

HOUSE BILL No. 2175

By Committee on Education

1-26

9 AN ACT concerning school districts; enacting the school district equal-
10 ization act; amending K.S.A. 12-1677, 12-1742, 31-144, 72-1046b, 72-
11 1398, 72-1414, 72-5333b, 72-6622, 72-6757, 72-8187, 72-8230, 72-
12 8233, 72-8236, 72-8309, 72-9504 and 74-32,141 and K.S.A. 2004 Supp.
13 72-978, 72-5390, 72-8302, 72-8316 and 79-2929a and repealing the
14 existing sections; also repealing K.S.A. 72-6405, 72-6406, 72-6408, 72-
15 6410, 72-6411, 72-6412, 72-6413, 72-6414, 72-6415, 72-6416, 72-6418,
16 72-6419, 72-6420, 72-6421, 72-6422, 72-6423, 72-6424, 72-6426, 72-
17 6427, 72-6429, 72-6430, 72-6432, 72-6433, 72-6435, 72-6436, 72-6437,
18 72-6438, 72-6440, 72-6441, 72-6442, 72-6443, 72-6444, 72-6445, 72-
19 6446, 72-6447 and 72-8189 and K.S.A. 2004 Supp. 72-6407, 72-6409,
20 72-6417, 72-6425, 72-6428, 72-6431 and 72-6434.

21

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

23 New Section 1. This act shall be known and may be cited as the
24 school district equalization act (SDEA).

25 New Sec. 2. As used in the school district equalization act:

26 (a) "Assessed valuation of the district" means the assessed valuation
27 of the taxable tangible property within a district.

28 (b) "Board" means the board of education of a school district.

29 (c) "Budget per pupil" means the legally adopted budget of operating
30 expenses of a district divided by the enrollment of the district.

31 (d) "Current school year" means the school year during which gener-
32 al state aid is determined by the state board under section 3, and
33 amendments thereto.

34 (e) "Curve of best fit" means the curve on a density-cost graph drawn
35 so the sum of the distances squared from such line to each of the points
36 plotted on the graph is the least possible.

37 (f) "Density-cost graph" means a drawing having: (1) A horizontal or
38 base line divided into equal intervals of density, beginning with zero on
39 the left; and (2) a scale for per-pupil cost of transportation to be shown
40 on a line perpendicular to the base line at the left end thereof, such scale
41 to begin with zero dollars at the base line ascending by equal per-pupil
42 cost intervals.

43 (g) "District" or "school district" means a school district organized

1 under the laws of this state which is maintaining public school for a school
2 term in accordance with the provisions of K.S.A. 72-1106, and amend-
3 ments thereto.

4 (h) "District wealth" means the sum of the formula percentage of
5 taxable income within a district for the most recent year for which such
6 income figures are available and the assessed valuation of the district for
7 the same period.

8 (i) "Enrollment" or "E" means the number of pupils regularly en-
9 rolled in the district on September 20.

10 (j) "Enrollment category" means a category established under the
11 school district equalization act for grouping districts based on enrollments
12 thereof.

13 (k) "Federal impact aid" means an amount equal to the federally
14 qualified percentage of the amount of moneys a district receives in the
15 current school year under the provisions of title I of public law 874 and
16 congressional appropriations therefor, excluding amounts received for as-
17 sistance in cases of major disaster and amounts received under the low-
18 rent housing program. The amount of federal impact aid defined herein
19 as an amount equal to the federally qualified percentage of the amount
20 of moneys provided for the district under title I of public law 874 shall
21 be determined by the state board in accordance with terms and conditions
22 imposed under the provisions of the public law and rules and regulations
23 thereunder.

24 (l) "Formula percentage" means a percentage equal to the percent-
25 age of the resident individual income tax liability within the district to
26 which districts are entitled under the provisions of section 27, and amend-
27 ments thereto, for the taxable year preceding the taxable year in which
28 the current school year commences.

29 (m) "General fund" means the fund of a district from which operating
30 expenses are paid and into which is deposited all amounts of general state
31 aid under this act, property taxes under section 15, and amendments
32 thereto, payments from the school district income tax fund, payments
33 under K.S.A. 72-7105a, and amendments thereto, payments of federal
34 funds made available under the provisions of title I of public law 874,
35 excluding amounts received for assistance in cases of major disaster and
36 amounts received under the low-rent housing program, and such other
37 moneys as are provided by law.

38 (n) "Graph" means a bivariate frequency distribution.

39 (o) "Index of density" means the number of pupils who are included
40 in the enrollment of a district in the current school year, are residing $2\frac{1}{2}$
41 miles or more by the usually traveled road from the school building they
42 attend, and for whom transportation is being made available on regular
43 school routes by the district, divided by the number of square miles of

1 territory in the district.

2 (p) “Legally adopted budget of operating expenses” means the
3 amount legally authorized and budgeted for operating expenses in the
4 general fund of a district.

5 (q) “Local effort” means the sum of an amount equal to: (1) The
6 amount generated by a 25 mill levy on taxable tangible property in the
7 district; (2) the amount of income tax generated by the provisions of
8 section 22, and amendments thereto; and (3) the amount of the district’s
9 prior year cash balance that is less than 5% above the district’s operating
10 budget.

11 (r) “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 section 24,
14 and amendments thereto.

15 (s) “Per-pupil cost of transportation” means the per-pupil cost of
16 transportation of a district as such cost is determined and adjusted each
17 school year by the state board as follows: (1) Determine the total ex-
18 penditures of the district during the preceding school year from all funds
19 for transporting pupils of public and nonpublic schools on regular school
20 routes; (2) divide the amount determined in provision (1) by the total
21 number of pupils who were included in the enrollment of the district in
22 the preceding school year and for whom transportation was made avail-
23 able by the district; (3) multiply the amount determined in provision (2)
24 by the total number of pupils who were included in the enrollment of the
25 district in the preceding school year, were residing less than 2½ miles by
26 the usually traveled road from the school building they attended, and for
27 whom transportation was made available by the district; (4) multiply the
28 amount determined in provision (3) by 50%; (5) subtract the amount
29 determined in provisions (4) from the amount determined in provision
30 (1); (6) divide the amount determined in provision (5) by the total number
31 of pupils who were included in the enrollment of the district in the pre-
32 ceding school year, were residing 2½ miles or more by the usually trav-
33 eled road from the school building they attended and for whom trans-
34 portation was made available by the district. The quotient is the per-pupil
35 cost of transportation.

36 (t) “Preceding school year” means the school year immediately be-
37 fore the current school year.

38 (u) “Preschool-aged exceptional children” means exceptional chil-
39 dren, except gifted children, who have attained the age of three years but
40 are under the age of eligibility for attendance at kindergarten.

41 (v) (1) “Pupil” means any person who is regularly enrolled in a dis-
42 trict and attending any of the grades kindergarten through 12 maintained
43 by the district or who is regularly enrolled in the district and attending

1 any of the grades kindergarten through 12 in another district in accord-
2 ance with an agreement entered into under authority of K.S.A. 72-8233,
3 and amendments thereto, or who is regularly enrolled in the district and
4 attending special education services provided for preschool-aged excep-
5 tional children by the district.

6 (2) Except as otherwise provided in paragraph (3) of this subsection,
7 a pupil in attendance full-time shall be counted as one pupil. A pupil who
8 is not regularly enrolled full-time shall be counted as that proportion of
9 one pupil (to the nearest $\frac{1}{10}$) that the pupil's regular enrollment bears to
10 full-time regular enrollment. A pupil enrolled in kindergarten shall be
11 counted as $\frac{1}{2}$ pupil. A pupil enrolled in and attending an institution of
12 postsecondary education which is authorized under the laws of this state
13 to award academic degrees shall be counted as one pupil if such pupil's
14 postsecondary education enrollment and attendance and regular enroll-
15 ment and attendance in grade 12 is at least $\frac{5}{6}$ time, otherwise any such
16 pupil shall be counted as that proportion of one pupil (to the nearest $\frac{1}{10}$)
17 that the total time of the pupil's nonpostsecondary education enrollment
18 and postsecondary enrollment bears to full-time enrollment. A pupil en-
19 rolled in and attending an area vocational school, area vocational-technical
20 school or approved vocational education program shall be counted as one
21 pupil if such pupil's vocational education enrollment and attendance and
22 regular enrollment and attendance in any of grades nine through 12 is at
23 least $\frac{5}{6}$ time, otherwise any such pupil shall be counted as that proportion
24 of one pupil (to the nearest $\frac{1}{10}$) that the total time of the pupil's nonvo-
25 cational education enrollment and vocational education enrollment bears
26 to full-time enrollment. A pupil enrolled in a district and attending special
27 education services, except special education services for preschool-aged
28 exceptional children, provided for by the district shall be counted as one
29 pupil. A pupil enrolled in a district and attending special education serv-
30 ices for preschool-aged exceptional children provided for by the district
31 shall be counted as $\frac{1}{2}$ pupil. A pupil in the custody of the secretary of
32 social and rehabilitation services and enrolled in unified school district
33 No. 259, Sedgwick county, Kansas, but housed, maintained and receiving
34 education services at the Judge James V. Riddel Boys Ranch, shall be
35 counted as two pupils.

36 (3) A pupil residing at the Flint Hills job corps center shall not be
37 counted. A pupil confined in and receiving educational services provided
38 by a district at a juvenile detention facility shall not be counted. A pupil
39 enrolled in a district but housed, maintained and receiving educational
40 services at a state institution shall not be counted. A pupil enrolled in a
41 virtual school in a district but who is not a resident of the state of Kansas
42 shall not be counted.

43 (w) "Resident individual" has the meaning ascribed thereto in K.S.A.

- 1 79-32,109, and amendments thereto.
- 2 (x) “Resident individual income tax liability” means the income tax
3 liability of resident individuals as imposed and computed under the pro-
4 visions of the Kansas income tax act.
- 5 (y) “Resident individual income tax liability within the district” means
6 an amount equal to the total resident individual income tax liability of
7 residents of a district after credits allowed against such tax with the ex-
8 ception of credits for taxes paid to another state and credits allowed under
9 the provisions of K.S.A. 79-32,100 and 79-32,104, and amendments
10 thereto.
- 11 (z) “School year” means the twelve-month period ending June 30.
- 12 (aa) “September 20” has its usual meaning, except that in any year in
13 which September 20 is not a day on which school is maintained, it shall
14 mean the first day after September 20 on which school is maintained.
- 15 (bb) “State board” means the state board of education.
- 16 (cc) “Taxable income” means Kansas taxable income of resident in-
17 dividuals as determined under the provisions of the Kansas income tax
18 act.
- 19 (dd) “Taxable income within a district” means the total taxable in-
20 come of residential individuals of a district as determined on the basis of
21 state income tax returns filed in the preceding calendar year.
- 22 (ee) “Taxable tangible property” means all real and tangible personal
23 property which is subject to general ad valorem taxation.
- 24 (ff) “Technology education program” means a program to incorpo-
25 rate electronic computer and communications technologies into educa-
26 tional programs of the school district, including improvement and inte-
27 gration of on-line information management and communications systems
28 in all application areas.
- 29 (gg) “Unconditionally authorized to make a technology education tax
30 levy” means that the school district has held the election provided for
31 under subsection (a) and that the tax levy has been approved by a majority
32 of the qualified electors of the school district who voted at such election
33 or that the school district has adopted a resolution under subsection (b),
34 has published the same, and either that the resolution was not protested
35 or that it was protested and an election was held by which the tax levy
36 specified in the resolution was approved.
- 37 New Sec. 3. (a) In February of each year, the state board shall de-
38 termine the amount of general state aid each district is entitled to receive
39 for the current school year as provided in this section.
- 40 (b) Except as provided by subsection (c), the state board shall subtract
41 the amount of the district’s local effort from the amount of the district’s
42 legally adopted budget of operating expenses for the current school year.
43 The remainder is the amount of general state aid the district is entitled

1 to receive for the current school year.

2 (c) The amount of general state aid each district shall be entitled to
3 receive for school year 2005-2006 shall be determined by the state board
4 in accordance with this subsection. The state board shall:

5 (1) Determine the sum of an amount equal to the district's entitle-
6 ment from the school district income tax fund in school year 2004-2005
7 and the amount of the district's general state aid entitlement for such
8 school year;

9 (2) divide the amount of the sum obtained under (c)(1) by the en-
10 rollment of the district on September 20, 2005;

11 (3) multiply the quotient obtained under (c)(2) by the enrollment of
12 the district in 2005-2006;

13 (4) (A) if the amount of the remainder obtained under subsection
14 (b) is greater than the amount of the product obtained under (c)(3), the
15 amount of general state aid the district is entitled to receive for the school
16 year 2005-2006 is the amount of the remainder obtained under subsection
17 (b);

18 (B) if the amount of the remainder obtained under subsection (b) is
19 less than the amount of the product obtained under (c)(3), the amount
20 of general state aid shall be the amount of the product obtained under
21 subpart (c)(3) less the remainder obtained under subsection (b).

22 New Sec. 4. (a) Annually, the state board shall prepare a schedule
23 that is derived from a graph prepared by the state board. The graph shall
24 show the medians of budgets per pupil of districts with enrollments of
25 200 or more in the current school year.

26 The horizontal base line of the graph shall be divided into equal inter-
27 vals each of which represents enrollment of 100, ranging from districts
28 with 200-299 enrollment on the left to districts with 2,000 and over en-
29 rollment on the right, unless there is a different ending enrollment cat-
30 egory on the right which has a lesser statistically significant variation from
31 the median budget per pupil of districts with the largest enrollments, in
32 which case such different ending enrollment category shall be used. The
33 vertical base line of the graph shall begin at zero dollars at the horizontal
34 base line and shall ascend by equal intervals of budget per pupil.

35 (b) For any school year, the schedule derived from the graph shall
36 contain three enrollment categories. The first enrollment category shall
37 be for districts with under 400 enrollment. The second enrollment cat-
38 egory shall be for districts with 400 enrollment to districts with under
39 1,600 enrollment. The third enrollment category shall be for districts with
40 1,600 or more enrollment.

41 (c) For the purpose of determining the limitation on operating ex-
42 penses per pupil:

43 (1) The median budget per pupil for districts in the first enrollment

1 category shall be the median budget per pupil of the districts in the sec-
2 ond enrollment category.

3 (2) In order to provide a linear transition in the median budget per
4 pupil for districts in the second enrollment category, the schedule shall
5 include adjustment factors, based on an accepted mathematical formula,
6 applicable to budgets per pupil between the median budget per pupil of
7 districts in the second enrollment category and the median budget per
8 pupil of districts in the third enrollment category. For districts in the
9 third enrollment category, the median budget per pupil shall be the
10 budget per pupil prescribed by the schedule under this provision.

11 New Sec. 5. (a) The state transportation aid for each district shall be
12 computed by the state board as follows: (1) On a density-cost graph plot
13 the per-pupil cost of transportation for each district.

14 (2) Construct a curve of best fit for the points so plotted.

15 (3) Locate the index of density for the district on the base line of the
16 density-cost graph and from the point on the curve of best fit directly
17 above this point of index of density follow a line parallel to the base line
18 to the point of intersection with the vertical line, which point is the for-
19 mula per-pupil cost of transportation of the district.

20 (4) Ascertain the per-pupil cost of transportation of the district.

21 (5) The per-pupil transportation allowance of the district shall be
22 100% of the formula-per-pupil cost or 100% of the per-pupil cost of
23 transportation of the district as ascertained in (3) and (4) above, whichever
24 is lower.

25 (6) Multiply the per-pupil transportation allowance by the number of
26 pupils who are included in the enrollment of the district, are residing $2\frac{1}{2}$
27 miles or more by the usually traveled road to the school building they
28 attend, and for whom transportation is being made available by, and at
29 the expense of, the district. For any district which did not transport pupils
30 in the preceding school year, the transportation aid shall be calculated
31 and paid on a reimbursement basis at the end of the first school year in
32 which pupils are transported.

33 (b) For the purpose of providing accurate and reliable data on pupil
34 transportation, the state board is authorized to adopt rules and regulations
35 prescribing procedures which districts shall follow in reporting pertinent
36 information relative thereto, including uniform reporting of expenditures
37 for transportation.

38 (c) If the amount of appropriations for state transportation aid is less
39 than the amount each district is entitled to receive for the school year,
40 the state board shall prorate the amount appropriated among the districts
41 in proportion to the amount each district is entitled to receive.

42 New Sec. 6. The distribution of general state aid under this act shall
43 be made in accordance with appropriation acts from the state general

1 fund each year as follows:

2 (a) The amount of general state aid for each district as computed by
3 the state board shall be distributed in payments as follows:

4 (1) In the months of September through January such payments shall
5 be made not earlier than the 20th day and not later than the last day of
6 the month, with each such monthly payments being an amount equal to
7 monthly payments being an amount equal to 10% of the preceding school
8 year's general state aid entitlement of the district;

9 (2) in the months of February through April such payments shall be
10 made not earlier than the 20th day and not later than the last day of the
11 month, with each such monthly payment being an amount equal to 10%
12 of the current school year's general state aid entitlement;

13 (3) in May a payment shall be made not earlier than May 20 and not
14 later than the last day of the month, in an amount equal to 12% of the
15 current school year's general state aid entitlement; and

16 (4) on June 15, payment shall be made of the full amount of the
17 general state aid entitlement determined in the preceding February, less
18 the sum of the monthly payments made from September through May,
19 inclusive.

20 (b) All payments made in the months of September through May
21 under subsection (a) shall be made as soon as sufficient moneys are avail-
22 able in the state general fund, as determined by the director of the di-
23 vision of the budget, to permit such payments without depleting the unen-
24 cumbered cash balance of that fund.

25 (c) The state board shall certify to the director of accounts and reports
26 the amount due as general state aid to each district not later than the
27 15th day of the month in the months of September through May and not
28 later than June 10 in the month of June.

29 New Sec. 7. The distribution of transportation aid under this act shall
30 be made in accordance with appropriation acts from the state general
31 fund each year as follows:

32 The amount of transportation aid for each district as computed by the
33 state board shall be distributed in payments as follows:

34 (1) On both September 25 and November 25 such payment shall be
35 an amount equal to 25% of the amount paid to the district in the pre-
36 ceding year for transportation aid except as provided in subsection (4);

37 (2) on February 25 such payment shall be an amount equal to 25%
38 of the entire amount the district is entitled to receive in the current school
39 year; and

40 (3) on April 25 such payment shall be an amount equal to the entire
41 amount which the district is entitled to receive in the current school year,
42 less the amounts paid to the district for transportation aid in the preceding
43 months of September, November and February. The state board shall

1 certify to the director of accounts and reports the amount due each dis-
2 trict as transportation aid five days before each payment date.

3 New Sec. 8. The director of accounts and reports shall draw warrants
4 on the state treasurer payable to the district treasurer of each district
5 entitled to payment from the state general fund, upon vouchers approved
6 by the state board. Upon receipt of such warrant, each district treasurer
7 shall deposit the amount of general state aid in the general fund and the
8 amount of transportation aid in the transportation fund.

9 New Sec. 9. In the event any district is paid more than it is entitled
10 to receive under any distribution made under this act or under any statute
11 repealed by this act, the state board shall notify the district of the amount
12 of such overpayment, and such district shall remit the same to the state
13 board. The state board shall remit any moneys so received to the state
14 treasurer, and the state treasurer shall deposit the same in the state treas-
15 ury to the credit of the state general fund. If any such district fails so to
16 remit, the state board shall deduct the excess amounts so paid from future
17 payments becoming due to such district. In the event any district is paid
18 less than the amount to which it is entitled under any distribution made
19 under this act, the state board shall pay the additional amount due at any
20 time within the school year in which the underpayment was made or
21 within 60 days after the end of such school year.

22 New Sec. 10. On or before October 10 of each school year, the clerk
23 or superintendent of each district shall certify under oath to the state
24 board a report showing the total enrollment of the district by grades
25 maintained in the schools of the district and such other reports as the
26 state board may require. Each such report shall show postsecondary ed-
27 ucation enrollment, vocational education enrollment and special educa-
28 tion enrollment in such detail and form as is specified by the state board.
29 Upon receipt of such reports, the state board shall examine the same and
30 if it finds any errors therein, it shall consult with the district officer fur-
31 nishing the report and make such corrections therein as are necessary.
32 One of such district officers shall also certify to the state board, on or
33 before August 25 of each year, a copy of the budget adopted by the
34 district.

35 New Sec. 11. (a) In November of each year, the county clerk of each
36 county shall certify to the state board the current assessed valuation of
37 taxable tangible property within each district or portion of district within
38 the county.

39 (b) On or before February 1 of each year, the director of taxation
40 shall certify to the state board the amount within each district of taxable
41 income and the amount within each district of resident individual income
42 tax liability after credits allowed against such tax, with the exception of
43 credits for taxes paid to another state and credits allowed under K.S.A.

1 79-32,100 and 79-32,104, and amendments thereto.

2 New Sec. 12. (a) Subject to the other provisions of this section, in
3 any school year commencing after June 30, 2005, no district shall budget
4 or expend for operating expenses per pupil more than:

5 (1) The amount of its budget per pupil in the preceding school year
6 plus a determinable percentage of such amount; or

7 (2) the amount of the median budget per pupil, as determined by the
8 state board, in the preceding school year of districts within the same
9 enrollment category as such district during such year plus 2% of such
10 amount, whichever of (a)(1) or (a)(2) is the lower amount per pupil. Not-
11 withstanding the foregoing provisions of this subsection, any district may
12 budget and expend for operating expenses per pupil not more than 102%
13 of its budget per pupil in the preceding school year.

14 For the purposes of this subsection, the determinable percentage shall
15 be the percentage equal to the percentage specified in (a)(2) multiplied
16 by two.

17 (b) In addition to the amounts authorized to be budgeted and ex-
18 pended under the provisions of this section, any district may budget and
19 expend for operating expenses per pupil in any school year an amount
20 which shall be determined by the state board by computing the amount
21 of increase in expenditures paid from the general fund of the district in
22 the preceding school year for the costs incurred for the supplying of
23 water, heat and electricity to the district. Such amount of increase, less
24 an amount equivalent to the percentage increase in the budget per pupil
25 authorized in the preceding school year times the expenditure for the
26 costs in the second preceding school year, is the additional amount which
27 may be included within the legally adopted budget of operating expenses
28 in the current school year.

29 (c) In addition to the amounts authorized to be budgeted and ex-
30 pended under the provisions of this section, any district may budget and
31 expend for operating expenses per pupil in any school year an amount
32 which shall be determined by the state board by computing the amount
33 of increase in expenditures paid from the general fund of the district in
34 the preceding school year for the purchase of insurance. Such amount of
35 increase, less an amount equivalent to the percentage increase in the
36 budget per pupil authorized in the preceding school year times the ex-
37 penditure for the purchase of insurance in the second preceding school
38 year, is the additional amount which may be included within the legally
39 adopted budget of operating expenses in the current school year.

40 (d) If the enrollment in a district in the current school year has de-
41 creased, the amount which the district may budget and expend under this
42 section may be computed on the basis of the enrollment in the preceding
43 school year.

1 New Sec. 13. (a) The board of every district may levy an ad valorem
2 tax on the taxable tangible property of the district in each school year for
3 the purpose of financing that portion of the district's legally adopted
4 budget of operating expenses which is not financed from any other source
5 provided by law and for the purpose of paying a portion of the principal
6 and interest on bonds issued by cities under authority of K.S.A. 12-1774,
7 and amendments thereto, for the financing of redevelopment projects
8 upon property located within the district.

9 (b) The proceeds from the tax levied by a district under authority of
10 this section, except the proceeds of such tax levied for the purpose of
11 paying a portion of the principal and interest on bonds issued by cities
12 under authority of K.S.A. 12-1774, and amendments thereto, for the fi-
13 nancing of redevelopment projects upon property located within the dis-
14 trict, shall be deposited in the general fund of the district.

15 (c) No district shall proceed under K.S.A. 79-1964, 79-1964a or 79-
16 1964b, and amendments thereto.

17 New Sec. 14. (a) All moneys received by a district for any program
18 authorized by article 44 of chapter 72 of Kansas Statutes Annotated, and
19 amendments thereto, shall be deposited in the district "vocational edu-
20 cation fund" which is hereby established. All other moneys received by
21 the district from tuition, fees or charges or from any other source for
22 vocational education courses or programs shall be credited to the voca-
23 tional education fund. The expenses of a district directly attributable to
24 vocational education shall be paid from the vocational education fund.

25 (b) Obligations of a district pursuant to lawful agreements made un-
26 der K.S.A. 72-4421, and amendments thereto, shall be paid from the
27 vocational education fund established by this section. If any such agree-
28 ment expresses an obligation of a district in terms of a mill levy, such
29 obligation shall be construed to mean an amount equal to that which
30 would be produced by the levy. Moneys shall be transferred from the
31 general fund of the district to the vocational education fund if there are
32 insufficient moneys for the purposes specified in this subsection in the
33 vocational education fund.

34 New Sec. 15. There is hereby established in every district a fund
35 which shall be called the "driver training fund" which fund shall consist
36 of all moneys deposited therein or transferred thereto according to law.
37 All moneys received by the district from distributions made from the state
38 safety fund and the motorcycle safety fund and from tuition, fees or
39 charges for driver training courses shall be credited to the driver training
40 fund. The expenses of a district directly attributable to driver training
41 shall be paid from the driver training fund.

42 New Sec. 16. There is hereby established in every district a fund
43 which shall be called the "food service fund," which fund shall consist of

1 all moneys deposited therein or transferred thereto according to law. All
2 moneys received by the district for food service and from charges for food
3 service shall be credited to the food service fund. The expenses of a
4 district attributable to food service shall be paid from the food service
5 fund.

6 New Sec. 17. There is hereby established in every district a fund
7 which shall be called the "transportation fund" which fund shall consist
8 of all moneys deposited therein or transferred thereto according to law.
9 All moneys received or taxes levied by the district for pupil transportation
10 shall be credited to the transportation fund. The expenses of a district
11 attributable to pupil transportation shall be paid from the transportation
12 fund. Any district may transfer moneys from its capital outlay fund to its
13 transportation fund for the purpose of purchasing buses and bus equip-
14 ment. If a board determines that any moneys which have been transferred
15 to its transportation fund from its capital outlay fund are not needed for
16 the purchase of buses or bus equipment, the board may transfer the
17 moneys back to the capital outlay fund.

18 New Sec. 18. (a) Except as otherwise provided in this section, any
19 revenues of a district, not required by law to be deposited in or credited
20 to a specific fund, shall be deposited in or credited to any fund of the
21 district specified in sections 14 through 17, and amendments thereto, or
22 to the capital outlay fund, the adult education fund, the adult supple-
23 mentary education fund, the bilingual education fund, the inservice ed-
24 ucation fund, the parent education program fund or the educational ex-
25 cellence grant program fund.

26 (b) At the discretion of the board of any district, revenues earned
27 from the investment of an activity fund of the district in accordance with
28 the provisions of K.S.A. 12-1675, and amendments thereto, may be de-
29 posited in or credited to such activity fund.

30 (c) (1) At the discretion of the board of any district and subject to
31 provision (2), any revenues specified in subsections (a) and (b) may be
32 deposited in or credited to the general fund of the district in any school
33 year for which the allotment system authorized under K.S.A. 75-3722,
34 and amendments thereto, has been inaugurated and applied to approp-
35 riations made for school district equalization aid or in any school year
36 for which any portion of the appropriations made for school district equal-
37 ization aid are lapsed by act of the legislature.

38 (2) In no event may the amount of revenues deposited in or credited
39 to the general fund of the district under authority of provision (1) exceed
40 an amount equal to the amount of the reduction in school district equal-
41 ization aid entitlement of the district determined by the state board to be
42 the result of application of the allotment system to the appropriations
43 made for school district equalization aid or of the lapse of any portion

1 thereof by act of the legislature.

2 (d) At the discretion of the board of any district, revenues received
3 by the district from the federal government as the district's share of the
4 proceeds derived from sale by the federal government of its rights to oil,
5 gas and other minerals located beneath the surface of lands within the
6 district's boundaries may be deposited in the bond and interest fund of
7 the district and used for the purposes of such fund. If at any time all
8 indebtedness and obligations of such fund have been fully paid and can-
9 celed, the revenues authorized by this subsection to be deposited in such
10 fund shall be disposed of as provided in subsection (a).

11 (e) To the extent that K.S.A. 72-1623, 72-8804 and 79-2958, and
12 amendments thereto, conflict with this section, this section shall control.

13 New Sec. 19. Any lawful transfer of moneys from the general fund
14 of a district to any other fund shall be an operating expense in the year
15 the transfer is made. In addition to other transfers authorized by law, the
16 board of any district may transfer moneys from its general fund to its
17 transportation fund, special education fund, food service fund, driver
18 training fund, adult education fund, adult supplementary education fund,
19 vocational education fund, bilingual education fund, inservice education
20 fund, parent education program fund or educational excellence grant pro-
21 gram fund.

22 New Sec. 20. Expenditures of a district for the following purposes
23 are not operating expenses: (a) Payments to another district in an adjust-
24 ment of rights as provided in K.S.A. 72-6776, and amendments thereto,
25 or upon transfer of territory as provided in K.S.A. 72-7105, 72-7106 or
26 72-7107, and amendments thereto, if paid from any fund other than the
27 general fund.

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

30 (c) The maintenance of summer school and student activities which
31 are reimbursed.

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

34 (e) Programs financed in part or in whole by federal funds which may
35 be expended although not included in the budget of the district, excepting
36 funds received under the provisions of title I of public law 874 (but not
37 including in such exception amounts received under said public law 874
38 for assistance in cases of major disaster and amounts received under the
39 low-rent housing program), to the extent of the federal funds to be
40 provided.

41 New Sec. 21. In case a district expends in any school year an amount
42 for operating expenses which exceeds its legally adopted budget of op-
43 erating expenses, the state board shall determine the excess and deduct

1 the same from amounts of general state aid payable to the district during
2 the next school year from the state general fund.

3 New Sec. 22. (a) (1) For each taxable year, each district is entitled
4 to an amount equal to 5% of the resident individual income tax liability
5 within the district.

6 (2) The amount each district is entitled to receive under this section
7 is subject to reduction in proportion to any reduction in the amount of
8 the demand transfer from the state general fund under K.S.A. 75-6704,
9 and amendments thereto, after making adjustments for any new estimates
10 of revenues to the state general fund which shall be certified to the state
11 board by the director of the budget.

12 (b) The secretary of revenue shall certify to the state board and the
13 director of accounts and reports the entitlements of districts and, subject
14 to a reduction under K.S.A. 75-6704, and amendments thereto, and sub-
15 section (a)(2) of this section, an amount equal to the sum of such entitle-
16 ments shall be transferred in accordance with the provisions of this sub-
17 section by the director from the state general fund to the school district
18 income tax fund, which fund is hereby created, for distribution to districts.
19 Such certification shall be based on state income tax returns filed and
20 attributed to each district, with any adjustments or corrections made by
21 the director of taxation. Subject to the provisions of K.S.A. 75-6704, and
22 amendments thereto, and the provisions of subsection (a)(2) of this sec-
23 tion, the director of accounts and reports shall transfer moneys attribut-
24 able to entitlements of districts, as prescribed and certified under the
25 provisions of this section, from the state general fund to the school district
26 income tax fund as follows:

27 (1) Prior to September 1 of the current school year, an amount equal
28 to 20% of the amount of such moneys which have been credited to the
29 state general fund since May 1 of the preceding school year;

30 (2) prior to October 1 of the current school year, an amount of such
31 moneys equal to the amount transferred from the state general fund for
32 distribution to districts on September 1;

33 (3) prior to November 1 of the current school year, an amount of
34 such moneys equal to the amount transferred from the state general fund
35 for distribution to districts on October 1;

36 (4) prior to December 1 of the current school year, an amount of
37 such moneys equal to twice the amount transferred from the state general
38 fund for distribution to districts on November 1;

39 (5) prior to February 1 of the current school year, any such moneys
40 remaining in the state general fund;

41 (6) prior to May 1 of the current school year, an amount equal to
42 50% of the amount of such moneys which have been credited to the state
43 general fund since February 1 of the current school year; and

- 1 (7) prior to June 15 of the current school year, the remainder of the
2 amount of such moneys which have been credited to the state general
3 fund since February 1 of the current school year.
- 4 (c) All transfers made in accordance with the provisions of this section
5 shall be considered to be demand transfers from the state general fund.
- 6 New Sec. 23. (a) Distributions shall be made from the school district
7 income tax fund to districts as follows: On September 1, October 1, No-
8 vember 1, December 1, February 1, May 1 and June 15 of the current
9 school year, moneys transferred to such fund prior to each such date in
10 accordance with the provisions of section 22, and amendments thereto.
- 11 (b) Each district shall be paid the amount of the district's entitlement
12 as prescribed and certified under the provisions of section 22, and amend-
13 ments thereto.
- 14 (c) The director of accounts and reports shall draw warrants on the
15 state treasurer payable to the district treasurer of each district entitled to
16 payment from the school district income tax fund upon vouchers ap-
17 proved by the state board. Upon receipt of the warrant, each district
18 treasurer shall credit the amount thereof to the general fund of the
19 district.
- 20 New Sec. 24. (a) The state board of tax appeals may authorize a dis-
21 trict to increase its legally adopted budget of operating expenses or its
22 expenditures upon a finding by the board that:
- 23 (1) The construction of new or additional school facilities causes an
24 increase in operating expenses greater than the district is permitted to
25 budget under the limitations provided in the school district equalization
26 act.
- 27 (2) The requirements of law to provide special education cause an
28 increase in operating expenses greater than the district is permitted to
29 budget under the limitations provided in the school district equalization
30 act.
- 31 (3) The requirements of law to provide transportation of students
32 cause an increase in operating expenses greater than the district is per-
33 mitted to budget under the limitations provided in the school district
34 equalization act.
- 35 (4) Unusual occurrences have affected or will affect the enrollment
36 of the district so as to cause an increase in operating expenses greater
37 than the district is permitted to budget or expend under the limitations
38 provided in the school district equalization act. The occurrence of a de-
39 crease in the enrollment in a district shall not be classified as, or found
40 to be, an unusual occurrence for the purpose of an appeal under this
41 paragraph unless the state board of tax appeals shall determine that the
42 decrease in enrollment is the result of extraordinary circumstances.
- 43 (5) Increases in rates or charges for supplying water, heat or elec-

1 tricity to the district cause an increase in operating expenses greater than
2 the district is permitted to budget under the limitations provided in the
3 school district equalization act.

4 (6) Payment of compensation to any certificated elementary guidance
5 counselor, which compensation was not budgeted in the preceding school
6 year, causes an increase in operating expenses greater than the district is
7 permitted to budget under the limitations provided in the school district
8 equalization act.

9 (7) The establishment of a new program or the enhancement of an
10 existing program of bilingual education causes an increase in operating
11 expenses greater than the district is permitted to budget under the lim-
12 itations provided in the school district equalization act.

13 (8) The continued operation and maintenance of any district program
14 or programs originally established under authority of federal law and fi-
15 nanced totally or partly with federal funds cause an increase in operating
16 expenses greater than the district is permitted to budget under the lim-
17 itations provided in the school district equalization act.

18 (9) The development and establishment of new vocational education
19 programs or the enhancement of existing vocational education programs
20 or the purchase of equipment for use in vocational education programs
21 or any or all of the foregoing cause an increase in operating expenses
22 greater than the district is permitted to budget under the limitations pro-
23 vided in the school district equalization act.

24 (b) Amounts obtained by a district as a result of an increase in its
25 legally adopted budget of operating expenses authorized by the state
26 board of tax appeals under this section shall be budgeted and expended
27 exclusively for the purpose for which such increase was authorized.

28 New Sec. 25. The board of education of any school district may levy
29 an ad valorem tax on the taxable tangible property of the district each
30 year in an amount which shall not exceed the amount authorized by the
31 state board of tax appeals under this section for the purpose of maintain-
32 ing an existing program for transportation of students to the extent the
33 same cannot be financed under paragraph (4) of subsection (a) of section
34 24, and amendments thereto.

35 New Sec. 26. Whenever a new district has been established or the
36 boundaries of a district have been changed, the state board shall make
37 appropriate revisions concerning the affected districts as may be neces-
38 sary for the purposes of this act to reflect such establishment of a district
39 or changes in boundaries. Such revisions shall be based on the most re-
40 liable data obtainable from the superintendent of the district, county clerk
41 and director of taxation.

42 New Sec. 27. The state board may adopt rules and regulations for
43 the administration of the school district equalization act, including the

1 classification of expenditures of districts to insure uniform reporting of
 2 operating expenses.

3 New Sec. 28. Except as otherwise provided in this act and except for
 4 this section, nothing in this act shall apply to the school district created
 5 by K.S.A. 72-5333a, and amendments thereto. The legislature shall make
 6 suitable provisions for financing the educational needs of such school
 7 district.

8 New Sec. 29. If any clause, paragraph, subsection or section of this
 9 act shall be held invalid or unconstitutional, it shall be conclusively pre-
 10 sumed that the legislature would have enacted the remainder of this act
 11 without such invalid or unconstitutional clause, paragraph, subsection or
 12 section.

13 New Sec. 30. The state board shall be responsible for the allocation
 14 and distribution of state aid for bilingual education in accordance with
 15 appropriation acts and the statutes of this state. Such moneys shall be
 16 expended only in accordance with and for the purposes specified in this
 17 act. Payments under this act may be made in installments and in advance
 18 or by way of reimbursement, with necessary adjustments on account of
 19 overpayments or underpayments.

20 New Sec. 31. Each board which has established and is maintaining
 21 a program and desires to secure state aid for part of the cost of establish-
 22 ing and maintaining the same shall certify and file an application with the
 23 department for the approval of such program. Said applications shall be
 24 on a form prescribed and furnished by the department and shall contain
 25 such information as the state board shall require and shall be filed an-
 26 nually at a time to be determined and specified by the state board. Ap-
 27 proval by the state board of the program and the application shall be
 28 prerequisite to payment of state aid to any board.

29 New Sec. 32. (a) The board of education of any school district may
 30 adopt a resolution authorizing a tax levy for capital expenditures. The
 31 resolution shall be adopted in the following form:

32 Unified School District No. _____, _____ County, Kansas.

33 RESOLUTION

34 Be It Resolved that:

35 The above-named board of education shall be authorized to make an annual tax levy for
 36 a period not to exceed _____ years at a mill rate not to exceed _____ mill(s) upon the taxable
 37 tangible property in the school district for the purpose of developing, implementing or
 38 enhancing technology education programs and for acquiring equipment necessary for such
 39 programs and for the purpose of paying a portion of the principal and interest on bonds
 40 issued by cities under the authority of K.S.A. 12-1774, and amendments thereto, for the
 41 financing of redevelopment projects upon property located within the school district. The
 42 tax levy authorized by this resolution may be made, unless a petition in opposition to the
 43 same, signed by not less than 5% of the qualified electors of the school district, is filed with

1 the county election officer of the home county of the school district within 30 days after the
 2 last publication of this resolution. If a petition is filed, the county election officer shall submit
 3 the question of whether the tax levy shall be authorized to the electors in the school district
 4 at an election called for the purpose or at the next general election, as is specified by the
 5 board of education of the above school district.

6 CERTIFICATE

7 This is to certify that the above resolution was duly adopted by the board of education of
 8 Unified School District No. _____, _____ County, Kansas, on the ____ day of
 9 _____, (year) ____.

10 _____
 11 Clerk of the above board of education.

12 All of the blanks in the above resolution shall be appropriately filled.
 13 The blank preceding the word years shall be filled with a specific number,
 14 and the blank preceding the word mill(s) shall be filled with a specific
 15 number or fraction of a number, and no word shall be inserted in either
 16 of the blanks. The resolution shall be published once a week for two
 17 consecutive weeks in a newspaper having general circulation in the school
 18 district. If no petition as specified above is filed in accordance with the
 19 provisions of the resolution, the board of education may make the tax
 20 levy specified in the resolution. If a petition is filed as provided in the
 21 resolution, the board of education may notify the county election officer
 22 of the date of an election to be held to submit the question of whether
 23 the tax levy shall be authorized. If the board of education fails to notify
 24 the county election officer within 60 days after a petition is filed, the
 25 resolution shall be deemed abandoned and no like resolution shall be
 26 adopted by the board of education within the nine months following the
 27 first publication of the resolution.

28 New Sec. 33. Bonds issued under authority of this act shall not be
 29 subject to or within any bonded debt limitation prescribed by law and, in
 30 determining the amount of bonded indebtedness of any school district,
 31 bonds issued under this act shall not be considered.

32 New Sec. 34. If any school district is unconditionally authorized to
 33 make a technology education tax levy, but the board of education of such
 34 school district chooses, in any year, not to make such tax levy, or chooses
 35 to make a smaller tax levy for such purpose, such board of education may
 36 do so. If the board of education of any school district refrains from making
 37 a levy in any one or more years or refrains from making the full levy which
 38 it is authorized to make under section 26, and amendments thereto, the
 39 authority of such school district to make a technology education tax levy
 40 shall not thereby be extended beyond the original period authorized un-
 41 der section 26, and amendments thereto, nor shall the mill rate of the tax
 42 authorized in any succeeding year be increased thereby.

43 New Sec. 35. Whenever the board of education of any school district

1 has been unconditionally authorized to make a technology education tax
2 levy and the tax was levied at a lesser mill rate than two mills or for a
3 lesser number of years than six, the board of education may renew its
4 authority to make such tax levy under the same procedure as is provided
5 in section 26, and amendments thereto, for the initial authorization and
6 subject to the same conditions and for the same purposes as provided in
7 section 26, and amendments thereto, and shall be authorized to make an
8 additional tax levy as authorized for the remainder of the six years suc-
9 ceeding the initial authorization. Any such renewed authorization shall be
10 limited in amount as specified in section 26, and amendments thereto,
11 less such amount as has been initially authorized, and not to exceed two
12 mills in any one year. If any such tax levy is approved under the conditions
13 specified in section 26, and amendments thereto, the amount of bonds
14 which may be issued under section 26, and amendments thereto, may be
15 increased accordingly.

16 New Sec. 36. The board of education of any school district which
17 has made a tax levy under section 26, and amendments thereto, may at
18 any time after the final levy is certified to the county clerk under any
19 current authorization, initiate procedures to renew its authority to make
20 a like annual tax levy in the amount and upon the conditions and in the
21 manner specified in section 26, and amendments thereto, and at six-year
22 intervals thereafter may in like manner and on like conditions renew such
23 levy for successive six-year periods.

24 New Sec. 37. Any school district which is authorized to make a tax
25 levy under section 34, and amendments thereto, may issue and sell gen-
26 eral obligation bonds based upon and in lieu of making all or part of such
27 tax levy.

28 New Sec. 38. Any moneys in a fund which is repealed by this act
29 which does not have a fund created by this act for the same or similar
30 usage shall be transferred to the district general fund and shall be used
31 for the purposes established for such repealed fund.

32 New Sec. 39. Any references to the school district finance and qual-
33 ity performance act repealed by this act, in statutes or rules and regula-
34 tions, shall be deemed to refer to the school district equalization act.

35 Sec. 40. K.S.A. 12-1677 is hereby amended to read as follows: 12-
36 1677. (a) Except as otherwise required by state or federal law, all moneys
37 earned and collected from investments by counties, area vocational-tech-
38 nical schools and quasi-municipal corporations authorized in this act shall
39 be credited to the general fund of such county, area vocational-technical
40 school or quasi-municipal corporation by the treasurer thereof, and all
41 moneys earned and collected from investments by school districts au-
42 thorized in this act shall be credited in accordance with the provisions of
43 ~~K.S.A. 72-6427~~ section 18, and amendments thereto.

1 (b) The treasurer of each county, school district, area vocational-tech-
2 nical school or quasi-municipal corporation shall maintain a complete rec-
3 ord of all investments authorized in this act and shall make a quarterly
4 written report of such record to the governing body of such county, school
5 district, area vocational-technical school or quasi-municipal corporation.

6 Sec. 41. K.S.A. 12-1742 is hereby amended to read as follows: 12-
7 1742. Such agreements shall provide for a rental sufficient to repay the
8 principal of and the interest on the revenue bonds. Such agreements also
9 may provide that the lessee shall reimburse the city or county for its actual
10 costs of administering and supervising the issue. The city or county may
11 charge an origination fee. Such fee shall not be deemed a payment in lieu
12 of taxes hereunder. Such fee shall be used exclusively for local economic
13 development activities but shall not be used to pay any administrative
14 costs of the city or county. Except for the origination fee, all other fees
15 paid in excess of such actual costs and any other obligation assumed under
16 the contract shall be deemed payments in lieu of taxes and distributed as
17 provided herein. If the agreement provides for a payment in lieu of taxes
18 to the city or county, such payment, immediately upon receipt of same,
19 shall be transmitted by the city or county to the county treasurer of the
20 county in which the city is located. Payments in lieu of taxes received
21 pursuant to agreements entered into after the effective date of this act
22 shall include all fees or charges paid for services normally and customarily
23 paid from the proceeds of general property tax levies, except for extraor-
24 dinary services provided for the facility or an extraordinary level of serv-
25 ices required by a facility. Payments in lieu of taxes may be required only
26 upon property for which an exemption from ad valorem property taxes
27 has been granted by the state board of tax appeals. The county treasurer
28 shall apportion such payment among the taxing subdivisions of this state
29 in the territory in which the facility is located. Any payment in lieu of
30 taxes shall be divided by the county treasurer among such taxing subdivi-
31 sions in the same proportion that the amount of the total mill levy of
32 each individual taxing subdivision bears to the aggregate of such levies of
33 all the taxing subdivisions among which the division is to be made. The
34 county treasurer shall pay such amounts to the taxing subdivisions at the
35 same time or times as their regular operating tax rate mill levy is paid to
36 them. Based upon the assessed valuation which such facility would have
37 if it were upon the tax rolls of the county, the county clerk shall compute
38 the total of the property taxes which would be levied upon such facility
39 by all taxing subdivisions within which the facility is located if such prop-
40 erty were taxable. *The valuation of the facility shall not be included in the*
41 *computation of the adjusted valuation of a school district under the pro-*
42 *visions of section 2, and amendments thereto.*

43 Sec. 42. K.S.A. 31-144 is hereby amended to read as follows: 31-144.

1 (a) As used in this act, “school building” means any building or structure
2 operated or used for any purpose by, or located upon the land of, any
3 school district, community college district, area vocational school, area
4 vocational-technical school, institution under the state board of regents
5 or any private or nonpublic school, college or university, whether or not
6 operated for profit. The term school building does not include within its
7 meaning any single-family dwelling or duplex constructed as part of a
8 vocational education program or construction trades class if such single-
9 family dwelling or duplex is to be sold, after its construction, for private
10 use.

11 (b) All school buildings shall be inspected at least once each year. In
12 all cities of the first and second class in which there is a full-time fire
13 chief or full-time fire inspector, the inspection of the school buildings
14 shall be conducted by such chief or inspector. The chief or inspector shall
15 report the findings from the inspection to the state fire marshal within
16 30 days after such inspection. In all other cases, school buildings shall be
17 inspected by the state fire marshal or the fire marshal’s authorized assis-
18 tants.

19 (c) The state fire marshal shall order the governing body having con-
20 trol of any school building or facility thereof to correct any condition in
21 such building or facility which is in violation of this act, or any condition
22 which the fire marshal deems dangerous, or which in any way prevents a
23 speedy exit from such building. After any such order is rendered, such
24 governing body shall make the changes required to comply therewith. A
25 board of education of any school district is hereby authorized to make
26 expenditures from its general fund or capital outlay fund to comply with
27 such order, or the board may issue no-fund warrants in such amounts as
28 are necessary to pay expenses incurred in complying with such order.
29 Such no-fund warrants shall be issued, registered, paid and redeemed
30 and bear interest as provided by K.S.A. 79-2940, and amendments
31 thereto, except that the approval of the state board of tax appeals shall
32 not be required. Such warrants shall recite that they are issued by the
33 board of education of the school district under authority of this act. Any
34 board of education issuing warrants hereunder shall make a tax levy at
35 the same time as other tax levies are made, after such warrants are issued,
36 sufficient to pay such warrants and the interest thereon. *Moneys paid*
37 *from funds obtained under authority of this subsection may be expended*
38 *outside of and in addition to all of the limitations prescribed by the school*
39 *district equalization act.*

40 (d) Whenever a board of education receives an order from the state
41 fire marshal pursuant to subsection (c), the board, in lieu of repairing or
42 remodeling the school building or facility as ordered by the state fire
43 marshal, may close such building or facility as an attendance center.

1 Whenever any board of education finds that any such order of the state
2 fire marshal involves a cost in excess of that which the board of education
3 finds the school district can afford, or that the changes ordered are un-
4 warranted or unnecessary, the board may petition for review of such order
5 in the district court of the home county of such school district. Upon
6 receiving such petition, the district court shall appoint three disinterested
7 commissioners, one of whom shall be a licensed architect. The commis-
8 sioners shall inspect the building or facility affected by the order and
9 report to the court its findings of fact as to the necessity for the improve-
10 ments or changes ordered by the state fire marshal, together with the
11 estimated cost of each such improvement or change and such other rec-
12 ommendations as the commissioners deem advisable. Upon receiving
13 such findings of fact and recommendations, or any other evidence relating
14 to the petition for review, the court shall enter its order affirming, re-
15 versing or modifying the order of the state fire marshal. Such order of
16 the court may be reviewed by the appellate courts in the same manner
17 as other orders and judgments of the district court may be reviewed.

18 (e) Except as provided in subsection (d), any action of the state fire
19 marshal pursuant to this section is subject to review in accordance with
20 the act for judicial review and civil enforcement of agency actions.

21 Sec. 43. K.S.A. 2004 Supp. 72-978 is hereby amended to read as
22 follows: 72-978. (a) (1) In each school year, in accordance with appropri-
23 ations for special education and related services provided under this act,
24 each school district which has provided special education and related
25 services in compliance with the provisions of this act shall be entitled to
26 receive:

27 (A) Reimbursement for actual travel allowances paid to special teach-
28 ers at not to exceed the rate specified under K.S.A. 75-3203, and amend-
29 ments thereto, for each mile actually traveled during the school year in
30 connection with duties in providing special education or related services
31 for exceptional children; such reimbursement shall be computed by the
32 state board by ascertaining the actual travel allowances paid to special
33 teachers by the school district for the school year and shall be in an
34 amount equal to 80% of such actual travel allowances;

35 (B) reimbursement in an amount equal to 80% of the actual travel
36 expenses incurred for providing transportation for exceptional children to
37 special education or related services; such reimbursement shall not be
38 paid if such child has been counted in determining the transportation
39 ~~weighting of aid received by the district under the provisions of the school~~
40 ~~district finance and quality performance act section 5, and amendments~~
41 ~~thereto;~~

42 (C) reimbursement in an amount equal to 80% of the actual expenses
43 incurred for the maintenance of an exceptional child at some place other

1 than the residence of such child for the purpose of providing special
2 education or related services; such reimbursement shall not exceed \$600
3 per exceptional child per school year; and
4 (D) except for those school districts entitled to receive reimburse-
5 ment under subsection (b) or (c), after subtracting the amounts of re-
6 imbursement under paragraphs (A), (B) and (C) of this subsection (a)
7 from the total amount appropriated for special education and related
8 services under this act, an amount which bears the same proportion to
9 the remaining amount appropriated as the number of full-time equivalent
10 special teachers who are qualified to provide special education or related
11 services to exceptional children and are employed by the school district
12 for approved special education or related services bears to the total num-
13 ber of such qualified full-time equivalent special teachers employed by
14 all school districts for approved special education or related services.
15 (2) Each special teacher who is qualified to assist in the provision of
16 special education or related services to exceptional children shall be
17 counted as $\frac{2}{5}$ full-time equivalent special teacher who is qualified to pro-
18 vide special education or related services to exceptional children.
19 (b) Each school district which has paid amounts for the provision of
20 special education and related services under an interlocal agreement shall
21 be entitled to receive reimbursement under subsection (a)(1)(D). The
22 amount of such reimbursement for the district shall be the amount which
23 bears the same relation to the aggregate amount available for reimburse-
24 ment for the provision of special education and related services under the
25 interlocal agreement, as the amount paid by such district in the current
26 school year for provision of such special education and related services
27 bears to the aggregate of all amounts paid by all school districts in the
28 current school year who have entered into such interlocal agreement for
29 provision of such special education and related services.
30 (c) Each contracting school district which has paid amounts for the
31 provision of special education and related services as a member of a co-
32 operative shall be entitled to receive reimbursement under subsection
33 (a)(1)(D). The amount of such reimbursement for the district shall be the
34 amount which bears the same relation to the aggregate amount available
35 for reimbursement for the provision of special education and related serv-
36 ices by the cooperative, as the amount paid by such district in the current
37 school year for provision of such special education and related services
38 bears to the aggregate of all amounts paid by all contracting school dis-
39 tricts in the current school year by such cooperative for provision of such
40 special education and related services.
41 (d) No time spent by a special teacher in connection with duties
42 performed under a contract entered into by the Kansas juvenile correc-
43 tional complex, the Atchison juvenile correctional facility, the Beloit ju-

- 1 venile correctional facility, the Larned juvenile correctional facility, or the
2 Topeka juvenile correctional facility and a school district for the provision
3 of special education services by such state institution shall be counted in
4 making computations under this section.
- 5 Sec. 44. K.S.A. 72-1046b is hereby amended to read as follows: 72-
6 1046b. (a) As used in this section:
- 7 (1) "School district" means a school district organized and operating
8 under the laws of this state and no part of which is located in Johnson
9 county, Sedgwick county, Shawnee county, or Wyandotte county.
- 10 (2) "Receiving school district" means a school district of nonresi-
11 dence of a pupil.
- 12 (3) "Sending school district" means a school district of residence of
13 a pupil.
- 14 (4) "Pupil" means a person who is enrolled and in attendance at
15 school in a receiving school district and who (A) lives 10 or more miles
16 from the attendance center the pupil would attend in a sending school
17 district and nearer to an appropriate attendance center in a receiving
18 school district or (B) is a member of the family of a pupil meeting the
19 condition prescribed in subpart (A).
- 20 (5) "Member of the family" means a brother or sister of the whole
21 or half blood or by adoption, a stepbrother or sister, and a foster brother
22 or sister.
- 23 (b) The parent or legal guardian of any pupil may apply to the board
24 of education of a sending school district on or before July 15 of the current
25 school year for authority for such pupil to be furnished or provided trans-
26 portation to school from the pupil's residence and from school to the
27 pupil's residence by the receiving school district. The application shall be
28 made upon forms prescribed by the state board of education.
- 29 (c) Upon receiving any application under this section, the board of
30 education of a sending school district shall inquire of the receiving school
31 district whether it is willing to furnish or provide transportation for the
32 pupil named in the application. If the board of education of the sending
33 school district determines that the receiving school district is willing to
34 furnish or provide transportation for the pupil and the board of education
35 of the sending school district and the board of education of the receiving
36 school district agree that the pupil is a pupil as defined in subsection
37 (a)(4)(A) or (B), the board of the sending school district shall issue an
38 order authorizing the furnishing or provision of transportation by the
39 receiving school district for the affected pupil to school from the pupil's
40 residence and to the pupil's residence from school.
- 41 (d) Pupils attending school in a receiving school district under the
42 provisions of this section shall be counted as regularly enrolled in and
43 attending school in the receiving school district for the purpose of com-

1 putations, except computation of *state* transportation ~~weighting aid~~, un-
2 der the school district ~~finance and quality performance equalization act~~
3 and for the purposes of the statutory provisions contained in article 83 of
4 chapter 72 of Kansas Statutes Annotated. No such pupil shall be charged
5 for the costs of attendance at school in a receiving school district.

6 Sec. 45. K.S.A. 72-1398 is hereby amended to read as follows: 72-
7 1398. (a) The national board for professional teaching standards certifi-
8 cation incentive program is hereby established for the purpose of re-
9 warding teachers who have attained certification from the national board.
10 Teachers who have attained certification from the national board shall be
11 issued a master teacher's certificate by the state board of education. A
12 master teacher's certificate shall be valid for 10 years and renewable
13 thereafter every 10 years through compliance with continuing education
14 and professional development requirements prescribed by the state
15 board. Teachers who have attained certification from the national board
16 and who are employed by a school district shall be paid an incentive bonus
17 in the amount of \$1,000 each school year, not exceeding 10 years, that
18 the teacher remains employed by a school district and retains a valid
19 master teacher's certificate.

20 (b) The board of education of each school district employing one or
21 more national board certified teachers shall pay the incentive bonus to
22 each such teacher in each school year that the teacher retains eligibility
23 for such payment. Each board of education which has made payments of
24 incentive bonuses to national board certified teachers under this subsec-
25 tion may file an application with the state board of education for state aid
26 and shall certify to the state board the amount of such payments. The
27 application and certification shall be on a form prescribed and furnished
28 by the state board, shall contain such information as the state board shall
29 require and shall be filed at the time specified by the state board.

30 (c) In each school year, each school district employing one or more
31 national board certified teachers is entitled to receive from appropriations
32 for the national board for professional teaching standards certification
33 incentive program an amount which is equal to the amount certified to
34 the state board of education in accordance with the provisions of subsec-
35 tion (b). The state board shall certify to the director of accounts and
36 reports the amount due each school district. The director of accounts and
37 reports shall draw warrants on the state treasurer payable to the treasurer
38 of each school district entitled to payment under this section upon vouch-
39 ers approved by the state board.

40 (d) Moneys received by a board of education under this section shall
41 be deposited in the general fund of the school district. Moneys deposited
42 in the general fund of the school district under this subsection shall be
43 considered reimbursements to the district for the purpose of the school

1 district ~~finance and quality performance~~ *equalization* act and may be ex-
2 pended whether the same have been budgeted or not.

3 (e) As used in this section, the term school district means any school
4 district organized and operating under the laws of this state.

5 Sec. 46. K.S.A. 72-1414 is hereby amended to read as follows: 72-
6 1414. (a) ~~On or before January 1, 2001,~~ The state board of education shall
7 adopt rules and regulations for the administration of mentor teacher pro-
8 grams and shall:

9 (1) Establish standards and criteria for evaluating and approving
10 mentor teacher programs and applications of school districts for grants;

11 (2) evaluate and approve mentor teacher programs;

12 (3) establish criteria for determination of exemplary teaching ability
13 of certificated teachers for qualification as mentor teachers;

14 (4) prescribe guidelines for the selection by boards of education of
15 mentor teachers and for the provision by boards of education of training
16 programs for mentor teachers;

17 (5) be responsible for awarding grants to school districts; and

18 (6) request of and receive from each school district which is awarded
19 a grant for maintenance of a mentor teacher program reports containing
20 information with regard to the effectiveness of the program.

21 (b) Subject to the availability of appropriations for mentor teacher
22 programs maintained by school districts, and within the limits of any such
23 appropriations, the state board of education shall determine the amount
24 of grants to be awarded school districts by multiplying an amount not to
25 exceed \$1,000 by the number of mentor teachers participating in the
26 program maintained by a school district. The product is the amount of
27 the grant to be awarded to the district. Upon receipt of a grant of state
28 moneys for maintenance of a mentor teacher program, the amount of the
29 grant shall be deposited in the general fund of the school district. Moneys
30 deposited in the general fund of a school district under this subsection
31 shall be considered reimbursements for the purpose of the school district
32 ~~finance and quality performance~~ *equalization* act. The full amount of the
33 grant shall be allocated among the mentor teachers employed by the
34 school district so as to provide a mentor teacher with an annual stipend
35 in an amount not to exceed \$1,000. Such annual stipend shall be over and
36 above the regular salary to which the mentor teacher is entitled for the
37 school year.

38 Sec. 47. K.S.A. 72-5333b is hereby amended to read as follows: 72-
39 5333b. (a) The unified school district maintaining and operating a school
40 on the Fort Leavenworth military reservation, being unified school dis-
41 trict No. 207 of Leavenworth county, state of Kansas, shall have a gov-
42 erning body, which shall be known as the "Fort Leavenworth school dis-
43 trict board of education" and which shall consist of three members who

1 shall be appointed by, and serve at the pleasure of the commanding gen-
2 eral of Fort Leavenworth. One member of the board shall be the presi-
3 dent and one member shall be the vice-president. The commanding gen-
4 eral, when making any appointment to the board, shall designate which
5 of the offices the member so appointed shall hold. Except as otherwise
6 expressly provided in this section, the district board and the officers
7 thereof shall have and may exercise all the powers, duties, authority and
8 jurisdiction imposed or conferred by law on unified school districts and
9 boards of education thereof, except such school district shall not offer or
10 operate any of grades 10 through 12.

11 (b) The board of education of the school district shall not have the
12 power to issue bonds.

13 (c) Except as otherwise expressly provided in this subsection, the pro-
14 visions of the school district ~~finance and quality performance~~ *equalization*
15 *act and 72-6439, and amendments thereto*, apply to the school district.
16 As applied to the school district, the terms local effort and federal impact
17 aid shall not include any moneys received by the school district under
18 subsection (3)(d)(2)(b) of public law 81-874. Any such moneys received
19 by the school district shall be deposited in the general fund of the school
20 district or, at the discretion of the board of education, in the capital outlay
21 fund of the school district.

22 Sec. 48. K.S.A. 72-5390 is hereby amended to read as follows: 72-
23 5390. (a) The board of education of any school district may prescribe,
24 assess and collect fees and supplemental charges for:

25 (1) The use, rental or purchase by pupils of any of the items desig-
26 nated in K.S.A. 72-5389, and amendments thereto, to offset, in part or in
27 total, the expense of purchasing such items; and

28 (2) participation in activities, or the use of facilities, materials and
29 equipment, which participation or use is not mandatory, but optional to
30 pupils, whether incidental to curricular, extracurricular or other school-
31 related activities.

32 (b) Except as otherwise provided in this section, moneys received by
33 a board of education under this section shall be deposited in the general
34 fund of the school district and shall be considered reimbursements to the
35 district for the purpose of the school district ~~finance and quality perform-~~
36 ~~ance~~ *equalization* act and may be expended whether the same have been
37 budgeted or not and amounts so expended shall not be considered op-
38 erating expenses.

39 (c) Moneys received by a board of education under this section for
40 the use, rental or purchase by pupils of any of the items designated in
41 paragraph (a) of K.S.A. 72-5389, and amendments thereto, may be de-
42 posited in the revolving fund established by the board for the purpose of
43 purchasing textbooks under the provisions of article 41 of chapter 72 of

1 Kansas Statutes Annotated, and the board may expend moneys from such
2 revolving fund for the purpose of purchasing the items.

3 (d) The board of education may establish a revolving fund for the
4 purpose of purchasing any of the items designated in paragraphs (b)
5 through (e) of K.S.A. 72-5389, and amendments thereto, and moneys
6 received by the board of education under this section for use, rental or
7 purchase by pupils of any of the items may be deposited in such revolving
8 fund.

9 Sec. 49. K.S.A. 72-6622 is hereby amended to read as follows: 72-
10 6622. ~~In the event that~~ If all of the property acquired by any two cities
11 under the provisions of K.S.A. 3-404 *et seq.*, and amendments thereto, is
12 included within the territory of a unified school district in which only one
13 of such cities is located:

14 (a) One-half of the assessed valuation of such property shall be as-
15 signed to each of the two school districts in which such cities are located
16 for the purposes of determining the assessed valuation of each district for
17 (1) entitlement to ~~supplemental general~~ state aid under the school district
18 ~~finance and quality performance~~ *equalization* act, and (2) entitlement to
19 payment from the school district capital improvements fund;

20 (b) The revenue to be received by each district under subsection (c)
21 shall be used as a receipt by such district in computing its ad valorem tax
22 requirement for each tax levy fund; and

23 (c) Such property shall be subject to taxation for school purposes at
24 a rate equal to the aggregate of all rates imposed for school purposes
25 upon property located within the school district in which such property
26 is located, but one-half of the proceeds derived from such levy shall be
27 allocated to each of the two school districts in which such cities are lo-
28 cated.

29 Sec. 50. K.S.A. 72-6757 is hereby amended to read as follows: 72-
30 6757. (a) As used in this section:

31 (1) "Receiving school district" means a school district of nonresi-
32 dence of a pupil who attends school in such school district.

33 (2) "Sending school district" means a school district of residence of
34 a pupil who attends school in a school district not of the pupil's residence.

35 (b) The board of education of any school district may make and enter
36 into contracts with the board of education of any receiving school district
37 located in this state for the purpose of providing for the attendance of
38 pupils at school in the receiving school district.

39 (c) The board of education of any school district may make and enter
40 into contracts with the governing authority of any accredited school dis-
41 trict located in another state for the purpose of providing for the attend-
42 ance of pupils from this state at school in such other state or for the
43 attendance of pupils from such other state at school in this state.

1 (d) Pupils attending school in a receiving school district in accordance
2 with a contract authorized by this section and made and entered into by
3 such receiving school district with a sending school district located in this
4 state shall be counted as regularly enrolled in and attending school in the
5 sending school district for the purpose of computations under the school
6 district ~~finance and quality performance~~ *equalization* act.

7 (e) Any contract made and entered into under authority of this sec-
8 tion is subject to the following conditions:

9 (1) The contract shall be for the benefit of pupils who reside at in-
10 convenient or unreasonable distances from the schools maintained by the
11 sending school district or for pupils who, for any other reason deemed
12 sufficient by the board of education of the sending school district, should
13 attend school in a receiving school district;

14 (2) the contract shall make provision for the payment of tuition by
15 the sending school district to the receiving school district;

16 (3) if a sending school district is located in this state and the receiving
17 school district is located in another state, the amount of tuition provided
18 to be paid for the attendance of a pupil or pupils at school in the receiving
19 school district shall not exceed $\frac{1}{2}$ of the amount of the budget per pupil
20 of the sending school district under the school district ~~finance and quality~~
21 ~~performance~~ *equalization* act for the current school year; and

22 (4) the contract shall make provision for transportation of pupils to
23 and from the school attended on every school day.

24 (f) Amounts received pursuant to contracts made and entered into
25 under authority of this section by a school district located in this state for
26 enrollment and attendance of pupils at school in regular educational pro-
27 grams shall be deposited in the general fund of the school district.

28 (g) The provisions of subsection (e)(3) do not apply to unified school
29 district No. 104, Jewell county.

30 (h) The provisions of this section do not apply to contracts made and
31 entered into under authority of the special education for exceptional chil-
32 dren act.

33 (i) The provisions of this section are deemed to be alternative to the
34 provisions of K.S.A. 72-8233, and amendments thereto, and no procedure
35 or authorization under K.S.A. 72-8233, and amendments thereto, shall be
36 limited by the provisions of this section.

37 Sec. 51. K.S.A. 72-8187 is hereby amended to read as follows: 72-
38 8187. (a) In each school year, to the extent that appropriations are avail-
39 able, each school district which has provided educational services for pu-
40 pils residing at the Flint Hills job corps center or for pupils confined in
41 a juvenile detention facility is eligible to receive a grant of state moneys
42 in an amount to be determined by the state board of education.

43 (b) In order to be eligible for a grant of state moneys provided for by

1 this section, each school district which has provided educational services
2 for pupils residing at the Flint Hills job corps center or for pupils confined
3 in a juvenile detention facility shall submit to the state board of education
4 an application for a grant and shall certify the amount expended, and not
5 reimbursed or otherwise financed, in the school year for the services
6 provided. The application and certification shall be prepared in such form
7 and manner as the state board shall require and shall be submitted at a
8 time to be determined and specified by the state board. Approval by the
9 state board of applications for grants of state moneys is prerequisite to
10 the award of grants.

11 (c) Each school district which is awarded a grant under this section
12 shall make such periodic and special reports of statistical and financial
13 information to the state board as it may request.

14 (d) All moneys received by a school district under authority of this
15 section shall be deposited in the general fund of the school district and
16 shall be considered reimbursement of the district for the purpose of the
17 school district ~~finance and quality performance~~ *equalization* act.

18 (e) The state board of education shall approve applications of school
19 districts for grants, determine the amount of grants and be responsible
20 for payment of grants to school districts. In determining the amount of a
21 grant which a school district is eligible to receive, the state board shall
22 compute the amount of state financial aid the district would have received
23 on the basis of enrollment of pupils residing at the Flint Hills job corps
24 center or confined in a juvenile detention facility if such pupils had been
25 counted as two pupils under the school district ~~finance and quality per-~~
26 ~~formance~~ *equalization* act and compare such computed amount to the
27 amount certified by the district under subsection (b). The amount of the
28 grant the district is eligible to receive shall be an amount equal to the
29 lesser of the amount computed under this subsection or the amount cer-
30 tified under subsection (b). If the amount of appropriations for the pay-
31 ment of grants under this section is insufficient to pay in full the amount
32 each school district is determined to be eligible to receive for the school
33 year, the state board shall prorate the amount appropriated among all
34 school districts which are eligible to receive grants of state moneys in
35 proportion to the amount each school district is determined to be eligible
36 to receive.

37 (f) As used in this section:

38 (1) "Enrollment" means the number of pupils who are residing at the
39 Flint Hills job corps center or who are confined in a juvenile detention
40 facility and for whom a school district is providing educational services
41 on September 20, on November 20, or on April 20 of a school year,
42 whichever is the greatest number of pupils; and

43 (2) "juvenile detention facility" shall have the meaning ascribed

1 thereto by K.S.A. 72-6407, and amendments thereto.

2 Sec. 52. K.S.A. 72-8230 is hereby amended to read as follows: 72-
3 8230. (a) In the event the boards of education of any two or more school
4 districts enter into a school district interlocal cooperation agreement for
5 the purpose of jointly and cooperatively performing any of the services,
6 duties, functions, activities, obligations or responsibilities which are au-
7 thorized or required by law to be performed by school districts of this
8 state, the following conditions shall apply:

9 (1) A school district interlocal cooperation agreement shall establish
10 a board of directors which shall be responsible for administering the joint
11 or cooperative undertaking. The agreement shall specify the organization
12 and composition of and manner of appointment to the board of directors.
13 Only members of boards of education of school districts party to the
14 agreement shall be eligible for membership on the board of directors.
15 The terms of office of members of the board of directors shall expire
16 concurrently with their terms as board of education members. Vacancies
17 in the membership of the board of directors shall be filled within 30 days
18 from the date of the vacancy in the manner specified in the agreement.

19 (2) A school district interlocal cooperation agreement may provide
20 for the establishment and composition of an executive board. The mem-
21 bers of the executive board, if established, shall be selected by the board
22 of directors from its membership. The executive board shall exercise the
23 powers, have the responsibilities, and perform the duties and functions
24 of the board of directors to the extent authority to do so is delegated by
25 the board of directors.

26 (3) A school district interlocal cooperation agreement shall be effec-
27 tive only after approval by the state board of education.

28 (4) A school district interlocal cooperation agreement shall be subject
29 to change or termination by the legislature.

30 (5) The duration of a school district interlocal cooperation agreement
31 for joint or cooperative action in performing any of the services, duties,
32 functions, activities, obligations or responsibilities, other than the provi-
33 sion of special education services, which are authorized or required by
34 law to be performed by school districts of this state, shall be for a term
35 of at least three years but not exceeding five years.

36 (6) (A) The duration of a school district interlocal cooperation agree-
37 ment for joint or cooperative action in providing special education serv-
38 ices shall be perpetual unless the agreement is partially or completely
39 terminated in accordance with this provision. This provision applies to
40 every school district interlocal cooperation agreement for the provision
41 of special education services entered into under authority of this section
42 after the effective date of this act and to every such agreement entered
43 into under this section prior to the effective date of this act, and extant

1 on the effective date of this act, regardless of any provisions in such an
2 agreement to the contrary.

3 (B) Partial termination of a school district interlocal cooperation
4 agreement for the provision of special education services made and en-
5 tered into by the boards of three or more school districts may be accom-
6 plished only upon petition for withdrawal from the agreement by a con-
7 tracting school district to the other contracting school districts and
8 approval by the state board of written consent to the petition by such
9 other school districts or upon order of the state board after appeal to it
10 by a school district from denial of consent to a petition for withdrawal
11 and hearing thereon conducted by the state board. The state board shall
12 consider all the testimony and evidence brought forth at the hearing and
13 issue an order approving or disapproving withdrawal by the school district
14 from the agreement.

15 (C) Complete termination of a school district interlocal cooperation
16 agreement for the provision of special education services made and en-
17 tered into by the boards of two school districts may be accomplished upon
18 approval by the state board of a joint petition made to the state board for
19 termination of the agreement by both of the contracting school districts
20 after adoption of a resolution to that effect by each of the contracting
21 school districts or upon petition for withdrawal from the agreement made
22 by a contracting school district to the other contracting school district and
23 approval by the state board of written consent to the petition by such
24 other school district or upon order of the state board after appeal to it by
25 a school district from denial of consent to a petition for withdrawal and
26 hearing thereon conducted by the state board. The state board shall con-
27 sider all the testimony and evidence brought forth at the hearing and
28 issue an order approving or disapproving withdrawal by the school district
29 from the agreement.

30 (D) Complete termination of a school district interlocal cooperation
31 agreement for the provision of special education services made and en-
32 tered into by the boards of three or more school districts may be accom-
33 plished only upon approval by the state board of a joint petition made to
34 the state board for termination of the agreement by not less than $\frac{2}{3}$ of
35 the contracting school districts after adoption of a resolution to that effect
36 by each of the contracting school districts seeking termination of the
37 agreement. The state board shall consider the petition and approve or
38 disapprove termination of the agreement.

39 (E) The state board shall take such action in approving or disapprov-
40 ing the complete or partial termination of a school district interlocal co-
41 operation agreement for the provision of special education services as the
42 state board deems to be in the best interests of the involved school dis-
43 tricts and of the state as a whole in the provision of special education

1 services for exceptional children. Whenever the state board has disap-
2 proved the complete or partial termination of such an agreement, no
3 further action with respect to such agreement shall be considered or taken
4 by the state board for a period of not less than three years.

5 (7) A school district interlocal cooperation agreement shall specify
6 the method or methods to be employed for disposing of property upon
7 partial or complete termination.

8 (8) Within the limitations provided by law, a school district interlocal
9 cooperation agreement may be changed or modified by affirmative vote
10 of not less than $\frac{2}{3}$ of the contracting school districts.

11 (b) Except as otherwise specifically provided in this subsection, any
12 power or powers, privileges or authority exercised or capable of exercise
13 by any school district of this state, or by any board of education thereof,
14 may be jointly exercised pursuant to the provisions of a school district
15 interlocal cooperation agreement. No power or powers, privileges or au-
16 thority with respect to the levy and collection of taxes, the issuance of
17 bonds, or the purposes and provisions of the school district ~~finance and~~
18 ~~quality performance equalization~~ act or title I of public law 874 shall be
19 created or effectuated for joint exercise pursuant to the provisions of a
20 school district interlocal cooperation agreement.

21 (c) Payments from the general fund of each school district which
22 enters into any school district interlocal cooperation agreement for the
23 purpose of financing the joint or cooperative undertaking provided for by
24 the agreement shall be operating expenses.

25 (d) Upon partial termination of a school district interlocal cooperation
26 agreement, the board of directors established under a renegotiated agree-
27 ment thereof shall be the successor in every respect to the board of di-
28 rectors established under the former agreement.

29 (e) Nothing contained in this section shall be construed to abrogate,
30 interfere with, impair, qualify or affect in any manner the exercise and
31 enjoyment of all of the powers, privileges and authority conferred upon
32 school districts and boards of education thereof by the provisions of the
33 interlocal cooperation act, except that boards of education and school
34 districts are required to comply with the provisions of this section when
35 entering into an interlocal cooperation agreement that meets the defini-
36 tion of school district interlocal cooperation agreement.

37 (f) As used in this section:

38 (1) "School district interlocal cooperation agreement" means an
39 agreement which is entered into by the boards of education of two or
40 more school districts pursuant to the provisions of the interlocal coop-
41 eration act.

42 (2) "State board" means the state board of education.

43 Sec. 53. K.S.A. 72-8233 is hereby amended to read as follows: 72-

- 1 8233. (a) In accordance with the provisions of this section, the boards of
2 education of any two or more unified school districts may make and enter
3 into agreements providing for the attendance of pupils residing in one
4 school district at school in kindergarten or any of the grades one through
5 12 maintained by any such other school district. The boards of education
6 may also provide by agreement for the combination of enrollments for
7 kindergarten or one or more grades, courses or units of instruction.
- 8 (b) Prior to entering into any agreement under authority of this sec-
9 tion, the board of education shall adopt a resolution declaring that it has
10 made a determination that such an agreement should be made and that
11 the making and entering into of such an agreement would be in the best
12 interests of the educational system of the school district. Any such agree-
13 ment is subject to the following conditions:
- 14 (1) The agreement may be for any term not exceeding a term of five
15 years.
- 16 (2) The agreement shall be subject to change or termination by the
17 legislature.
- 18 (3) Within the limitations provided by law, the agreement may be
19 changed or terminated by mutual agreement of the participating boards
20 of education.
- 21 (4) The agreement shall make provision for transportation of pupils
22 to and from the school attended on every school day, for payment or
23 sharing of the costs and expenses of pupil attendance at school, and for
24 the authority and responsibility of the participating boards of education.
- 25 (c) Provision by agreements entered into under authority of this sec-
26 tion for the attendance of pupils at school in a school district of nonres-
27 idence of such pupils shall be deemed to be compliance with the kinder-
28 garden, grade, course and units of instruction requirements of law.
- 29 (d) The board of education of any school district which enters into
30 an agreement under authority of this section for the attendance of pupils
31 at school in another school district may discontinue kindergarten or any
32 or all of the grades, courses and units of instruction specified in the agree-
33 ment for attendance of pupils enrolled in kindergarten or any such grades,
34 courses and units of instruction at school in such other school district.
35 Upon discontinuing kindergarten or any grade, course or unit of instruc-
36 tion under authority of this subsection, the board of education may close
37 any school building or buildings operated or used for attendance by pupils
38 enrolled in such discontinued kindergarten, grades, courses or units of
39 instruction. The closing of any school building under authority of this
40 subsection shall require a majority vote of the members of the board of
41 education and shall require no other procedure or approval.
- 42 (e) Pupils attending school in a school district of nonresidence of such
43 pupils in accordance with an agreement made and entered into under

1 authority of this section shall be counted as regularly enrolled in and
2 attending school in the school district of residence of such pupils for the
3 purpose of computations under the school district ~~finance and quality~~
4 ~~performance~~ *equalization* act.

5 (f) Pupils who satisfactorily complete grade 12 while in attendance at
6 school in a school district of nonresidence of such pupils in accordance
7 with the provisions of an agreement entered into under authority of this
8 section shall be certified as having graduated from the school district of
9 residence of such pupils unless otherwise provided for by the agreement.

10 Sec. 54. K.S.A. 72-8236 is hereby amended to read as follows: 72-
11 8236. (a) The board of education of any school district may: (1) Establish,
12 operate and maintain a child care facility; (2) enter into cooperative or
13 interlocal agreements with one or more other boards for the establish-
14 ment, operation and maintenance of a child care facility; (3) contract with
15 private, nonprofit corporations or associations or with any public or pri-
16 vate agency or institution, whether located within or outside the state, for
17 the establishment, operation and maintenance of a child care facility; and
18 (4) prescribe and collect fees for providing care at a child care facility.

19 (b) Fees for providing care at a child care facility established under
20 authority of this section shall be prescribed and collected only to recover
21 the costs incurred as a result of and directly attributable to the establish-
22 ment, operation and maintenance of the child care facility. Revenues from
23 fees collected by a board under this section shall be deposited in the
24 general fund of the school district and shall be considered reimburse-
25 ments to the district for the purpose of the school district ~~finance and~~
26 ~~quality performance~~ *equalization* act and may be expended whether the
27 same have been budgeted or not and amounts so expended shall not be
28 considered operating expenses.

29 (c) Every school district which establishes, operates and maintains a
30 child care facility shall be subject to the provisions contained in article 5
31 of chapter 65 of Kansas Statutes Annotated.

32 (d) As used in this section, the term "child" means any child who is
33 three years of age or older, and any infant or toddler whose parent or
34 parents are pupils or employees of a school district which establishes,
35 operates and maintains, or cooperates in the establishment, operation and
36 maintenance of, a child care facility under authority of this act.

37 Sec. 55. K.S.A. 2004 Supp. 72-8302 is hereby amended to read as
38 follows: 72-8302. (a) The board of education of a school district may
39 provide or furnish transportation for pupils who are enrolled in the school
40 district to or from any school of the school district or to or from any
41 school of another school district attended by such pupils in accordance
42 with the provisions of an agreement entered into under authority of
43 K.S.A. 72-8233, and amendments thereto.

- 1 (b) (1) When any or all of the conditions specified in this provision
2 exist, the board of education of a school district shall provide or furnish
3 transportation for pupils who reside in the school district and who attend
4 any school of the school district or who attend any school of another
5 school district in accordance with the provisions of an agreement entered
6 into under authority of K.S.A. 72-8233, and amendments thereto. The
7 conditions which apply to the requirements of this provision are as fol-
8 lows:
- 9 (A) The residence of the pupil is inside or outside the corporate limits
10 of a city, the school building attended is outside the corporate limits of a
11 city and the school building attended is more than 2½ miles by the usually
12 traveled road from the residence of the pupil; or
- 13 (B) the residence of the pupil is outside the corporate limits of a city,
14 the school building attended is inside the corporate limits of a city and
15 the school building attended is more than 2½ miles by the usually traveled
16 road from the residence of the pupil; or
- 17 (C) the residence of the pupil is inside the corporate limits of one
18 city, the school building attended is inside the corporate limits of a dif-
19 ferent city and the school building attended is more than 2½ miles by
20 the usually traveled road from the residence of the pupil.
- 21 (2) The provisions of this subsection are subject to the provisions of
22 subsections (c) and (d).
- 23 (c) The board of education of every school district is authorized to
24 adopt rules and regulations to govern the conduct, control and discipline
25 of all pupils while being transported in school buses. The board may
26 suspend or revoke the transportation privilege or entitlement of any pupil
27 who violates any rules and regulations adopted by the board under au-
28 thority of this subsection.
- 29 (d) The board of education of every school district may suspend or
30 revoke the transportation privilege or entitlement of any pupil who is
31 detained at school at the conclusion of the school day for violation of any
32 rules and regulations governing pupil conduct or for disobedience of an
33 order of a teacher or other school authority. Suspension or revocation of
34 the transportation privilege or entitlement of any pupil specified in this
35 subsection shall be limited to the school day or days on which the pupil
36 is detained at school. The provisions of this subsection do not apply to
37 any pupil who has been determined to be an exceptional child, except
38 gifted children, under the provisions of the special education for excep-
39 tional children act.
- 40 (e) (1) Subject to the limitations specified in this subsection, the
41 board of education of any school district may prescribe and collect fees
42 to offset, totally or in part, the costs incurred for the provision or fur-
43 nishing of transportation for pupils. The limitations which apply to the

1 authorization granted by this subsection are as follows:

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

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

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

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

24 Sec. 56. K.S.A. 72-8309 is hereby amended to read as follows: 72-
25 8309. (a) The board of education of a school district shall not furnish or
26 provide transportation for pupils or students who reside in another school
27 district except in accordance with the written consent of the board of
28 education of the school district in which such pupil or student resides, or
29 in accordance with an order issued by a board of education under the
30 provisions of K.S.A. 72-1046b, and amendments thereto, or in accordance
31 with the provisions of an agreement entered into under authority of
32 K.S.A. 72-8233, and amendments thereto.

33 (b) A school district may transport a nonresident pupil or student if
34 such pupil or student boards the school bus within the boundaries or on
35 the boundary of the transporting school district. To the extent that the
36 provisions of this subsection conflict with the provisions of subsection (a),
37 the provisions of subsection (a) shall control.

38 (c) No pupil or student who is furnished or provided transportation
39 by a school district which is not the school district in which the pupil or
40 student resides shall be counted in the computation of the school district's
41 *state* transportation ~~weighting aid~~ under ~~article 64 of chapter 72 of Kansas~~
42 ~~Statutes Annotated~~ *the school district equalization act*.

43 Sec. 57. K.S.A. 2004 Supp. 72-8316 is hereby amended to read as

1 follows: 72-8316. (a) Any board of education, pursuant to a policy devel-
2 oped and adopted by it, may provide for the use of district-owned or
3 leased school buses when such buses are not being used for regularly
4 required school purposes. The policy may provide for:

5 (1) (A) Transporting parents and other adults to or from school-re-
6 lated functions or activities, (B) transporting pupils to or from functions
7 or activities sponsored by organizations, the membership of which is prin-
8 cipally composed of children of school age, and (C) transporting persons
9 engaged in field trips in connection with their participation in an adult
10 education program maintained by the transporting school district or by
11 any other school district, within or outside the boundaries of the trans-
12 porting school district; and

13 (2) contracting with (A) the governing body of any township, city or
14 county for transportation of individuals, groups or organizations, (B) the
15 governing authority of any nonpublic school for transportation of pupils
16 attending such nonpublic school to or from interschool or intraschool
17 functions or activities, (C) the board of trustees of any community college
18 for transportation of students enrolled in such community college to or
19 from attendance at class at the community college or to and from func-
20 tions or activities of the community college, (D) a public recreation com-
21 mission established and operated under the laws of this state, for any
22 purposes related to the operation of the recreation commission and all
23 programs and services thereof, (E) the board of education of any other
24 school district for transportation, on a cooperative and shared-cost basis,
25 of pupils, school personnel, parents and other adults to or from school-
26 related functions or activities, or (F) a four-year college or university, area
27 vocational school or area vocational-technical school for transportation of
28 students to or from attendance at class at the four-year college or uni-
29 versity, area vocational school or area vocational-technical school or for
30 transportation of students, alumni and other members of the public to or
31 from functions or activities of the four-year college or university, area
32 vocational school or area vocational-technical school.

33 (b) The costs related to the use of school buses under authority of
34 this section shall not be considered in determining the *state* transportation
35 ~~weighting aid~~ of a school district under ~~article 64 of chapter 72 of Kansas~~
36 ~~Statutes Annotated~~ *the school district equalization act*.

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

40 (d) Any revenues received by a board of education as transportation
41 fees or under any contract entered into pursuant to this section shall be
42 deposited in the general fund of the district and shall be considered re-
43 imbursements to the district for the purpose of the school district finance

1 and quality performance act. Such revenues may be expended whether
2 the same have been budgeted or not.

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

6 Sec. 58. K.S.A. 72-9504 is hereby amended to read as follows: 72-
7 9504. The state board may adopt rules and regulations for the adminis-
8 tration of this act and shall:

9 (a) Prescribe and adopt criteria and procedures for assessment and
10 identification of limited English proficient pupils including identification
11 of the specific educational deficiencies of such pupils;

12 (b) establish standards and criteria for procedures, activities and serv-
13 ices to be provided in a program to develop the English language skills
14 and to reduce the educational deficiencies of limited English proficient
15 pupils including entry and exit procedures based on the English language
16 proficiency of such pupils; and

17 (c) establish standards and criteria for reviewing, evaluating and ap-
18 proving school district programs *and applications submitted by boards of*
19 *education for state aid.*

20 Sec. 59. K.S.A. 74-32,141 is hereby amended to read as follows: 74-
21 32,141. (a) On July 1, 1999, the technical colleges, area vocational schools
22 and area vocational-technical schools established and existing under the
23 laws of this state shall be and hereby are transferred from the supervision
24 of the state board of education to supervision and coordination by the
25 state board of regents. The technical colleges, area vocational schools and
26 area vocational-technical schools shall continue to be operated, managed
27 and controlled by governing boards as provided for in article 44 of chapter
28 72 of Kansas Statutes Annotated. The state board of regents shall exercise
29 such supervision and coordination of the operation, management and con-
30 trol of technical colleges, area vocational schools and area vocational-
31 technical schools as may be prescribed by law.

32 (b) On July 1, 1999, all of the powers, duties, functions, records and
33 property of the state board of education relating to operations of technical
34 colleges, area vocational schools and area vocational-technical schools
35 shall be and are hereby transferred to and conferred and imposed upon
36 the state board of regents.

37 (c) On and after July 1, 1999, the state board of regents shall be the
38 successor in every way to the powers, duties and functions of the state
39 board of education relating to operations of technical colleges, area vo-
40 cational schools and area vocational-technical schools in which the same
41 were vested prior to July 1, 1999. Every act performed by the state board
42 of regents shall be deemed to have the same force and effect as if per-
43 formed by the state board of education in which such functions were

1 vested prior to July 1, 1999.

2 (d) On and after July 1, 1999, whenever the state board of education,
3 or words of like effect, is referred to or designated by a statute, contract
4 or other document relating to operations of technical colleges, area vo-
5 cational schools or area vocational-technical schools, such reference or
6 designation shall be deemed to apply to the state board of regents estab-
7 lished.

8 (e) All rules and regulations, and all orders and directives of the state
9 board of education relating to operations of technical colleges, area vo-
10 cational schools and area vocational-technical schools which are in exis-
11 tence on July 1, 1999, shall continue to be effective and shall be deemed
12 to be the duly adopted rules and regulations or orders and directives of
13 the state board of regents until revised, amended, revoked or nullified
14 pursuant to law.

15 (f) The unexpended balance of any appropriation for and any funds
16 available to the state board of education for purposes relating to opera-
17 tions of technical colleges, area vocational schools and area vocational-
18 technical schools shall be transferred to the state board of regents on July
19 1, 1999.

20 (g) On and after July 1, 1999, all books, records and papers of the
21 governing boards of technical colleges, area vocational schools and area
22 vocational-technical schools shall be open and available, at all reasonable
23 times, to the state board of regents and its designated officers, employees
24 and agents.

25 (h) Except as otherwise specifically provided in this act, the transfer
26 of supervision of the technical colleges, area vocational schools and area
27 vocational-technical schools from the state board of education to super-
28 vision and coordination by the state board of regents shall not be con-
29 strued in any manner so as to change or affect the operation, management
30 and control of any technical college, area vocational school or area voca-
31 tional-technical school or to change or affect any existing power, duty or
32 function of the governing board of any technical college, area vocational
33 school or area vocational-technical school with respect to such operation,
34 management and control.

35 (i) For the purposes of the school district ~~finance and quality per-~~
36 ~~formance~~ *equalization* act, the term approved vocational education pro-
37 gram means in the case of vocational education programs offered and
38 provided in the area vocational schools, the area vocational-technical
39 schools, and the technical colleges, the state board of regents; and in the
40 case of vocational education programs offered and provided in the high
41 schools of a school district, the state board of education.

42 Sec. 60. K.S.A. 2004 Supp. 79-2929a is hereby amended to read as
43 follows: 79-2929a. (a) *Subject to the provisions of subsection (c), the gov-*

1 erning body of any taxing subdivision or municipality which is subject to
2 the budget law provisions of K.S.A. 79-2925 through 79-2936, and amend-
3 ments thereto, which proposes to amend its adopted current budget dur-
4 ing the year in which such budget is in effect, shall be subject to the same
5 publication, notice and public hearing requirements as required by K.S.A.
6 79-2929, and amendments thereto, for the adoption of the original
7 budget. In addition, such published budget shall show any proposed
8 changes in the amount of expenditures, by fund. Any proposed increase
9 in expenditures shall be balanced by previously unbudgeted increases in
10 revenue other than ad valorem property taxes. A copy of the adopted
11 amended budget shall be filed with the county clerk and with the director
12 of accounts and reports.

13 (b) Whenever a clerical error in the calculation of the assessed val-
14 uation of any taxing subdivision or municipality which is subject to the
15 provisions of K.S.A. 79-2925 through 79-2936, and amendments thereto,
16 is discovered after the governing body has adopted the budget and prior
17 to October 1, the governing body may amend such budget. Any budget
18 amended pursuant to this subsection shall be subject to the same publi-
19 cation, notice and public hearing requirements as required by K.S.A. 79-
20 2929, and amendments thereto, for the adoption of the original budget.
21 A copy of such amended budget shall be filed with the county clerk and
22 the director of the division of accounts and reports.

23 (c) *The board of education of a school district shall not amend its*
24 *legally adopted budget of operating expenses during the school year in*
25 *which such budget is in effect unless the state board of tax appeals au-*
26 *thorizes an increase in such budget as provided under the school district*
27 *equalization act.*

28 Sec. 61. K.S.A. 12-1677, 12-1742, 31-144, 72-1046b, 72-1398, 72-
29 1414, 72-5333b, 72-6405, 72-6406, 72-6408, 72-6410, 72-6411, 72-6412,
30 72-6413, 72-6414, 72-6415, 72-6416, 72-6418, 72-6419, 72-6420, 72-
31 6421, 72-6422, 72-6423, 72-6424, 72-6426, 72-6427, 72-6429, 72-6430,
32 72-6432, 72-6433, 72-6435, 72-6436, 72-6437, 72-6438, 72-6440, 72-
33 6441, 72-6442, 72-6443, 72-6444, 72-6445, 72-6446, 72-6447, 72-6622,
34 72-6757, 72-8187, 72-8189, 72-8230, 72-8233, 72-8236, 72-8309, 72-9504
35 and 74-32,141 and K.S.A. 2004 Supp. 72-978, 72-5390, 72-6407, 72-6409,
36 72-6417, 72-6425, 72-6428, 72-6431, 72-6434, 72-8302, 72-8316 and 79-
37 2929a are hereby repealed.

38 Sec. 62. This act shall take effect and be in force from and after its
39 publication in the statute book.