

MINUTES OF THE HOUSE EDUCATION COMMITTEE

The meeting was called to order by Chairman Clay Aurand at 9:00 a.m. on March 12, 2009, in Room 711 of the Docking State Office Building.

All members were present except:  
Representative Valdenia Winn - excused

Committee staff present:  
Sharon Wenger, Kansas Legislative Research Department  
Reagan Cussimano, Kansas Legislative Research Department  
Theresa Kiernan, Office of the Revisor of Statutes  
Dale Dennis, Kansas Department of Education  
Janet Henning, Committee Assistant

Chairman Aurand told Committee members for the purpose of chairing the House Education Committee on March 12, 2009, he would appoint Representative Judy Loganbill as the Chairperson.

**HB 2199 - Concerning school districts and students with dyslexia.**

Acting Chairperson Loganbill requested a report from Sub-Committee Chairperson Spalding regarding the resolution for **HB 2199**. Representative Spalding told Committee members the Sub-Committee had met several times and felt that the bill was not necessary at this time and in lieu of a bill, to introduce a resolution to direct the State Board of Education to take certain actions in relation to children with reading problems, including dyslexia. (Attachment 1)

Representative Spalding moved to introduce a concurrent resolution. The motion was seconded by Representative Brookens. The motion carried on a voice vote.

**HB 2008 - School medication aide act; certain persons authorized to administer epinephrine.**

Acting Chairperson Loganbill closed the hearing of February 10, 2009 on **HB 2008**.

Acting Chairperson Loganbill requested a report from Sub-Committee Chairperson Horst regarding **HB 2008**. Representative Horst told Committee members the Sub-Committee had met several times and then gave an overview of a substitute bill for **HB 2008**. (Attachment 2)

Representative Horst moved to pass out the balloon amendment for HB 2008 favorably for passage. The motion was seconded by Representative Huebert.

Representative Brookens moved for a substitute motion to include language in new Section 2 clarifying that school districts are not required to maintain an epinephrine kit. The motion was seconded by Representative Hill. The motion carried on a voice vote.

Representative Horst moved to pass out substitute HB 2008, as amended, favorably for passage. The motion was seconded by Representative Huebert. The motion carried on a voice vote.

**SB 41 - School districts; repeal of archaic statutes relating to transfers of funds and property; disorganized districts.**

Representative Aurand told Committee members of a proposed amendment for **SB 41**. Rep Aurand stated that he intends to offer an amendment to the law which allows a district which has been enlarged through the disorganization of another district and the attachment of the territory of the former district to the enlarged district to maintain the budget authority of both of the districts. Under current law, this financial incentive applies only if the entire territory of the disorganized district is attached to a single district. The proposed amendment would extend the financial incentive to the situation in which a district is disorganized and the territory of the former district is attached to more than one district. (Attachment 3)

Representative Aurand told Committee members this amendment would possibly be discussed at the next meeting, Tuesday, March 17, 2009.

The meeting was adjourned at 10:00 a.m. The next meeting is scheduled for March 17, 2009.

2199

HOUSE CONCURRENT RESOLUTION No.  
By Committee on Education

A RESOLUTION urging the State Board of Education to study dyslexia.

WHEREAS, the State Board of Education has made a strong commitment for all students to learn and perform well in school, which requires a focus on early literacy programs and appropriate diagnostic screening, including the screening of language processing; and

WHEREAS, The Kansas Legislature has made a strong commitment to help children with disabilities, including dyslexia, and is determined that all children with disabilities, including dyslexia, be provided help and support within Kansas schools; and

WHEREAS, Federal law requires each school district to comply with appropriate teacher training to meet the needs of children with disabilities, including dyslexia, as required in the Individuals with Disabilities Education Act; and

WHEREAS, Federal law requires each school district to implement appropriate activities to ensure children with disabilities, including dyslexia, are appropriately screened at an early age, and where appropriate, identified as a child with dyslexia; and

*Be it resolved by the House of Representatives of the State of Kansas:*

That the State Board of Education will endeavor to:

Ensure that early screening or testing will identify children with a reading disability, including dyslexia; and

Review the partnerships with early childhood education providers to see that reading diagnostic assessments used in pre-Kindergarten and Kindergarten levels and grades 1 and 2 will ensure that reading problems, including dyslexia, are identified and analyzed; and

Review the level and pace of implementation of the best practices of instruction including, but not limited to, the multi-tier support system in school districts to ensure that reading problems, including dyslexia, are identified and analyzed; and

Review teacher preparation courses to ensure that knowledge of the best practices of instruction including, but not limited to the multi-tier support system and scientifically-based reading instructional components used to instruct children with disabilities, including dyslexia, is addressed; and

Ensure that parents have easy access to all information, including appropriate interventions and the appropriate pace of intervention that are recommended by the multi-tier support system and contact information for school building administrators, school district administrators and the State Department of Education; and

Report to the Kansas Legislature at the beginning of the 2010 Legislative Session on the progress made in achieving these endeavors.

# HOUSE BILL No. 2008

By Legislative Educational Planning Committee

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9 ~~AN ACT enacting the school medication aide act, amending K.S.A. 2008~~  
10 ~~Supp. 65-1124 and 65-2872 and repealing the existing sections.~~

11  
12 *Be it enacted by the Legislature of the State of Kansas:*

13 ~~New Section 1. Sections 1 through 10, and amendments thereto,~~  
14 ~~shall be known and may be cited as the school medication aide act.~~

15 ~~New Sec. 2. As used in the school medication aide act:~~

16 ~~(a) "Board" means the state board of nursing.~~

17 ~~(b) "Medication" means epinephrine.~~

18 ~~(c) "School medication aide" means a person who has been certified~~  
19 ~~as having satisfactorily completed a training program in medication ad-~~  
20 ~~ministration approved by the board for the purposes of subsection (p) of~~  
21 ~~K.S.A. 65-1124, and amendments thereto, and has passed a competency~~  
22 ~~test approved by the board.~~

23 ~~(d) "School" means any public or accredited nonpublic school.~~

24 ~~(e) "Student" means any student who is exhibiting the signs and~~  
25 ~~symptoms of an anaphylactic reaction whether or not such student has~~  
26 ~~been diagnosed as having an allergy or anaphylaxis.~~

27 ~~New Sec. 3. (a) A school medication aide may administer medication~~  
28 ~~to a student, or assist a student in the self administration of medication,~~  
29 ~~at school, on school property or at a school sponsored event if such med-~~  
30 ~~ication aide reasonably believes the student is exhibiting the signs and~~  
31 ~~symptoms of an anaphylactic reaction.~~

32 ~~(b) A school medication aide shall keep and maintain accurate med-~~  
33 ~~ication administration records. The medication administration records~~  
34 ~~shall be available to the state board of nursing and the state department~~  
35 ~~of education for inspection and copying. Medication administration re-~~  
36 ~~ords shall include information and data required by rules and regulations~~  
37 ~~adopted by the board.~~

38 ~~New Sec. 4. The board shall adopt rules and regulations necessary~~  
39 ~~for the implementation and administration of the school medication aide~~  
40 ~~act. Such rules and regulations shall include provisions relating to:~~

41 ~~(a) Minimum standards for competencies for school medication aides~~  
42 ~~and methods for the assessment of the competencies of school medication~~  
43 ~~aides.~~

AN ACT concerning epinephrine; relating to the administration thereof; authorizing the maintenance of epinephrine kits; amending KSA 2008 Supp 65-2872 and repealing the existing section.

- 1 (b) Minimum qualifications for persons seeking to apply for certification as a school medication aide.
- 2
- 3 (c) Minimum qualifications and standards for school medication aide
- 4 programs and courses.
- 5 (d) Continuing education requirements for renewal of certification.
- 6 (e) The procedure for submission of applications for certification and
- 7 the issuance, denial, renewal, limitation, suspension or revocation of
- 8 certification.
- 9 (f) Fees.
- 10 (g) Storage, handling and disposal of medication in schools.
- 11 (h) Record keeping requirements for schools and school medication
- 12 aides.
- 13 (i) Reporting requirements for schools and school medication aides.
- 14 (j) Any other provision deemed necessary by the board for the im-
- 15 plementation and administration of the school medication aide act.
- 16 New Sec. 5. (a) Any person who has completed a program in medi-
- 17 cation administration approved by the board and passed a competency
- 18 test approved by the board may submit to the board an application for
- 19 certification as a school medication aide.
- 20 (b) Any person whose education or training which the board deter-
- 21 mines is substantially equivalent to, or exceeds the requirements of, a
- 22 school medication aide program approved by the board may apply to take
- 23 the competency test to become certified as a school medication aide. If
- 24 such person successfully passes the competency test, such person may
- 25 submit to the board an application for certification as a school medication
- 26 aide.
- 27 (c) A certification as a school medication aide shall expire two years
- 28 after the date of issuance.
- 29 (d) The board shall maintain a registry of persons who hold a valid
- 30 certificate as a school medication aide.
- 31 New Sec. 6. The board may fix and impose fees for the initial cer-
- 32 tification and the renewal of certification of persons certified under the
- 33 school medication aide act. The board also may fix fees for the late sub-
- 34 mission of applications for renewal of certifications, application fees for
- 35 training courses and fees for returned or insufficient fund checks. Fees
- 36 shall be fixed by the board by adoption of rules and regulations. Moneys
- 37 derived from fees shall be expended solely for the administration and
- 38 implementation of the school medication aide act. The board shall remit
- 39 all moneys received from such fees to the state treasurer in accordance
- 40 with the provisions of K.S.A. 75-4215, and amendments thereto. Upon
- 41 receipt of each such remittance, the state treasurer shall deposit the entire
- 42 amount in the state treasury and credit it to the board of nursing fee fund
- 43 established by K.S.A. 74-1108, and amendments thereto.

1 New Sec. 7. After notice and hearing in accordance with the Kansas  
2 administrative procedure act, the board may deny, limit, suspend or re-  
3 voke a certification issued under the school medication aide act for a  
4 violation of the school medication aide act or any rules and regulations  
5 adopted thereunder. Any action of the board pursuant to this section is  
6 subject to review in accordance with the act for judicial review and civil  
7 enforcement of agency actions.

8 New Sec. 8. (a) Any person may report, and the board of education  
9 of any school district shall report, to the board of nursing any alleged act  
10 of incompetence of a school medication aide. Such report shall be sub-  
11 mitted within 30 days of the alleged act of incompetence. A copy of such  
12 report also shall be provided to the school medication aide who is the  
13 subject of the report of the alleged act of incompetence. A report made  
14 to the board under this section shall be confidential. The school district  
15 making such report shall be immune from criminal or civil liability of any  
16 nature, whether direct or derivative, for filing a report or for disclosure  
17 of documents, records, or other information to the board under this  
18 section.

19 (b) Complaints, investigational records, reports and investigational  
20 files of any kind of the board shall not be public record, shall not be  
21 subject to subpoena or discovery, and shall be inadmissible in evidence  
22 in any legal proceeding of any kind or character except an informal con-  
23 ference or formal hearing before the board. Such complaints, investiga-  
24 tional records, reports and investigational files shall be a public record if  
25 made part of the record of a formal hearing before the board. No person,  
26 including, but not limited to, board employees, having access to com-  
27 plaints, investigational records, reports or investigational files, shall dis-  
28 close such records or information except as required for investigation of  
29 the alleged violation or for purposes of a hearing before the board. Such  
30 information, files and records may be disclosed to other law enforcement  
31 agencies by the board, and such disclosure shall not make the information,  
32 files or records public records.

33 New Sec. 9. (a) No school shall use or employ any individual to ad-  
34 minister medication to a student unless the individual is: (1) A licensed  
35 nurse; (2) a school medication aide certified under the school medication  
36 aide act; or (3) a person who is authorized to perform a nursing procedure  
37 pursuant to a delegation under subsection (k) of K.S.A. 65-1124, and  
38 amendments thereto.

39 (b) Unless a person is otherwise authorized by law to administer med-  
40 ication, no person shall administer medication to a student unless such  
41 person is: (1) A licensed nurse; (2) a school medication aide certified  
42 under the school medication aide act; or (3) a person who is authorized  
43 to perform a nursing procedure pursuant to a delegation under subsection

- 1 ~~(d) of K.S.A. 65-1124, and amendments thereto.~~
- 2 ~~(e) Nothing in the school medication aide act shall be construed to~~
- 3 ~~require any school to employ or use a school nurse or a school medication~~
- 4 ~~aide.~~
- 5 ~~New Sec. 10. Any person who intentionally violates the school med-~~
- 6 ~~ication aide act is guilty of a class B misdemeanor, except that, upon~~
- 7 ~~conviction of a second or subsequent violation of such act, such person~~
- 8 ~~is guilty of a class A misdemeanor.~~
- 9 ~~Sec. 11. K.S.A. 2008 Supp. 65-1124 is hereby amended to read as~~
- 10 ~~follows: 65-1124. No provisions of this law shall be construed as~~
- 11 ~~prohibiting:~~
- 12 ~~(a) Gratuitous nursing by friends or members of the family;~~
- 13 ~~(b) the incidental care of the sick by domestic servants or persons~~
- 14 ~~primarily employed as housekeepers;~~
- 15 ~~(c) caring for the sick in accordance with tenets and practices of any~~
- 16 ~~church or religious denomination which teaches reliance upon spiritual~~
- 17 ~~means through prayer for healing;~~
- 18 ~~(d) nursing assistance in the case of an emergency;~~
- 19 ~~(e) the practice of nursing by students as part of a clinical course~~
- 20 ~~offered through a school of professional or practical nursing or program~~
- 21 ~~of advanced registered professional nursing approved in the United States~~
- 22 ~~or its territories;~~
- 23 ~~(f) the practice of nursing in this state by legally qualified nurses of~~
- 24 ~~any of the other states as long as the engagement of any such nurse~~
- 25 ~~requires the nurse to accompany and care for a patient temporarily re-~~
- 26 ~~siding in this state during the period of one such engagement not to~~
- 27 ~~exceed six months in length, and as long as such nurses do not represent~~
- 28 ~~or hold themselves out as nurses licensed to practice in this state;~~
- 29 ~~(g) the practice by any nurse who is employed by the United States~~
- 30 ~~government or any bureau, division or agency thereof, while in the dis-~~
- 31 ~~charge of official duties;~~
- 32 ~~(h) auxiliary patient care services performed in medical care facilities,~~
- 33 ~~adult care homes or elsewhere by persons under the direction of a person~~
- 34 ~~licensed to practice medicine and surgery or a person licensed to practice~~
- 35 ~~dentistry or the supervision of a registered professional nurse or a licensed~~
- 36 ~~practical nurse;~~
- 37 ~~(i) the administration of medications to residents of adult care homes~~
- 38 ~~or to patients in hospital-based long term care units, including state op-~~
- 39 ~~erated institutions for the mentally retarded, by an unlicensed person who~~
- 40 ~~has been certified as having satisfactorily completed a training program~~
- 41 ~~in medication administration approved by the secretary of health and~~
- 42 ~~environment and has completed the program on continuing education~~
- 43 ~~adopted by the secretary, or by an unlicensed person while engaged in~~

- 1 ~~and as a part of such training program in medication administration;~~  
2 ~~(j) the practice of mental health technology by licensed mental health~~  
3 ~~technicians as authorized under the mental health technicians' licensure~~  
4 ~~act;~~  
5 ~~(k) performance in the school setting of nursing procedures when~~  
6 ~~delegated by a licensed professional nurse in accordance with the rules~~  
7 ~~and regulations of the board;~~  
8 ~~(l) performance of attendant care services directed by or on behalf~~  
9 ~~of an individual in need of in home care as the terms "attendant care~~  
10 ~~services" and "individual in need of in home care" are defined under~~  
11 ~~K.S.A. 65-6201 and amendments thereto;~~  
12 ~~(m) performance of a nursing procedure by a person when that pro-~~  
13 ~~cedure is delegated by a licensed nurse, within the reasonable exercise of~~  
14 ~~independent nursing judgment and is performed with reasonable skill and~~  
15 ~~safety by that person under the supervision of a registered professional~~  
16 ~~nurse or a licensed practical nurse;~~  
17 ~~(n) the practice of nursing by an applicant for Kansas nurse licensure~~  
18 ~~in the supervised clinical portion of a refresher course; or~~  
19 ~~(o) the teaching of the nursing process in this state by legally qualified~~  
20 ~~nurses of any of the other states while in consultation with a licensed~~  
21 ~~Kansas nurse as long as such individuals do not represent or hold them-~~  
22 ~~selves out as nurses licensed to practice in this state;.~~  
23 ~~(p) the administration of medication when certified as a school med-~~  
24 ~~ication aide and administering medication under and in accordance with~~  
25 ~~the provisions of the school medication aide act, and any interpretation~~  
26 ~~thereof by the supreme court of this state or the administration of medi-~~  
27 ~~cation while engaged in and as a part of a training program in medication~~  
28 ~~administration approved under the school medication aide act; or~~  
29 ~~(q) the administration of epinephrine to a student by a professional~~  
30 ~~nurse, without a prior diagnosis and specific student order, if the profes-~~  
31 ~~sional nurse reasonably believes that the signs and symptoms of an ana-~~  
32 ~~phylactic reaction are occurring and a physician has authorized the pro-~~  
33 ~~fessional nurse to maintain a stock supply of epinephrine pens and to act~~  
34 ~~in accordance with this provision and if administered at school, on school~~  
35 ~~property or at a school sponsored event.~~

36 ~~Sec. 12.~~ K.S.A. 2008 Supp. 65-2872 is hereby amended to read as  
37 follows: 65-2872. The practice of the healing arts shall not be construed  
38 to include the following persons:

- 39 (a) Persons rendering gratuitous services in the case of an emergency.  
40 (b) Persons gratuitously administering ordinary household remedies.  
41 (c) The members of any church practicing their religious tenets pro-  
42 vided they shall not be exempt from complying with all public health  
43 regulations of the state.

Section 1.

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- 1 (d) Students while in actual classroom attendance in an accredited  
2 healing arts school who after completing one year's study treat diseases  
3 under the supervision of a licensed instructor.
- 4 (e) Students upon the completion of at least three years study in an  
5 accredited healing arts school and who, as a part of their academic  
6 requirements for a degree, serve a preceptorship not to exceed 180 days  
7 under the supervision of a licensed practitioner.
- 8 (f) Persons who massage for the purpose of relaxation, muscle con-  
9 ditioning, or figure improvement, provided no drugs are used and such  
10 persons do not hold themselves out to be physicians or healers.
- 11 (g) Persons whose professional services are performed under the su-  
12 pervision or by order of or referral from a practitioner who is licensed  
13 under this act.
- 14 (h) Persons in the general fields of psychology, education and social  
15 work, dealing with the social, psychological and moral well-being of in-  
16 dividuals and/or groups provided they do not use drugs and do not hold  
17 themselves out to be the physicians, surgeons, osteopathic physicians or  
18 chiropractors.
- 19 (i) Practitioners of the healing arts in the United States army, navy,  
20 air force, public health service, and coast guard or other military service  
21 when acting in the line of duty in this state.
- 22 (j) Practitioners of the healing arts licensed in another state when and  
23 while incidentally called into this state in consultation with practitioners  
24 licensed in this state.
- 25 (k) Dentists practicing their professions, when licensed and practic-  
26 ing in accordance with the provisions of article 14 of chapter 65 of the  
27 Kansas Statutes Annotated, and amendments thereto, and any interpre-  
28 tation thereof by the supreme court of this state.
- 29 (l) Optometrists practicing their professions, when licensed and prac-  
30 ticing under and in accordance with the provisions of article 15 of chapter  
31 65 of the Kansas Statutes Annotated, and amendments thereto, and any  
32 interpretation thereof by the supreme court of this state.
- 33 (m) Nurses practicing their profession when licensed and practicing  
34 under and in accordance with the provisions of article 11 of chapter 65  
35 of the Kansas Statutes Annotated, and amendments thereto, and any in-  
36 terpretation thereof by the supreme court of this state.
- 37 (n) Podiatrists practicing their profession, when licensed and practic-  
38 ing under and in accordance with the provisions of article 20 of chapter  
39 65 of the Kansas Statutes Annotated, and amendments thereto, and any  
40 interpretation thereof by the supreme court of this state.
- 41 (o) Every act or practice falling in the field of the healing art, not  
42 specifically excepted herein, shall constitute the practice thereof.
- 43 (p) Pharmacists practicing their profession, when licensed and prac-



1 ticing under and in accordance with the provisions of article 16 of chapter  
2 65 of the Kansas Statutes Annotated, and amendments thereto, and any  
3 interpretation thereof by the supreme court of this state.

4 (q) A dentist licensed in accordance with the provisions of article 14  
5 of chapter 65 of the Kansas Statutes Annotated who administers general  
6 and local anesthetics to facilitate medical procedures conducted by a per-  
7 son licensed to practice medicine and surgery if such dentist is certified  
8 by the board of healing arts under K.S.A. 65-2899, and amendments  
9 thereto, to administer such general and local anesthetics.

10 (r) Practitioners of the healing arts duly licensed under the laws of  
11 another state who do not open an office or maintain or appoint a place  
12 to regularly meet patients or to receive calls within this state, but who  
13 order services which are performed in this state in accordance with rules  
14 and regulations of the board. The board shall adopt rules and regulations  
15 identifying circumstances in which professional services may be per-  
16 formed in this state based upon an order by a practitioner of the healing  
17 arts licensed under the laws of another state.

18 ~~(s) School medication aides when certified and administering medi-~~  
19 ~~cation under and in accordance with the provisions of the school medi-~~  
20 ~~cation aide act, and any interpretation thereof by the supreme court of~~  
21 ~~this state or any person while engaged in and as a part of a training~~  
22 ~~program in medication administration approved under the school medi-~~  
23 ~~cation aide act.~~

24 ~~(t) Professional nurses when administering epinephrine to a student,~~  
25 ~~without a prior diagnosis and specific student order, if the professional~~  
26 ~~nurse reasonably believes that the signs and symptoms of an anaphylactic~~  
27 ~~reaction are occurring and a physician has authorized the professional~~  
28 ~~nurse to maintain a stock supply of epinephrine pens and to act in ac-~~  
29 ~~cordance with this provision and if administered at school, on school~~  
30 ~~property or at a school-sponsored event.~~

31 Sec. 13. K.S.A. 2008 Supp. ~~65-1124~~ and 65-2872 are hereby  
32 repealed.

33 Sec. 14. This act shall take effect and be in force from and after its  
34 publication in the statute book.

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(s) the administration of epinephrine to a student by a professional nurse, without a prior diagnosis and specific student order, if the professional nurse reasonably believes that the signs and symptoms of an anaphylactic reaction are occurring and a physician has authorized the professional nurse in writing to maintain a stock supply of epinephrine pens and to act in accordance with this provision and if administered at school, on school property or at a school-sponsored event.

NewSec. 2. (a) Any accredited school may maintain an epinephrine kit. An epinephrine kit may consist of one or more doses of epinephrine. Epinephrine from an epinephrine kit shall be used only in emergency cases by a professional nurse or under the supervision and direction of a professional nurse. A school may not maintain an epinephrine kit unless the school has consulted with a pharmacist licensed by the state board of pharmacy. The consultant pharmacist shall have supervisory responsibility of maintaining the epinephrine kit. The consultant pharmacist of the school shall be responsible for developing procedures, proper control and accountability for the epinephrine kit. Periodic physical inventory of the kit shall be required.

(b) An epinephrine kit shall be maintained under the control of the consultant pharmacist until administered to a student or a member of the school staff, without a prior diagnosis or order written for the specific student or staff member, if the professional nurse reasonably believes that the signs and symptoms of an anaphylactic reaction are occurring and if administered pursuant to physician delegation at school, on school property or at a school-sponsored event.

**SENATE BILL No. 41**

By Committee on Education

1-15

9 ~~AN ACT repealing K.S.A. 72-67,106, 72-8140, 72-8155, 72-8155a, 72-~~  
10 ~~8155b and 72-8155c, relating to certain school districts and the powers~~  
11 ~~and duties thereof.~~

12  
13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. ~~K.S.A. 72-67,106, 72-8140, 72-8155, 72-8155a, 72-8155b~~  
15 ~~and 72-8155c are hereby repealed.~~

16 Sec. 2. This act shall take effect and be in force from and after its  
17 publication in the statute book.

AN ACT concerning school districts; relating to th  
transfer of land; relating to the consolidation of districts;  
amending K.S.A. 2008 Supp. 72-6445a and repealing the  
existing section; also repealing K.S.A. 72-67,106, 72-8149,  
72-8155, 72-8155a, 72-8155b and 72-8155c.

Sections 1 and 2 See Attached.

Section 1. K.S.A. 2008 Supp. 72-6445a is hereby amended..... (a)(1) For the purposes of the school district finance and quality performance act, state financial aid for any district formed by consolidation in accordance with the statutory provisions contained in article 87 of chapter 72 of the Kansas Statutes Annotated, and amendments thereto, shall be computed by the state board of education as follows: (A) Determine the amount of state financial aid each of the former districts which comprise the consolidated district received in the school year preceding the date the consolidation was completed; and (B) add the amounts determined under (A). The sum is the state financial aid of the consolidated district for the school year in which the consolidation is completed.

(2) The provisions of this paragraph shall apply to any consolidation of school districts which is completed before July 1, 2011. If any of the former school districts had an enrollment of less than 150 pupils on September 20th of the school year preceding the consolidation, the state financial aid of the newly consolidated district for the two school years following the school year in which the consolidation was completed shall be the greater of: (A) The amount received in the school year in which the consolidation was completed; or (B) the amount the district would receive under the school district finance and quality performance act prior to amendment by this section.

(3) The provisions of this paragraph shall apply to any consolidation of school districts which is completed on or after July 1, 2011. If any of the former school districts had an enrollment of less than 150 pupils on September 20th of the school year preceding the consolidation, the state financial aid of the newly consolidated district for the school year following the school year in which the consolidation was completed shall be the greater of: (A) The amount received in the school year in which the consolidation was completed; or (B) the amount the district would receive under the school district finance and quality performance act prior to amendment by this section.

(4) If all of the former school districts had an enrollment of at least 150 pupils but any had less than 200 pupils on September 20th of the school year preceding the consolidation, the state financial aid of the newly consolidated district for the three school years following the school year in which the consolidation was completed shall be the greater of: (A) The amount received in the school year in which the consolidation was completed; or (B) the amount the district would receive under the school district finance and quality performance act prior to amendment by this section.

(5) If all of the former school districts had an enrollment of 200 or more pupils on September 20th of the school year preceding the consolidation, the state financial aid of the newly consolidated district for the four school years following the school year in which the consolidation was completed shall be the greater of: (A) The amount received in the school year in which the consolidation was completed; or (B) the amount the district would receive under the school district finance and quality performance act prior to amendment by this section.

(6) If the consolidation involved the consolidation of three or more school districts, regardless of the number of pupils enrolled in the districts, the state financial aid of the newly consolidated district for the four school years following the school year in which the consolidation was completed shall be the greater of: (A) The amount received in the school year in which the consolidation was completed; or (B) the amount the district would receive under the school district finance and quality performance act prior to amendment by this section.

~~(b)(1) The provisions of this subsection (b) shall apply only if a school district is disorganized in accordance with article 73 of chapter 72 of the Kansas Statutes Annotated, and amendments thereto, and if all the territory which comprised such disorganized district is attached to a single school district.~~

(b) (1) The provisions of this subsection (b) shall apply to school districts which have been enlarged by the attachment of territory pursuant to the procedure established in article 73 of chapter 72 of the Kansas Statutes Annotated, and amendments thereto.

(2) For the purposes of the school district finance and quality performance act, state financial aid for any school district to which this subsection applies, shall be computed by the state board of education as follows: (A) Determine the amount of state financial aid each of the former districts which comprise the enlarged district received in the school year preceding the date the attachment was completed; and (B) add the amounts determined under (A). The sum is the state financial aid of the enlarged district for the school year in which the attachment is completed.

(3) The provisions of this paragraph shall apply to any attachment of territory which is completed before July 1, 2011. If any of the former school districts had an enrollment of less than 150 pupils on September 20th of the school year preceding the attachment, the state financial aid of the enlarged district for the two school years following the school year in which the attachment was completed shall be the greater of: (A) The amount received in the school year in which the attachment was completed; or (B) the amount the district would receive under the school district finance and quality performance act prior to amendment by this section.

(4) The provisions of this paragraph shall apply to any attachment of territory which is completed on or after July 1, 2011. If any of the former school districts had an enrollment of less than 150 pupils on September 20th of the school year preceding the attachment, the state financial aid of the enlarged district for the school year following the school year in which the attachment was completed shall be the greater of: (A) The amount received in the school year in which the attachment was completed; or (B) the amount the district would receive under the school district finance and quality performance act prior to amendment by this section.

(5) If all of the former school districts had an enrollment of at least 150 pupils but any had less than 200 pupils on September 20th of the school year preceding the attachment, the state financial aid of the enlarged district for the three school years following the school year in which the attachment was completed shall be the greater of: (A) The amount received in the school year in which the attachment was completed; or (B) the amount the district would receive under the school district finance and quality performance act prior to amendment by this section.

(6) If all of the former school districts had an enrollment of 200 or more pupils on September 20th of the school year preceding the attachment, the state financial aid of the enlarged district for the four school years following the school year in which the attachment was completed shall be the greater of: (A) The amount received in the school year in which the attachment was completed; or (B) the amount the district would receive under the school district finance and quality performance act prior to amendment by this section.

(7) If three or more school districts, regardless of the number of pupils enrolled in the districts, are disorganized and attached to a single district, the state financial aid of the enlarged district for the four school years following the school year in which the attachment was completed shall be the greater of: (A) The amount received in the school year in which the attachment was completed; or (B) the amount the district would receive under the school district finance and quality performance act prior to amendment by this section.

(8) Except as specifically provided for the allocation of state financial aid among districts, the provisions of paragraphs (1) through (7) shall be applicable to school districts to which this paragraph applies. If a school district is disorganized in accordance with article 73 of chapter 72 of the Kansas Statutes Annotated, and amendments thereto, and the territory of such district is attached to more than one district, the state financial aid for each school district to which any territory from the disorganized district is attached, shall be computed by the state board of education as follows: (A) Determine the amount of state financial aid received by the former district in the school year preceding the date that the disorganization and attachment was completed; (B) determine the amount of state financial aid received by the enlarged district in the school year preceding the date that the disorganization and attachment was completed; (C) determine the assessed valuation of the former district in the school year preceding the date that the disorganization and attachment was completed; (D) determine the assessed valuation of the territory attached to enlarged district; (E) allocate the amount of the state financial aid received by the former district in the school year preceding the date that the disorganization and attachment was completed to each of the enlarged school districts in the same proportion that the assessed valuation of the territory attached to each district bears to the assessed valuation of the former school district; and (F) add the amounts determined under (E) and (B). The sum is the state financial aid of the district for the school year in which the attachment is completed.

Sec. 2. K.S.A. 72-67,106, 72-8149, 72-8155, 72-8155a, 72-8155b and 72-8155c and K.S.A. 2008 Supp. 72-6445a are hereby repealed.