporate limits of a
4 city and the school building attended is more than 2½ miles by the usually
5 traveled road from the residence of the pupil; or

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

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

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

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

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

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

38 (A) Fees for the provision or furnishing of transportation for pupils
39 shall be prescribed and collected only to recover the costs incurred as a
40 result of and directly attributable to the provision or furnishing of trans-
41 portation for pupils and only to the extent that such costs are not reim-
42 bursed from any other source provided by law;

43 (B) fees for the provision or furnishing of transportation may not be

1 assessed against or collected from any pupil who is counted in determin-
2 ing the transportation weighting of the school district under the provisions
3 of the school district finance and quality performance act or any pupil
4 who is determined to be a child with disabilities under the provisions of
5 the special education for exceptional children act or any pupil who is
6 eligible for free or reduced price meals under the national school lunch
7 act or any pupil who is entitled to transportation under the provisions of
8 subsection (a) of K.S.A. 72-8306, and amendments thereto, and who re-
9 sides 2½ miles or more by the regular route of a school bus from the
10 school attended;

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

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

18 Sec. 14. K.S.A. 72-8316 is hereby amended to read as follows: 72-
19 8316. (a) Any board of education, pursuant to a policy developed and
20 adopted by it, may provide for the use of district-owned or leased school
21 buses when such buses are not being used for regularly required school
22 purposes. The policy may provide for:

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

31 (2) contracting with (A) the governing body of any township, city or
32 county for transportation of individuals, groups or organizations, (B) the
33 governing authority of any nonpublic school for transportation of pupils
34 attending such nonpublic school to or from interschool or intraschool
35 functions or activities, (C) the board of trustees of any community college
36 for transportation of students enrolled in such community college to or
37 from attendance at class at the community college or to and from func-
38 tions or activities of the community college, (D) a public recreation com-
39 mission established and operated under the laws of this state, for any
40 purposes related to the operation of the recreation commission and all
41 programs and services thereof, (E) the board of education of any other
42 school district for transportation, on a cooperative and shared-cost basis,
43 of pupils, school personnel, parents and other adults to or from school-

1 related functions or activities, or (F) a four-year college or university, area
2 vocational school or area vocational-technical school for transportation of
3 students to or from attendance at class at the four-year college or uni-
4 versity, area vocational school or area vocational-technical school or for
5 transportation of students, alumni and other members of the public to or
6 from functions or activities of the four-year college or university, area
7 vocational school or area vocational-technical school.

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

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

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

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

22 Sec. 15. K.S.A. 72-8317 is hereby amended to read as follows: 72-
23 8317. (a) The board of education of any school district, pursuant to a
24 policy developed and adopted by the board, may provide that whenever
25 the school district furnishes school bus transportation for pupils of the
26 school district to or from attendance at class in an area vocational school,
27 area vocational-technical school, technical college, community college, or
28 four-year college or university, adults who are students enrolled at any
29 such educational institution may be furnished such school bus transpor-
30 tation to or from attendance at class, on a space available basis, along with
31 the pupils of the school district. Whenever any school district shall furnish
32 transportation for adult students pursuant to a policy adopted under au-
33 thority of this section, such transportation shall be furnished subject to
34 such terms and conditions as the board of education of the school district
35 shall impose.

36 (b) Fees for the furnishing of transportation for adult students pur-
37 suant to a policy adopted under authority of this section may be charged
38 such adult students to offset, totally or in part, any costs incurred by a
39 school district in the furnishing of such transportation, or such transpor-
40 tation may be furnished free of charge. Any revenues received by a board
41 of education as fees charged adult students for transportation furnished
42 under authority of this section shall be deposited in the ~~transportation~~
43 *general* fund of the district and may be expended whether the same have

1 been budgeted or not.

2 Sec. 16. K.S.A. 72-89a01 is hereby amended to read as follows: 72-
3 89a01. As used in this act:

4 (a) "Board of education" means the board of education of a unified
5 school district or the governing authority of an accredited nonpublic
6 school.

7 (b) "School" means a public school or an accredited nonpublic school.

8 (c) "Public school" means a school operated by a unified school dis-
9 trict organized under the laws of this state.

10 (d) "Accredited nonpublic school" means ~~a~~ *all nonpublic school partic-*
11 ~~ipating in the quality performance accreditation system elementary and~~
12 *secondary schools accredited by the state board of education.*

13 (e) "Chief administrative officer of a school" means, in the case of a
14 public school, the superintendent of schools and, in the case of an ac-
15 credited nonpublic school, the person designated as chief administrative
16 officer by the governing authority of the school.

17 (f) "Federal law" means the individuals with disabilities education
18 act, section 504 of the rehabilitation act, the gun-free schools act of 1994,
19 and regulations adopted pursuant to such acts.

20 (g) "Secretary of education" means the secretary of the United States
21 department of education.

22 (h) "Weapon" means (1) any weapon which will or is designed to or
23 may readily be converted to expel a projectile by the action of an explo-
24 sive; (2) the frame or receiver of any weapon described in the preceding
25 example; (3) any firearm muffler or firearm silencer; (4) any explosive,
26 incendiary, or poison gas (A) bomb, (B) grenade, (C) rocket having a
27 propellant charge of more than four ounces, (D) missile having an explo-
28 sive or incendiary charge of more than ¼ ounce, (E) mine, or (F) similar
29 device; (5) any weapon which will, or which may be readily converted to,
30 expel a projectile by the action of an explosive or other propellant, and
31 which has any barrel with a bore of more than ½ inch in diameter; (6)
32 any combination of parts either designed or intended for use in converting
33 any device into any destructive device described in the two immediately
34 preceding examples, and from which a destructive device may be readily
35 assembled; (7) any bludgeon, sandclub, metal knuckles or throwing star;
36 (8) any knife, commonly referred to as a switch-blade, which has a blade
37 that opens automatically by hand pressure applied to a button, spring or
38 other device in the handle of the knife, or any knife having a blade that
39 opens or falls or is ejected into position by the force of gravity or by an
40 outward, downward or centrifugal thrust or movement; (9) any electronic
41 device designed to discharge immobilizing levels of electricity, commonly
42 known as a stun gun. The term "weapon" does not include within its
43 meaning (1) an antique firearm; (2) any device which is neither designed

1 nor redesigned for use as a weapon; (3) any device, although originally
2 designed for use as a weapon, which is redesigned for use as a signaling,
3 pyrotechnic, line throwing, safety, or similar device; (4) surplus ordinance
4 sold, loaned, or given by the secretary of the army pursuant to the pro-
5 visions of section 4684(2), 4685, or 4686 of title 10 of the United States
6 Code; (5) class C common fireworks.

7 Sec. 17. K.S.A. 72-89b02 is hereby amended to read as follows: 72-
8 89b02. As used in this act:

9 (a) "Board of education" means the board of education of a unified
10 school district or the governing authority of an accredited nonpublic
11 school.

12 (b) "School" means a public school or an accredited nonpublic school.

13 (c) "Public school" means a school operated by a unified school dis-
14 trict organized under the laws of this state.

15 (d) "Accredited nonpublic school" means ~~a~~ *all nonpublic school partic-*
16 ~~ipating in the quality performance accreditation system elementary and~~
17 *secondary schools accredited by the state board of education.*

18 (e) "School employee" means any administrative, professional or par-
19 aprofessional employee of a school.

20 (f) "Superintendent of schools" means the superintendent of schools
21 appointed by the board of education of a unified school district or the
22 chief administrative officer of an accredited nonpublic school appointed
23 by the board of education of the school.

24 Sec. 18. K.S.A. 72-89b03 is hereby amended to read as follows: 72-
25 89b03. (a) If a school employee has information that a pupil is a pupil to

26 whom the provisions of this subsection apply, the school employee shall
27 report such information and identify the pupil to the superintendent of
28 schools. The superintendent of schools shall investigate the matter and,
29 upon determining that the identified pupil is a pupil to whom the pro-
30 visions of this subsection apply, shall provide the reported information
31 and identify the pupil to all school employees who are directly involved
32 or likely to be directly involved in teaching or providing other school
33 related services to the pupil. The provisions of this subsection apply to:

34 (1) Any pupil who has been expelled for the reason provided by sub-
35 section (c) of K.S.A. 72-8901, and amendments thereto, for conduct
36 which endangers the safety of others;

37 (2) any pupil who has been expelled for the reason provided by sub-
38 section (d) of K.S.A. 72-8901, and amendments thereto;

39 (3) any pupil who has been expelled under a policy adopted pursuant
40 to K.S.A. 72-89a02, and amendments thereto;

41 (4) any pupil who has been adjudged to be a juvenile offender and
42 whose offense, if committed by an adult, would constitute a felony under
43 the laws of Kansas or the state where the offense was committed, except

1 any pupil adjudicated as a juvenile offender for a felony theft offense
2 involving no direct threat to human life; and

3 (5) any pupil who has been tried and convicted as an adult of any
4 felony, except any pupil convicted of a felony theft crime involving no
5 direct threat to human life.

6 A school employee and the superintendent of schools shall not be re-
7 quired to report information concerning a pupil specified in this subsec-
8 tion if the expulsion, adjudication as a juvenile offender or conviction of
9 a felony occurred more than 365 days prior to the school employee's
10 report to the superintendent of schools.

11 (b) Each board of education shall adopt a policy that includes:

12 (1) A requirement that an immediate report be made to the appro-
13 priate state or local law enforcement agency by or on behalf of any school
14 employee who knows or has reason to believe that an act has been com-
15 mitted at school, on school property, or at a school supervised activity and
16 that the act involved conduct which constitutes the commission of a felony
17 or misdemeanor or which involves the possession, use or disposal of ex-
18 plosives, firearms or other weapons; and

19 (2) the procedures for making such a report.

20 (c) School employees shall not be subject to the provisions of sub-
21 section (b) of K.S.A. 72-89b04 and amendments thereto if:

22 (1) They follow the procedures from a policy adopted pursuant to the
23 provisions of subsection (b); or

24 (2) their board of education fails to adopt such policy.

25 (d) Each board of education shall annually compile and report to the
26 state board of education at least the following information relating to
27 school safety and security: The types and frequency of criminal acts that
28 are required to be reported pursuant to the provisions of subsection (b),
29 disaggregated by occurrences at school, on school property and at school
30 supervised activities. ~~The report shall be incorporated into and become~~
31 ~~part of the current report required under the quality performance ac-~~
32 ~~creditation system.~~

33 (e) Each board of education shall make available to pupils and their
34 parents, to school employees and, upon request, to others, district policies
35 and reports concerning school safety and security, except that the provi-
36 sions of this subsection shall not apply to reports made by a superinten-
37 dent of schools and school employees pursuant to subsection (a).

38 (f) Nothing in this section shall be construed or operate in any man-
39 ner so as to prevent any school employee from reporting criminal acts to
40 school officials and to appropriate state and local law enforcement agen-
41 cies.

42 (g) The state board of education shall extract the information relating
43 to school safety and security from the quality performance accreditation

1 report and transmit the information to the governor, the legislature, the
2 attorney general, the secretary of health and environment, the secretary
3 of social and rehabilitation services and the commissioner of juvenile jus-
4 tice.

5 (h) No board of education, member of any such board, superinten-
6 dent of schools or school employee shall be liable for damages in a civil
7 action resulting from a person's good faith acts or omissions in complying
8 with the requirements or provisions of the Kansas school safety and se-
9 curity act.

10 Sec. 19. K.S.A. 72-89c01 is hereby amended to read as follows: 72-
11 89c01. As used in K.S.A. 72-89c01 and 72-89c02, and amendments
12 thereto:

13 (a) "Board of education" means the board of education of a unified
14 school district or the governing authority of an accredited nonpublic
15 school.

16 (b) "School" means a public school or an accredited nonpublic school.

17 (c) "Public school" means a school operated by a unified school dis-
18 trict organized under the laws of this state.

19 (d) "Accredited nonpublic school" means ~~a~~ *all nonpublic school partic-*
20 *ipating in the quality performance accreditation system elementary and*
21 *secondary schools accredited by the state board of education.*

22 (e) "Chief administrative officer of a school" means, in the case of a
23 public school, the superintendent of schools or a designee of the super-
24 intendent and, in the case of an accredited nonpublic school, the person
25 designated as chief administrative officer by the governing authority of
26 the school.

27 (f) "Weapon" means (1) any weapon which will or is designed to or
28 may readily be converted to expel a projectile by the action of an explo-
29 sive; (2) the frame or receiver of any weapon described in the preceding
30 example; (3) any firearm muffler or firearm silencer; (4) any explosive,
31 incendiary, or poison gas (A) bomb, (B) grenade, (C) rocket having a
32 propellant charge of more than four ounces, (D) missile having an explo-
33 sive or incendiary charge of more than ¼ ounce, (E) mine, or (F) similar
34 device; (5) any weapon which will, or which may be readily converted to,
35 expel a projectile by the action of an explosive or other propellant, and
36 which has any barrel with a bore of more than ½ inch in diameter; (6)
37 any combination of parts either designed or intended for use in converting
38 any device into any destructive device described in the two immediately
39 preceding examples, and from which a destructive device may be readily
40 assembled; (7) any bludgeon, sandclub, metal knuckles or throwing star;
41 (8) any knife, commonly referred to as a switch-blade, which has a blade
42 that opens automatically by hand pressure applied to a button, spring or
43 other device in the handle of the knife, or any knife having a blade that

1 opens or falls or is ejected into position by the force of gravity or by an
2 outward, downward or centrifugal thrust or movement; (9) any electronic
3 device designed to discharge immobilizing levels of electricity, commonly
4 known as a stun gun. The term “weapon” does not include within its
5 meaning (1) an antique firearm; (2) any device which is neither designed
6 nor redesigned for use as a weapon; (3) any device, although originally
7 designed for use as a weapon, which is redesigned for use as a signaling,
8 pyrotechnic, line throwing, safety, or similar device; (4) surplus ordinance
9 sold, loaned, or given by the secretary of the army pursuant to the pro-
10 visions of section 4684(2), 4685, or 4686 of title 10 of the United States
11 Code; (5) class C common fireworks.

12 (g) “Controlled substance” has the meaning ascribed thereto in
13 K.S.A. 65-4101, and amendments thereto.

14 (h) “Illegal drug” means a controlled substance but does not include
15 such a substance that is legally possessed or used under the supervision
16 of a licensed health-care professional or that is legally possessed or used
17 under authority of any federal or state law.

18 (i) “Possession of a weapon, controlled substance or illegal drug”
19 means knowingly having direct physical control over a weapon, controlled
20 substance or illegal drug or knowingly having the power and the intention
21 at a given time to exercise dominion or control over a weapon, controlled
22 substance or illegal drug.

23 Sec. 20. K.S.A. 72-9606 is hereby amended to read as follows: 72-
24 9606. In order to be approved for payment of state aid, any application
25 under K.S.A. 72-9605, and amendments thereto, shall contain the follow-
26 ing information:

27 (a) The number of certificated personnel of the school district who
28 are participating in the program;

29 (b) a description of the scope, objectives, procedures and activities of
30 and the services provided by the inservice education program for the
31 school year;

32 (c) the manner in which the inservice education program is aligned
33 with the mission, academic focus and ~~quality performance accreditation~~
34 school improvement plan;

35 (d) a description of the performance measures utilized in meeting
36 the evaluation standards and criteria established under subsection (b) of
37 K.S.A. 72-9603, and amendments thereto;

38 (e) the amount budgeted by the board for its inservice education
39 program;

40 (f) the amount of the actual expenses incurred by the school district
41 in maintaining an approved inservice education program;

42 (g) the amount of the actual expenses, if any, incurred by the school
43 district for the provision of innovative and experimental procedures, ac-

1 activities and services in its inservice education program; and

2 (h) such additional information as determined by the state board.

3 Sec. 21. K.S.A. 72-1906, 72-5389, 72-5436, 72-5437, 72-5438, 72-
4 5439, 72-5440, 72-5441, 72-5442, 72-5443, 72-5444, 72-5445, 72-5446,
5 72-5447, 72-6409, 72-6410, 72-6421, 72-6423, 72-6425, 72-6426, 72-
6 6427, 72-6428, 72-6429, 72-6430, 72-6433, 72-6439, 72-8231, 72-8302,
7 72-8316, 72-8317, 72-89a01, 72-89b02, 72-89b03, 72-89c01 and 72-9606
8 are hereby repealed.

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

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