

[As Amended by Senate Committee of the Whole]

As Amended by Senate Committee

As Amended by House Committee

Session of 2007

HOUSE BILL No. 2093

By Committee on Education

1-17

14 ~~AN ACT concerning the special education teacher service scholarship~~
15 ~~program, relating to awards thereunder, amending K.S.A. 2006 Supp.~~
16 ~~74-32,203 and repealing the existing section. **An Act concerning the**~~
17 ~~**special education teacher service scholarship; amending K.S.A.**~~
18 ~~**2006 Supp. 74-32,202, 74-32,203, 74-32,204 and 74-32,206 and**~~
19 ~~**repealing the existing sections;** AN ACT concerning school dis-~~
20 ~~tricts; relating to school finance; amending K.S.A. 2006 Supp.~~
21 ~~72-6407, 72-6433, 72-6449, 72-6451, 72-6454 and 72-6624 and~~
22 ~~repealing the existing sections; also repealing K.S.A. 2006 Supp.~~
23 ~~72-6624a.~~

24
25 *Be it enacted by the Legislature of the State of Kansas:*

26 ~~Section 1. K.S.A. 2006 Supp. 74-32,203 is hereby amended to read~~
27 ~~as follows: 74-32,203. (a) There is hereby established the special educa-~~
28 ~~tion teacher service scholarship program. The number of new scholar-~~
29 ~~ships awarded each year shall not exceed 50. A scholarship may be~~
30 ~~awarded under such program to any qualified student and may be re-~~
31 ~~newed for each such student who remains qualified for the scholarship.~~
32 ~~Determination of the students qualified for such scholarships shall be~~
33 ~~made by the executive officer. Scholastic ability shall be determined on~~
34 ~~the basis of cumulative college grade point average and any other indi-~~
35 ~~cator of scholastic ability which the state board of regents determines to~~
36 ~~be demonstrative of potential for successful completion of a course of~~
37 ~~instruction leading to licensure as a teacher **full endorsement as a spe-**~~
38 ~~**cial education teacher.**~~

39 ~~(b) A scholarship awarded under the program shall provide for pay-~~
40 ~~ment to a qualified student of \$3,000 each semester or its equivalent for~~
41 ~~a one-year course of study that qualifies the student for licensure **full**~~
42 ~~**endorsement** as a special education teacher. If a student is not enrolled~~
43 ~~on a full-time basis, a student may take up to five years to complete the~~

1 ~~requisite one-year course of study and shall receive a proportionate~~
2 ~~amount of the one-year tuition based upon the number of hours enrolled~~
3 ~~in an academic period, as defined by the student's university or college,~~
4 ~~and computed as a fraction of the total number of credit hours required~~
5 ~~for licensure in the a one-year course of study at the student's university~~
6 ~~or college.~~

7 ~~— Sec. 2. — K.S.A. 2006 Supp. 74-32,203 is hereby repealed.~~

8 ~~— Sec. 2. — K.S.A. 2006 Supp. 74-32,202 is hereby amended to~~
9 ~~read as follows: 74-32,202. As used in K.S.A. 2006 Supp. 74-32,201~~
10 ~~through 74-32,208, and amendments thereto:~~

11 ~~—(a) —“Executive officer” means the chief executive officer of the~~
12 ~~state board of regents appointed under K.S.A. 74-3203a, and~~
13 ~~amendments thereto;~~

14 ~~—(b) —“qualified student” means a person who: (1) Is a resident~~
15 ~~of the state of Kansas; (2) is licensed as a teacher; (3) has been~~
16 ~~accepted for admission to or is enrolled in an approved course of~~
17 ~~instruction leading to licensure and full endorsement as a special~~
18 ~~education teacher; and (4) has qualified for the award of a scholar-~~
19 ~~ship under the special education teacher service scholarship pro-~~
20 ~~gram on the basis of having demonstrated scholastic ability, or who~~
21 ~~has previously so qualified and remains qualified for renewal of~~
22 ~~the scholarship on the basis of remaining in good standing and~~
23 ~~making satisfactory progress toward completion of the require-~~
24 ~~ments of the course of instruction in which enrolled;~~

25 ~~—(c) —“special education teacher” means a person who is licensed~~
26 ~~and fully endorsed to provide special education to exceptional children~~
27 ~~who are children with disabilities teach special education;~~

28 ~~—(d) —“special education,” “exceptional children” and “children with~~
29 ~~disabilities” have the meanings ascribed thereto in K.S.A. 72-962, and~~
30 ~~amendments thereto.~~

31 ~~—(d) —“special education” has the meaning ascribed thereto in K.S.A.~~
32 ~~72-962, and amendments thereto.~~

33 ~~— Sec. 3. — K.S.A. 2006 Supp. 74-32,204 is hereby amended to~~
34 ~~read as follows: 74-32,204. (a) An applicant for designation as a~~
35 ~~qualified student and for the award of a scholarship under the~~
36 ~~special education teacher service scholarship program shall pro-~~
37 ~~vide to the executive officer, on forms supplied by the executive~~
38 ~~officer, information required by the executive officer.~~

39 ~~—(b) —As a condition to awarding a scholarship under this act, the~~
40 ~~executive officer and the applicant shall enter into an agreement~~
41 ~~which shall require the applicant to:~~

42 ~~—(1) —Complete the required course of instruction leading to li-~~
43 ~~cence and full endorsement as a special education teacher;~~

1 ~~—(2) engage in teaching special education to children with disa-~~
2 ~~bilities in Kansas and comply with such other terms and conditions~~
3 ~~as may be specified by such agreement;~~
4 ~~—(3) commence teaching special education of children with disa-~~
5 ~~bilities on a full-time basis in Kansas in an accredited public or~~
6 ~~private school in accordance with the agreement and continue~~
7 ~~such teaching on a full-time basis for a period of not less than three~~
8 ~~years or commence teaching special education of children with dis-~~
9 ~~abilities on a part-time basis in Kansas in an accredited public or~~
10 ~~private school in accordance with the agreement and continue~~
11 ~~such teaching on a part-time basis for a period of time that is equiv-~~
12 ~~alent to teaching on a full-time basis for a period of not less than~~
13 ~~three years, as determined by the state board of regents;~~
14 ~~—(4) commence teaching special education of children with disa-~~
15 ~~bilities in Kansas on a full-time or part-time basis within six months~~
16 ~~after licensure receiving endorsement as a special education teacher and~~
17 ~~continue such teaching for the period of time required by the~~
18 ~~agreement;~~
19 ~~—(5) maintain records and make reports to the executive officer~~
20 ~~as required by the executive officer to document the satisfaction~~
21 ~~of the obligations under this act and the agreement; and~~
22 ~~—(6) repay to the state amounts as provided in K.S.A. 2006 Supp.~~
23 ~~74-32,205, and amendments thereto if the person fails to satisfy~~
24 ~~the obligation under any agreement.~~
25 ~~—Sec. 4. K.S.A. 2006 Supp. 74-32,206 is hereby amended to~~
26 ~~read as follows: 74-32,206. (a) Except as otherwise specified in the~~
27 ~~agreement, an obligation under any agreement entered into under~~
28 ~~the teacher service scholarship program shall be postponed: (1)~~
29 ~~During any required period of active military service; (2) during~~
30 ~~any period of service as a part of volunteers in service to America~~
31 ~~(VISTA); (3) during any period of service in the peace corps; (4)~~
32 ~~during any period of service commitment to the United States pub-~~
33 ~~lic health service; (5) during any period of religious missionary~~
34 ~~work conducted by an organization exempt from tax under section~~
35 ~~501(c)(3) of the federal internal revenue code as in effect on De-~~
36 ~~cember 31, 2000; (6) during any period of time the person obli-~~
37 ~~gated is unable because of temporary medical disability to teach;~~
38 ~~(7) during any period of time the person obligated is enrolled and~~
39 ~~actively engaged on a full-time basis in a course of study leading~~
40 ~~to a degree in the field of education which is higher than that~~
41 ~~formerly attained; (8) during any period of time the person obli-~~
42 ~~gated is on job-protected leave under the federal family and med-~~
43 ~~ical leave act of 1993; or (9) during any period of time the state~~

1 ~~board of regents determines that the person obligated is unable~~
2 ~~because of special circumstances to teach. Except for clauses (6);~~
3 ~~(8) and (9), an obligation under any agreement entered into as~~
4 ~~provided in the special education teacher service scholarship pro-~~
5 ~~gram shall not be postponed more than five years from the time~~
6 ~~the obligation was to have been commenced under such agree-~~
7 ~~ment. An obligation under any agreement entered into as provided~~
8 ~~in the special education teacher service scholarship program shall~~
9 ~~be postponed under clause (6) during the period of time the med-~~
10 ~~ical disability exists. An obligation under any agreement entered~~
11 ~~into as provided in the special education teacher service scholar-~~
12 ~~ship program shall be postponed under clause (8) during the pe-~~
13 ~~riod of time the person obligated remains on FMLA leave. An ob-~~
14 ~~ligation to be fully endorsed and engage in teaching in accordance~~
15 ~~with an agreement under the special education teacher service~~
16 ~~scholarship program shall be postponed under clause (9) during~~
17 ~~the period of time the state board of regents determines that the~~
18 ~~special circumstances exist. The state board of regents shall adopt~~
19 ~~rules and regulations prescribing criteria or guidelines for deter-~~
20 ~~mination of the existence of special circumstances causing an in-~~
21 ~~ability to teach or to be fully endorsed, and shall determine the~~
22 ~~documentation required to prove the existence of such~~
23 ~~circumstances;~~

24 ~~—(b) An obligation under any agreement entered into as pro-~~
25 ~~vided in the special education teacher service scholarship program~~
26 ~~shall be satisfied: (1) if the obligation has been completed in ac-~~
27 ~~cordance with the agreement; (2) if the person obligated dies; (3)~~
28 ~~if, because of permanent physical disability, the person obligated~~
29 ~~is unable to satisfy the obligation; (4) if the person obligated fails~~
30 ~~to satisfy the requirements for a graduation from a special edu-~~
31 ~~cation teacher education program after making the best effort pos-~~
32 ~~sible; (5) if the person obligated fails to satisfy all requirements for~~
33 ~~licensure to teach special education to children with disabilities in Kansas~~
34 ~~or has been denied licensure after applying for a license to teach special~~
35 ~~education to children with disabilities and making the best effort possible~~
36 ~~to obtain such license endorsement as a special education teacher in Kan-~~
37 ~~sas or has been denied such endorsement after making the best effort~~
38 ~~possible to obtain such endorsement; or (6) if the person obligated is~~
39 ~~unable to obtain employment as a special education teacher after~~
40 ~~making the best effort possible to obtain such employment and the~~
41 ~~person obligated otherwise completes the terms, conditions and~~
42 ~~obligations of the agreement.~~

43 ~~—Sec. 5. K.S.A. 2006 Supp. 74-32,202, 74-32,203, 74-32,204 and~~

1 ~~74-32,206 are hereby repealed.~~

2 Section 1. K.S.A. 2006 Supp. 72-6407 is hereby amended to
3 read as follows: 72-6407. (a) (1) “Pupil” means any person who is
4 regularly enrolled in a district and attending kindergarten or any
5 of the grades one through 12 maintained by the district or who is
6 regularly enrolled in a district and attending kindergarten or any
7 of the grades one through 12 in another district in accordance with
8 an agreement entered into under authority of K.S.A. 72-8233, and
9 amendments thereto, or who is regularly enrolled in a district and
10 attending special education services provided for preschool-aged
11 exceptional children by the district.

12 (2) Except as otherwise provided in paragraph (3) of this sub-
13 section, a pupil in attendance full time shall be counted as one pupil.
14 A pupil in attendance part time shall be counted as that proportion
15 of one pupil (to the nearest $\frac{1}{10}$) that the pupil’s attendance bears to
16 full-time attendance. A pupil attending kindergarten shall be
17 counted as $\frac{1}{2}$ pupil. A pupil enrolled in and attending an institution
18 of postsecondary education which is authorized under the laws of
19 this state to award academic degrees shall be counted as one pupil
20 if the pupil’s postsecondary education enrollment and attendance
21 together with the pupil’s attendance in either of the grades 11 or 12
22 is at least $\frac{5}{6}$ time, otherwise the pupil shall be counted as that pro-
23 portion of one pupil (to the nearest $\frac{1}{10}$) that the total time of the
24 pupil’s postsecondary education attendance and attendance in
25 grade 11 or 12, as applicable, bears to full-time attendance. A pupil
26 enrolled in and attending an area vocational school, area voca-
27 tional-technical school or approved vocational education program
28 shall be counted as one pupil if the pupil’s vocational education
29 enrollment and attendance together with the pupil’s attendance in
30 any of grades nine through 12 is at least $\frac{5}{6}$ time, otherwise the pupil
31 shall be counted as that proportion of one pupil (to the nearest $\frac{1}{10}$)
32 that the total time of the pupil’s vocational education attendance
33 and attendance in any of grades nine through 12 bears to full-time
34 attendance. A pupil enrolled in a district and attending special ed-
35 ucation and related services, except special education and related
36 services for preschool-aged exceptional children, provided for by
37 the district shall be counted as one pupil. A pupil enrolled in a
38 district and attending special education and related services for pre-
39 school-aged exceptional children provided for by the district shall
40 be counted as $\frac{1}{2}$ pupil. A preschool-aged at-risk pupil enrolled in a
41 district and receiving services under an approved at-risk pupil as-
42 sistance plan maintained by the district shall be counted as $\frac{1}{2}$ pupil.
43 A pupil in the custody of the secretary of social and rehabilitation

1 *services and enrolled in unified school district No. 259, Sedgwick*
2 *county, Kansas, but housed, maintained, and receiving educational*
3 *services at the Judge James V. Riddel Boys Ranch, shall be counted*
4 *as two pupils.*

5 (3) *A pupil residing at the Flint Hills job corps center shall not*
6 *be counted. A pupil confined in and receiving educational services*
7 *provided for by a district at a juvenile detention facility shall not*
8 *be counted. A pupil enrolled in a district but housed, maintained,*
9 *and receiving educational services at a state institution shall not be*
10 *counted. A pupil enrolled in a virtual school in a district but who*
11 *is not a resident of the state of Kansas shall not be counted.*

12 (b) *“Preschool-aged exceptional children” means exceptional*
13 *children, except gifted children, who have attained the age of three*
14 *years but are under the age of eligibility for attendance at*
15 *kindergarten.*

16 (c) *“At-risk pupils” means pupils who are eligible for free meals*
17 *under the national school lunch act and who are enrolled in a dis-*
18 *trict which maintains an approved at-risk pupil assistance plan.*

19 (d) *“Preschool-aged at-risk pupil” means an at-risk pupil who*
20 *has attained the age of four years, is under the age of eligibility for*
21 *attendance at kindergarten, and has been selected by the state*
22 *board in accordance with guidelines consonant with guidelines gov-*
23 *erning the selection of pupils for participation in head start*
24 *programs.*

25 (e) *“Enrollment” means: (1) (A) Subject to the provisions of par-*
26 *agraph (1)(B), for districts scheduling the school days or school*
27 *hours of the school term on a trimestral or quarterly basis, the num-*
28 *ber of pupils regularly enrolled in the district on September 20 plus*
29 *the number of pupils regularly enrolled in the district on February*
30 *20 less the number of pupils regularly enrolled on February 20 who*
31 *were counted in the enrollment of the district on September 20; and*
32 *for districts not specified in this paragraph (1), the number of pupils*
33 *regularly enrolled in the district on September 20; (B) a pupil who*
34 *is a foreign exchange student shall not be counted unless such stu-*
35 *dent is regularly enrolled in the district on September 20 and at-*
36 *tending kindergarten or any of the grades one through 12 main-*
37 *tained by the district for at least one semester or two quarters or*
38 *the equivalent thereof;*

39 (2) *if enrollment in a district in any school year has decreased*
40 *from enrollment in the preceding school year, enrollment of the*
41 *district in the current school year means whichever is the greater*
42 *of (A) enrollment in the preceding school year minus enrollment in*
43 *such school year of preschool-aged at-risk pupils, if any such pupils*

1 *were enrolled, plus enrollment in the current school year of pre-*
2 *school-aged at-risk pupils, if any such pupils are enrolled, or (B)*
3 *the sum of enrollment in the current school year of preschool-aged*
4 *at-risk pupils, if any such pupils are enrolled and the average*
5 *(mean) of the sum of (i) enrollment of the district in the current*
6 *school year minus enrollment in such school year of preschool-aged*
7 *at-risk pupils, if any such pupils are enrolled and (ii) enrollment in*
8 *the preceding school year minus enrollment in such school year of*
9 *preschool-aged at-risk pupils, if any such pupils were enrolled and*
10 *(iii) enrollment in the school year next preceding the preceding*
11 *school year minus enrollment in such school year of preschool-aged*
12 *at-risk pupils, if any such pupils were enrolled; or*

13 (3) *the number of pupils as determined under K.S.A. 72-6447 or*
14 *K.S.A. 2006 Supp. 72-6448, and amendments thereto.*

15 (f) *“Adjusted enrollment” means enrollment adjusted by adding*
16 *at-risk pupil weighting, program weighting, low enrollment weight-*
17 *ing, if any, density at-risk weighting, if any, nonproficient pupil*
18 *weighting, if any, high enrollment weighting, if any, declining en-*
19 *rollment weighting, if any, school facilities weighting, if any, ancil-*
20 *lary school facilities weighting, if any, cost of living weighting, if*
21 *any, special education and related services weighting, and trans-*
22 *portation weighting to enrollment.*

23 (g) *“At-risk pupil weighting” means an addend component as-*
24 *signed to enrollment of districts on the basis of enrollment of at-risk*
25 *pupils.*

26 (h) *“Program weighting” means an addend component assigned*
27 *to enrollment of districts on the basis of pupil attendance in edu-*
28 *cational programs which differ in cost from regular educational*
29 *programs.*

30 (i) *“Low enrollment weighting” means an addend component*
31 *assigned to enrollment of districts pursuant to K.S.A. 72-6412, and*
32 *amendments thereto, on the basis of costs attributable to mainte-*
33 *nance of educational programs by such districts in comparison with*
34 *costs attributable to maintenance of educational programs by dis-*
35 *tricts having to which high enrollment weighting is assigned pur-*
36 *suant to K.S.A. 2006 Supp. 72-6442b, and amendments thereto.*

37 (j) *“School facilities weighting” means an addend component*
38 *assigned to enrollment of districts on the basis of costs attributable*
39 *to commencing operation of new school facilities.*

40 (k) *“Transportation weighting” means an addend component*
41 *assigned to enrollment of districts on the basis of costs attributable*
42 *to the provision or furnishing of transportation.*

43 (l) *“Cost of living weighting” means an addend component as-*

- 1 *signed to enrollment of districts to which the provisions of K.S.A.*
2 *2006 Supp. 72-6449, and amendments thereto, apply on the basis*
3 *of costs attributable to the cost of living in the district.*
- 4 *(m) “Ancillary school facilities weighting” means an addend*
5 *component assigned to enrollment of districts to which the provi-*
6 *sions of K.S.A. 72-6441, and amendments thereto, apply on the basis*
7 *of costs attributable to commencing operation of new school facil-*
8 *ities. Ancillary school facilities weighting may be assigned to en-*
9 *rollment of a district only if the district has levied a tax under au-*
10 *thority of K.S.A. 72-6441, and amendments thereto, and remitted*
11 *the proceeds from such tax to the state treasurer. Ancillary school*
12 *facilities weighting is in addition to assignment of school facilities*
13 *weighting to enrollment of any district eligible for such weighting.*
- 14 *(n) “Juvenile detention facility” means: (1) Any secure public*
15 *or private facility which is used for the lawful custody of accused*
16 *or adjudicated juvenile offenders and which shall not be a jail;*
17 *(2) any level VI treatment facility licensed by the Kansas de-*
18 *partment of health and environment which is a psychiatric residen-*
19 *tial treatment facility for individuals under the age of 21 which*
20 *conforms with the regulations of the centers for medicare/medicaid*
21 *services and the joint commission on accreditation of health care*
22 *organizations governing such facilities; and*
- 23 *(3) the Forbes Juvenile Attention Facility, the Sappa Valley*
24 *Youth Ranch of Oberlin, Salvation Army/Koch Center Youth Serv-*
25 *ices, the Clarence M. Kelley Youth Center, the Clarence M. Kelley*
26 *Transitional Living Center, Trego County Secure Care Center, St.*
27 *Francis Academy at Atchison, St. Francis Academy at Ellsworth, St.*
28 *Francis Academy at Salina, St. Francis Center at Salina, King’s*
29 *Achievement Center, and Liberty Juvenile Services and Treatment.*
- 30 *(o) “Special education and related services weighting” means*
31 *an addend component assigned to enrollment of districts on the ba-*
32 *sis of costs attributable to provision of special education and related*
33 *services for pupils determined to be exceptional children.*
- 34 *(p) “Virtual school” means any kindergarten or grades one*
35 *through 12 course offered for credit that uses distance-learning*
36 *technologies which predominantly use internet-based methods to*
37 *deliver instruction and for which the course content is available on*
38 *an “anytime, anyplace” basis, but the instruction occurs asynchro-*
39 *nously with the teacher and pupil in separate locations, not neces-*
40 *sarily located within a local education agency.*
- 41 *(q) “Declining enrollment weighting” means an addend com-*
42 *ponent assigned to enrollment of districts to which the provisions*
43 *of K.S.A. 2006 Supp. 72-6451, and amendments thereto, apply on*

1 *the basis of reduced revenues attributable to the declining enroll-*
 2 *ment of the district.*

3 (r) *“High enrollment weighting” means an addend component*
 4 *assigned to enrollment of districts pursuant to K.S.A. 2006 Supp.*
 5 *72-6442b, and amendments thereto, on the basis of costs attribut-*
 6 *able to maintenance of educational programs by such districts as a*
 7 *correlate to low enrollment weighting assigned to enrollment of dis-*
 8 *tricts pursuant to K.S.A. 72-6412, and amendments thereto.*

9 (s) *“High density at-risk pupil weighting” means an addend*
 10 *component assigned to enrollment of districts to which the provi-*
 11 *sions of section 5 K.S.A. 2006 Supp. 72-6455, and amendments thereto,*
 12 *apply.*

13 (t) *“Nonproficient pupil” means a pupil who is not eligible for*
 14 *free meals under the national school lunch act and who has scored*
 15 *less than proficient on the mathematics or reading state assessment*
 16 *during the preceding school year 2004-2005 and who is enrolled in a*
 17 *district which maintains an approved proficiency assistance plan.*

18 (u) *“Nonproficient pupil weighting” means an addend compo-*
 19 *nent assigned to enrollment of districts on the basis of enrollment*
 20 *of nonproficient pupils pursuant to K.S.A. 2006 Supp. 72-6454, and*
 21 *amendments thereto.*

22 **Sec. 2. K.S.A. 2006 Supp. 72-6454 is hereby amended to read**
 23 **as follows: 72-6454. ~~(a)~~ [(a)] The nonproficient pupil weighting of**
 24 **each district shall be determined by the state board as follows:**

25 ~~(1) Determine the number of pupils who were not eligible for free~~
 26 ~~meals under the national school lunch act and who took the mathematics~~
 27 ~~or reading state assessments in school year 2004-2005;~~

28 ~~—(2) determine the number of all pupils who scored below proficiency~~
 29 ~~on either the mathematics or reading state assessments in school year~~
 30 ~~2004-2005;~~

31 ~~—(3) divide the number determined under paragraph (2) by the num-~~
 32 ~~ber determined under paragraph (1);~~

33 ~~—(4) subtract the number of pupils who are eligible for free meals~~
 34 ~~under the national school lunch act from the enrollment of the district;~~

35 ~~—(5) multiply the difference determined under paragraph (3) by the~~
 36 ~~dividend determined under paragraph (4), and~~

37 ~~—(6) multiply the product determined under paragraph (5) by .029.~~
 38 ~~The product is the nonproficient pupil weighting of the district.~~

39 ~~—(b) The provisions of this section shall expire June 30, 2007.~~

40 ~~(a) [(1)] Determine the number of pupils who were not eligible for~~
 41 ~~free meals under the national school lunch act and who scored below~~
 42 ~~proficiency or failed to meet the standards established by the state board~~
 43 ~~on either the mathematics or reading state assessments in the preceding~~

1 school year; and

2 ~~(b)~~ [(2)] multiply the number determined under paragraph ~~(a)~~ [(1)]
3 by .0465. The product is the nonproficient pupil weighting of the district.

4 **[(b) If the state board determines that as a result of the occur-**
5 **rence of a disaster in the school district, pupils in the school district**
6 **are unable to participate in the state assessments, the nonproficient**
7 **pupil weighting of the school district shall be equal to the nonprof-**
8 **icient pupil weighting of the district in the preceding school year.**

9 [As used in this subsection, “disaster” means the occurrence of
10 widespread or severe damage, injury or loss of life or property re-
11 sulting from any natural or manmade cause, including but not lim-
12 ited to fire, flood, earthquake, tornado, wind, storm, drought, epi-
13 demics, air contamination, blight, drought, infestation or
14 explosion.]

15 **Sec. 3. K.S.A. 2006 Supp. 72-6449 is hereby amended to read**
16 **as follows: 72-6449. (a) As used in this section, “school district” or**
17 **“district” means a school district authorized to make a levy under**
18 **this section.**

19 **(b) The board of education of any district may levy a tax on the**
20 **taxable tangible property within the district for the purpose of fi-**
21 **nancing the costs incurred by the state that are attributable directly**
22 **to assignment of the cost of living weighting to the enrollment of the**
23 **district. There is hereby established in every school district a fund**
24 **which shall be called the cost of living fund, which fund shall consist**
25 **of all moneys deposited therein or transferred thereto in accordance**
26 **with law. All moneys derived from a tax imposed pursuant to this**
27 **section shall be credited to the cost of living fund. The proceeds**
28 **from the tax levied by a district credited to the cost of living fund**
29 **shall be remitted to the state treasurer in accordance with the pro-**
30 **visions of K.S.A. 75-4215, and amendments thereto. Upon receipt of**
31 **each such remittance, the state treasurer shall deposit the entire**
32 **amount in the state treasury to the credit of the state school district**
33 **finance fund.**

34 **(c) The state board of education shall determine whether a dis-**
35 **trict may levy a tax under this section as follows:**

36 **(1) Determine the statewide average appraised value of single**
37 **family residences for the calendar year preceding the current school**
38 **year;**

39 **(2) multiply the amount determined under (1) by 1.25;**

40 **(3) determine the average appraised value of single family res-**
41 **idences in each school district for the calendar year preceding the**
42 **current school year; and**

43 **(4) subtract the amount determined under (2) from the amount**

1 *determined under (3). If the amount determined for the district un-*
 2 *der (4) is a positive number and the district is authorized to adopt*
 3 *and has adopted a local option budget in an amount equal to the*
 4 *state prescribed percentage in the current school year which equals at*
 5 *least 25%, the district qualifies for assignment of cost of living*
 6 *weighting and may levy a tax on the taxable tangible property of*
 7 *the district for the purpose of financing the costs that are attribut-*
 8 *able directly to assignment of the cost of living weighting to enroll-*
 9 *ment of the district.*

10 ~~(d) Except as provided by subsection (c), No tax may be levied~~
 11 ~~under this section unless the board of education adopts a resolution~~
 12 ~~authorizing such a tax levy and publishes the resolution at least~~
 13 ~~once in a newspaper having general circulation in the district. Ex-~~
 14 ~~cept as provided by subsection (c), The resolution shall be published~~
 15 ~~in substantial compliance with the following form:~~

16 Unified School District No. _____,
 17 _____ County, Kansas.

18 **RESOLUTION**

19 **Be It Resolved that:**

20 *The board of education of the above-named school district shall be authorized to*
 21 *levy an ad valorem tax in an amount not to exceed the amount necessary to finance*
 22 *the costs attributable directly to the assignment of cost of living weighting to the*
 23 *enrollment of the district. The ad valorem tax authorized by this resolution may be*
 24 *levied unless a petition in opposition to the same, signed by not less than 5% of the*
 25 *qualified electors of the school district, is filed with the county election officer of the*
 26 *home county of the school district within 30 days after the publication of this reso-*
 27 *lution. If a petition is filed, the county election officer shall submit the question of*
 28 *whether the levy of such a tax shall be authorized in accordance with the provisions*
 29 *of this resolution to the electors of the school district at the next general election of*
 30 *the school district, as is specified by the board of education of the school district.*

31 **CERTIFICATE**

32 *This is to certify that the above resolution was duly adopted by the board of*
 33 *education of Unified School District No. _____, _____ County, Kan-*
 34 *sas, on the _____ day of _____, (year)_____*

35 _____
 36 *Clerk of the board of education.*

37 *All of the blanks in the resolution shall be filled. If no petition as*
 38 *specified above is filed in accordance with the provisions of the*
 39 *resolution, the resolution authorizing the ad valorem tax levy shall*
 40 *become effective. If a petition is filed as provided in the resolution,*
 41 *the board may notify the county election officer to submit the ques-*
 42 *tion of whether such tax levy shall be authorized. If the board fails*
 43 *to notify the county election officer within 30 days after a petition*

1 *is filed, the resolution shall be deemed abandoned and of no force*
2 *and effect and no like resolution shall be adopted by the board*
3 *within the nine months following publication of the resolution. If a*
4 *majority of the votes cast in an election conducted pursuant to this*
5 *provision are in favor of the resolution, such resolution shall be*
6 *effective on the date of such election. If a majority of the votes cast*
7 *are not in favor of the resolution, the resolution shall be deemed of*
8 *no effect and no like resolution shall be adopted by the board within*
9 *the nine months following such election.*

10 ~~(c) Any resolution adopted pursuant to this section for school year~~
11 ~~2005-2006 shall not be subject to the provisions of subsection (d) relating~~
12 ~~to publication, protest or election.~~

13 ***Sec. 4. K.S.A. 2006 Supp. 72-6451 is hereby amended to read***
14 ***as follows: 72-6451. (a) As used in this section:***

15 ***(1) "School district" or "district" means a school district which:***
16 ***(A) Has a declining enrollment; and (B) for school year 2005-2006,***
17 ***has adopted a local option budget in an amount which equals at***
18 ***least 25%, or (C) for school year 2006-2007 and each school year there-***
19 ***after, has adopted a local option budget in an amount which equals the***
20 ***state prescribed percentage at the time the district applies to the state***
21 ***board of tax appeals for authority to make a levy pursuant to this section.***

22 ***(2) "Declining enrollment" means an enrollment which has de-***
23 ***clined in amount from that of the preceding school year.***

24 ***(b) (1) A school district may levy an ad valorem tax on the tax-***
25 ***able tangible property of the district each year for a period of time***
26 ***not to exceed two years in an amount not to exceed the amount***
27 ***authorized by the state board of tax appeals under this subsection***
28 ***for the purpose of financing the costs incurred by the state that are***
29 ***directly attributable to assignment of declining enrollment weight-***
30 ***ing to enrollment of the district. The state board of tax appeals may***
31 ***authorize the district to make a levy which will produce an amount***
32 ***that is not greater than the amount of revenues lost as a result of***
33 ***the declining enrollment of the district. Such amount shall not ex-***
34 ***ceed 5% of the general fund budget of the district in the school year***
35 ***in which the district applies to the state board of tax appeals for***
36 ***authority to make a levy pursuant to this section.***

37 ***(2) The board of tax appeals shall certify to the state board the***
38 ***amount authorized to be produced by the levy of a tax under this***
39 ***section.***

40 ***(3) The state board shall prescribe guidelines for the data that***
41 ***school districts shall include in cases before the state board of tax***
42 ***appeals pursuant to this section.***

43 ***(c) A district may levy the tax authorized pursuant to this sec-***

1 *tion for a period of time not to exceed two years unless authority to*
2 *make such levy is renewed by the state board of tax appeals. The*
3 *state board of tax appeals may renew the authority to make such*
4 *levy for periods of time not to exceed two years.*

5 *(d) The state board shall provide to the state board of tax ap-*
6 *peals such school data and information requested by the state board*
7 *of tax appeals and any other information deemed necessary by the*
8 *state board.*

9 *(e) There is hereby established in every district a fund which*
10 *shall be called the declining enrollment fund. Such fund shall con-*
11 *sist of all moneys deposited therein or transferred thereto according*
12 *to law. The proceeds from the tax levied by a district under au-*
13 *thority of this section shall be credited to the declining enrollment*
14 *fund of the district. The proceeds from the tax levied by a district*
15 *credited to the declining enrollment fund shall be remitted to the*
16 *state treasurer in accordance with the provisions of K.S.A. 75-4215,*
17 *and amendments thereto. Upon receipt of each such remittance, the*
18 *state treasurer shall deposit the entire amount in the state treasury*
19 *to the credit of the state school district finance fund. from and after*
20 *its publication in the Kansas register.*

21 **Sec. 5. K.S.A. 2006 Supp. 72-6433 is hereby amended to read**
22 **as follows: 72-6433.** ~~(a) (1) The board of any district may adopt a local~~
23 ~~option budget in each school year in an amount not to exceed an amount~~
24 ~~equal to the district prescribed percentage of the amount of state financial~~
25 ~~aid determined for the district in the school year. As used in this section,~~
26 ~~“district prescribed percentage” means:~~

27 ~~—(A)— For any district that was authorized to adopt and that adopted a~~
28 ~~local option budget in the 1996-97 school year and to which the provisions~~
29 ~~of K.S.A. 72-6444, and amendments thereto, do not apply in the current~~
30 ~~school year, in the 2001-02 school year and in each school year thereafter,~~
31 ~~a percentage that is equal to 80% of the percentage specified in the res-~~
32 ~~olution under which the district was authorized to adopt a local option~~
33 ~~budget in the 1996-97 school year;~~

34 ~~—(B)— for any district that was authorized to adopt and that adopted a~~
35 ~~local option budget in the 1996-97 school year and to which the provisions~~
36 ~~of K.S.A. 72-6444, and amendments thereto, apply in the current school~~
37 ~~year, a percentage in the 2001-02 school year and each school year there-~~
38 ~~after that is equal to the sum of the percentage of the amount of state~~
39 ~~financial aid the district was authorized to budget in the preceding school~~
40 ~~year and the percentage computed for the district by the state board~~
41 ~~under the provisions of K.S.A. 72-6444, and amendments thereto;~~

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

1 ~~72-6444, and amendments thereto, apply in the current school year, a~~
2 ~~percentage in the 2001-02 school year and each school year thereafter~~
3 ~~that is equal to the sum of the percentage of the amount of state financial~~
4 ~~aid the district was authorized to budget in the preceding school year and~~
5 ~~the percentage computed for the district by the state board under the~~
6 ~~provisions of K.S.A. 72-6444, and amendments thereto;~~
7 ~~—(D) for any district to which the provisions of K.S.A. 72-6444, and~~
8 ~~amendments thereto, applied in the 1997-98 school year and to which~~
9 ~~the provisions of K.S.A. 72-6444, and amendments thereto, do not apply~~
10 ~~in the current school year because an increase in the amount budgeted~~
11 ~~by the district in its local option budget as authorized by a resolution~~
12 ~~adopted under the provisions of subsection (b) causes the actual amount~~
13 ~~per pupil budgeted by the district in the preceding school year as deter-~~
14 ~~mined for the district under provision (1) of subsection (a) of K.S.A. 72-~~
15 ~~6444, and amendments thereto, to equal or exceed the average amount~~
16 ~~per pupil of general fund budgets and local option budgets computed by~~
17 ~~the state board under whichever of the provisions (7) through (10) of~~
18 ~~subsection (a) of K.S.A. 72-6444, and amendments thereto, is applicable~~
19 ~~to the district's enrollment group, a percentage that is equal to the per-~~
20 ~~centage of the amount of state financial aid the district was authorized to~~
21 ~~budget in the preceding school year if the resolution authorized the dis-~~
22 ~~trict to increase its local option budget on a continuous and permanent~~
23 ~~basis. If the resolution that authorized the district to increase its local~~
24 ~~option budget specified a definite period of time for which the district~~
25 ~~would retain its authority to increase the local option budget and such~~
26 ~~authority lapses at the conclusion of such period and is not renewed, the~~
27 ~~term district prescribed percentage means a percentage that is equal to~~
28 ~~the percentage of the amount of state financial aid the district was au-~~
29 ~~thorized to budget in the preceding school year less the percentage of~~
30 ~~increase that was authorized by the resolution unless the loss of the per-~~
31 ~~centage of increase that was authorized by the resolution would cause the~~
32 ~~actual amount per pupil budgeted by the district to be less than the av-~~
33 ~~erage amount per pupil of general fund budgets and local option budgets~~
34 ~~computed by the state board under whichever of the provisions (7)~~
35 ~~through (10) of subsection (a) of K.S.A. 72-6444, and amendments~~
36 ~~thereto, is applicable to the district's enrollment group, in which case, the~~
37 ~~term district prescribed percentage means a percentage that is equal to~~
38 ~~the percentage of the amount of state financial aid the district was au-~~
39 ~~thorized to budget in the preceding school year less the percentage of~~
40 ~~increase that was authorized by the resolution plus a percentage which~~
41 ~~shall be computed for the district by the state board in accordance with~~
42 ~~the provisions of K.S.A. 72-6444, and amendments thereto, except that,~~
43 ~~in making the determination of the actual amount per pupil budgeted by~~

1 the district in the preceding school year, the state board shall exclude the
2 percentage of increase that was authorized by the resolution.

3 ~~—(2) (A) Subject to the provisions of subpart (B), the adoption of a~~
4 ~~local option budget under authority of this subsection shall require a~~
5 ~~majority vote of the members of the board and shall require no other~~
6 ~~procedure, authorization or approval.~~

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

12 Unified School District No. _____;

_____ County, Kansas.

14 **RESOLUTION**

15 Be It Resolved that:

16 ~~—The board of education of the above-named school district shall be authorized to adopt~~
17 ~~a local option budget in each school year for a period of time not to exceed _____ years~~
18 ~~in an amount not to exceed _____% of the amount of state financial aid determined for~~
19 ~~the current school year. The local option budget authorized by this resolution may be~~
20 ~~adopted, unless a petition in opposition to the same, signed by not less than 5% of the~~
21 ~~qualified electors of the school district, is filed with the county election officer of the home~~
22 ~~county of the school district within 30 days after publication of this resolution. In the event~~
23 ~~a petition is filed, the county election officer shall submit the question of whether adoption~~
24 ~~of the local option budget shall be authorized to the electors of the school district at an~~
25 ~~election called for the purpose or at the next general election, as is specified by the board~~
26 ~~of education of the school district.~~

27 **CERTIFICATE**

28 ~~—This is to certify that the above resolution was duly adopted by the board of education of~~
29 ~~Unified School District No. _____, _____ County, Kansas, on the _____~~
30 ~~day of _____, _____.~~

31 _____
32 Clerk of the board of education.

33 ~~—All of the blanks in the resolution shall be appropriately filled. The~~
34 ~~blank preceding the word “years” shall be filled with a specific number,~~
35 ~~and the blank preceding the percentage symbol shall be filled with a~~
36 ~~specific number. No word shall be inserted in either of the blanks. The~~
37 ~~percentage specified in the resolution shall not exceed the district pre-~~
38 ~~scribed percentage. The resolution shall be published once in a news-~~
39 ~~paper having general circulation in the school district. If no petition as~~
40 ~~specified above is filed in accordance with the provisions of the resolution,~~
41 ~~the board may adopt a local option budget. If a petition is filed as provided~~
42 ~~in the resolution, the board may notify the county election officer of the~~
43 ~~date of an election to be held to submit the question of whether adoption~~

1 of a local option budget shall be authorized. If the board fails to notify
2 the county election officer within 30 days after a petition is filed, the
3 resolution shall be deemed abandoned and no like resolution shall be
4 adopted by the board within the nine months following publication of the
5 resolution. If any district is authorized to adopt a local option budget
6 under this subpart, but the board of such district chooses, in any school
7 year, not to adopt such a budget or chooses, in any school year, to adopt
8 such budget in an amount less than the amount of the district prescribed
9 percentage of the amount of state financial aid in any school year, such
10 board of education may so choose. If the board of any district refrains
11 from adopting a local option budget in any one or more school years or
12 refrains from budgeting the total amount authorized for any one or more
13 school years, the authority of such district to adopt a local option budget
14 shall not be extended by such refrainment beyond the period specified
15 in the resolution authorizing adoption of such budget, nor shall the
16 amount authorized to be budgeted in any succeeding school year be in-
17 creased by such refrainment. Whenever an initial resolution has been
18 adopted under this subpart, and such resolution specified a lesser per-
19 centage than the district prescribed percentage, the board of the district
20 may adopt one or more subsequent resolutions under the same procedure
21 as provided for the initial resolution and subject to the same conditions,
22 and shall be authorized to increase the percentage as specified in any
23 such subsequent resolution for the remainder of the period of time spec-
24 ified in the initial resolution. Any percentage specified in a subsequent
25 resolution or in subsequent resolutions shall be limited so that the sum
26 of the percentage authorized in the initial resolution and the percentage
27 authorized in the subsequent resolution or in subsequent resolutions is
28 not in excess of the district prescribed percentage in any school year. The
29 board of any district that has been authorized to adopt a local option
30 budget under this subpart and levied a tax under authority of K.S.A. 72-
31 6435, and amendments thereto, may initiate, at any time after the final
32 levy is certified to the county clerk under any current authorization, pro-
33 ceedures to renew its authority to adopt a local option budget in the man-
34 ner specified in this subpart or may utilize the authority granted by sub-
35 part (A). As used in this subpart, the term “authorized to adopt a local
36 option budget” means that a district has adopted a resolution under this
37 subpart, has published the same, and either that the resolution was not
38 protested or that it was protested and an election was held by which the
39 adoption of a local option budget was approved.

40 —(3)—The provisions of this subsection are subject to the provisions of
41 subsections (b) and (c).

42 —(b) (1)—The board of any district that adopts a local option budget
43 under subsection (a) may increase the amount of such budget in each

1 school year in an amount which together with the percentage of the
2 amount of state financial aid budgeted under subsection (a) does not
3 exceed the state prescribed percentage of the amount of state financial
4 aid determined for the district in the school year if the board of the district
5 determines that an increase in such budget would be in the best interests
6 of the district.

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

30 ~~—(3) (A)—~~ Subject to the provisions of subpart (B), a resolution author-
31 izing an increase in the local option budget of a district shall state that
32 the board of education of the district shall be authorized to increase the
33 local option budget of the district in each school year in an amount not
34 to exceed _____% of the amount of state financial aid determined for the
35 current school year and that the percentage of increase may be reduced
36 so that the sum of the percentage of the amount of state financial aid
37 budgeted under subsection (a) and the percentage of increase specified
38 in the resolution does not exceed the state prescribed percentage in any
39 school year. The blank preceding the percentage symbol shall be filled
40 with a specific number. No word shall be inserted in the blank. The
41 resolution shall specify a definite period of time for which the board shall
42 be authorized to increase the local option budget and such period of time
43 shall be expressed by the specific number of school years for which the

1 ~~board shall retain its authority to increase the local option budget. No~~
2 ~~word shall be used to express the number of years for which the board~~
3 ~~shall be authorized to increase the local option budget.~~
4 ~~—(B)— In lieu of the requirements of subpart (A) and at the discretion~~
5 ~~of the board, a resolution authorizing an increase in the local option~~
6 ~~budget of a district may state that the board of education of the district~~
7 ~~shall be continuously and permanently authorized to increase the local~~
8 ~~option budget of the district in each school year by a percentage which~~
9 ~~together with the percentage of the amount of state financial aid budgeted~~
10 ~~under subsection (a) does not exceed the state prescribed percentage in~~
11 ~~any school year.~~
12 ~~—(4)— A resolution authorizing an increase in the local option budget of~~
13 ~~a district shall state that the amount of the local option budget may be~~
14 ~~increased as authorized by the resolution unless a petition in opposition~~
15 ~~to such increase, signed by not less than 5% of the qualified electors of~~
16 ~~the school district, is filed with the county election officer of the home~~
17 ~~county of the school district within 30 days after publication. If no petition~~
18 ~~is filed in accordance with the provisions of the resolution, the board is~~
19 ~~authorized to increase the local option budget of the district. If a petition~~
20 ~~is filed as provided in the resolution, the board may notify the county~~
21 ~~election officer of the date of an election to be held to submit the question~~
22 ~~of whether the board shall be authorized to increase the local option~~
23 ~~budget of the district. If the board fails to notify the county election officer~~
24 ~~within 30 days after a petition is filed, the resolution shall be deemed~~
25 ~~abandoned and no like resolution shall be adopted by the board within~~
26 ~~the nine months following publication of the resolution.~~
27 ~~—(5)— The requirements of provision (2) do not apply to any district that~~
28 ~~is continuously and permanently authorized to increase the local option~~
29 ~~budget of the district. An increase in the amount of a local option budget~~
30 ~~by such a district shall require a majority vote of the members of the~~
31 ~~board and shall require no other procedure, authorization or approval.~~
32 ~~—(6)— If any district is authorized to increase a local option budget, but~~
33 ~~the board of such district chooses, in any school year, not to adopt or~~
34 ~~increase such budget or chooses, in any school year, to adopt or increase~~
35 ~~such budget in an amount less than the amount authorized, such board~~
36 ~~of education may so choose. If the board of any district refrains from~~
37 ~~adopting or increasing a local option budget in any one or more school~~
38 ~~years or refrains from budgeting the total amount authorized for any one~~
39 ~~or more school years, the amount authorized to be budgeted in any suc-~~
40 ~~ceeding school year shall not be increased by such refrainment, nor shall~~
41 ~~the authority of the district to increase its local option budget be extended~~
42 ~~by such refrainment beyond the period of time specified in the resolution~~
43 ~~authorizing an increase in the local option budget if the resolution spec-~~

1 ified such a period of time.

2 ~~—(7) Whenever an initial resolution has been adopted under this sub-~~
3 ~~section, and such resolution specified a percentage which together with~~
4 ~~the percentage of the amount of state financial aid budgeted under sub-~~
5 ~~section (a) is less than the state prescribed percentage, the board of the~~
6 ~~district may adopt one or more subsequent resolutions under the same~~
7 ~~procedure as provided for the initial resolution and shall be authorized~~
8 ~~to increase the percentage as specified in any such subsequent resolution.~~
9 ~~If the initial resolution specified a definite period of time for which the~~
10 ~~district is authorized to increase its local option budget, the authority to~~
11 ~~increase such budget by the percentage specified in any subsequent res-~~
12 ~~olution shall be limited to the remainder of the period of time specified~~
13 ~~in the initial resolution. Any percentage specified in a subsequent reso-~~
14 ~~lution or in subsequent resolutions shall be limited so that the sum of the~~
15 ~~percentage authorized in the initial resolution and the percentage au-~~
16 ~~thorized in the subsequent resolution or in subsequent resolutions to-~~
17 ~~gether with the percentage of the amount of state financial aid budgeted~~
18 ~~under subsection (a) is not in excess of the state prescribed percentage~~
19 ~~in any school year.~~

20 ~~—(8) (A) Subject to the provisions of subpart (B), the board of any~~
21 ~~district that has adopted a local option budget under subsection (a), has~~
22 ~~been authorized to increase such budget under a resolution which spec-~~
23 ~~ified a definite period of time for retention of such authorization, and has~~
24 ~~levied a tax under authority of K.S.A. 72-6435, and amendments thereto,~~
25 ~~may initiate, at any time after the final levy is certified to the county clerk~~
26 ~~under any current authorization, procedures to renew the authority to~~
27 ~~increase the local option budget subject to the conditions and in the~~
28 ~~manner specified in provisions (2) and (3) of this subsection.~~

29 ~~—(B) The provisions of subpart (A) do not apply to the board of any~~
30 ~~district that is continuously and permanently authorized to increase the~~
31 ~~local option budget of the district.~~

32 ~~—(9) As used in this subsection:~~

33 ~~—(A) “Authorized to increase a local option budget” means either that~~
34 ~~a district has held a special election under provision (2)(B) by which au-~~
35 ~~thority of the board to increase a local option budget was approved, or~~
36 ~~that a district has adopted a resolution under provision (2) (A), has pub-~~
37 ~~lished the same, and either that the resolution was not protested or that~~
38 ~~it was protested and an election was held by which the authority of the~~
39 ~~board to increase a local option budget was approved.~~

40 ~~—(B) “State prescribed percentage” means 30% for school year 2006-~~
41 ~~2007 and 31% for school year 2007-2008 and each school year thereafter.~~

42 ~~—(c) To the extent the provisions of the foregoing subsections conflict~~
43 ~~with this subsection, this subsection shall control. Any district that is au-~~

1 ~~thorized to adopt a local option budget in the 1997-98 school year under~~
2 ~~a resolution which authorized the adoption of such budget in accordance~~
3 ~~with the provisions of this section prior to its amendment by this act may~~
4 ~~continue to operate under such resolution for the period of time specified~~
5 ~~in the resolution or may abandon the resolution and operate under the~~
6 ~~provisions of this section as amended by this act. Any such district shall~~
7 ~~operate under the provisions of this section as amended by this act after~~
8 ~~the period of time specified in the resolution has expired.~~

9 ~~—(d) (1) There is hereby established in every district that adopts a local~~
10 ~~option budget a fund which shall be called the supplemental general fund.~~
11 ~~The fund shall consist of all amounts deposited therein or credited thereto~~
12 ~~according to law.~~

13 ~~—(2) Subject to the limitation imposed under provision (3), and sub-~~
14 ~~section (c) of K.S.A. 72-6434, and amendments thereto, amounts in the~~
15 ~~supplemental general fund may be expended for any purpose for which~~
16 ~~expenditures from the general fund are authorized or may be transferred~~
17 ~~to the general fund of the district or to any program weighted fund or~~
18 ~~categorical fund of the district. Amounts in the supplemental general fund~~
19 ~~attributable to any percentage over 25% of state financial aid determined~~
20 ~~for the current school year may be transferred to the capital improve-~~
21 ~~ments fund of the district and the capital outlay fund of the district if~~
22 ~~such transfers are specified in the resolution authorizing the adoption of~~
23 ~~a local option budget in excess of 25%.~~

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

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

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

25 ~~—(c) To the extent the provisions of the foregoing section conflict with~~
26 ~~this subsection, this subsection shall control. Any resolution authorizing~~
27 ~~the adoption of a local option budget in excess of 30% of the state financial~~
28 ~~aid of the district in the current school year shall not become effective~~
29 ~~unless such resolution has been submitted to and approved by a majority~~
30 ~~of the qualified electors of the school district voting at an election called~~
31 ~~and held thereon. Such resolution shall specify how the moneys will be~~
32 ~~expended and shall be published in the manner provided by this section.~~
33 ~~The election shall be called and held in the manner provided by this~~
34 ~~section.~~

35 (a) *As used in this section:*

36 (1) *“State prescribed percentage” means 31% of state financial aid of*
37 *the district in the current school year.*

38 (2) *“Authorized to adopt a local option budget” means that a district*
39 *has adopted a resolution under this section, has published the same, and*
40 *either that the resolution was not protested or that it was protested and*
41 *an election was held by which the adoption of a local option budget was*
42 *approved.*

43 (b) *In each school year, the board of any district may adopt a local*

1 option budget which does not exceed the state prescribed percentage.
 2 (c) Subject to the limitation of subsection (b), in each school year, the
 3 board of any district may adopt, by resolution, a local option budget in
 4 an amount not to exceed:
 5 (1) (A) The amount which the board was authorized to adopt in ac-
 6 cordance with the provisions of this section in effect prior to its amend-
 7 ment by this act; plus
 8 (B) the amount which the board was authorized to adopt pursuant
 9 to any resolution currently in effect; plus
 10 (C) the amount which the board was authorized to adopt pursuant
 11 to K.S.A. 72-6444, and amendments thereto, if applicable to the district;
 12 or
 13 (2) the state-wide average for the preceding school year as determined
 14 by the state board pursuant to subsection (j).
 15 Except as provided by subsection (e), the adoption of a resolution pur-
 16 suant to this subsection shall require a majority vote of the members of
 17 the board. Such resolution shall be effective upon adoption and shall re-
 18 quire no other procedure, authorization or approval.
 19 (d) If the board of a district desires to increase its local option budget
 20 authority above the amount authorized under subsection (c) or if the
 21 board was not authorized to adopt a local option budget in 2006-2007,
 22 the board may adopt, by resolution, such budget in an amount not to
 23 exceed the state prescribed percentage. The adoption of a resolution pur-
 24 suant to this subsection shall require a majority vote of the members of
 25 the board. The resolution shall be published at least once in a newspaper
 26 having general circulation in the district. The resolution shall be published
 27 in substantial compliance with the following form:

28 Unified School District No. _____,
 29 _____ County, Kansas.

30 RESOLUTION

31 Be It Resolved that:

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

41 CERTIFICATE

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

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Clerk of the board of education.

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

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

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

(g) The board of any district may initiate procedures to renew or increase the authority to adopt a local option budget at any time during a school year after the tax levied pursuant to K.S.A. 72-6435, and amendments thereto, is certified to the county clerk under any existing authorization.

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

1 *under the provisions of this section as amended by this act after the period*
2 *of time specified in the resolution has expired.*

3 *(i) Any resolution adopted pursuant to this section may revoke or*
4 *repeal any resolution previously adopted by the board. If the resolution*
5 *does not revoke or repeal previously adopted resolutions, all resolutions*
6 *which are in effect shall expire on the same date. The maximum amount*
7 *of the local option budget of a school district under all resolutions in effect*
8 *shall not exceed the state prescribed percentage in any school year.*

9 *(j) (1) There is hereby established in every district that adopts a local*
10 *option budget a fund which shall be called the supplemental general fund.*
11 *The fund shall consist of all amounts deposited therein or credited thereto*
12 *according to law.*

13 *(2) Subject to the limitation imposed under paragraph (3) and sub-*
14 *section (e) of K.S.A. 72-6434, and amendments thereto, amounts in the*
15 *supplemental general fund may be expended for any purpose for which*
16 *expenditures from the general fund are authorized or may be transferred*
17 *to any program weighted fund or categorical fund of the district. Amounts*
18 *in the supplemental general fund attributable to any percentage over 25%*
19 *of state financial aid determined for the current school year may be trans-*
20 *ferred to the capital improvements fund of the district and the capital*
21 *outlay fund of the district if such transfers are specified in the resolution*
22 *authorizing the adoption of a local option budget in excess of 25%.*

23 *(3) Amounts in the supplemental general fund may not be expended*
24 *for the purpose of making payments under any lease-purchase agreement*
25 *involving the acquisition of land or buildings which is entered into pur-*
26 *suant to the provisions of K.S.A. 72-8225, and amendments thereto.*

27 *(4) (A) Except as provided in paragraph (B), any unexpended budget*
28 *remaining in the supplemental general fund of a district at the conclusion*
29 *of any school year in which a local option budget is adopted shall be*
30 *maintained in such fund.*

31 *(B) If the district received supplemental general state aid in the school*
32 *year, the state board shall determine the ratio of the amount of supple-*
33 *mental general state aid received to the amount of the local option budget*
34 *of the district for the school year and multiply the total amount of the*
35 *unexpended budget remaining by such ratio. An amount equal to the*
36 *amount of the product shall be transferred to the general fund of the*
37 *district or remitted to the state treasurer. Upon receipt of any such re-*
38 *mittance, the state treasurer shall deposit the same in the state treasury*
39 *to the credit of the state school district finance fund.*

40 *(k) Each year the state board of education shall determine the state-*
41 *wide average percentage of local option budgets legally adopted by school*
42 *districts for the preceding school year.*

43 **Sec. 6. K.S.A. 2006 Supp. 72-6624 is hereby amended to read**

1 *as follows: 72-6624. (a) As used in this section:*

2 (1) “School district” means unified school district No. 404, uni-
3 fied school district No. 493, unified school district No. 499 and uni-
4 fied school district No. 508.

5 (2) “Property” means any property, and improvements thereon,
6 comprising a racetrack gaming facility or lottery gaming facility
7 under the Kansas expanded lottery act located in Cherokee county.

8 (3) “State aid” means general state aid, supplemental general
9 state aid, capital improvements state aid, capital outlay state aid
10 and any other state aid paid, distributed or allocated to school dis-
11 tricts under the school district finance and quality performance act
12 or other law, and any other state aid paid, distributed or allocated
13 to school districts on the basis of the assessed valuation of school
14 districts.

15 (4) “Kansas lottery act” means the provisions of K.S.A. 74-8701 *et*
16 *seq.*, and amendments thereto, the Kansas expanded lottery act, and
17 amendments thereto, and any other act under which a racetrack gaming
18 facility or a lottery gaming facility may be located in Cherokee county.

19 (b) For the purposes of computing the assessed valuation of
20 school districts for the payment, distribution or allocation of state
21 aid and the levying of school taxes, $\frac{1}{4}$ of the assessed valuation of
22 such property shall be assigned to each of the school districts.

23 (c) The provisions of this section shall not apply if the property
24 is not or ceases to be used as a racetrack gaming facility or lottery
25 gaming facility under the Kansas expanded lottery act.

26 *New Sec. 7. (a) As used in this section:*

27 (1) “School districts” mean unified school district No. 349, uni-
28 fied school district No. 350 and unified school district No. 351.

29 (2) “Property” means any real property and improvements
30 thereon located within Stafford county which is used for the pro-
31 duction of ethanol or biodiesel products.

32 (3) “State aid” means general state aid, supplemental general
33 state aid, capital improvements state aid, capital outlay state aid
34 and any other state aid paid, distributed or allocated to school dis-
35 tricts under the school district finance and quality performance act
36 or other law, and any other state aid paid, distributed or allocated
37 to school districts on the basis of the assessed valuation of school
38 districts.

39 (b) For the purposes of computing the assessed valuation of
40 school districts for the payment, distribution or allocation of state
41 aid and the levying of school taxes, $\frac{1}{3}$ of the assessed valuation of
42 property as defined in this section shall be assigned to each of the
43 school districts.

1 (c) *The provisions of this section shall not apply if the property*
2 *is not or ceases to be used for the production of ethanol or biodiesel*
3 *products.*

4 **Sec. 8. K.S.A. 2006 Supp. 72-6407, 72-6433, 72-6449, 72-6451,**
5 **72-6454, 72-6624 and 72-6624a are hereby repealed.**

6 Sec. ~~6~~ **9.** This act shall take effect and be in force from and after
7 its publication in the ~~statute book~~ **Kansas register.**