

M I N U T E S

SPECIAL COMMITTEE ON EDUCATION

November 3, 1975

The Chairman, Representative Sellers, presided. All members except Senator Pomeroy were present.

Staff present included Ben Barrett from the Legislative Research Department and Avis Badke from the Revisor of Statutes Office.

Morning Session

Proposal No. 11 - Suspension and
Expulsion of Students

The Committee reviewed its proposed bill draft. The bill contained provisions relative to long-term suspensions or expulsions pertaining to discretionary authority by the person(s) conducting a hearing to issue subpoenas and procedural due process rights to cross-examine witnesses who appear in person at a hearing either voluntarily or as the result of issuance of a subpoena.

Motions were adopted which:

1. Added the phrase "but not limited to", on line 6 of page 3, Sec. 2.
2. Added a new subsection 2(d) on lines 6-8 of page 4, providing the right of a student or pupil and his or her counsel to confront and cross-examine witnesses who appear in person at a hearing either voluntarily or as the result of issuance of a subpoena.
3. Deleted all after the word "affidavit" in line 2 of Sec. 3(d) on page 5.
4. Deleted the bracketed sentence which appeared in lines 8-11 of Sec. 3(e) on page 5.
5. Retained the bracketed material in the sentence which appeared in lines 11-15 of Sec. 3(e) on page 5.

A motion by Representative Bower, seconded by Representative Braden, was adopted unanimously that the Committee recommend the proposed bill draft on suspension or expulsion of students, as amended, for consideration by the 1976 Legislature.

A motion by Representative Yonally, seconded by Representative Anderson, was adopted unanimously that the draft report on Proposal No. 11 be approved, subject to such modifications as are necessary to bring it into full agreement with bill draft amendments adopted by the Committee.

Proposal No. 12 - Privacy of Student
Records

A motion by Representative Braden, seconded by Senator Hess, was adopted unanimously that the report on Proposal No. 12 be approved.

Proposal No. 13 - School Bus Regulations

The Committee reviewed a revised bill draft relative to this subject. The bill contained the policy positions adopted by the Committee at its previous meeting. In addition, it contained two new provisions designed to bring sections of the statute not previously considered by the Committee into compliance with the policy decision to include nonpublic schools within the purview of the school bus laws and regulations presently applicable only to vehicles used to transport children to public schools. One such provision is an exemption from motor vehicle registration requirements; the other relates to limited exceptions to the minimum age requirements of K.S.A. 8-238 for licensing school bus drivers.

Pursuant to adoption of a series of motions approving all of the amendments contained in the bill draft, a motion by Representative Braden, seconded by Representative Bower, was adopted that the proposed bill, as amended, be submitted to the 1976 Legislature.

Another motion by Representative Braden, seconded by Representative Bower, was adopted that the draft report on Proposal No. 13 be approved, as expanded by the staff to include reference to the additional provisions included in the November 3 bill draft.

Minutes

A motion by Representative Yonally, seconded by Senator Tillotson, was adopted approving the minutes of the meeting of October 23 and 24.

Proposal No. 10 - Special Education

The staff reviewed a bill draft to provide for implementation of "power-equalization" of the tax levy for special education. The principal provisions of the bill involved repeal of the 1.5 mill special education levy authority (K.S.A. 1975 Supp. 72-934) and amendment of K.S.A. 1975 Supp. 72-7035(b) relating to the computation of a district's "legally adopted budget of operating expenses".

Afternoon Session

Proposal No. 10 (Cont'd)

After discussion of the proposed legislation, a motion by Senator Hess, seconded by Representative Yonally, was adopted unanimously that the bill be submitted for consideration by the 1976 Legislature. The motion included a request of the Legislative Coordinating Council that the bill be authorized for introduction in the House of Representatives.

The Committee discussed the status of the State Board of Education's consideration of the state plan for special education. The staff will request that copies be furnished to members of the Committee upon the completion and adoption of the plan.

The Committee reviewed the draft report on Proposal No. 10 and directed the staff to make certain minor changes therein. A motion by Representative Braden, seconded by Representative Anderson, was adopted unanimously approving the Committee report upon incorporation of the requested changes.

Having completed its interim study assignments, the meeting was adjourned.

Prepared by Ben F. Barrett

Approved by Committee on:

11/5/75
(Date)

*Attachment**Nov. 3 draft*

PROPOSED BILL NO. _____

By Special Committee on Education

Re: Proposal No. 11

AN ACT concerning education; relating to suspension and expulsion of pupils and students; amending K. S. A. 72-8903 and 72-8906, and K. S. A. 1975 Supp. 72-8902, and repealing the existing sections.

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

Section 1. K. S. A. 1975 Supp. 72-8902 is hereby amended to read as follows: 72-8902. (a) No suspension shall extend beyond the current school semester and no expulsion shall extend beyond the current school year. A suspension may be for a short term not exceeding five (5) school days, or for an extended term exceeding five (5) school days.

(b) No suspension for a short term shall be imposed upon a pupil or student without giving such pupil or student notice of the charges against him or her and affording such pupil or student a hearing thereon. Such notice may be oral or written and such hearing may be held immediately thereafter. Such hearing may be conducted informally but shall include the following procedural due process requirements: (1) The right of the student or pupil to be present at the hearing, and (2) the right of the student or pupil to be informed of the charges against him or her, and (3) the right of the student or pupil to be informed of the basis for the accusation, and (4) the right of the student or pupil to make statements in defense or mitigation of the charges or accusations.

Such hearing should be held prior to imposition of a short term suspension but a short term suspension may be imposed upon a pupil or student forthwith, and without affording such pupil or student or his or her parents or guardians, a hearing thereon if the presence of such pupil or student endangers other persons or

property or substantially disrupts, impedes or interferes with the operation of the school. A written notice of any short term suspension and the reason therefor shall be given to the pupil or student involved and to his or her parents or guardians within twenty-four (24) hours after such suspension has been imposed and, in the event the pupil or student has not been afforded a hearing prior to any short term suspension, an informal hearing shall be held as soon thereafter as practicable but in no event later than seventy-two (72) hours after such short term suspension has been imposed.

(c) No suspension for an extended term and no expulsion shall be imposed upon a pupil or student until a formal hearing on such suspension or expulsion shall be afforded to such pupil or student. In all cases wherein a pupil or student might be suspended for an extended term or might be expelled, he or she shall first be suspended for a short term. ~~A written notice of any short term suspension and the reason therefor shall be given to the pupil or student involved and to his parents or guardians within twenty-four (24) hours after such suspension has been imposed.~~ A written notice of any proposal to suspend for an extended term or to expel and the charges upon which the same is based shall be given to the pupil or student proposed to be suspended or expelled and to his or her parents or guardians within seventy-two (72) hours after the pupil or student has had imposed a short term suspension. Any such notice of a proposal to suspend for an extended term or to expel shall state the time, date and place that the pupil or student will be afforded a formal hearing, and such date shall be not later than the last day of the short term suspension of such pupil or student. Such notice shall be accompanied by a copy of this act and the regulations of the board of education adopted under K. S. A. 72-8903, as amended.

~~(b)~~ (d) Upon the conclusion of any formal hearing which results in a suspension for an extended term or an expulsion, the person or committee which conducts such hearing shall make a written report of the findings and results of the hearing. Such

report shall be directed to the board of education of the school district and shall be open to the inspection of the pupil or student who is suspended or expelled and to his or her counsel or other advisor.

~~(e)~~ (e) Whenever any such formal hearing results in suspension for an extended term or expulsion, the person or committee conducting such hearing may make a finding that return to classes by such student or pupil, pending any appeal or during the period allowed for notice of appeal, is not reasonably anticipated to cause continuing repeated material disorder, disruption or interference with the operation of any public school or substantial and material impingement upon or invasion of the rights of others, in which case such student or pupil may return to his or her regular classes until the period for filing a notice of appeal has expired with no such notice filed, or until the determination of any such appeal if a notice of appeal is filed. Whenever the person or committee conducting such a hearing fails to make the findings specified in this subsection, the report of the hearing shall provide that the suspension shall continue until appeal therefrom is determined or until the period of suspension or expulsion has expired, whichever is the sooner.

~~(f)~~ (f) Whenever any written notice is required under this act to be given to parents or guardians of any student or pupil, it shall be sufficient if the same is mailed to the residence of such parents or guardians at the address on file in the school records of such student or pupil. In lieu of mailing such written notice, the same may be personally delivered.

Sec. 2. K. S. A. 72-8903 is hereby amended to read as follows: 72-8903. The formal hearing provided for in K. S. A. 4970 1975 Supp. 72-8902, as amended, shall be conducted in accordance with regulations relating thereto adopted by the board of education. Such regulations shall afford procedural due process, including the following:

(a) The right of the student or pupil to have counsel of his or her own choice present and to receive the advice of such counsel or other person whom he or she may select, and

(b) the right of the parents or guardians of the student or pupil to be present at the hearing, and

(c) the right of the student or pupil and his or her counsel or advisor to hear or read a full report of testimony of witnesses against him or her, and

(d) the right of the student or pupil and his or her counsel to confront and cross-examine witnesses whose testimony is presented in person at the hearing, and

~~(d)~~ (e) the right of the student or pupil to present his or her own witnesses in person or their testimony by affidavit, and

~~(e)~~ (f) the right of the student or pupil to testify in his or her own behalf and give reasons for his or her conduct, and

~~(f)~~ (g) the right of the student or pupil to have an orderly hearing, and

~~(g)~~ (h) the right of the student or pupil to a fair and impartial decision based on substantial evidence.

Upon completion of any hearing which results in a long-term suspension or expulsion, should it appear to the person or committee conducting such hearing that a violation of a criminal statute or a city ordinance may have occurred concurrently with the acts upon which such long-term suspension or expulsion is based, such person or committee conducting the hearing shall report the same to the juvenile court or other appropriate law enforcement agency.

Sec. 3. K. S. A. 72-8906 is hereby amended to read as follows: 72-8906. Any person, hearing officer or any member of a committee or the board of education holding a hearing under article 89 of chapter 72 of Kansas Statutes Annotated may: (a) Administer oaths for the purpose of taking testimony therein;

(b) issue subpoenas for the attendance and testimony of witnesses and the production of books, records, reports, papers and documents relating to the proposed suspension or expulsion;

(c) call and examine witnesses and receive documentary and other evidence;

(d) authorize the presentation of testimony of a witness by affidavit when such testimony is of minor importance or of a cumulative nature; and

(e) take any other action necessary to make the hearing accord with procedural due process.

The use of the power to issue subpoenas shall be at the discretion of hearing officials. [but if the result of a hearing is directly dependent on the credibility of a witness or witnesses, whose testimony pertains to disputed questions of fact, said witness or witnesses shall be subpoenaed]. [When a witness appears in person at a hearing, either voluntarily or as a result of the issuance of a subpoena, the right to confront and cross-examine such witness shall be a requirement of procedural due process at said hearing.] When cross-examination is required, hearing officials may limit its scope and impose reasonable restraints on its use.

Sec. 4. K. S. A. 72-8903 and 72-8906, and K. S. A. 1975 Supp. 72-8902 are hereby repealed.

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

PROPOSED BILL NO. _____

By Special Committee on Education

Re: Proposal No. 13

AN ACT concerning school buses; relating to the definition and regulation thereof; amending K. S. A. 8-128, 8-238, 8-1336, 8-1461, 8-1556, 8-1558, 8-1730, 8-1743, 8-2009 and 72-8301, and repealing the existing sections; also repealing K. S. A. 72-8315.

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

Section 1. K. S. A. 8-1461 is hereby amended to read as follows: 8-1461. "School bus" means every motor vehicle owned by a public or governmental agency and operated for the transportation of children to ~~and~~ or from school, or to ~~and--from~~ activities, as defined in K. S. A. 72-133, or from interschool or intraschool functions or activities, and every motor vehicle privately owned and operated for compensation for such transportation of children; but does not include within its meaning any motor vehicle with a manufacturer's rated capacity of nine (9) passengers or less which is owned and operated for such transportation if the number of children so transported is equal to or less than such rated capacity.

Sec. 2. K. S. A. 72-8301 is hereby amended to read as follows: 72-8301. As used in this act: (a) "Board" or "board of education" means the board of education ~~or other governing body~~ of any school district.

(b) "School district" means any public school district except a community junior college district.

(c) The words "provide or furnish transportation" in addition to their ordinary meaning shall mean and include the right of a school district to: (1) Purchase, operate and maintain ~~public~~ school buses; (2) contract, lease or hire buses for the transportation of pupils, students and school personnel; and (3)

reimburse persons who furnish transportation to pupils, students or school personnel in privately owned motor vehicles.

(d) "Student" or "pupil" means any person regularly enrolled and attending school in those grades maintained by a school district.

(e) "School bus" means ~~any public school bus owned by the school district or (2) any privately owned motor vehicle under contract or hire to a school district for~~ every motor vehicle owned by a school district and operated for the transportation of pupils, students or school personnel to or from school or to or from interschool or intraschool functions or activities, and every motor vehicle privately owned and operated for such transportation of pupils, students or school personnel; but does not include within its meaning any motor vehicle with a manufacturer's rated capacity of nine (9) passengers or less which is owned and operated for such transportation if the number of pupils, students or school personnel so transported is equal to or less than such rated capacity.

(f) "State board" means the ~~constitutional~~ state board of education.

Sec. 3. K. S. A. 8-128 is hereby amended to read as follows: 8-128. (a) Farm tractors, all self-propelled farm implements including fertilizers and spreaders designed and used exclusively for dispensing liquid or dust fertilizer, road rollers and road machinery temporarily operated or moved upon the highways, municipally owned fire trucks, and school buses owned and operated by a school district or a nonpublic school which have the name of the municipality or school district or non-public school plainly painted thereon need not be registered under this act.

(b) Self-propelled cranes and earth moving equipment which are equipped with pneumatic tires may be moved on the highways of this state from one job location to another, or to or from places of storage delivery or repair, without complying with the provisions of the law relating to registration and display of license

plates but shall comply with all the other requirements of the law relating to motor vehicles: Provided, however, That said equipment shall not be operated on state maintained roads or highways on Saturdays, Sundays or legal holidays.

Sec. 4. K. S. A. 8-238 is hereby amended to read as follows: 8-238. (a) No person who is under the age of eighteen (18) years shall drive any school bus transporting school children or any motor vehicle when in use for the transportation of persons for a fee or when in use for the transportation of property, other than property owned or sold by the owner or lessee of such vehicle, for compensation unless such person has had at least one (1) year of driving experience prior thereto and has filed with the division one (1) or more certificates signed by a total of at least three (3) responsible people to whom he or she is well known, certifying as to his or her good character and habits and the director of vehicles is fully satisfied as to such person's competency and fitness to be so employed.

(b) Notwithstanding any of the foregoing provisions of this section to the contrary, the division of vehicles, upon written application signed by a majority of the members of a board of education of any school district or by a majority of the members of the governing authority of any nonpublic school, may issue a restricted class B driver's license to a minor over sixteen (16) years of age who has been approved and recommended in such application if the minor named therein shall successfully pass the examination required by this act for the issuance of such license. Any restricted driver's license issued pursuant to this subsection shall entitle the holder thereof to operate all class C motor vehicles, but such person shall not be entitled to drive any other vehicles or combination of vehicles in class B except a school bus.

Sec. 5. K. S. A. 8-1336 is hereby amended to read as follows: 8-1336. (a) Except when a special hazard exists that requires lower speed for compliance with K. S. A. 8-1335, the limits specified in this section or established as hereinafter

authorized shall be maximum lawful speeds, and no person shall drive a vehicle at a speed in excess of such maximum limits:

(1) Twenty (20) miles per hour in any business district;

(2) Thirty (30) miles per hour in any residence district;

and

(3) Fifty-five (55) miles per hour in all other locations.

In the event that the Congress of the United States shall establish a maximum speed limit greater or less than the limit prescribed by this paragraph, the secretary of transportation may adopt a resolution, subject to the approval of the governor, establishing such speed limit as the maximum speed limit of this state. Upon the expiration of sixty (60) days after the governor has approved any such resolution, the speed limit stated therein shall be the maximum speed limit of this state in all locations other than business and residence districts. The maximum speed limit established by or pursuant to this paragraph shall be of force and effect regardless of whether signs are posted giving notice thereof and notwithstanding any signs giving notice of maximum speed limits in excess thereof, and any sign giving notice of a maximum speed limit in excess of the limit established by or pursuant to this paragraph shall not be of any force and effect.

(b) The maximum speed limits established by or pursuant to this section may be altered as authorized in K. S. A. 8-1337 and 8-1338, and any amendments thereto.

(c) No person shall drive a school bus to or from school, or ~~"activities," as defined in K. S. A. 72-133~~ interschool or intraschool functions or activities, at a speed greater than forty-five (45) miles per hour on any roadway having a dirt, sand or gravel surface, and in no event shall a school bus be driven to and from school, or functions or activities, in excess of fifty-five (55) miles per hour, notwithstanding any maximum speed limit in excess thereof. The provisions of this subsection shall apply to buses used for the transportation of students enrolled in community junior colleges or area vocational ~~technical~~ schools

when such buses are transporting students to or from school, or functions or activities.

Sec. 6. K. S. A. 8-1556 is hereby amended to read as follows: 8-1556. (a) The driver of a vehicle meeting or overtaking from either direction any school bus stopped on the highway shall stop before reaching such school bus when there is in operation on said school bus the flashing red lights specified in subsection (a) of K. S. A. 8-1730, as amended, and said driver shall not proceed until such school bus resumes motion or said driver is signaled by the school bus driver to proceed or the flashing red lights and the stop signal arm are no longer actuated.

(b) Every school bus shall be equipped with red visual signals meeting the requirements of subsection (a) of K. S. A. 8-1730, as amended, which may be actuated by the driver of said school bus whenever but only whenever such vehicle is stopped on the highway for the purpose of receiving or discharging school children. A school bus driver shall not actuate said special visual signals:

(1) In business districts and on urban arterial streets designated by the secretary of transportation or local authorities;

(2) At intersections or other places where traffic is controlled by traffic-control signals or police officers; or

(3) In designated school bus loading areas where the bus is entirely off the roadway.

(c) Every school bus shall bear upon the front and rear thereof plainly visible signs containing the words "school bus" in the letters not less than eight (8) inches in height. When a school bus is being operated upon a highway for purposes other than the actual transportation of children either to or from school or ~~"activities," as defined by K. S. A. 72-133~~ to or from interschool or intraschool functions or activities, or for maintenance, repair or storage purposes all markings thereon indicating "school bus" shall be covered or concealed.

(d) The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway or when upon a controlled-access highway and the school bus is stopped in a loading zone which is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway.

(e) The provisions of this section shall be subject to the provisions contained in section 11 of this act.

Sec. 7. K. S. A. 8-1558 is hereby amended to read as follows: 8-1558. (a) Subject to subsection (b) and except when a special hazard exists that requires lower speed for compliance with K. S. A. 8-1557, the limits hereinafter specified or established as hereinafter authorized shall be maximum lawful speeds, and no person shall drive a vehicle at a speed in excess of such maximum limits:

(1) Thirty (30) miles per hour in any urban district;

(2) Seventy (70) miles per hour in other locations during the daytime; and

(3) Sixty (60) miles per hour in such other locations during the nighttime.

(b) On any highway outside the corporate limits of any city, passenger vehicles and buses, other than school buses, and motor vehicles licensed for a gross weight of twelve thousand (12,000) pounds or less, shall be subject to a maximum speed limit during the daytime of seventy (70) miles per hour and a maximum speed limit during the nighttime of sixty (60) miles per hour, except on interstate highways where the maximum lawful speed during the daytime shall be seventy-five (75) miles per hour and during the nighttime the maximum lawful speed shall be seventy (70) miles per hour. On any highway outside the corporate limits of any city, any combination of vehicles coupled together and trucks licensed for a gross weight of more than twelve thousand (12,000) pounds shall not exceed at any time a maximum speed limit of sixty (60) miles per hour, and a school bus being driven to or from school, or "activities,"--as--defined

~~in K. S. A. 72-133~~ interschool or intraschool functions or activities, shall not exceed a speed greater than forty-five (45) miles per hour on any roadway having a dirt, sand or gravel surface, and in no event shall a school bus be driven to and from school, or functions or activities, at a speed in excess of fifty-five (55) miles per hour, notwithstanding any maximum speed limit in excess thereof. The provisions of this subsection relating to school buses shall apply to buses used for the transportation of students enrolled in community junior colleges or area vocational ~~technical~~ schools, when such buses are transporting students to or from school, or functions or activities.

(c) As used in this section, daytime means from a half hour before sunrise to a half hour after sunset; nighttime means at any other hour.

(d) The maximum speed limits set forth in this section may be altered as authorized in K. S. A. 8-1559 and 8-1560.

(e) The provisions of subsection (a) and (b) shall not apply to the driving of vehicles on a highway which is under the jurisdiction of the Kansas turnpike authority, as defined in K. S. A. 1975 Supp. 68-2001, and said turnpike authority is hereby authorized and empowered, by resolution, to fix maximum and minimum speed limits for vehicles upon a highway or any part thereof under the authority's jurisdiction, which speed limits shall be effective when appropriate signs giving notice thereof are erected upon such highway or any part thereof; and any person violating any such speed limit shall be guilty of a misdemeanor and, upon conviction, shall be subject to the penalties prescribed by K. S. A. 8-2116.

Sec. 8. K. S. A. 8-1730 is hereby amended to read as follows: 8-1730. (a) Every school bus, in addition to any other equipment and distinctive markings required by this act, shall be equipped with signal lamps mounted as high and as widely spaced laterally as practicable, which shall display to the front two (2) alternately flashing red lights located at the same level and to the rear two (2) alternately flashing red lights located at

the same level, and these lights shall be visible at five hundred (500) feet in normal sunlight.

(b) Any school bus, in addition to the lights required by subsection (a), may be equipped with yellow signal lamps mounted near each of the four (4) red lamps and at the same level but closer to the vertical centerline of the bus, which shall display two (2) alternately flashing yellow lights to the front and two (2) alternately flashing yellow lights to the rear, and these lights shall be visible at five hundred (500) feet in normal sunlight. These lights shall be displayed by the school bus driver at least two hundred (200) feet, but not more than one thousand (1,000) feet, before every stop at which the alternately flashing red lights required by subsection (a) will be actuated.

(c) The secretary of transportation is authorized to adopt rules and regulations promulgating standards and specifications applicable to lighting equipment on and special warning devices to be carried by school buses consistent with the provisions of this act, but supplemental thereto. Such standards and specifications shall correlate with and so far as consistent with the provisions of this act conform to the specifications then current as approved by the society of automotive engineers.

(d) The provisions of this section shall be subject to the provisions contained in section 11 of this act.

Sec. 9. K. S. A. 8-1743 is hereby amended to read as follows: 8-1743. (a) On and after January 1, 1975, no person shall sell any new motor vehicle as specified herein, nor shall any new motor vehicle as specified herein be registered thereafter, unless such vehicle is equipped with safety glazing material of a type approved by the secretary of transportation wherever glazing materials is used in doors, windows and windshields. The foregoing provisions shall apply to all passenger-type motor vehicles, including passenger buses and school buses, but with respect to trucks, including truck-tractors, the requirements as to safety glazing material shall not apply to glazing material in compartments not so designed and equipped that persons may ride

therein.

(b) No person shall sell or affix to a motor vehicle any truck-camper manufactured or assembled after July 1, 1968, unless such truck-camper is equipped with safety glazing material of a type approved by the secretary of transportation wherever glazing material is used in doors and windows.

(c) The term "safety glazing materials" means glazing materials so constructed, treated or combined with other materials as to reduce substantially, in comparison with ordinary sheet glass or plate glass, the likelihood of injury to persons by objects from exterior sources or by these safety glazing materials when they may be cracked or broken.

(d) The secretary of transportation shall compile and publish a list of types of glazing material by name approved by the secretary as meeting the requirements of this section, and the division shall not register after January 1, 1975, any motor vehicle which is subject to the provisions of this section unless it is equipped with an approved type of safety glazing material, and the division thereafter shall suspend the registration of any motor vehicle so subject to this section which the division finds is not so equipped until it is made to conform to the requirements of this section.

(e) It shall be unlawful for any person to replace any glass or glazing materials used in partitions, doors, windows or windshields in any motor vehicle with any material other than safety glazing material of a type approved by the secretary of transportation. Any person violating the provisions of this subsection shall be guilty of a class C misdemeanor.

(f) The provisions of this section shall be subject to the provisions contained in section 11 of this act.

Sec. 10. K. S. A. 8-2009 is hereby amended to read as follows: 8-2009. (a) All seats on school buses shall be forward-facing and shall be securely fastened to that part or parts of the school bus which support them, and any rule or regulation of the secretary providing for any other seating arrange-

~~ment shall be null and void. The secretary of transportation by and with the advice of the commissioner of education~~ shall adopt and enforce rules or regulations not inconsistent with this act to govern the design and operation of all school buses ~~when owned and operated by any school district or privately owned and operated under contract with any school district in this state, and such.~~ The secretary of transportation shall confer and consult with the commissioner of education before adopting any of said rules or regulations, and shall confer and consult, at such time or times as deemed necessary or advisable, with school officers and administrators and other persons responsible for school transportation services as to the effect of said rules or regulations. When any privately owned school bus is operated under contract with any school district or nonpublic school in this state, said rules or regulations shall by reference be made a part of any such contract with a school district or with a nonpublic school. Every school district, its officers and employees, and every nonpublic school, its officers and employees, and every person employed under contract by a school district or a nonpublic school shall be subject to said rules or regulations.~~Provided, That all seats on school buses, shall be forward facing and shall be securely fastened to that part or parts of the school bus which support them, and any rule or regulation of the secretary providing for any other seating arrangement shall be null and void.~~

(b) Any officer or employee of any school district who violates any of said rules or regulations or fails to include obligation to comply with said rules or regulations in any contract executed ~~by him or her~~ on behalf of a school district shall be guilty of misconduct and subject to removal from office or employment. Any person operating a school bus under contract with a school district who fails to comply with any of said rules or regulations shall be guilty of breach of contract and such contract shall be canceled after notice and hearing by the responsible officers of such school district.

(c) The provisions of this section shall be subject to the provisions contained in section 11 of this act.

New Sec. 11. (a) Every school bus, as defined in K. S. A. 8-1461, as amended, shall be governed by the requirements of law and rules or regulations of the secretary of transportation applicable to design, lighting equipment, distinctive markings, special warning devices, and any other equipment which are in effect on the date any such school bus is purchased or otherwise acquired, and shall be exempt from the requirements of law and rules or regulations which become effective at any time during a period of six (6) years from such date. The secretary of transportation is hereby required to approve any such school bus as to design, and as to lighting equipment, special warning devices, distinctive markings, and any other equipment required by law and rules or regulations, for operation as a school bus during such six-year period upon submission of a request for such approval.

(b) The secretary of transportation is authorized to establish the procedure to be followed when request for approval of any such school bus is submitted under this section. The approval shall be in writing and a copy of the written approval shall be carried in the school bus at all times, but failure to carry said copy of the written approval shall not affect the status of the school bus as an approved school bus. The secretary of transportation shall maintain a list of all such school buses which have been approved by the secretary.

Sec. 12. K. S. A. 8-128, 8-238, 8-1336, 8-1461, 8-1556, 8-1558, 8-1730, 8-1743, 8-2009, 72-8301 and 72-8315 are hereby repealed.

Sec. 13. This act shall take effect and be in force from and after its publication in the statute book.

Attachment III
Nov. 3 draft.

PROPOSED BILL NO. _____

By Special Committee on Education

Re: Proposal No. 10

AN ACT concerning the school district equalization act; relating to the financing of special education for exceptional children; amending K. S. A. 1975 Supp. 72-7035 and 72-7057, and repealing the existing sections; also repealing K. S. A. 1975 Supp. 72-934.

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

Section 1. K. S. A. 1975 Supp. 72-7035 is hereby amended to read as follows: 72-7035. (a) "General fund" means the fund of a district from which operating expenses are paid and to which is deposited all amounts of general state aid under this act, property taxes under ~~section-27~~ K. S. A. 1975 Supp. 72-7056, distributions under ~~section-45~~ K. S. A. 1975 Supp. 72-7074, payments from the school district income tax fund, payments under K. S. A. 72-7105a, payments under the provisions of 20 U.S.C.A. 238 and 239 (title 1 of P.L. 874) and such other moneys as are provided by law.

(b) For the purpose of computing the limitation on operating expenses per pupil in the ~~1973-74~~ 1976-77 school year under ~~section-26~~ K. S. A. 1975 Supp. 72-7055, "legally adopted budget of operating expenses" in the ~~1972-73~~ 1975-76 school year means the amount budgeted in the general fund, ~~excluding amounts budgeted for transportation and social security~~ plus the greater of the amounts levied under K. S. A. 1974 Supp. 72-934, or amendments thereto, for the 1974-75 or 1975-76 school years.

Sec. 2. K. S. A. 1975 Supp. 72-7057 is hereby amended to read as follows: 72-7057. (a) There is hereby established in every district a fund which shall be called the "special education fund," which fund shall consist of all moneys deposited

therein or transferred thereto according to law. Notwithstanding any other provision of law, all moneys received by the district from whatever source for special education shall be credited to the special education fund established by this section, except that moneys received by a district pursuant to lawful agreements made under authority of former K. S. A. 72-952 or K. S. A. 1975 Supp. 72-968 shall be deposited in the special fund established under said 72-952 or 72-968. The expenses of a district directly attributable to special education shall be paid from the special education fund and from special funds established under former K. S. A. 72-952, as amended or K. S. A. 1975 Supp. 72-968.

(b) ~~All moneys in any special education fund, except any special funds established under K. S. A. 72-952, to which moneys received under article 9 of chapter 72 of Kansas Statutes Annotated were deposited prior to the effective date of this act, shall be transferred on the effective date of this act to the special education fund established by this section, and~~ All remaining moneys to which any district is entitled from a levy made under authority of K. S. A. 72-934, which statute is repealed by this act, shall be paid to the district and deposited in the special education fund established by this section. All lawful agreements made under authority of former K. S. A. 72-952 or K. S. A. 1975 Supp. 72-968 shall remain valid and enforceable after the effective date of this act in accordance with the terms thereof, and obligations of a district under any such contract shall be paid from the special education fund established by this section.

Sec. 3. K. S. A. 1975 Supp. 72-934, 72-7035 and 72-7057 are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.