

SENATE BILL No. 82

AN ACT concerning school districts; relating to the powers and duties of the board of education; amending K.S.A. 72-1623, 72-1623a, 72-6407, 72-67,115, 72-8134, 72-9003 and 72-9006 and repealing the existing sections; also repealing K.S.A. 72-124a, 72-1626, 72-1626a, 72-6407a, 72-6734, 72-6735, 72-7108a, 72-8110 through 72-8114, 72-8116, 72-8118, 72-8118a, 72-8119 through 72-8122, 72-8124, 72-8125, 72-8126, 72-8129 through 72-8133, 72-8135, 72-8136, 72-8137, 72-8138, 72-8139, 72-8141 through 72-8144, 72-8144a, 72-8144b, 72-8144c, 72-8146, 72-8150 through 72-8154, 72-8156, 72-8158 through 72-8163, 72-8176 through 72-8183 and 72-9901 through 72-9907.

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

Section 1. K.S.A. 72-1623 is hereby amended to read as follows: 72-1623. The board ~~shall establish and maintain a system of free public schools for all children residing in the city school district and may make all necessary rules and regulations for the government and conduct of such schools, consistent with the laws of the state. *Provided*, The board of a city having a population of more than one hundred twenty thousand (120,000) and not more than two hundred thousand (200,000) of education of U.S.D. No. 500, Kansas City, Kansas, may establish and maintain a public library and branch libraries, expenditures for which shall be paid from the general, building, and retirement funds in like manner to the same manner as school expenditures. *Provided further*, That if any city is located within the boundaries of a community high school or rural high school district that is maintaining a high school, the board shall not establish or maintain a high school. The board may divide the city school district into subdistricts for purposes of attendance by pupils. The board shall hold the title to, and have the care and keeping of all school buildings and other school properties belonging to the city school district. The board may, in its discretion, open any or all school buildings for community purposes, and may adopt rules and regulations covering such use of school buildings.~~

~~—School buildings and other school properties not needed by the city school district may be sold by the board, at private or public sale, upon the affirmative recorded vote of at least two-thirds of all the members of the board, at a regular meeting. Proceeds from the sale of any such school building or other property shall be placed in the general fund, bond and interest fund or in the building fund of the city school district, as determined by the board of education. Conveyances shall be executed by the president of the board and attested by the clerk.~~

~~—On or about October 1 of each year, in all cities of the first class, the board shall cause to be published in a newspaper printed and published in the city a statement showing the name, position and salary of the superintendent and department heads of said school system.~~

Sec. 2. K.S.A. 72-1623a is hereby amended to read as follows: 72-1623a. (a) *In order to maintain and support a library authorized by K.S.A. 72-1623, and amendments thereto*, the board of education of a city of the first class which has established and is maintaining a public library and branch libraries as provided for in K.S.A. 72-1623, and amendments thereto, or of a unified or city unified school district wherein is included a disorganized district which had established and was maintaining a public library and branch libraries at the time of inclusion in the unified district, may levy annually, not to exceed 2.5 mills on each dollar of the assessed tangible valuation of the property of such district in addition to any levy otherwise authorized or by law provided, and the ad valorem receipts resulting therefrom may be in addition to any budget limitation otherwise provided for. The funds derived from the tax levies imposed under this section shall be used for libraries and library services of the school district and for the purpose of paying a portion of the principal and interest on bonds issued by cities under the authority of K.S.A. 12-1774, and amendments thereto, for the financing of redevelopment projects upon property located within the school district.

(b) Whenever the board of education desires to increase the mill levy above 2.5 mills and such board ~~shall determine~~ *determines* that the current tax levy is insufficient to maintain and support the library, such board may adopt a resolution declaring it necessary to increase such annual levy in an amount which together with the current levy shall not exceed a total of 4 mills. Whenever the board of education desires to increase the mill levy above 4 mills and such board ~~shall determine~~ *determines* that the current tax levy is insufficient to maintain and support the library, such board may adopt a resolution declaring it necessary to increase such annual levy by an additional amount not to exceed $\frac{1}{4}$ mill in any one year

up to a total amount which shall not exceed 6 mills in any year. Any such resolution shall state the total amount of the tax to be levied for library purposes and shall be published once each week for two consecutive weeks in the official city newspaper. Whereupon such annual levy in an amount not to exceed the amount stated in the resolution may be made for the ensuing budget year and each successive budget year unless a petition requesting an election upon the proposition to increase the tax levy in excess of the current tax levy, signed by not less than 5% of the qualified electors who voted at the last preceding regular city election, as shown by the poll books, is filed with the county election officer within 60 days following the date of the last publication of the resolution. ~~In the event~~ If a valid petition is filed, no such increased levy shall be made without such proposition having been submitted to and having been approved by a majority of the qualified electors voting at an election called and held thereon. All such elections shall be called and held in the manner prescribed for the calling and holding of elections upon the question of the issuance of bonds under the general bond law.

Sec. 3. K.S.A. 72-9003 is hereby amended to read as follows: 72-9003. Every board shall adopt a written policy of personnel evaluation procedure in accordance with this act ~~and file the same with the state board.~~ Every policy so adopted shall:

(a) Be prescribed in writing at the time of original adoption and at all times thereafter when amendments thereto are adopted. ~~The original policy and all amendments thereto shall be promptly filed with the state board.~~

(b) Include evaluation procedures applicable to all employees.

(c) Provide that all evaluations are to be made in writing and that evaluation documents and responses thereto are to be maintained in a personnel file for each employee for a period of not less than three years from the date each evaluation is made.

(d) (1) *Except as provided herein*, provide that every employee in the first two consecutive school years of employment shall be evaluated at least one time per semester by not later than the 60th school day of the semester, ~~except that~~. Any employee who is not employed for the entire semester shall not be required to be evaluated, ~~and that every employee~~. During the third and fourth years of employment, *every employee* shall be evaluated at least one time each school year by not later than February 15, ~~and that~~. After the fourth year of employment, every employee shall be evaluated at least once in every three years by not later than February 15 of the school year in which the employee is evaluated.

(2) The provisions of this subsection apply to employees of school districts, nonpublic schools and area vocational-technical schools.

(e) (1) *Except as provided herein*, provide that every employee in the first two consecutive school years of employment shall be evaluated at least one time per semester, ~~except that~~. Any employee who is not employed for the entire semester shall not be required to be evaluated, ~~and that every employee~~. During the third and fourth years of employment, *every employee* shall be evaluated at least one time each school year, ~~and that~~. After the fourth year of employment every employee shall be evaluated at least once in every three years.

(2) The provisions of this subsection apply to full-time employees of community colleges.

Sec. 4. K.S.A. 72-9006 is hereby amended to read as follows: 72-9006. (a) Upon request of any board, the state board shall provide for assistance in the preparation of policies of personnel evaluation or amendments thereto.

~~(b) If, in the case of school districts and nonpublic schools, any board fails to file an adopted policy as provided by this act, or if any such board fails to file any adopted amendment to such policy within a reasonable time after adoption thereof, the state board of education may apply penalties as prescribed by rules and regulations applicable to accreditation of schools.~~

~~(c) If, in the case of community colleges and area vocational-technical schools, any board fails to file an adopted policy as provided by this act, or if any such board fails to file any adopted amendment to such policy within a reasonable time after adoption thereof, the state board of regents~~

~~may apply penalties as prescribed by rules and regulations applicable to approval of community colleges and area vocational-technical schools.~~

Sec. 5. K.S.A. 72-8134 is hereby amended to read as follows: 72-8134. (a) Each member district ~~shall of unified school district No. 512, Johnson county, Kansas may~~ have a five-member advisory board. The member of the board of education elected from each member district shall be a member and chairperson of the advisory board for ~~his or her member such member's~~ district. ~~Commencing in 1978, the four (4) The four~~ members of the advisory board other than the chairperson shall be elected during the month of May of each even-numbered year at a meeting of school patrons of that member district called for the purpose by the board of education, and shall serve for a term of two ~~(2)~~ years. ~~The members of the advisory board incumbent under the provisions of this section, prior to its amendment by this act, and on the effective date of this act, shall continue in office after the expiration of the term for which each was elected and shall serve as members of the advisory board until such time as the newly elected members of the advisory board are elected and take office in the month of May, 1978. Such newly elected members shall serve for a term of two (2) years as herein provided.~~ Absentee ballots may be cast at any election of advisory board members in the manner and under the conditions prescribed by the board of education. If a vacancy shall occur on any advisory board, the board of education shall appoint a person to fill such vacancy for the unexpired term.

(b) The advisory board of each member district shall serve to provide liaison between the citizens of the member district and the board of education of the unified school district. Each advisory board shall be responsible to make recommendations to the board of education on all matters relating to education including, but without excluding others, the following subject areas: (1) Personnel of the school district, (2) curricula, (3) budget and (4) budget allocation. On or before December 1 of each year each advisory board shall adopt its recommendations with respect to curricula and shall submit the same to the board of education of the unified school district. On or before February 1 of each year each advisory board shall make its recommendations on personnel and submit the same to such board of education. Each advisory board shall meet at least monthly at a time and place determined by it, and such time and place shall be specified in a publication notice thereof at least one time each year in a newspaper having general circulation in the member district. Such publications shall not be required to be in the form of a legal publication, and such publication may be made in a paper not authorized to make legal publications in such unified school district.

(c) *The board of education may adopt a resolution exempting the school district from the requirements of subsections (a) and (b). The resolution shall be published once each week for two consecutive weeks in a newspaper of general circulation in the school district. If, within 30 days after the last publication, a petition signed by not less than 5% of the qualified electors in the school district is filed in the office of the county election officer requesting an election thereon, the school district shall remain subject to the provisions of subsections (a) and (b) unless the question is submitted to and approved by a majority of the voters of the school district voting at an election called by the governing body. Such election shall be called and held in the manner provided under the provisions of K.S.A. 10-120, and amendments thereto. Such election also may be conducted by mail ballot.*

New Sec. 6. (a) On or before October 1 of each year, the board of education of each school district shall provide to a newspaper of general circulation within the district a statement showing the name, position and salary of the superintendent, deputy superintendents, assistant superintendents, directors, principals and any other administrator with district-wide responsibilities of such school district.

(b) The provisions of this section shall expire on June 30, 2006.

Sec. 7. K.S.A. 72-6407 is hereby amended to read as follows: 72-6407. (a) "Pupil" means any person who is regularly enrolled in a district and attending kindergarten or any of the grades one through 12 maintained by the district or who is regularly enrolled in a district and attending kindergarten or any of the grades one through 12 in another district in accordance with an agreement entered into under authority of K.S.A.

72-8233, and amendments thereto, or who is regularly enrolled in a district and attending special education services provided for preschool-aged exceptional children by the district. Except as otherwise provided in this subsection, a pupil in attendance full time shall be counted as one pupil. A pupil in attendance part time shall be counted as that proportion of one pupil (to the nearest $\frac{1}{10}$) that the pupil's attendance bears to full-time attendance. A pupil attending kindergarten shall be counted as $\frac{1}{2}$ pupil. A pupil enrolled in and attending an institution of postsecondary education which is authorized under the laws of this state to award academic degrees shall be counted as one pupil if the pupil's postsecondary education enrollment and attendance together with the pupil's attendance in either of the grades 11 or 12 is at least $\frac{5}{6}$ time, otherwise the pupil shall be counted as that proportion of one pupil (to the nearest $\frac{1}{10}$) that the total time of the pupil's postsecondary education attendance and attendance in grade 11 or 12, as applicable, bears to full-time attendance. A pupil enrolled in and attending an area vocational school, area vocational-technical school or approved vocational education program shall be counted as one pupil if the pupil's vocational education enrollment and attendance together with the pupil's attendance in any of grades nine through 12 is at least $\frac{5}{6}$ time, otherwise the pupil shall be counted as that proportion of one pupil (to the nearest $\frac{1}{10}$) that the total time of the pupil's vocational education attendance and attendance in any of grades nine through 12 bears to full-time attendance. A pupil enrolled in a district and attending special education and related services, except special education and related services for preschool-aged exceptional children, provided for by the district shall be counted as one pupil. A pupil enrolled in a district and attending special education and related services for preschool-aged exceptional children provided for by the district shall be counted as $\frac{1}{2}$ pupil. A preschool-aged at-risk pupil enrolled in a district and receiving services under an approved at-risk pupil assistance plan maintained by the district shall be counted as $\frac{1}{2}$ pupil. A pupil in the custody of the secretary of social and rehabilitation services and enrolled in unified school district No. 259, Sedgwick county, Kansas, but housed, maintained, and receiving educational services at the Judge James V. Riddell Boys Ranch, shall be counted as two pupils. A pupil residing at the Flint Hills job corps center shall not be counted. A pupil confined in and receiving educational services provided for by a district at a juvenile detention facility shall not be counted. A pupil enrolled in a district but housed, maintained, and receiving educational services at a state institution shall not be counted.

(b) "Preschool-aged exceptional children" means exceptional children, except gifted children, who have attained the age of three years but are under the age of eligibility for attendance at kindergarten.

(c) "At-risk pupils" means pupils who are eligible for free meals under the national school lunch act and who are enrolled in a district which maintains an approved at-risk pupil assistance plan.

(d) "Preschool-aged at-risk pupil" means an at-risk pupil who has attained the age of four years, is under the age of eligibility for attendance at kindergarten, and has been selected by the state board in accordance with guidelines consonant with guidelines governing the selection of pupils for participation in head start programs. The state board shall select not more than ~~3,756 preschool-aged at-risk pupils to be counted in the 2001-02 school year and not more than~~ 5,500 preschool-aged at-risk pupils to be counted in any school year thereafter.

(e) "Enrollment" means: (1) For districts scheduling the school days or school hours of the school term on a trimestral or quarterly basis, the number of pupils regularly enrolled in the district on September 20 plus the number of pupils regularly enrolled in the district on February 20 less the number of pupils regularly enrolled on February 20 who were counted in the enrollment of the district on September 20; and for districts not specified in this clause (1), the number of pupils regularly enrolled in the district on September 20; (2) if enrollment in a district in any school year has decreased from enrollment in the preceding school year, enrollment of the district in the current school year means whichever is the greater of (A) enrollment in the preceding school year minus enrollment in such school year of preschool-aged at-risk pupils, if any such pupils were enrolled, plus enrollment in the current school year of preschool-aged at-risk pupils, if any such pupils are enrolled, or (B) the

sum of enrollment in the current school year of preschool-aged at-risk pupils, if any such pupils are enrolled and the average (mean) of the sum of (i) enrollment of the district in the current school year minus enrollment in such school year of preschool-aged at-risk pupils, if any such pupils are enrolled and (ii) enrollment in the preceding school year minus enrollment in such school year of preschool-aged at-risk pupils, if any such pupils were enrolled and (iii) enrollment in the school year next preceding the preceding school year minus enrollment in such school year of preschool-aged at-risk pupils, if any such pupils were enrolled; or (3) the number of pupils as determined under K.S.A. 72-6447, and amendments thereto.

(f) “Adjusted enrollment” means enrollment adjusted by adding at-risk pupil weighting, program weighting, low enrollment weighting, if any, correlation weighting, if any, school facilities weighting, if any, ancillary school facilities weighting, if any, special education and related services weighting, and transportation weighting to enrollment.

(g) “At-risk pupil weighting” means an addend component assigned to enrollment of districts on the basis of enrollment of at-risk pupils.

(h) “Program weighting” means an addend component assigned to enrollment of districts on the basis of pupil attendance in educational programs which differ in cost from regular educational programs.

(i) “Low enrollment weighting” means an addend component assigned to enrollment of districts having under 1,725 enrollment on the basis of costs attributable to maintenance of educational programs by such districts in comparison with costs attributable to maintenance of educational programs by districts having 1,725 or over enrollment.

(j) “School facilities weighting” means an addend component assigned to enrollment of districts on the basis of costs attributable to commencing operation of new school facilities. School facilities weighting may be assigned to enrollment of a district only if the district has adopted a local option budget and budgeted therein the total amount authorized for the school year. School facilities weighting may be assigned to enrollment of the district only in the school year in which operation of a new school facility is commenced and in the next succeeding school year.

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

(l) “Correlation weighting” means an addend component assigned to enrollment of districts having 1,725 or over enrollment on the basis of costs attributable to maintenance of educational programs by such districts as a correlate to low enrollment weighting assigned to enrollment of districts having under 1,725 enrollment.

(m) “Ancillary school facilities weighting” means an addend component assigned to enrollment of districts to which the provisions of K.S.A. 72-6441, and amendments thereto, apply on the basis of costs attributable to commencing operation of new school facilities. Ancillary school facilities weighting may be assigned to enrollment of a district only if the district has levied a tax under authority of K.S.A. 72-6441, and amendments thereto, and remitted the proceeds from such tax to the state treasurer. Ancillary school facilities weighting is in addition to assignment of school facilities weighting to enrollment of any district eligible for such weighting.

(n) “Juvenile detention facility” means ~~any community juvenile corrections center or facility~~; (1) *Any secure public or private facility which is used for the lawful custody of accused or adjudicated juvenile offenders and which shall not be a jail;*

(2) *any level VI treatment facility licensed by the Kansas department of health and environment which is a psychiatric residential treatment facility for individuals under the age of 21 which conforms with the regulations of the centers for medicare/medicaid services and the joint commission on accreditation of health care organizations governing such facilities; and*

(3) *the Forbes Juvenile Attention Facility, the Sappa Valley Youth Ranch of Oberlin, Salvation Army/Koch Center Youth Services, the Clarence M. Kelley Youth Center, the Clarence M. Kelley Transitional Living Center, Trego County Secure Care Center, St. Francis Academy at Atchison, St. Francis Academy at Ellsworth, St. Francis Academy at Salina,*

St. Francis Center at Salina, King's Achievement Center, and Liberty Juvenile Services and Treatment.

(o) "Special education and related services weighting" means an addend component assigned to enrollment of districts on the basis of costs attributable to provision of special education and related services for pupils determined to be exceptional children.

Sec. 8. K.S.A. 72-67,115 is hereby amended to read as follows: 72-67,115. (a) The board of ~~any unified~~ *education of any school* district may:

(1) Offer and teach courses and conduct preschool programs for children under the age ~~provided by law for enrollment in~~ *of eligibility to attend kindergarten.*

(2) *Enter into cooperative or interlocal agreements with one or more other boards for the establishment, operation and maintenance of such preschool programs.*

(3) *Contract with private, nonprofit corporations or associations or with any public or private agency or institution, whether located within or outside the state, for the establishment, operation and maintenance of such preschool programs.*

(4) *Prescribe and collect fees for providing such preschool programs.*

(b) *Fees for providing preschool programs shall be prescribed and collected only to recover the costs incurred as a result of and directly attributable to the establishment, operation and maintenance of the preschool programs. Revenues from fees collected by a board under this section shall be deposited in the general fund of the school district and shall be considered reimbursements to the district for the purpose of the school district finance and quality performance act and may be expended whether the same have been budgeted or not and amounts so expended shall not be considered operating expenses.*

Sec. 9. K.S.A. 72-124a, 72-1623, 72-1623a, 72-1626, 72-1626a, 72-6407, 72-6407a, 72-6734, 72-6735, 72-67,115, 72-7108a, 72-8110 through 72-8114, 72-8116, 72-8118, 72-8118a, 72-8119 through 72-8122, 72-8124, 72-8125, 72-8126, 72-8129 through 72-8136, 72-8137, 72-8138, 72-8139, 72-8141 through 72-8144, 72-8144a, 72-8144b, 72-8144c, 72-8146, 72-8150 through 72-8154, 72-8156, 72-8158 through 72-8163, 72-8176 through 72-8183, 72-9003, 72-9006 and 72-9901 through 72-9907 are hereby repealed.

Sec. 10. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the SENATE, and passed that body

SENATE adopted
Conference Committee Report _____

President of the Senate.

Secretary of the Senate.

Passed the HOUSE
as amended _____

HOUSE adopted
Conference Committee Report _____

Speaker of the House.

Chief Clerk of the House.

APPROVED _____

Governor.