

2023 Kansas Statutes

- 72-5461. Application for additional bond authority; review of application; limitations on approval; order; election.** (a) Upon receiving an application under K.S.A. 72-5460, and amendments thereto, the state board of education shall review the application and examine the evidence furnished in support of the application.
- (b) (1) The state board of education shall not approve any application submitted during the current school year if such approval would result in the aggregate amount of all general obligation bonds approved by the state board for such school year exceeding the aggregate principal amount of all general obligation bonds retired in the immediately preceding school year adjusted for inflation pursuant to paragraph (4). For any application submitted during the current school year in excess of \$175,000,000, the state board shall apply only an amount of \$175,000,000 of such application when determining whether the aggregate principal amount of all general obligation bonds retired in the immediately preceding school year has been exceeded. In determining whether to approve an application, the state board shall prioritize applications in accordance with the priorities set forth as follows in order of highest priority to lowest priority:
- (A) Safety of the current facility and disability access to such facility as demonstrated by a state fire marshal report, an inspection under the Americans with disabilities act, 42 U.S.C. § 12101 et seq., or other similar evaluation;
 - (B) enrollment growth and imminent overcrowding as demonstrated by successive increases in enrollment of the school district in the immediately preceding three school years;
 - (C) impact on the delivery of educational services as demonstrated by restrictive inflexible design or limitations on installation of technology; and
 - (D) energy usage and other operational inefficiencies as demonstrated by a district-wide energy usage analysis, district-wide architectural analysis or other similar evaluation.
- (2) The state board shall not consider a school district's eligibility for capital improvement state aid, or the amount of capital improvement state aid a school district would be eligible to receive, in determining whether to approve such district's application.
- (3) The provisions of subsection (b)(1) shall not apply to school districts that:
- (A) Have not issued any general obligation bonds in the 25 years prior to the current school year; or
 - (B) do not receive capital improvement state aid because such school district is not eligible to receive such aid or has opted out of receiving such aid in the resolution adopted as provided in K.S.A. 72-5457, and amendments thereto.
- (4) The state board shall adjust the aggregate principal amount of all general obligation bonds retired in the immediately preceding school year by adding an amount equal to the five-year compounded percentage increase in the producer price index industry data for new school building construction as published by the bureau of labor statistics of the United States department of labor for the five immediately preceding school years.
- (c) After reviewing the application and examining the supportive evidence, the state board of education shall issue an order either granting or denying the application. If the application is approved, the applicant board of education shall request the county election officer to hold an election to vote upon the question of issuing the increased amount of bonds in the manner provided by law.
- (d) Any application that is denied pursuant to subsection (b) may be tentatively approved by the state board of education for the immediately succeeding school year. The amount of general obligation bonds approved in any such application shall be counted first towards the aggregate amount of all general obligation bonds approved by the state board for such school year.
- (e) The state board of education shall determine the aggregate principal amount of general obligation bonds retired in the immediately preceding school year.
- (f) The provisions of subsections (b), (d) and (e) shall expire on June 30, 2027.
- History:** R.S. 1923, 75-2318; L. 1951, ch. 448, § 4; L. 1968, ch. 143, § 6; L. 1974, ch.

294, § 5; L. 1980, ch. 221, § 2; L. 1988, ch. 356, § 298; L. 1989, ch. 283, § 19; L. 1991, ch. 227, § 3; L. 2017, ch. 95, § 101; L. 2018, ch. 57, § 16; L. 2022, ch. 94, § 25; July 1.