

[As Amended by House Committee of the Whole]

As Amended by House Committee

Session of 2005

HOUSE BILL No. 2474

By Select Committee on School Finance

2-16

12 AN ACT concerning schools and school districts; concerning the state
13 board of education and the state department of education; relating to
14 the powers and duties thereof; relating to school finance; establishing
15 the legislative education council; providing for certain costs analysis
16 studies; making and concerning appropriations for the fiscal year end-
17 ing June 30, 2006 for the department of education; amending K.S.A.
18 72-979, 72-6405, 72-6410, 72-6412, 72-6413, 72-6414, 72-6415, 72-
19 6433, **72-6757** and 72-8801 and K.S.A. 2004 Supp. 46-1208a, 72-978,
20 72-6407, 72-6434, ~~72-8205~~, **79-201a** and 79-5040 and repealing the
21 existing sections; also repealing ~~K.S.A. 46-1225, 72-6442 and 72-6433b.~~
22 **K.S.A. [72-6440,] 72-6442, 72-6444 and 72-6433b and K.S.A.**
23 **2004 Supp. 46-1225.**
24

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

26 New Section 1. (a) In order to assist the legislature in the gathering of
27 information which is necessary for the legislature's consideration when
28 meeting its constitutional duties to: (1) Provide for intellectual, educa-
29 tional, vocational and scientific improvement in public schools established
30 and maintained by the state; and (2) make suitable provision for the fi-
31 nance of educational interests of the state, **the** legislative division of post
32 audit shall conduct a professional cost study analysis to determine the
33 costs of delivering the kindergarten and grades one through 12 curricu-
34 lum, related services and other programs mandated by state statute. Such
35 cost analysis study shall be conducted as directed by the legislative post
36 audit committee.

37 (b) Any study conducted pursuant to subsection (a) shall include, but
38 not be limited to:

39 (1) A determination of the services or programs required by state stat-
40 ute to be provided by school districts. Such review shall include high
41 school graduation requirements, admissions requirements established by
42 the state board of regents pursuant to K.S.A. 76-716, and amendments
43 thereto, state scholarship requirements established by the state board of

1 regents and courses of instruction at various grade levels required by state
2 statute.

3 (2) A study of the actual costs incurred in a sample of school districts
4 to provide reasonable estimates of the costs of providing services and
5 programs required by state statute to be provided by school districts for
6 regular elementary and secondary education, including instruction, ad-
7 ministration, support staff, supplies, equipment and building costs.

8 (3) A study of the actual costs incurred in a sample of school districts
9 to provide reasonable estimates of the costs of providing services and
10 programs required by state statute to be provided by school districts for
11 specialized education services including, but not limited to, special edu-
12 cation and related services, bilingual education and at-risk programs.

13 (4) A study of the factors which may contribute to the variations in
14 costs incurred by school districts of various sizes and in various regions
15 of the state when providing services or programs required by state statute
16 to be provided by school districts. Such study shall include the adminis-
17 trative costs of providing such services and programs.

18 (5) An analysis in a sample of districts as determined by the legislative
19 post auditor showing such things as:

20 (A) The percent of the estimated cost of providing service and pro-
21 grams required by state statute to be provided that could have been
22 funded by the various types of state aid the districts received in the most
23 recently completed school year, as well as the percent funded by the
24 district's local option budget;

25 (B) the percent of district funding that is spent on instruction;

26 (C) the percent of district funding that is spent on central administra-
27 tion; and

28 (D) the percent of district funding that is spent on support services.

29 (6) A review of relevant studies that assess whether there is a correla-
30 tion between amounts spent on education and student performance.

31 (7) A review to determine whether students who are counted as a basis
32 for computing funding for specialized educational services are actually
33 receiving those services.

34 (8) Any additional reviews or analyses the legislative post auditor con-
35 siders relevant to the legislature's decisions regarding the cost of funding
36 services or programs required by state statute to be provided by school
37 districts.

38 (c) In conducting such evaluation, the legislative post auditor may con-
39 tract with consultants as needed. If, upon consultation with the legislative
40 post auditor, the legislative post audit committee determines that any or
41 all of this evaluation should be conducted by a firm or firms under con-
42 tract with the division of post audit, such firm or firms shall be selected
43 and shall perform such audit or audit work as provided under the legis-

1 lative post audit act.

2 (d) Following the completion of such cost analysis study, the legislative
3 post auditor shall submit a detailed report thereon to the legislature on
4 or before the first day of the 2006 legislative session. If additional time is
5 needed to provide the most accurate information relating to any area of
6 requested study, the legislative post auditor shall so report to the legis-
7 lature, explaining the reasons for the need for additional time and pro-
8 viding a reasonable time frame for completion of that aspect of the study.
9 In that event, the legislative post auditor shall submit a report on that
10 portion of the audit which has been completed before the start of the
11 2006 legislative session and **the** balance of such report shall be submitted
12 within the time frame established by the legislative post auditor when
13 requesting additional time.

14 (e) The provisions of this section shall be part of and supplemental to
15 the legislative post audit act.

16 **(f) The provisions of this section shall expire on June 30, 2006.**

17 New Sec. 2. (a) In addition to subjects or areas of instruction required
18 by K.S.A. 72-1101, 72-1103, 72-1117, 72-1126 and 72-7535, and amend-
19 ments thereto, every accredited school in the state of Kansas shall teach
20 the subjects and areas of instruction ~~deemed necessary~~ **[required]** by the
21 state board of education as of January 1, 2005.

22 (b) Every accredited high school in the state of Kansas also shall teach
23 the subjects and areas of instruction necessary to meet the graduation
24 requirements established by the state board of education as of January 1,
25 2005. ~~Any high school graduation requirements established by the state~~
26 ~~board of education shall comply with the admission requirements estab-~~
27 ~~lished by the state board of regents pursuant to K.S.A. 76-716, and~~
28 ~~amendments thereto.~~

29 (c) Subjects and areas of instruction shall be designed **by the state**
30 **board of education** to achieve the following goals established by the
31 legislature to allow for the:

32 (1) Development of sufficient oral and written communication skills
33 which enable students to function in a complex and rapidly changing
34 society;

35 (2) acquisition of sufficient knowledge of economic, social and political
36 systems which enable students to understand the issues that affect the
37 community, state and nation;

38 (3) development of students' mental and physical wellness;

39 (4) development of knowledge of the **[fine]** arts to enable students to
40 appreciate the cultural and historical heritage of others;

41 (5) training or preparation for advanced training in either academic or
42 vocational fields so as to enable students to choose and pursue life work
43 intelligently;

1 (6) development of sufficient levels of academic or vocational skills to
2 enable students to compete favorable in academics and the job market;
3 and

4 (7) needs of students requiring special education services.

5 (d) Nothing in this section shall be construed as relieving the state or
6 school districts from other duties and requirements imposed by state or
7 federal law including, but not limited to, at-risk programs for pupils need-
8 ing intervention, programs concerning special education and related serv-
9 ices and bilingual education.

10 New Sec. 3. (a) There is hereby established the legislative education
11 council. The council shall be composed of nine members of which seven
12 shall be appointed as follows:

13 (1) One member appointed by the speaker of the house of
14 representatives;

15 (2) one member appointed by the president of the senate;

16 (3) one member appointed by the minority leader of the house of
17 representatives;

18 (4) one member appointed by the minority leader of the senate;

19 (5) the chairperson of the house education committee;

20 (6) the chairperson of the senate education committee; and

21 (7) one member appointed jointly by the speaker of the house of rep-
22 resentatives, the minority leader of the house of representatives, the presi-
23 dent of the senate and the minority leader of the senate;

24 (8) the legislative post auditor, or the designee thereof; and

25 (9) the attorney general, or the designee thereof.

26 The legislative post auditor and the attorney general shall serve ex of-
27 ficio and shall be nonvoting members of the council.

28 (b) Except as specifically provided in paragraphs (5) and (6) of subsec-
29 tion (a), nothing in this section shall be construed as requiring the ap-
30 pointment of legislators to the council. Of the members of the council,
31 one member shall be from the professional and business sector who is
32 recognized for leadership and expertise in such person's field and one
33 member shall be a certified public accountant who is recognized for ex-
34 pertise in the area of school district financial operations and who regularly
35 conducts or has regularly conducted audits of school districts.

36 (c) A member appointed by the speaker **or minority leader** of the
37 house of representatives and the member appointed pursuant to para-
38 graph (7) of subsection (a) shall serve for terms of two years and until a
39 successor is appointed and qualified. A member appointed by the presi-
40 dent **or minority leader** of the senate shall serve for terms of four years
41 and until a successor is appointed and qualified. Terms of members of
42 the legislature appointed to the council shall expire at the expiration of
43 the legislative term for which such legislator was elected. Except for va-

1 vacancies created by the expiration of a legislative term, a vacancy shall be
2 filled for the unexpired term by appointment in the manner prescribed
3 by this section for the original appointment.

4 (d) Members of the council attending regular or special meetings, sub-
5 committee meetings or meetings of advisory committees authorized by
6 the council, shall be paid amounts for expenses, mileage and subsistence
7 as provided for in K.S.A. 75-3223, and amendments thereto, except that
8 members of the council who are legislators shall not receive subsistence
9 under K.S.A. 75-3212, and amendments thereto.

10 (e) The members of the council annually shall select a chairperson and
11 vice-chairperson from the membership of the council.

12 (f) The council may meet at any time and at any place within the state
13 on the call of the chairperson. A quorum of the council shall be four
14 voting members. All actions of the council shall be by motion adopted by
15 a majority of those voting members present when there is a quorum.

16 (g) In accordance with K.S.A. 46-1204, and amendments thereto, the
17 legislative coordinating council may provide for such professional services
18 as may be requested by the council.

19 (h) The staff of the office of the revisor of statutes, the legislative re-
20 search department and the division of legislative administrative services
21 shall provide such assistance as may be requested by the council. Upon
22 request of the council, the state board of education and the center for
23 innovative school leadership established pursuant to K.S.A. 2004 Supp.
24 76-767, and amendments thereto, shall provide consultants and assistance
25 when requested by the council. In addition and upon the request of the
26 council, the state board of education and school districts shall provide any
27 information and supporting documentation related thereto.

28 New Sec. 4. The council shall:

29 (a) Conduct continuous and on-going monitoring of the implementa-
30 tion and operation of the ~~school district and quality performance act~~
31 **school district finance and quality performance act and other pro-**
32 **visions of law relating to school finance** and the quality performance
33 accreditation system;

34 (b) evaluate the school district **finance** and quality performance act
35 and determine if there is a fair and equitable relationship between the
36 costs of the weighted components and assigned weightings;

37 (c) determine if existing weightings should be adjusted;

38 (d) determine if additional school district operations should be
39 weighted;

40 (e) review the amount of base state aid per pupil and determine if the
41 amount should be adjusted;

42 (f) evaluate the reform and restructuring components of the act and
43 assess the impact thereof;

- 1 (g) evaluate the system of financial support, reform and restructuring
2 of public education in Kansas and in other states to ensure that the Kansas
3 system is the most efficient and effective;
- 4 (h) conduct other studies, as directed by the ~~legislature~~ **legislative**
5 **coordinating council**, relating to the improving, reforming or restruc-
6 turing of the educational system and the financing thereof;
- 7 (i) conduct hearings and receive and consider suggestions from teach-
8 ers, parents, the department of education, the state board of education,
9 other governmental officers and agencies and the general public con-
10 cerning suggested improvements in the educational system and the fi-
11 nancing thereof;
- 12 (j) appoint advisory committees when deemed necessary. The chair-
13 person of any such advisory committee shall be a member of the legis-
14 lative education council;
- 15 (k) make any other recommendation it deems is necessary to guide the
16 legislature to fulfill goals established by the legislature in meeting its con-
17 stitutional duties of the legislature to: (A) Provide for intellectual, edu-
18 cational, vocational and scientific improvement in public schools estab-
19 lished and maintained by the state; and (B) make suitable provision for
20 the finance of the educational interests of the state; and
- 21 (l) make and submit annual reports to the legislature on the work of
22 the council concerning recommendations of the council relating to the
23 improving, reforming or restructuring of the educational system and the
24 financing thereof and other topics of study directed to the council by the
25 legislative coordinating council. Such report also shall include recom-
26 mendations for legislative changes and shall be submitted to the legisla-
27 ture on or before December 31 of each year.
- 28 Sec. 5. K.S.A. 2004 Supp. 46-1208a is hereby amended to read as fol-
29 lows: 46-1208a. (a) The legislative educational planning committee is
30 hereby established and shall be composed of 13 members, seven of whom
31 shall be members of the house of representatives and six of whom shall
32 be senators. Members of the legislative educational planning committee
33 shall be appointed by the legislative coordinating council. The legislative
34 coordinating council shall determine the number of members of the com-
35 mittee who shall be members of the majority party and the number of
36 members of the committee who shall be members of the minority party.
37 The committee shall be permanent with membership changing from time
38 to time as the legislative coordinating council shall determine.
- 39 (b) The legislative educational planning committee shall plan for public
40 and private postsecondary education in Kansas, including vocational and
41 technical education; ~~explore, study and make recommendations concern-~~
42 ~~ing preschool and K-12 education in Kansas;~~ review implementation of
43 legislation relating to ~~educational~~ *matters concerning postsecondary ed-*

1 *ucation*; and consider such other matters as the legislative coordinating
2 council may assign. The committee ~~shall~~ annually *shall* make a report and
3 recommendations to the legislature and the governor and may cause the
4 same to be published separately from other documents which are re-
5 quired by law to be submitted to the legislative coordinating council. The
6 reports and recommendations of the committee shall include a develop-
7 mental schedule for implementation of educational goals established by
8 the committee. ~~The committee shall~~ From time to time, *the committee*
9 *shall* update such schedule as new or additional information is developed
10 or refined.

11 (c) The provisions of the acts contained in article 12 of chapter 46 of
12 the Kansas Statutes Annotated, and amendments thereto, applicable to
13 special committees shall apply to the legislative educational planning com-
14 mittee to the extent that the same do not conflict with the specific pro-
15 visions of this act applicable to the committee.

16 (d) Upon request of the legislative educational planning committee,
17 the state board of regents and the state board of education shall provide
18 consultants from the faculties and staffs of institutions and agencies under
19 the respective control and jurisdiction thereof.

20 (e) The legislative educational planning committee shall meet upon call
21 of its chairperson and may introduce such legislation as it deems necessary
22 in performing its functions.

23 Sec. 6. K.S.A. 2004 Supp. 72-978 is hereby amended to read as follows:
24 72-978. ~~(a) (1) In each school year, in accordance with appropriations for~~
25 ~~special education and related services provided under this act, each school~~
26 ~~district which has provided special education and related services in com-~~
27 ~~pliance with the provisions of this act~~

28 *(a) Each year, the state board of education shall determine the amount*
29 *of state aid for the provision of special education and related services each*
30 *school district shall receive for the ensuing school year. The amount of*
31 *such state aid shall be computed by the state board as provided in this*
32 *section. The state board shall:*

33 *(1) Determine the total amount of general fund and local option budgets*
34 *of all school districts;*

35 *(2) subtract from the amount determined in paragraph (1) the total*
36 *amount attributable to assignment of transportation weighting, program*
37 *weighting, special education weighting and at-risk pupil weighting to en-*
38 *rollment of all school districts;*

39 *(3) divide the remainder obtained in paragraph (2) by the total number*
40 *of pupils enrolled in all school districts on September 20;*

41 *(4) determine the total full-time equivalent enrollment of exceptional*
42 *children in special education services provided by all school districts;*

43 *(5) multiply the amount of the quotient obtained in paragraph (3) by*

- 1 *the full-time equivalent enrollment determined in paragraph (4);*
 2 *(6) determine the amount of federal funds received by all school districts*
 3 *for the provision of special education services;*
 4 *(7) determine the amount of revenue received by all school districts*
 5 *rendered under contracts with the state institutions for the provisions of*
 6 *special education services by the state institution;*
 7 *(8) add the amounts determined under paragraphs (6) and (7) to the*
 8 *amount of the product obtained under paragraph (5);*
 9 *(9) determine the total amount of expenditures of all school districts for*
 10 *the provision of special education services;*
 11 *(10) subtract the amount of the sum obtained under paragraph (8) from*
 12 *the amount determined under paragraph (9); and*
 13 *(11)(A) for school year 2005-2006, multiply the remainder obtained*
 14 *under paragraph (10) by 85%;*
 15 *(B) for school year, 2006-2007, multiply the remainder obtained under*
 16 *paragraph (10) by 88%; and*
 17 *(C) for school year 2007-2008 and each year thereafter, multiply the*
 18 *remainder obtained under paragraph (10) by 90%.*
 19 *The computed amount is the amount of state aid for the provision of*
 20 *special education aid a school district is entitled to receive for the ensuing*
 21 *school year.*
 22 *(b) Each school district shall be entitled to receive:*
 23 *(A) (1) Reimbursement for actual travel allowances paid to special*
 24 *teachers at not to exceed the rate specified under K.S.A. 75-3203, and*
 25 *amendments thereto, for each mile actually traveled during the school*
 26 *year in connection with duties in providing special education or related*
 27 *services for exceptional children; such reimbursement shall be computed*
 28 *by the state board by ascertaining the actual travel allowances paid to*
 29 *special teachers by the school district for the school year and shall be in*
 30 *an amount equal to 80% of such actual travel allowances;*
 31 ~~*(B) (2) reimbursement in an amount equal to 80% of the actual travel*~~
 32 ~~*expenses incurred for providing transportation for exceptional children to*~~
 33 ~~*special education or related services; such reimbursement shall not be*~~
 34 ~~*paid if such child has been counted in determining the transportation*~~
 35 ~~*weighting of the district under the provisions of the school district finance*~~
 36 ~~*and quality performance act;*~~
 37 ~~*(C) (3) reimbursement in an amount equal to 80% of the actual ex-*~~
 38 ~~*penses incurred for the maintenance of an exceptional child at some place*~~
 39 ~~*other than the residence of such child for the purpose of providing special*~~
 40 ~~*education or related services; such reimbursement shall not exceed \$600*~~
 41 ~~*per exceptional child per school year; and*~~
 42 ~~*(D) (4) except for those school districts entitled to receive reimburse-*~~
 43 ~~*ment under subsection (b) or (c) or (d), after subtracting the amounts of*~~

1 reimbursement under paragraphs ~~(A), (B) and (C)~~ (1), (2) and (3) of this
2 subsection (a) from the total amount appropriated for special education
3 and related services under this act, an amount which bears the same
4 proportion to the remaining amount appropriated as the number of full-
5 time equivalent special teachers who are qualified to provide special ed-
6 ucation or related services to exceptional children and are employed by
7 the school district for approved special education or related services bears
8 to the total number of such qualified full-time equivalent special teachers
9 employed by all school districts for approved special education or related
10 services.

11 ~~(2)~~ Each special teacher who is qualified to assist in the provision of
12 special education or related services to exceptional children shall be
13 counted as $\frac{2}{5}$ full-time equivalent special teacher who is qualified to pro-
14 vide special education or related services to exceptional children.

15 ~~(b)~~ (c) Each school district which has paid amounts for the provision
16 of special education and related services under an interlocal agreement
17 shall be entitled to receive reimbursement under subsection ~~(a)(1)(D)~~
18 (b)(4). The amount of such reimbursement for the district shall be the
19 amount which bears the same relation to the aggregate amount available
20 for reimbursement for the provision of special education and related serv-
21 ices under the interlocal agreement, as the amount paid by such district
22 in the current school year for provision of such special education and
23 related services bears to the aggregate of all amounts paid by all school
24 districts in the current school year who have entered into such interlocal
25 agreement for provision of such special education and related services.

26 ~~(c)~~ (d) Each contracting school district which has paid amounts for the
27 provision of special education and related services as a member of a co-
28 operative shall be entitled to receive reimbursement under subsection
29 ~~(a)(1)(D)~~ (b)(4). The amount of such reimbursement for the district shall
30 be the amount which bears the same relation to the aggregate amount
31 available for reimbursement for the provision of special education and
32 related services by the cooperative, as the amount paid by such district
33 in the current school year for provision of such special education and
34 related services bears to the aggregate of all amounts paid by all contract-
35 ing school districts in the current school year by such cooperative for
36 provision of such special education and related services.

37 ~~(d)~~ (e) No time spent by a special teacher in connection with duties
38 performed under a contract entered into by the Kansas juvenile correc-
39 tional complex, the Atchison juvenile correctional facility, the Beloit ju-
40 venile correctional facility, the Larned juvenile correctional facility, or the
41 Topeka juvenile correctional facility and a school district for the provision
42 of special education services by such state institution shall be counted in
43 making computations under this section.

1 Sec. 7. K.S.A. 72-979 is hereby amended to read as follows: 72-979. (a)
2 Payments under this act *of state aid for the provision of special education*
3 *and related services* shall be made in the manner and at such times during
4 each school year as are determined by the state board. All amounts re-
5 ceived by a district under this section shall be deposited in the general
6 fund of the district and transferred to its special education fund. If any
7 district is paid more than it is entitled to receive under any distribution
8 made under this act, the state board shall notify the district of the amount
9 of such overpayment, and such district shall remit the same to the state
10 board. The state board shall remit any moneys so received to the state
11 treasurer in accordance with the provisions of K.S.A. 75-4215, and
12 amendments thereto. Upon receipt of each such remittance, the state
13 treasurer shall deposit the entire amount in the state treasury to the credit
14 of the state general fund. If any such district fails so to remit, the state
15 board shall deduct the excess amounts so paid from future payments
16 becoming due to such district. If any district is paid less than the amount
17 to which it is entitled under any distribution made under this act, the
18 state board shall pay the additional amount due at any time within the
19 school year in which the underpayment was made or within 60 days after
20 the end of such school year. *If the amount of appropriations for state aid*
21 *for the provision of special education and related services is insufficient*
22 *to pay in full the amount of state aid each school district is entitled to*
23 *receive for the school year, the state board shall prorate the amount ap-*
24 *propriated among all school districts.*

25 (b) The state board shall prescribe all forms necessary for reporting
26 under this act.

27 (c) Every board shall make such periodic and special reports of infor-
28 mation to the state board as it may request in order to carry out its re-
29 sponsibilities under this act.

30 Sec. 8. K.S.A. 2004 Supp. 72-6407 is hereby amended to read as fol-
31 lows: 72-6407. (a) (1) “Pupil” means any person who is regularly enrolled
32 in a district and attending kindergarten or any of the grades one through
33 12 maintained by the district or who is regularly enrolled in a district and
34 attending kindergarten or any of the grades one through 12 in another
35 district in accordance with an agreement entered into under authority of
36 K.S.A. 72-8233, and amendments thereto, or who is regularly enrolled in
37 a district and attending special education services provided for preschool-
38 aged exceptional children by the district. **Subject to the release of**
39 **funds by the state board of education pursuant to section 31, and**
40 **amendments thereto, a pupil enrolled in any school district in this**
41 **state who does not live in Kansas shall not be counted as a pupil**
42 **for state financial aid under the school district finance and quality**
43 **performance act.**

1 (2) Except as otherwise provided in paragraph (3) of this subsection, a
2 pupil in attendance full time shall be counted as one pupil. A pupil in
3 attendance part time shall be counted as that proportion of one pupil (to
4 the nearest $\frac{1}{10}$) that the pupil's attendance bears to full-time attendance.
5 A pupil attending kindergarten shall be counted as $\frac{1}{2}$ pupil. A pupil en-
6 rolled in and attending an institution of postsecondary education which
7 is authorized under the laws of this state to award academic degrees shall
8 be counted as one pupil if the pupil's postsecondary education enrollment
9 and attendance together with the pupil's attendance in either of the
10 grades 11 or 12 is at least $\frac{5}{6}$ time, otherwise the pupil shall be counted
11 as that proportion of one pupil (to the nearest $\frac{1}{10}$) that the total time of
12 the pupil's postsecondary education attendance and attendance in grade
13 11 or 12, as applicable, bears to full-time attendance. A pupil enrolled in
14 and attending an area vocational school, area vocational-technical school
15 or approved vocational education program shall be counted as one pupil
16 if the pupil's vocational education enrollment and attendance together
17 with the pupil's attendance in any of grades nine through 12 is at least $\frac{5}{6}$
18 time, otherwise the pupil shall be counted as that proportion of one pupil
19 (to the nearest $\frac{1}{10}$) that the total time of the pupil's vocational education
20 attendance and attendance in any of grades nine through 12 bears to full-
21 time attendance. A pupil enrolled in a district and attending special ed-
22 ucation and related services, except special education and related services
23 for preschool-aged exceptional children, provided for by the district shall
24 be counted as one pupil. A pupil enrolled in a district and attending
25 special education and related services for preschool-aged exceptional chil-
26 dren provided for by the district shall be counted as $\frac{1}{2}$ pupil. A preschool-
27 aged at-risk pupil enrolled in a district and receiving services under an
28 approved at-risk pupil assistance plan maintained by the district shall be
29 counted as $\frac{1}{2}$ pupil. A pupil in the custody of the secretary of social and
30 rehabilitation services and enrolled in unified school district No. 259,
31 Sedgwick county, Kansas, but housed, maintained, and receiving educa-
32 tional services at the Judge James V. Riddel Boys Ranch, shall be counted
33 as two pupils.

34 (3) A pupil residing at the Flint Hills job corps center shall not be
35 counted. A pupil confined in and receiving educational services provided
36 for by a district at a juvenile detention facility shall not be counted. A
37 pupil enrolled in a district but housed, maintained, and receiving edu-
38 cational services at a state institution shall not be counted. A pupil en-
39 rolled in a virtual school in a district but who is not a resident of the state
40 of Kansas shall not be counted.

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

1 (c) “At-risk pupils” means pupils who are eligible for free meals under
2 the national school lunch act *or reduced-price meals* and who are enrolled
3 in a district which maintains an approved at-risk pupil assistance plan.

4 (d) “Preschool-aged at-risk pupil” means an at-risk pupil who has at-
5 tained the age of four years, is under the age of eligibility for attendance
6 at kindergarten, and has been selected by the state board in accordance
7 with guidelines consonant with guidelines governing the selection of pu-
8 pils for participation in head start programs. The state board shall select
9 not more than 5,500 preschool-aged at-risk pupils to be counted in any
10 school year.

11 (e) “Enrollment” means: ~~(1)~~ **(1) (A) Subject to the provisions of**
12 **paragraph (1)(B),** For districts scheduling the school days or school
13 hours of the school term on a trimestral or quarterly basis, the number
14 of pupils regularly enrolled in the district on September 20 plus the num-
15 ber of pupils regularly enrolled in the district on February 20 less the
16 number of pupils regularly enrolled on February 20 who were counted
17 in the enrollment of the district on September 20; and for districts not
18 specified in this ~~clause~~ **paragraph (1),** the number of pupils regularly
19 enrolled in the district on September 20; **(B) a pupil who is a foreign**
20 **exchange student shall not be counted unless such student is reg-**
21 **ularly enrolled in the district on September 20 and attending kin-**
22 **dergarten or any of the grades one through 12 maintained by the**
23 **district for at least one semester or two quarters or the equivalent**
24 **thereof**

25 (2) if enrollment in a district in any school year has decreased from
26 enrollment in the preceding school year, enrollment of the district in the
27 current school year means whichever is the greater of (A) enrollment in
28 the preceding school year minus enrollment in such school year of pre-
29 school-aged at-risk pupils, if any such pupils were enrolled, plus enroll-
30 ment in the current school year of preschool-aged at-risk pupils, if any
31 such pupils are enrolled, or (B) the sum of enrollment in the current
32 school year of preschool-aged at-risk pupils, if any such pupils are enrolled
33 and the average (mean) of the sum of (i) enrollment of the district in the
34 current school year minus enrollment in such school year of preschool-
35 aged at-risk pupils, if any such pupils are enrolled and (ii) enrollment in
36 the preceding school year minus enrollment in such school year of pre-
37 school-aged at-risk pupils, if any such pupils were enrolled and (iii) en-
38 rollment in the school year next preceding the preceding school year
39 minus enrollment in such school year of preschool-aged at-risk pupils, if
40 any such pupils were enrolled; or

41 (3) the number of pupils as determined under K.S.A. 72-6447, and
42 amendments thereto.

43 (f) “Adjusted enrollment” means enrollment adjusted by adding at-risk

1 pupil weighting, program weighting, low enrollment weighting, if any,
2 ~~correlation weighting, if any,~~ school facilities weighting, if any, ancillary
3 school facilities weighting, if any, *cost of living weighting, if any,* special
4 education and related services weighting, and transportation weighting to
5 enrollment.

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

8 (h) “Program weighting” means an addend component assigned to en-
9 rollment of districts on the basis of pupil attendance in educational pro-
10 grams which differ in cost from regular educational programs.

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

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

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

27 ~~(l) “Correlation weighting” means an addend component assigned to~~
28 ~~enrollment of districts having 1,725 or over enrollment on the basis of~~
29 ~~costs attributable to maintenance of educational programs by such dis-~~
30 ~~tricts as a correlate to low enrollment weighting assigned to enrollment~~
31 ~~of districts having under 1,725 enrollment. “Cost of living weighting”~~
32 ~~means an addend component assigned to enrollment of the districts to~~
33 ~~which the provisions of section 15, and amendments thereto, apply on the~~
34 ~~basis of costs attributable to the necessity of enhancing salaries due to the~~
35 ~~extraordinary cost of purchasing single family residences in the district.~~
36 ~~Cost of living weighting may be assigned to enrollment of a district only~~
37 ~~if the district has levied a tax pursuant to section 15, and amendments~~
38 ~~thereto.~~

39 (m) “Ancillary school facilities weighting” means an addend component
40 assigned to enrollment of districts to which the provisions of K.S.A. 72-
41 6441, and amendments thereto, apply on the basis of costs attributable
42 to commencing operation of new school facilities. Ancillary school facil-
43 ities weighting may be assigned to enrollment of a district only if the

1 district has levied a tax under authority of K.S.A. 72-6441, and amend-
2 ments thereto, and remitted the proceeds from such tax to the state trea-
3 surer. Ancillary school facilities weighting is in addition to assignment of
4 school facilities weighting to enrollment of any district eligible for such
5 weighting.

6 (n) “Juvenile detention facility” means: (1) Any secure public or private
7 facility which is used for the lawful custody of accused or adjudicated
8 juvenile offenders and which shall not be a jail;

9 (2) any level VI treatment facility licensed by the Kansas department
10 of health and environment which is a psychiatric residential treatment
11 facility for individuals under the age of 21 which conforms with the reg-
12 ulations of the centers for medicare/medicaid services and the joint com-
13 mission on accreditation of health care organizations governing such fa-
14 cilities; and

15 (3) the Forbes Juvenile Attention Facility, the Sappa Valley Youth
16 Ranch of Oberlin, Salvation Army/Koch Center Youth Services, the Clar-
17 ence M. Kelley Youth Center, the Clarence M. Kelley Transitional Living
18 Center, Trego County Secure Care Center, St. Francis Academy at At-
19 chison, St. Francis Academy at Ellsworth, St. Francis Academy at Salina,
20 St. Francis Center at Salina, King’s Achievement Center, and Liberty
21 Juvenile Services and Treatment.

22 (o) “Special education and related services weighting” means an ad-
23 dend component assigned to enrollment of districts on the basis of costs
24 attributable to provision of special education and related services for pu-
25 pils determined to be exceptional children.

26 (p) “Virtual school” means any kindergarten or grades one through 12
27 course offered for credit that uses distance-learning technologies which
28 predominantly use internet-based methods to deliver instruction and for
29 which the course content is available on an “anytime, anyplace” basis, but
30 the instruction occurs asynchronously with the teacher and pupil in sep-
31 arate locations, not necessarily located within a local education agency.

32 Sec. 9. K.S.A. 72-6410 is hereby amended to read as follows: 72-6410.

33 (a) “State financial aid” means an amount equal to the product obtained
34 by multiplying base state aid per pupil by the adjusted enrollment of a
35 district.

36 (b) “Base state aid per pupil” means an amount of state financial aid
37 per pupil. Subject to the other provisions of this subsection, the amount
38 of base state aid per pupil is ~~\$3,890~~ ~~\$4,107~~ ~~\$4,217~~ [**\$4,187**]. The amount
39 of base state aid per pupil is subject to reduction commensurate with any
40 reduction under K.S.A. 75-6704, and amendments thereto, in the amount
41 of the appropriation from the state general fund for general state aid. If
42 the amount of appropriations for general state aid is insufficient to pay in
43 full the amount each district is entitled to receive for any school year, the

1 amount of base state aid per pupil for such school year is subject to
2 reduction commensurate with the amount of the insufficiency.

3 (c) “Local effort” means the sum of an amount equal to the proceeds
4 from the tax levied under authority of K.S.A. 72-6431, and amendments
5 thereto, and an amount equal to any unexpended and unencumbered
6 balance remaining in the general fund of the district, except amounts
7 received by the district and authorized to be expended for the purposes
8 specified in K.S.A. 72-6430, and amendments thereto, and an amount
9 equal to any unexpended and unencumbered balances remaining in the
10 program weighted funds of the district, except any amount in the voca-
11 tional education fund of the district if the district is operating an area
12 vocational school, and an amount equal to any remaining proceeds from
13 taxes levied under authority of K.S.A. 72-7056 and 72-7072, and amend-
14 ments thereto, prior to the repeal of such statutory sections, and an
15 amount equal to the amount deposited in the general fund in the current
16 school year from amounts received in such year by the district under the
17 provisions of subsection (a) of K.S.A. 72-1046a, and amendments thereto,
18 and an amount equal to the amount deposited in the general fund in the
19 current school year from amounts received in such year by the district
20 pursuant to contracts made and entered into under authority of K.S.A.
21 72-6757, and amendments thereto, and an amount equal to the amount
22 credited to the general fund in the current school year from amounts
23 distributed in such year to the district under the provisions of articles 17
24 and 34 of chapter 12 of Kansas Statutes Annotated and under the pro-
25 visions of articles 42 and 51 of chapter 79 of Kansas Statutes Annotated,
26 and an amount equal to the amount of payments received by the district
27 under the provisions of K.S.A. 72-979, and amendments thereto, and an
28 amount equal to the amount of a grant, if any, received by the district
29 under the provisions of K.S.A. 72-983, and amendments thereto, and ~~an~~
30 ~~amount equal to 75% of the federal impact aid of the district.~~ **except as**
31 **provided by this subsection for school year 2005-2006 and school**
32 **year 2006-2007, an amount equal to 70% of the federal impact aid**
33 **of the district. In school year 2005-2006, “local effort” shall not**
34 **include any portion of federal impact aid of a district attributable**
35 **to pupils enrolled in the district on September 20, 2005, who were**
36 **not enrolled in the district on September 20, 2004. In school year**
37 **2006-2007, “local effort” shall not include any portion of federal**
38 **impact aid of a district attributable to pupils enrolled in the district**
39 **on September 20, 2006, who were not enrolled in the district on**
40 **September 20, 2004.**

41 (d) “Federal impact aid” means an amount equal to the federally qual-
42 ified percentage of the amount of moneys a district receives in the current
43 school year under the provisions of title I of public law 874 and congress-

1 sional appropriations therefor, excluding amounts received for assistance
 2 in cases of major disaster and amounts received under the low-rent hous-
 3 ing program. The amount of federal impact aid defined herein as an
 4 amount equal to the federally qualified percentage of the amount of mon-
 5 eys provided for the district under title I of public law 874 shall be de-
 6 termined by the state board in accordance with terms and conditions
 7 imposed under the provisions of the public law and rules and regulations
 8 thereunder.

9 Sec. 10. K.S.A. 72-6412 is hereby amended to read as follows: 72-6412.
 10 **The Subject to adjustments pursuant to section 33, and amend-**
 11 **ments thereto, the** low enrollment weighting of each district with under
 12 1,725 enrollment shall be determined by the state board as follows:

13 (a) Determine the amount of the median budget per pupil for the 1991-
 14 92 school year of districts with 75-125 enrollment in such school year;

15 (b) determine the amount of the median budget per pupil for the 1991-
 16 92 school year of districts with 200-399 enrollment in such school year;

17 (c) ~~(1)~~ determine the amount of the median budget per pupil for the
 18 1991-92 school year of districts with 1,900 or over enrollment;

19 ~~(2) multiply the amount determined under (1) by .063211, and~~
 20 ~~(3) add the product determined under (2) to the amount determined~~
 21 ~~under (1). The sum is the median budget per pupil for districts with 1,900~~
 22 ~~or over enrollment;~~

23 (d) prescribe a schedule amount for each of the districts by preparing
 24 a schedule based upon an accepted mathematical formula and derived
 25 from a linear transition between (1) the median budgets per pupil deter-
 26 mined under (a) and (b), and (2) the median budgets per pupil deter-
 27 mined under (b) and (c)(3). The schedule amount for districts with 0-99
 28 enrollment is an amount equal to the amount of the median budget per
 29 pupil determined under (a). The schedule amount for districts with 100-
 30 299 enrollment is the amount derived from the linear transition under
 31 (1). The schedule amount for districts with 300-1,899 enrollment is the
 32 amount derived from the linear transition under (2);

33 (e) for districts with 0-99 enrollment:

34 (1) Subtract the amount determined under (c) from the amount de-
 35 termined under (a);

36 (2) divide the remainder obtained under (1) by the amount determined
 37 under (c);

38 (3) multiply the quotient obtained under (2) by the enrollment of the
 39 district in the current school year. The product is the low enrollment
 40 weighting of the district;

41 (f) for districts with 100-299 enrollment:

42 (1) Subtract the amount determined under (c) from the schedule
 43 amount of the district;

- 1 (2) divide the remainder obtained under (1) by the amount determined
 2 under (c);
- 3 (3) multiply the quotient obtained under (2) by the enrollment of the
 4 district in the current school year. The product is the low enrollment
 5 weighting of the district;
- 6 (g) for districts with 300-1,724 enrollment:
- 7 (1) Subtract the amount determined under (c) from the schedule
 8 amount of the district;
- 9 (2) divide the remainder obtained under (1) by the amount determined
 10 under (c);
- 11 (3) multiply the quotient obtained under (2) by the enrollment of the
 12 district in the current school year. The product is the low enrollment
 13 weighting of the district.
- 14 Sec. 11. K.S.A. 72-6413 is hereby amended to read as follows: 72-6413.
 15 The program weighting of each district shall be determined by the state
 16 board as follows:
- 17 (a) Compute full time equivalent enrollment in programs of bilingual
 18 education and multiply the computed enrollment by ~~0.2~~ **0.4**;
- 19 (b) compute full time equivalent enrollment in approved vocational
 20 education programs and multiply the computed enrollment by ~~0.5~~ **.15**
 21 ~~[-.481]~~ **[0.5]**;
- 22 (c) add the products obtained under (a) and (b); ~~and~~
- 23 ~~—(d) multiply the sum by .9406.~~ The sum is the program weighting of
 24 the district.
- 25 ~~(d) The provisions of this section shall take effect and be in force from~~
 26 ~~and after July 1, 1992.~~
- 27 Sec. 12. K.S.A. 72-6414 is hereby amended to read as follows: 72-6414.
- 28 (a) The at-risk pupil weighting of each district shall be determined by the
 29 state board ~~by multiplying as follows:~~
- 30 (1) *Determine* the number of at-risk pupils included in enrollment of
 31 the district *and multiply* by .10; *and*
- 32 (2) *multiply the product obtained under (1) by* .9406. The product is
 33 the at-risk pupil weighting of the district.
- 34 (b) Except as provided in subsection (d), of the amount a district re-
 35 ceives from the at-risk pupil weighting, an amount produced by a pupil
 36 weighting of .01 shall be used by the district for achieving mastery of
 37 basic reading skills by completion of the third grade in accordance with
 38 standards and outcomes of mastery identified by the state board under
 39 K.S.A. 72-7534, and amendments thereto.
- 40 (c) A district shall include such information in its at-risk pupil assistance
 41 plan as the state board may require regarding the district's remediation
 42 strategies and the results thereof in achieving the third grade reading
 43 standards and outcomes of mastery identified by the state board. The

1 reporting requirements shall include information documenting remedi-
2 ation strategies and improvement made by pupils who performed below
3 the expected standard on the second grade diagnostic reading test pre-
4 scribed by the state board.

5 (d) A district whose pupils substantially achieve the state board stan-
6 dards and outcomes of mastery of reading skills upon completion of third
7 grade may be released, upon request, by the state board from the require-
8 ments of subsection (b).

9 Sec. 13. K.S.A. 72-6415 is hereby amended to read as follows: 72-6415.

10 (a) *Subject to the provisions of subsection (b)*, the school facilities weight-
11 ing of each district shall be determined in each school year in which such
12 weighting may be assigned to enrollment of the district as follows:

13 (1) Determine the number of pupils, included in enrollment of the
14 district, who are attending a new school facility;

15 (2) multiply the number of pupils determined under (1) by .25, ~~and~~
16 ~~—(3) multiply the product obtained under (2) by .9406.~~ The product is
17 the school facilities weighting of the district.

18 ~~(b) The provisions of this section shall take effect and be in force from~~
19 ~~and after July 1, 1992.~~

20 (b) *School facilities weighting may be assigned only to districts con-*
21 *structing new facilities for which: (1) The issuance of bonds has been*
22 *approved at an election held on or before April 5 [July 1], 2005; (2) the*
23 *issuance of bonds is subject to a protest petition and the period of time*
24 *within which a protest petition may be filed has expired; or (3) contracts*
25 *have been entered into on or before April 5 [July 1], 2005.*

26 New Sec. 14. There is hereby established in every district a fund which
27 shall be called the at-risk fund, which fund shall consist of all moneys
28 deposited therein or transferred thereto according to law. Notwithstand-
29 ing any other provision of law, all moneys received by the district from
30 whatever source for at-risk assistance plans or programs shall be credited
31 to the at-risk fund established by this section. The expenses of a district
32 directly attributable to providing at-risk assistance or programs shall be
33 paid from the at-risk assistance fund.

34 New Sec. 15. (a) As used in this section, “school district” or “district”
35 means a school district authorized to make a levy under this section.

36 (b) The board of education of any district may levy a tax on the taxable
37 tangible property within the district for the purpose of financing the costs
38 incurred by the state that are attributable directly to assignment of the
39 cost of living weighting to the enrollment of the district. There is hereby
40 established in every school district a fund which shall be called a teacher
41 salary enhancement fund, which fund shall consist of all moneys deposited
42 therein or transferred thereto in accordance with law. All moneys derived
43

1 from a tax imposed pursuant to this section shall be credited to the teacher
2 salary enhancement fund.

3 (c) The state board of education shall determine whether a district may
4 levy a tax under this section as follows:

5 (1) Determine the statewide average appraised value of single family
6 residences for the calendar year preceding the current school year;

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

8 (3) determine the average appraised value of single family residences
9 in each school district for the calendar year preceding the current school
10 year; and

11 (4) subtract the amount determined under (2) from the amount deter-
12 mined under (3). If the amount determined for the district under (4) is
13 a positive number and the district is authorized to adopt and has adopted
14 a local option budget in an amount equal to the state prescribed per-
15 centage in the current school year, the district qualifies for assignment of
16 cost of living weighting and may levy tax on the taxable tangible property
17 of the district for the purpose of financing the costs incurred by the state
18 that are attributable directly to assignment of the cost of living weighting
19 to enrollment of the district.

20 (d) No tax may be levied under this section unless the board of edu-
21 cation adopts a resolution authorizing such a tax levy and publishes the
22 resolution at least once in a newspaper having general circulation in the
23 district. The resolution shall be published in substantial compliance with
24 the following form:

25 Unified School District No. _____,
26 _____ County, Kansas.

27 RESOLUTION

28 Be It Resolved that:

29 The board of education of the above-named school district shall be authorized to levy an
30 ad valorem tax in an amount not to exceed the amount necessary to finance the costs incurred
31 by the state that are attributable directly to the assignment of cost of living weighting to the
32 enrollment of the district. The ad valorem tax authorized by this resolution may be levied
33 unless a petition in opposition to the same, signed by not less than 5% of the qualified
34 electors of the school district, is filed with the county election officer of the home county
35 of the school district within 30 days after the publication of this resolution. If a petition is
36 filed, the county election officer shall submit the question of whether the levy of such a tax
37 shall be authorized in accordance with the provisions of this resolution to the electors of
38 the school district at the next general election of the school district, as is specified by the
39 board of education of the school district.

40 CERTIFICATE

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

1

2

Clerk of the board of education.

3 All of the blanks in the resolution shall be filled. If no petition as spec-
 4 ified above is filed in accordance with the provisions of the resolution,
 5 the resolution authorizing the ad valorem tax levy shall become effective.
 6 If a petition is filed as provided in the resolution, the board may notify
 7 the county election officer to submit the question of whether such tax
 8 levy shall be authorized. If the board fails to notify the county election
 9 officer within 30 days after a petition is filed, the resolution shall be
 10 deemed abandoned and of no force and effect and no like resolution shall
 11 be adopted by the board within the nine months following publication of
 12 the resolution. If a majority of the votes cast in an election conducted
 13 pursuant to this provision are in favor of the resolution then such reso-
 14 lution shall be effective on the date of such election. If a majority of the
 15 votes cast are not in favor of the resolution, the resolution shall be deemed
 16 of no effect and no like resolution shall be adopted by the board within
 17 the nine months following such election.

18 New Sec. 16. The cost of living weighting of a district shall be deter-
 19 mined by the state board in each school year in which such weighting
 20 may be assigned to enrollment of the district as follows:

21 (1) Divide the amount determined under subsection (c)(4) of section
 22 15, and amendments thereto, by the amount determined under subsec-
 23 tion (c)(2) of section 15, and amendments thereto;

24 (2) multiply the dividend determined under (1) by .109;

25 (3) multiply the district's state financial aid, excluding the amount de-
 26 termined under this provision, by the lesser of the product determined
 27 under (2) or .05; and

28 (4) divide the product determined under (3) by the base state aid per
 29 pupil for the current school year. The quotient is the cost of living weight-
 30 ing of the district.

31 Sec. 17. K.S.A. 72-6433 is hereby amended to read as follows: 72-6433.

32 ~~(a) (1) The board of any district may adopt a local option budget in each~~
 33 ~~school year in an amount not to exceed an amount equal to the district~~
 34 ~~prescribed percentage of the amount of state financial aid determined for~~
 35 ~~the district in the school year. As used in this section, "district prescribed~~
 36 ~~percentage" means:~~

37 ~~—(A) For any district that was authorized to adopt and that adopted a~~
 38 ~~local option budget in the 1996-97 school year and to which the provisions~~
 39 ~~of K.S.A. 72-6444, and amendments thereto, do not apply in the current~~
 40 ~~school year, in the 2001-02 school year and in each school year thereafter,~~
 41 ~~a percentage that is equal to 80% of the percentage specified in the res-~~
 42 ~~olution under which the district was authorized to adopt a local option~~
 43 ~~budget in the 1996-97 school year;~~

1 ~~—(B) for any district that was authorized to adopt and that adopted a~~
2 ~~local option budget in the 1996-97 school year and to which the provisions~~
3 ~~of K.S.A. 72-6444, and amendments thereto, apply in the current school~~
4 ~~year, a percentage in the 2001-02 school year and each school year there-~~
5 ~~after that is equal to the sum of the percentage of the amount of state~~
6 ~~financial aid the district was authorized to budget in the preceding school~~
7 ~~year and the percentage computed for the district by the state board~~
8 ~~under the provisions of K.S.A. 72-6444, and amendments thereto;~~
9 ~~—(C) for any district that was not authorized to adopt a local option~~
10 ~~budget in the 1996-97 school year and to which the provisions of K.S.A.~~
11 ~~72-6444, and amendments thereto, apply in the current school year, a~~
12 ~~percentage in the 2001-02 school year and each school year thereafter~~
13 ~~that is equal to the sum of the percentage of the amount of state financial~~
14 ~~aid the district was authorized to budget in the preceding school year and~~
15 ~~the percentage computed for the district by the state board under the~~
16 ~~provisions of K.S.A. 72-6444, and amendments thereto;~~
17 ~~—(D) for any district to which the provisions of K.S.A. 72-6444, and~~
18 ~~amendments thereto, applied in the 1997-98 school year and to which~~
19 ~~the provisions of K.S.A. 72-6444, and amendments thereto, do not apply~~
20 ~~in the current school year because an increase in the amount budgeted~~
21 ~~by the district in its local option budget as authorized by a resolution~~
22 ~~adopted under the provisions of subsection (b) causes the actual amount~~
23 ~~per pupil budgeted by the district in the preceding school year as deter-~~
24 ~~mined for the district under provision (1) of subsection (a) of K.S.A. 72-~~
25 ~~6444, and amendments thereto, to equal or exceed the average amount~~
26 ~~per pupil of general fund budgets and local option budgets computed by~~
27 ~~the state board under whichever of the provisions (7) through (10) of~~
28 ~~subsection (a) of K.S.A. 72-6444, and amendments thereto, is applicable~~
29 ~~to the district's enrollment group, a percentage that is equal to the per-~~
30 ~~centage of the amount of state financial aid the district was authorized to~~
31 ~~budget in the preceding school year if the resolution authorized the dis-~~
32 ~~trict to increase its local option budget on a continuous and permanent~~
33 ~~basis. If the resolution that authorized the district to increase its local~~
34 ~~option budget specified a definite period of time for which the district~~
35 ~~would retain its authority to increase the local option budget and such~~
36 ~~authority lapses at the conclusion of such period and is not renewed, the~~
37 ~~term district prescribed percentage means a percentage that is equal to~~
38 ~~the percentage of the amount of state financial aid the district was au-~~
39 ~~thorized to budget in the preceding school year less the percentage of~~
40 ~~increase that was authorized by the resolution unless the loss of the per-~~
41 ~~centage of increase that was authorized by the resolution would cause the~~
42 ~~actual amount per pupil budgeted by the district to be less than the av-~~
43 ~~erage amount per pupil of general fund budgets and local option budgets~~

1 computed by the state board under whichever of the provisions (7)
 2 through (10) of subsection (a) of K.S.A. 72-6444, and amendments
 3 thereto, is applicable to the district's enrollment group, in which case, the
 4 term district prescribed percentage means a percentage that is equal to
 5 the percentage of the amount of state financial aid the district was au-
 6 thorized to budget in the preceding school year less the percentage of
 7 increase that was authorized by the resolution plus a percentage which
 8 shall be computed for the district by the state board in accordance with
 9 the provisions of K.S.A. 72-6444, and amendments thereto, except that,
 10 in making the determination of the actual amount per pupil budgeted by
 11 the district in the preceding school year, the state board shall exclude the
 12 percentage of increase that was authorized by the resolution.

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

17 ~~—(B) In lieu of utilizing the authority granted by subpart (A) for adoption~~
 18 ~~of a local option budget, the board of a district may pass a resolution~~
 19 ~~authorizing adoption of such a budget and publish such resolution once~~
 20 ~~in a newspaper having general circulation in the district. The resolution~~
 21 ~~shall be published in substantial compliance with the following form:~~

22 Unified School District No. _____,
 23 _____ County, Kansas.

RESOLUTION

24 Be It Resolved that:

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

CERTIFICATE

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

39 _____
 40 _____
 41 _____
 42 Clerk of the board of education.

43 ~~—All of the blanks in the resolution shall be appropriately filled. The~~

1 ~~blank preceding the word “years” shall be filled with a specific number,~~
2 ~~and the blank preceding the percentage symbol shall be filled with a~~
3 ~~specific number. No word shall be inserted in either of the blanks. The~~
4 ~~percentage specified in the resolution shall not exceed the district pre-~~
5 ~~scribed percentage. The resolution shall be published once in a news-~~
6 ~~paper having general circulation in the school district. If no petition as~~
7 ~~specified above is filed in accordance with the provisions of the resolution,~~
8 ~~the board may adopt a local option budget. If a petition is filed as provided~~
9 ~~in the resolution, the board may notify the county election officer of the~~
10 ~~date of an election to be held to submit the question of whether adoption~~
11 ~~of a local option budget shall be authorized. If the board fails to notify~~
12 ~~the county election officer within 30 days after a petition is filed, the~~
13 ~~resolution shall be deemed abandoned and no like resolution shall be~~
14 ~~adopted by the board within the nine months following publication of the~~
15 ~~resolution. If any district is authorized to adopt a local option budget~~
16 ~~under this subpart, but the board of such district chooses, in any school~~
17 ~~year, not to adopt such a budget or chooses, in any school year, to adopt~~
18 ~~such budget in an amount less than the amount of the district prescribed~~
19 ~~percentage of the amount of state financial aid in any school year, such~~
20 ~~board of education may so choose. If the board of any district refrains~~
21 ~~from adopting a local option budget in any one or more school years or~~
22 ~~refrains from budgeting the total amount authorized for any one or more~~
23 ~~school years, the authority of such district to adopt a local option budget~~
24 ~~shall not be extended by such refrainment beyond the period specified~~
25 ~~in the resolution authorizing adoption of such budget, nor shall the~~
26 ~~amount authorized to be budgeted in any succeeding school year be in-~~
27 ~~creased by such refrainment. Whenever an initial resolution has been~~
28 ~~adopted under this subpart, and such resolution specified a lesser per-~~
29 ~~centage than the district prescribed percentage, the board of the district~~
30 ~~may adopt one or more subsequent resolutions under the same procedure~~
31 ~~as provided for the initial resolution and subject to the same conditions,~~
32 ~~and shall be authorized to increase the percentage as specified in any~~
33 ~~such subsequent resolution for the remainder of the period of time spec-~~
34 ~~ified in the initial resolution. Any percentage specified in a subsequent~~
35 ~~resolution or in subsequent resolutions shall be limited so that the sum~~
36 ~~of the percentage authorized in the initial resolution and the percentage~~
37 ~~authorized in the subsequent resolution or in subsequent resolutions is~~
38 ~~not in excess of the district prescribed percentage in any school year. The~~
39 ~~board of any district that has been authorized to adopt a local option~~
40 ~~budget under this subpart and levied a tax under authority of K.S.A. 72-~~
41 ~~6435, and amendments thereto, may initiate, at any time after the final~~
42 ~~levy is certified to the county clerk under any current authorization, pro-~~
43 ~~cedures to renew its authority to adopt a local option budget in the man-~~

1 ner specified in this subpart or may utilize the authority granted by sub-
2 part (A). As used in this subpart, the term “authorized to adopt a local
3 option budget” means that a district has adopted a resolution under this
4 subpart, has published the same, and either that the resolution was not
5 protested or that it was protested and an election was held by which the
6 adoption of a local option budget was approved.

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

9 —(b) The provisions of this subsection (b) shall be subject to the provi-
10 sions of K.S.A. 72-6433a, and amendments thereto.

11 —(1) The board of any district that adopts a local option budget under
12 subsection (a) may increase the amount of such budget in each school
13 year in an amount which together with the percentage of the amount of
14 state financial aid budgeted under subsection (a) does not exceed the state
15 prescribed percentage of the amount of state financial aid determined for
16 the district in the school year if the board of the district determines that
17 an increase in such budget would be in the best interests of the district.

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

41 —(3) (A) Subject to the provisions of subpart (B), a resolution authorizing
42 an increase in the local option budget of a district shall state that the
43 board of education of the district shall be authorized to increase the local

1 option budget of the district in each school year in an amount not to
2 exceed _____% of the amount of state financial aid determined for the
3 current school year and that the percentage of increase may be reduced
4 so that the sum of the percentage of the amount of state financial aid
5 budgeted under subsection (a) and the percentage of increase specified
6 in the resolution does not exceed the state prescribed percentage in any
7 school year. The blank preceding the percentage symbol shall be filled
8 with a specific number. No word shall be inserted in the blank. The
9 resolution shall specify a definite period of time for which the board shall
10 be authorized to increase the local option budget and such period of time
11 shall be expressed by the specific number of school years for which the
12 board shall retain its authority to increase the local option budget. No
13 word shall be used to express the number of years for which the board
14 shall be authorized to increase the local option budget.

15 —(B) In lieu of the requirements of subpart (A) and at the discretion of
16 the board, a resolution authorizing an increase in the local option budget
17 of a district may state that the board of education of the district shall be
18 continuously and permanently authorized to increase the local option
19 budget of the district in each school year by a percentage which together
20 with the percentage of the amount of state financial aid budgeted under
21 subsection (a) does not exceed the state prescribed percentage in any
22 school year.

23 —(4) A resolution authorizing an increase in the local option budget of a
24 district shall state that the amount of the local option budget may be
25 increased as authorized by the resolution unless a petition in opposition
26 to such increase, signed by not less than 5% of the qualified electors of
27 the school district, is filed with the county election officer of the home
28 county of the school district within 30 days after publication. If no petition
29 is filed in accordance with the provisions of the resolution, the board is
30 authorized to increase the local option budget of the district. If a petition
31 is filed as provided in the resolution, the board may notify the county
32 election officer of the date of an election to be held to submit the question
33 of whether the board shall be authorized to increase the local option
34 budget of the district. If the board fails to notify the county election officer
35 within 30 days after a petition is filed, the resolution shall be deemed
36 abandoned and no like resolution shall be adopted by the board within
37 the nine months following publication of the resolution.

38 —(5) The requirements of provision (2) do not apply to any district that
39 is continuously and permanently authorized to increase the local option
40 budget of the district. An increase in the amount of a local option budget
41 by such a district shall require a majority vote of the members of the
42 board and shall require no other procedure, authorization or approval.

43 —(6) If any district is authorized to increase a local option budget, but

1 the board of such district chooses, in any school year, not to adopt or
2 increase such budget or chooses, in any school year, to adopt or increase
3 such budget in an amount less than the amount authorized, such board
4 of education may so choose. If the board of any district refrains from
5 adopting or increasing a local option budget in any one or more school
6 years or refrains from budgeting the total amount authorized for any one
7 or more school years, the amount authorized to be budgeted in any suc-
8 ceeding school year shall not be increased by such refrainment, nor shall
9 the authority of the district to increase its local option budget be extended
10 by such refrainment beyond the period of time specified in the resolution
11 authorizing an increase in the local option budget if the resolution spec-
12 ified such a period of time.

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

31 —(8) (A) Subject to the provisions of subpart (B), the board of any district
32 that has adopted a local option budget under subsection (a), has been
33 authorized to increase such budget under a resolution which specified a
34 definite period of time for retention of such authorization, and has levied
35 a tax under authority of K.S.A. 72-6435, and amendments thereto, may
36 initiate, at any time after the final levy is certified to the county clerk
37 under any current authorization, procedures to renew the authority to
38 increase the local option budget subject to the conditions and in the
39 manner specified in provisions (2) and (3) of this subsection.

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

43 —(9) As used in this subsection:

- 1 —(A) “Authorized to increase a local option budget” means either that a
2 district has held a special election under provision (2)(B) by which au-
3 thority of the board to increase a local option budget was approved, or
4 that a district has adopted a resolution under provision (2) (A), has pub-
5 lished the same, and either that the resolution was not protested or that
6 it was protested and an election was held by which the authority of the
7 board to increase a local option budget was approved.
- 8 —(B) “State prescribed percentage” means ~~25%~~ 30%.
- 9 —(c) To the extent the provisions of the foregoing subsections conflict
10 with this subsection, this subsection shall control. Any district that is au-
11 thorized to adopt a local option budget in the 1997-98 school year under
12 a resolution which authorized the adoption of such budget in accordance
13 with the provisions of this section prior to its amendment by this act may
14 continue to operate under such resolution for the period of time specified
15 in the resolution or may abandon the resolution and operate under the
16 provisions of this section as amended by this act. Any such district shall
17 operate under the provisions of this section as amended by this act after
18 the period of time specified in the resolution has expired.
- 19 —(d) (1) There is hereby established in every district that adopts a local
20 option budget a fund which shall be called the supplemental general fund.
21 The fund shall consist of all amounts deposited therein or credited thereto
22 according to law.
- 23 —(2) Subject to the limitation imposed under provision (3), amounts in
24 the supplemental general fund may be expended for any purpose for
25 which expenditures from the general fund are authorized or may be trans-
26 ferred to the general fund of the district or to any program weighted fund
27 or categorical fund of the district.
- 28 —(3) Amounts in the supplemental general fund may not be expended
29 nor transferred to the general fund of the district for the purpose of
30 making payments under any lease purchase agreement involving the ac-
31 quisition of land or buildings which is entered into pursuant to the pro-
32 visions of K.S.A. 72-8225, and amendments thereto.
- 33 —(4) Any unexpended and unencumbered cash balance remaining in the
34 supplemental general fund of a district at the conclusion of any school
35 year in which a local option budget is adopted shall be disposed of as
36 provided in this subsection. If the district did not receive supplemental
37 general state aid in the school year and the board of the district deter-
38 mines that it will be necessary to adopt a local option budget in the en-
39 suing school year, the total amount of the cash balance remaining in the
40 supplemental general fund shall be maintained in such fund or trans-
41 ferred to the general fund of the district. If the board of such a district
42 determines that it will not be necessary to adopt a local option budget in
43 the ensuing school year, the total amount of the cash balance remaining

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

29 **(a) In each school year, commencing with school year 2005-2006,**
30 **the state board shall compute, on a per pupil basis, the state-wide**
31 **average amount for the preceding school year of the general fund**
32 **budget and the local option budget.**

33 **(b) Except as provided by subsection (c) or (d), the board of**
34 **education of any school district, by resolution, may adopt a local**
35 **option budget which does not exceed the state-wide average**
36 **amount of general fund and supplemental general fund as deter-**
37 **mined by the state board under subsection (a), but not more than**
38 **25% of the general fund budget of the district. Such resolution**
39 **shall be effective upon publication thereof in a newspaper of gen-**
40 **eral circulation in the district. The resolution shall be published in**
41 **substantial compliance with the following form:**

42 Unified School District No. _____,

43 _____ County, Kansas.

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RESOLUTION

Be It Resolved that:

The board of education of the above-named school district shall be authorized to adopt a local option budget in each school year for a period of time not to exceed _____ years in an amount not to exceed _____% of the amount of state financial aid determined for the current school year.

CERTIFICATE

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

Clerk of the board of education.

All of the blanks in the resolution shall be filled as appropriate. The blank preceding the work "years" shall be filled with a specific number, and the blank preceding the percentage symbol shall be filled with a specific number.

If a school district has adopted a local option budget which does not exceed the statewide average in school year 2004-2005 as determined by the state board, such school district is authorized to adopt a local option budget up to the same amount by adoption of a resolution in school year 2005-2006 and each school year thereafter.

(c) Except as provided by subsection (d), the board of education of any school district, by resolution, may adopt a local option budget which exceeds the state-wide average of general fund and supplemental general fund budgets per pupil, but not exceeding 30% of the general fund budget of the district. The resolution shall be published in substantial compliance with the following form:
Unified School District No. _____,

_____ County, Kansas.

RESOLUTION

Be It Resolved that:

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

1 of the school district.

2 CERTIFICATE

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

6 _____
7 Clerk of the board of education.

8 All of the blanks in the resolution shall be filled as appropriate.
9 The blank preceding the word "years" shall be filled with a specific
10 number, and the blank preceding the percentage symbol shall be
11 filled with a specific number. The resolution shall be published
12 once in a newspaper having general circulation in the school dis-
13 trict. If no petition as specified above is filed in accordance with
14 the provisions of the resolution, the board may adopt a local option
15 budget. If a petition is filed as provided in the resolution, the board
16 may notify the county election officer of the date of an election to
17 be held to submit the question of whether adoption of a local op-
18 tion budget shall be authorized. If the board fails to notify the
19 county election officer within 30 days after a petition is filed, the
20 resolution shall be deemed abandoned and no like resolution shall
21 be adopted by the board within the nine months following publi-
22 cation of the resolution.

23 A school district which adopts a local option budget pursuant to
24 a resolution under this subsection in school year 2005-2006 and
25 no protest petition is filed or if the resolution is approved at an
26 election such school district is authorized to adopt a local option
27 budget up to the same amount by adoption of a resolution in school
28 year 2006-2007 and each school year thereafter. Such resolution
29 shall be effective upon publication in a newspaper of general cir-
30 culation in the district.

31 (d) If a school district has adopted a local option budget equal
32 to 25% of the general fund budget of the district in school year
33 2004-2005, such school district is authorized to adopt a local option
34 budget up to the same amount by adoption of a resolution in school
35 year 2005-2006 and each school year thereafter. Such resolution
36 shall be in the form and published in the manner provided by
37 subsection (b).

38 (e) As used in this section, "state prescribed percentage"
39 means 30%.

40 Sec. 18. K.S.A. 2004 Supp. 72-6434 is hereby amended to read as fol-
41 lows: 72-6434. (a) *Subject to the limitations of subsection (b)* in each
42 school year, each district that has adopted a local option budget is eligible
43 for entitlement to an amount of supplemental general state aid. Entitle-

1 ment of a district to supplemental general state aid shall be determined
2 by the state board as provided in this subsection. The state board shall:

3 (1) Determine the amount of the assessed valuation per pupil in the
4 preceding school year of each district in the state;

5 (2) rank the districts from low to high on the basis of the amounts of
6 assessed valuation per pupil determined under (1);

7 (3) identify the amount of the assessed valuation per pupil located at
8 the 75th percentile of the amounts ranked under (2);

9 (4) divide the assessed valuation per pupil of the district in the preced-
10 ing school year by the amount identified under (3);

11 (5) subtract the ratio obtained under (4) from 1.0. If the resulting ratio
12 equals or exceeds 1.0, the eligibility of the district for entitlement to
13 supplemental general state aid shall lapse. If the resulting ratio is less than
14 1.0, the district is entitled to receive supplemental general state aid in an
15 amount which shall be determined by the state board by multiplying the
16 amount of the local option budget of the district by such ratio. The prod-
17 uct is the amount of supplemental general state aid the district is entitled
18 to receive for the school year.

19 (b) *Districts shall not be paid supplemental general state aid for that*
20 *portion of the local option budget in excess of the state prescribed per-*
21 *centage in effect prior to the effective date of this act. [26% in school*
22 *year 2005-2006 and 28% in school year 2006-2007.]*

23 (c) If the amount of appropriations for supplemental general state aid
24 is less than the amount each district is entitled to receive for the school
25 year, the state board shall prorate the amount appropriated among the
26 districts in proportion to the amount each district is entitled to receive.

27 ~~(c)~~ (d) The state board of education shall prescribe the dates upon
28 which the distribution of payments of supplemental general state aid to
29 school districts shall be due. Payments of supplemental general state aid
30 shall be distributed to districts on the dates prescribed by the state board.
31 The state board shall certify to the director of accounts and reports the
32 amount due each district, and the director of accounts and reports shall
33 draw a warrant on the state treasurer payable to the treasurer of the
34 district. Upon receipt of the warrant, the treasurer of the district shall
35 credit the amount thereof to the supplemental general fund of the district
36 to be used for the purposes of such fund.

37 ~~(d)~~ (e) If any amount of supplemental general state aid that is due to
38 be paid during the month of June of a school year pursuant to the other
39 provisions of this section is not paid on or before June 30 of such school
40 year, then such payment shall be paid on or after the ensuing July 1, as
41 soon as moneys are available therefor. Any payment of supplemental gen-
42 eral state aid that is due to be paid during the month of June of a school
43 year and that is paid to school districts on or after the ensuing July 1 shall

- 1 be recorded and accounted for by school districts as a receipt for the
2 school year ending on the preceding June 30.
- 3 New Sec. 19. (a) There is hereby established in the state treasury the
4 school district capital outlay supplemental fund. The fund shall consist of
5 all amounts transferred thereto under the provisions of subsection (c).
- 6 (b) In each school year, each school district which is obligated to make
7 payments from its capital outlay fund established pursuant to K.S.A. 72-
8 8803, and amendments thereto, shall be entitled to receive payment from
9 the school district capital outlay supplemental fund in an amount deter-
10 mined by the state board of education as provided in this subsection. The
11 state board of education shall:
- 12 (1) Determine the amount of the assessed valuation per pupil (AVPP)
13 of each school district in the state and round such amount to the nearest
14 \$1,000. The rounded amount is the AVPP of a school district for the
15 purposes of this section;
- 16 (2) determine the median AVPP of all school districts;
- 17 (3) prepare a schedule of dollar amounts using the amount of the me-
18 dian AVPP of all school districts as the point of beginning. The schedule
19 of dollar amounts shall range upward in equal \$1,000 intervals from the
20 point of beginning to and including an amount that is equal to the amount
21 of the AVPP of the school district with the highest AVPP of all school
22 districts and shall range downward in equal \$1,000 intervals from the
23 point of beginning to and including an amount that is equal to the amount
24 of the AVPP of the school district with the lowest AVPP of all school
25 districts;
- 26 (4) determine a state aid percentage factor for each school district by
27 assigning a state aid computation percentage to the amount of the median
28 AVPP shown on the schedule, decreasing the state aid computation per-
29 centage assigned to the amount of the median AVPP by one percentage
30 point for each \$1,000 interval above the amount of the median AVPP,
31 and increasing the state aid computation percentage assigned to the
32 amount of the median AVPP by one percentage point for each \$1,000
33 interval below the amount of the median AVPP. The state aid percentage
34 factor of a school district is the percentage assigned to the schedule
35 amount that is equal to the amount of the AVPP of the school district,
36 except that the state aid percentage factor of a school district shall not
37 exceed 100%. The state aid computation percentage is 25% for capital
38 outlay obligations incurred by a school district on or after the effective
39 date of this act under K.S.A. 72-8801 et seq., and amendments thereto;
- 40 (5) determine the amount that a school district levied pursuant to
41 K.S.A. 72-8801 et seq., and amendments thereto, but not to exceed four
42 mills; ~~or~~ **and**
- 43 (6) multiply the amount determined under paragraph (5) by the appli-

1 cable state aid percentage factor. The product is the amount of payment
 2 the school district is entitled to receive from the school district capital
 3 outlay supplemental fund in the school year.

4 (c) The state board of education shall certify to the director of accounts
 5 and reports the entitlements of school districts determined under the
 6 provisions of subsection (b), and an amount equal thereto shall be trans-
 7 ferred by the director from the state general fund to the school district
 8 capital outlay supplemental fund for distribution to school districts. All
 9 transfers made in accordance with the provisions of this subsection shall
 10 be considered to be demand transfers from the state general fund.

11 (d) Payments from the school district capital outlay supplemental fund
 12 shall be distributed to school districts at times determined by the state
 13 board of education to be necessary to assist school districts in making
 14 scheduled payments pursuant to capital outlay obligations. The state
 15 board of education shall certify to the director of accounts and reports
 16 the amount due each school district entitled to payment from the fund,
 17 and the director of accounts and reports shall draw a warrant on the state
 18 treasurer payable to the treasurer of the school district. Upon receipt of
 19 the warrant, the treasurer of the school district shall credit the amount
 20 thereof to the capital outlay fund of the school district to be used for the
 21 purposes of such fund.

22 Sec. 20. K.S.A. 72-8801 is hereby amended to read as follows: 72-8801.

23 (a) The board of education of any school district may make an annual tax
 24 levy at a mill rate not to exceed the statutorily prescribed mill rate for a
 25 period of not to exceed five years upon the taxable tangible property in
 26 the school district for the purposes specified in this act and for the pur-
 27 pose of paying a portion of the principal and interest on bonds issued by
 28 cities under the authority of K.S.A. 12-1774, and amendments thereto,
 29 for the financing of redevelopment projects upon property located within
 30 the school district. No levy shall be made under this act until a resolution
 31 is adopted by the board of education in the following form:

32 Unified School District No. _____,
 33 _____ County, Kansas.

34 RESOLUTION

35 Be It Resolved that:

36 The above-named school board shall be authorized to make an annual tax levy for a period
 37 not to exceed _____ years in an amount not to exceed _____ mills upon the taxable
 38 tangible property in the school district for the purpose of acquisition, construction, recon-
 39 struction, repair, remodeling, additions to, furnishing and equipping of buildings necessary
 40 for school district purposes, including housing and boarding pupils enrolled in an area vo-
 41 cational school operated under the board, architectural expenses incidental thereto, the
 42 acquisition of building sites, the undertaking and maintenance of asbestos control projects,
 43 the acquisition of school buses and the acquisition of other equipment and for the purpose

1 of paying a portion of the principal and interest on bonds issued by cities under the authority
 2 of K.S.A. 12-1774, and amendments thereto, for the financing of redevelopment projects
 3 upon property located within the school district. The tax levy authorized by this resolution
 4 may be made, unless a petition in opposition to the same, signed by not less than 10% of
 5 the qualified electors of the school district, is filed with the county election officer of the
 6 home county of the school district within 40 days after the last publication of this resolution.
 7 In the event a petition is filed the county election officer shall submit the question of whether
 8 the tax levy shall be authorized to the electors in the school district at an election called for
 9 the purpose or at the next general election, as is specified by the board of education of the
 10 above school district.

11 CERTIFICATE

12 This is to certify that the above resolution was duly adopted by the board of education of
 13 Unified School District No. _____, _____ County, Kansas, on the _____ day of
 14 _____, ~~19~~_____.

15 _____
 16 Clerk of the above board of education.

17 All of the blanks in the above resolution shall be appropriately filled.
 18 The blank preceding the word “years” shall be filled with a specific num-
 19 ber, and the blank preceding the word “mills” shall be filled with a specific
 20 number, and no word shall be inserted in either of the blanks. The reso-
 21 lution shall be published once a week for two consecutive weeks in a
 22 newspaper having general circulation in the school district. If no petition
 23 as specified above is filed in accordance with the provisions of the reso-
 24 lution, the board of education may make the tax levy specified in the
 25 resolution. If a petition is filed as provided in the resolution, the board
 26 of education may notify the county election officer of the date of an
 27 election to be held to submit the question of whether the tax levy shall
 28 be authorized. If the board of education fails to notify the county election
 29 officer within 60 days after a petition is filed, the resolution shall be
 30 deemed abandoned and no like resolution shall be adopted by the board
 31 of education within the nine months following the first publication of the
 32 resolution.

- 33 (b) As used in this act:
- 34 (1) “Unconditionally authorized to make a capital outlay tax levy”
 35 means that the school district has adopted a resolution under this section,
 36 has published the same, and either that the resolution was not protested
 37 or that it was protested and an election has been held by which the tax
 38 levy specified in the resolution was approved;
- 39 (2) “statutorily prescribed mill rate” means: (A) ~~Four mills or the mill~~
 40 ~~rate necessary to produce the same amount of money that would have~~
 41 ~~been produced by a levy of four mills in the 1988-89 school year~~ **[eight**
 42 **mills]**; (B) *the mill levy rate in excess of ~~four~~ **[eight]** mills if the resolution*
 43 *fixing such rate was approved at an election prior to the effective date of*

1 *this act; or (C) the mill levy rate in excess of ~~four~~ [eight] mills if no petition*
 2 *or no sufficient petition was filed in protest to a resolution fixing such rate*
 3 *in excess of ~~four~~ [eight] mills and the protest period for filing such petition*
 4 *has expired;*

5 (3) “asbestos control project” means any activity which is necessary or
 6 incidental to the control of asbestos-containing material in buildings of
 7 school districts and includes, but not by way of limitation, any activity
 8 undertaken for the removal or encapsulation of asbestos-containing ma-
 9 terial, for any remodeling, renovation, replacement, rehabilitation or
 10 other restoration necessitated by such removal or encapsulation, for con-
 11 ducting inspections, reinspections and periodic surveillance of buildings,
 12 performing response actions, and developing, implementing and updating
 13 operations and maintenance programs and management plans;

14 (4) “asbestos” means the asbestiform varieties of chrysotile (serpen-
 15 tine), crocidolite (riebeckite), amosite (cummingtonitegrunerite), antho-
 16 phyllite, tremolite, and actinolite; and

17 (5) “asbestos-containing material” means any material or product which
 18 contains more than 1% asbestos.

19 New Sec. 21. From and after the effective date of this act no school
 20 district may adopt or renew a resolution imposing a tax levy in excess of
 21 the statutorily prescribed mill rate fixed by subsection (b)(2)(A) of K.S.A.
 22 72-8801, and amendments thereto. Any school district making a levy in
 23 excess of such amount may continue to make such levy until the expiration
 24 of the resolution under which such levy is made.

25 Sec. 22. K.S.A. 2004 Supp. 79-5040 is hereby amended to read as fol-
 26 lows: 79-5040. (a) ~~In 1999, and in each year thereafter,~~ All existing stat-
 27 utory fund mill levy rate and aggregate levy rate limitations on taxing
 28 subdivisions are hereby suspended.

29 (b) *The provisions of subsection (a) shall not apply to the fund mill levy*
 30 *rate and aggregate levy rate limitations imposed by K.S.A. 72-8801 et*
 31 *seq., and amendments thereto.*

32 **New Sec. 23. (a) As used in this section:**

33 (1) **“School district” or “district” means a school district which**
 34 **has an extraordinary declining enrollment and which has adopted**
 35 **a local option budget in an amount which equals the state pre-**
 36 **scribed percentage under K.S.A. 72-6433, and amendments**
 37 **thereto.**

38 (2) **“Extraordinary declining enrollment” means an enrollment**
 39 **which has declined during the preceding three school years at an**
 40 **average rate of at least 5% or by at least 50 pupils.**

41 (3) **“Joint committee” means the joint committee on state**
 42 **building construction.**

43 (b) **The board of education of any school district shall not au-**

1 authorize the issuance of any bonds for the construction of a new
2 building without having first advised and consulted with the joint
3 committee. Prior to the date of the hearing of the joint committee
4 at which the board is scheduled to appear, the board shall submit
5 any information requested by the joint committee. Following such
6 hearing, the committee shall make a recommendation on the ad-
7 visability of the proposed issuance of bonds. A copy of the com-
8 mittee's recommendation shall be provided to the school district
9 and to the state board of education within 15 days of the date of
10 the hearing.

11 (c) If the joint committee recommends against the issuance of
12 any bonds for the construction of a new building and the district
13 proceeds to issue bonds for such construction, the district shall not
14 be entitled to, and shall not receive, state aid for such bonds under
15 K.S.A. 75-2319, and amendments thereto.

16 New Sec. 24. (a) As used in this section:

17 (1) "School district" or "district" means a school district which:
18 (A) Has an extraordinary declining enrollment; (B) does not qualify
19 for low enrollment weighting; and (C) has adopted a local option
20 budget in an amount which equals the state prescribed percentage
21 under K.S.A. 72-6433, and amendments thereto.

22 (2) "Extraordinary declining enrollment" means an enrollment
23 which has declined during the preceding three school years at an
24 average rate of at least 15% or by at least 150 pupils.

25 (b) (1) The board of any district to which the provisions of this
26 subsection apply may levy an ad valorem tax on the taxable tan-
27 gible property of the district each year in an amount not to exceed
28 the amount authorized by the state board of tax appeals under this
29 section for the purpose of replacing revenues lost as a result of the
30 declining enrollment of the district. The state board of tax appeals
31 may authorize the district to make a levy which will produce an
32 amount that is not greater than the amount of revenues lost which
33 are directly attributable to the decline in enrollment of the district.

34 (2) The board of tax appeals shall certify to the state board of
35 education the amount authorized to be produced by the levy of a
36 tax under this subsection.

37 (3) The state board of tax appeals may adopt rules and regu-
38 lations necessary to properly effectuate the provisions of this sub-
39 section, including rules relating to the evidence required in sup-
40 port of a district's claim that reductions in state funding under the
41 provisions of the school district finance and quality performance
42 act as a result of the district's declining enrollment exceed the
43 district's ability to make expenditure reductions.

1 (4) Any district is authorized to adopt and has adopted a local
2 option budget in an amount equal to the state prescribed per-
3 centage of the amount of state financial aid determined for the
4 district in the current school year.

5 (c) The board of education may continue to levy such tax under
6 authority of this section for each year the district continues to sus-
7 tain the three-year average decline in either the numerical or per-
8 centage specified in subsection (a).

9 (d) There is hereby established in every district a fund which
10 shall be called the declining enrollment fund. Such fund shall con-
11 sist of all moneys deposited therein or transferred thereto accord-
12 ing to law. The proceeds from the tax levied by a district under
13 authority of this section shall be credited to the declining enroll-
14 ment fund of the district. Moneys in such fund shall be used for
15 the payment of expenses of the school district as determined by
16 the board of education of the district.

17 **New Sec. 25.** For school year 2007-2008, and for each school
18 year thereafter, the total amount of state aid, except for state aid
19 for special education and related services, aid shall be increased
20 by a percentage equal to the percentage increase in the CPI (ur-
21 ban) from the calendar year in which the second preceding school
22 year ended to the calendar year in which the preceding school year
23 commenced. If there is a percentage decrease or no change in the
24 CPI (urban) from the calendar year in which the second preceding
25 school year ended to the calendar year in which the preceding
26 school year commenced, the amount of state aid, excluding state
27 aid for special education and related services, shall be the same
28 amount of such aid in the preceding school year.

29 **New Sec. 26.** All moneys appropriated for general state aid
30 and supplemental general state aid to school districts shall be paid
31 first from the revenue derived from the levy imposed pursuant to
32 K.S.A. 72-6431, and amendments thereto. If the amount of reve-
33 nue derived from the levy imposed under K.S.A. 72-6431, and
34 amendments thereto, is insufficient to pay such state aid, 50% of
35 the balance shall be paid from existing revenues derived from the
36 Kansas retailers' sales tax and 50% shall be paid from existing rev-
37 enues derived from the Kansas income tax.

38 **New Sec. 27.** (a) As used in this section:

39 (1) "School district" means any school district in which is lo-
40 cated a redevelopment district for which bonds have been issued
41 pursuant to K.S.A. 12-1770 et seq., and amendments thereto.

42 (2) "Base year assessed valuation", "redevelopment district"
43 and "redevelopment project" shall have the meanings ascribed

1 thereto by K.S.A. 12-1770a, and amendments thereto.

2 (b) No later than November 1 of each year, the county clerk of
3 each county shall certify to the state board of education the as-
4 sessed valuation of any school district located within a redevelop-
5 ment district in such county. For the purposes of this section and
6 for determining the amount of state aid for school districts under
7 K.S.A. 72-6434 and 75-2319, and amendments thereto, the base
8 year assessed valuation of property within the boundaries of a re-
9 development district shall be used when determining the assessed
10 valuation of a school district until the bonds issued pursuant to
11 K.S.A. 12-1770 et seq., and amendments thereto, to finance rede-
12 velopment projects in the redevelopment district have been re-
13 tired.

14 ~~New Sec. 28.—(a) The state board of education shall design and~~
15 ~~implement an administrative reorganization plan for school dis-~~
16 ~~tricts.~~

17 ~~—Sec. 29.—K.S.A. 2004 Supp. 72-8205 is hereby amended to read~~
18 ~~as follows: 72-8205. (a) The board shall meet at least once each~~
19 ~~month. During the month of July of each year, the board shall~~
20 ~~adopt a resolution specifying a regular meeting time of the board~~
21 ~~and the regular hour of commencement of the meeting, as well as~~
22 ~~the day of the week and the week of the month. Such resolution~~
23 ~~also shall specify the alternative date and time of any meeting if~~
24 ~~the regular meeting date occurs on a Sunday or on a legal holiday~~
25 ~~or on a holiday specified by the board. Such resolution also shall~~
26 ~~specify the regular meeting place of the board and may specify~~
27 ~~that any regular meeting may be adjourned to another time and~~
28 ~~place. If the board cancels a regularly-scheduled meeting because~~
29 ~~of an emergency, within 24 hours of such cancellation, the board~~
30 ~~shall establish and give notice of the new meeting date and time.~~
31 ~~Special meetings may be called at any time by the president of the~~
32 ~~board or by joint action of any three members of the board. Unless~~
33 ~~waived, written notice, stating the time and place of any special~~
34 ~~meeting and the purpose for which called shall be given each mem-~~
35 ~~ber of the board at least two days in advance of the special meeting~~
36 ~~and no business other than that stated in the notice shall be trans-~~
37 ~~acted at such meeting. A majority of the full membership of the~~
38 ~~board shall constitute a quorum for the purpose of conducting any~~
39 ~~business of the school district, and the vote of a majority of the full~~
40 ~~membership of the board shall be required for the passage of any~~
41 ~~motion or resolution. Any member who abstains from voting shall~~
42 ~~be counted as having voted against the motion or resolution. If a~~
43 ~~member announces a conflict of interest with regard to the issue,~~

1 ~~the member may leave the meeting until the voting on the issue is~~
2 ~~concluded and the member who abstains from voting thereby shall~~
3 ~~not be counted as having voted.~~

4 ~~—(b) Except as otherwise provided by law, the board shall have~~
5 ~~and may exercise the same powers and authorities as were im-~~
6 ~~mediately prior to this act conferred uniformly upon boards of~~
7 ~~education in cities of the first class, and, in addition thereto, the~~
8 ~~powers and authority expressly conferred by law.~~

9 ~~—(c) The board shall have authority to prescribe courses of study~~
10 ~~for each year of the school program and to adopt rules and regu-~~
11 ~~lations for teaching in the school district and general government~~
12 ~~thereof, and to approve and adopt suitable textbooks and study~~
13 ~~material for use therein subject to the plans, methods, rules and~~
14 ~~regulations of the state board of education.~~

15 ~~—(d) The board may provide legal counsel at district expense to~~
16 ~~any members of the board of education, or school district officers~~
17 ~~or employees who are sued in situations relating to and arising out~~
18 ~~of the performance of their office or employment. No teacher or~~
19 ~~other employment contract shall make reference to or incorporate~~
20 ~~the provisions of this subsection, nor shall the provisions of this~~
21 ~~subsection be construed as any part of the consideration of em-~~
22 ~~ployment of any teacher, officer or other employee of the board.~~

23 ~~—(e) (1) The board may transact all school district business and~~
24 ~~adopt policies that the board deems appropriate to perform its~~
25 ~~constitutional duty to maintain, develop and operate local public~~
26 ~~schools.~~

27 ~~—(2) The power granted by this subsection shall not be con-~~
28 ~~strued to relieve a board from compliance with *the provisions of*~~
29 ~~*section 28, and amendments thereto, and any other provision of state*~~
30 ~~*law.*~~

31 ~~—The power granted by this subsection shall not be construed to~~
32 ~~relieve any other unit of government of its duties and responsibil-~~
33 ~~ities which are prescribed by law, nor to create any responsibility~~
34 ~~on the part of a school district to assume the duties or responsi-~~
35 ~~bilities which are required of another unit of government.~~

36 ~~—(3) The board shall exercise the power granted by this subsec-~~
37 ~~tion by resolution of the board of education.~~

38 Sec. 30. [28.] K.S.A. 72-6757 is hereby amended to read as fol-
39 lows: 72-6757. (a) As used in this section:

40 (1) “Receiving school district” means a school district of non-
41 residence of a pupil who attends school in such school district.

42 (2) “Sending school district” means a school district of resi-
43 dence of a pupil who attends school in a school district not of the

1 **pupil's residence.**

2 **(b) The board of education of any school district may make and**
3 **enter into contracts with the board of education of any receiving**
4 **school district located in this state for the purpose of providing for**
5 **the attendance of pupils at school in the receiving school district.**

6 **(c) The board of education of any school district may make and**
7 **enter into contracts with the governing authority of any accredited**
8 **school district located in another state for the purpose of providing**
9 **for the attendance of pupils from this state at school in such other**
10 **state or for the attendance of pupils from such other state at school**
11 **in this state.**

12 **(d) Pupils attending school in a receiving school district in ac-**
13 **cordance with a contract authorized by this section and made and**
14 **entered into by such receiving school district with a sending school**
15 **district located in this state shall be counted as regularly enrolled**
16 **in and attending school in the sending school district for the pur-**
17 **pose of computations under the school district finance and quality**
18 **performance act.**

19 **(e) Any contract made and entered into under authority of this**
20 **section is subject to the following conditions:**

21 **(1) The contract shall be for the benefit of pupils who reside**
22 **at inconvenient or unreasonable distances from the schools main-**
23 **tained by the sending school district or for pupils who, for any**
24 **other reason deemed sufficient by the board of education of the**
25 **sending school district, should attend school in a receiving school**
26 **district;**

27 **(2) the contract shall make provision for the payment of tuition**
28 **by the sending school district to the receiving school district;**

29 **(3) if a sending school district is located in this state and the receiving**
30 **school district is located in another state, the amount of tuition provided**
31 **to be paid for the attendance of a pupil or pupils at school in the receiving**
32 **school district shall not exceed ½ of the amount of the budget per pupil**
33 **of the sending school district under the school district finance and quality**
34 **performance act for the current school year; and**

35 ~~**(4) the contract shall make provision for transportation of pu-**~~
36 ~~**pils to and from the school attended on every school day.**~~

37 **(f) Amounts received pursuant to contracts made and entered**
38 **into under authority of this section by a school district located in**
39 **this state for enrollment and attendance of pupils at school in reg-**
40 **ular educational programs shall be deposited in the general fund**
41 **of the school district.**

42 **(g) The provisions of subsection (e)(3) do not apply to unified school**
43 **district No. 104, Jewell county.**

1 ~~(h)~~ The provisions of this section do not apply to contracts
2 made and entered into under authority of the special education
3 for exceptional children act.

4 ~~(h)~~ (h) The provisions of this section are deemed to be alter-
5 native to the provisions of K.S.A. 72-8233, and amendments
6 thereto, and no procedure or authorization under K.S.A. 72-8233,
7 and amendments thereto, shall be limited by the provisions of this
8 section.

9 New Sec. ~~31.~~ [29.] (a) This section applies to the board of ed-
10 ucation of any school district that has, or knows that it will have in
11 the next school year, one or more pupils enrolled who do not live
12 in Kansas. Such school board shall utilize its good faith efforts to
13 negotiate an agreement with the out-of-state school board of the
14 school district in which the pupil resides. Such agreement shall
15 address the payment of costs to the Kansas school district for ed-
16 ucating any out-of-state pupils.

17 (b) The state board of education shall provide assistance and
18 advice to Kansas school districts that are subject to the provisions
19 of subsection (a).

20 New Sec. ~~32.~~ [30.] (a) Any Kansas school district that is subject
21 to section 31, and amendments thereto, that has failed to reach
22 agreement pursuant to section 31, and amendments thereto, may
23 make a hardship application to the state board of education for
24 the release of some or all of the funds attributable to out-of-state
25 pupils attending school in such school district. Unless waived by
26 the state board of education, the application shall include:

27 (1) A detailed description of the school districts efforts in ne-
28 gotiating with the out-of-state school district pursuant to section
29 31, and amendments thereto, including copies of related docu-
30 ments and a narrative describing each negotiating session;

31 (2) the amount of state funds the out-of-state school district
32 would receive if the pupil attended the non-Kansas school district
33 where the pupil resides;

34 (3) the amount of funds requested for each such pupil and the
35 justification therefor; and

36 (4) such other information as may be requested by the state
37 board of education.

38 (b) The state board of education is authorized to approve, mod-
39 ify and approve as modified or reject any hardship application au-
40 thorized by this section. ~~No~~ [Except as provided in subsection (c),
41 no] payment per out-of-state pupil shall exceed the state average
42 general fund budget per pupil amount.

43 [(c) Notwithstanding the provisions of K.S.A. 72-6407, and

1 amendments thereto, a pupil enrolled in any school district in this
2 state who does not live in Kansas shall be counted as a pupil for
3 state financial aid purposes:

4 [(1) If a parent or guardian of the pupil is an employee of the
5 school district where the pupil is enrolled;

6 [(2) if a parent or guardian of the pupil has paid property taxes
7 in Kansas during the current or preceding school year; or

8 [(3) if the pupil attended public school in Kansas during the
9 2004-2005 school year.]

10 New Sec. ~~33~~. [31.] (a) As used in this section, “enrollment
11 weighting” means payments attributable to low enrollment
12 weighting pursuant to K.S.A. 72-6412 and amendments thereto.

13 (b) For pupils residing in this state who do not meet the
14 requirements of K.S.A. 72-1046, and amendments thereto, and
15 who attend school in another school district in this state, the state
16 board shall ~~adjust the~~ [fund] enrollment weighting for the school
17 district ~~that is attributable to each such pupil. Such adjustment~~
18 ~~shall be made to pay the enrollment weighting that is attributable~~
19 ~~to each pupil that would have been paid had the pupil attended~~
20 ~~the school district where the child resides if such amount is less~~
21 ~~than the amount paid to the school district where the pupil attends~~
22 ~~school.~~ [that such pupil attends.]

23 New Sec. ~~34~~. [32.] As used in sections 35 through 39, and
24 amendments thereto:

25 (a) “District” or “school district” means any school district in
26 the state of Kansas;

27 (b) “program” means the Kansas skills for success in school
28 program;

29 (c) “department” or “department of education” means the
30 Kansas department of education; and

31 (d) “state board” means the state board of education.

32 New Sec. ~~35~~. [33.] (a) Each school district shall prepare a plan
33 for identifying grade-level markers which indicate whether a child
34 is progressing adequately toward acquisition of the reading and
35 mathematics skill-sets designed by the state board of education
36 and for diagnosing each child’s skill level in mathematics and read-
37 ing. The district shall use assessments or diagnostic reviews during
38 kindergarten and each of the grades one through three to deter-
39 mine a child’s level of performance and to target specialized in-
40 terventions to bring the child up to grade-level in reading and
41 mathematics. The district’s plan shall embed such assessments or
42 diagnostic reviews into the curriculum and implement a measure
43 to check each child’s progress during the fall or spring semesters,

1 or both.

2 (b) The district shall establish a plan for providing each child
3 needing assistance with locally-determined interventions based on
4 input from teachers and parents for the individual child. The plan
5 may include a restructured school day, additional school days,
6 summer school, individualized instruction and any other interven-
7 tion the district deems necessary. The district may require attend-
8 ance at such interventions unless a parent requests in writing that
9 the child not attend. The plan shall not include a requirement for
10 full-day kindergarten attendance. In addition, any plan providing
11 for interventions shall include implementation of a first grade
12 reading intervention which meets the following specifications: A
13 research-based reading intervention method designed for first-
14 graders with a proven track record of success, with sustained learn-
15 ing over time using a short-term, one-on-one tutoring intervention
16 when deemed necessary or intensive research-based small group
17 tutoring. The diagnostic reviews or assessments may be imple-
18 mented in addition to current assessments or diagnostic reviews,
19 or in lieu of current assessments or diagnostic reviews. If the dis-
20 trict currently has appropriate grade level markers, or offers ap-
21 propriate diagnostic reviews or assessments or tracking procedu-
22 res for interventions, the district may continue to use such locally
23 determined practices as long as the district continues to meet qual-
24 ity performance accreditation requirements. School districts shall
25 continue to implement the second grade reading diagnostic cur-
26 rently required by the state board.

27 (c) If a child has been identified as needing assistance, the dis-
28 trict's plan shall create a mechanism to track the child's interven-
29 tions and progress. The district shall determine the methods by
30 which the child's progress is measured. When a child has accom-
31 plished the district-determined level of accomplishment, no fur-
32 ther tracking will be necessary unless the child falls behind in an-
33 other grade. If the child does not achieve the appropriate
34 grade-level markers in reading or mathematics despite interven-
35 tion, the district shall take whatever action which it deems is in the
36 best educational interest of the child to reach the grade-level
37 markers. Such action may include, but is not limited to, other more
38 intensive interventions or retention at current grade-level unless
39 a parent refuses in writing to allow the child to be retained. If a
40 parent refuses to allow retention, the parent shall be provided in-
41 formation on the skills the child requires to succeed at the next
42 grade-level.

43 (d) When it is appropriate, districts are encouraged to utilize

- 1 community volunteers or community-based organizations in the
2 carrying out of intervention plans adopted pursuant to this section.
- 3 ~~New Sec. 36.~~ [34.] (a) In school year 2006-2007 and each
4 school year thereafter, any district which has established a plan of
5 interventions pursuant to section 35, and amendments thereto,
6 shall be entitled to receive a grant from the state board to supple-
7 ment amounts expended by the district for maintenance of such
8 plan of interventions. The board of education of any such district
9 may submit an application for a grant under the Kansas skills for
10 success in school program. The application shall be prepared in
11 such form and manner as required by the state board. Such appli-
12 cation shall be accompanied by any information required by the
13 state board. No grant may be awarded pursuant to this section
14 unless the state board approves the district's plan of interventions.
- 15 (b) Grant moneys received under subsection (a) shall be de-
16 posited in the general fund of the school district and shall be con-
17 sidered reimbursements for the purpose of the school district fi-
18 nance and quality performance act.
- 19 (c) The board of education of any district which is awarded a
20 grant for maintenance of a plan of interventions under the Kansas
21 skills for success in school program shall make such periodic and
22 special reports to the state board of education as it may request.
- 23 ~~New Sec. 37.~~ [35.] (a) On or before January 1, 2006, the state
24 board of education shall adopt rules and regulations for the im-
25 plementation of this act and the awarding and administration of
26 grants to school districts for maintenance of plans of interventions
27 under the Kansas skills for success in school program.
- 28 (b) The state board shall:
- 29 (1) Establish standards and criteria for reviewing, evaluating
30 and approving plans of interventions and applications for grants;
- 31 (2) conduct a needs-assessment survey of school districts ap-
32 plying for grants;
- 33 (3) evaluate and approve plans of interventions;
- 34 (4) establish priorities in accordance with the findings of the
35 needs-assessment survey for the award of grants and the amount
36 of such grants;
- 37 (5) be responsible for awarding grants to school districts; and
- 38 (6) request of and receive from each school district which is
39 awarded a grant for maintenance of a plan of interventions reports
40 containing information with regard to the effectiveness of the plan.
- 41 (c) In evaluating and approving plans of interventions main-
42 tained under the Kansas skills for success in school program and
43 for the awarding of grants, the state board shall consider:

- 1 (1) The level of effort exhibited by districts in the establish-
2 ment and maintenance of plans of interventions;
- 3 (2) the amounts budgeted by districts for the establishment
4 and maintenance of plans of interventions; and
- 5 (3) the potential effectiveness of the plans of interventions for
6 which applications for the grants are made.
- 7 (d) The amount of a grant shall be determined by the state
8 board in accordance with established priorities, but shall not ex-
9 ceed the amount of actual expenses incurred by the district in the
10 establishment and maintenance of the district's plan of interven-
11 tions.
- 12 (e) Upon request of the board of education of any school dis-
13 trict, the state board of education shall provide technical advice
14 and assistance regarding the establishment and maintenance of a
15 plan of skills for success in school interventions or an application
16 for a grant.
- 17 ~~New Sec. 38.~~ [36.] On or before November 1, 2005, the state
18 board of education shall report its progress on the implementation
19 of the Kansas skills for success in school program to the legislative
20 education council. The board shall submit other reports as re-
21 quested by the chairperson of the legislative education council. On
22 or before September 1, 2006, and each year thereafter, the state
23 board shall make an annual report on the program to the legisla-
24 tive education council. Annual reports also shall include data re-
25 lating to and supporting evaluations of goals, objectives and out-
26 comes established by the state board of education and other
27 information requested by the council. On or before the first day
28 of the 2007 legislative session and each year thereafter, the legis-
29 lative education council shall prepare and submit to the legislature
30 a report on the program and any recommendations relating
31 thereto.
- 32 ~~New Sec. 39.~~ [37.] Within the limits of appropriations there-
33 for, the state department of education shall provide for teacher
34 training to implement the interventions authorized by this act.
- 35 ~~New Sec. 40.~~ [38.] The legislature shall make appropriations
36 necessary for the implementation of the provisions of sections 34
37 through 39, and amendments thereto. Such appropriations shall
38 not exceed \$20,000,000, in the aggregate, from one or more funds
39 in the state treasury.
- 40 ~~New Sec. 41.~~ ~~No ad valorem tax exemption for real or personal~~
41 ~~property granted after the effective date of this act by the govern-~~
42 ~~ing body of any city or the board of county commissioners of any~~
43 ~~county pursuant to the provisions of section 13 of article 11 of the~~

~~Kansas constitution shall be deemed to exempt any such property from the ad valorem property tax levied by a school district pursuant to K.S.A. 72-6431, and amendments thereto. The provisions of this section shall not be deemed to apply to any such exemptions granted prior to the effective date of this act for any calendar year for which any such exemption was granted.~~

~~—New Sec. 42.— No abatement of ad valorem property tax for real or personal property granted after the effective date of this act by the governing body of any city or the board of county commissioners of any county or other taxing subdivision of the state shall be deemed to abate the ad valorem property tax levied by a school district pursuant to K.S.A. 72-6431, and amendments thereto. The provisions of this section shall not be deemed to apply to any abatement granted prior to the effective date of this act for any calendar year for which any such exemption was granted.~~

Sec. 43. [39.] K.S.A. 2004 Supp. 79-201a is hereby amended to read as follows: 79-201a. The following described property, to the extent herein specified, shall be exempt from all property or ad valorem taxes levied under the laws of the state of Kansas *unless otherwise more specifically provided*:

First. All property belonging exclusively to the United States, except property which congress has expressly declared to be subject to state and local taxation.

Second. All property used exclusively by the state or any municipality or political subdivision of the state. All property owned, being acquired pursuant to a lease-purchase agreement or operated by the state or any municipality or political subdivision of the state, including property which is vacant or lying dormant, which is used or is to be used for any governmental or proprietary function and for which bonds may be issued or taxes levied to finance the same, shall be considered to be used exclusively by the state, municipality or political subdivision for the purposes of this section. The lease by a municipality or political subdivision of the state of any real property owned or being acquired pursuant to a lease-purchase agreement for the purpose of providing office space necessary for the performance of medical services by a person licensed to practice medicine and surgery or osteopathic medicine by the board of healing arts pursuant to K.S.A. 65-2801 *et seq.*, and amendments thereto, dentistry services by a person licensed by the Kansas dental board pursuant to K.S.A. 65-1401 *et seq.*, and amendments thereto, optometry services by a person licensed by the board of examiners in optometry pursuant to K.S.A. 65-1501 *et seq.*, and amendments thereto, or K.S.A. 74-1501 *et seq.*, and

1 amendments thereto, podiatry services by a person licensed by the
2 board of healing arts pursuant to K.S.A. 65-2001 *et seq.*, and
3 amendments thereto, or the practice of psychology by a person
4 licensed by the behavioral sciences regulatory board pursuant to
5 K.S.A. 74-5301 *et seq.*, and amendments thereto, shall be construed
6 to be a governmental function, and such property actually and reg-
7 ularly used for such purpose shall be deemed to be used exclusively
8 for the purposes of this paragraph. The lease by a municipality or
9 political subdivision of the state of any real property, or portion
10 thereof, owned or being acquired pursuant to a lease-purchase
11 agreement to any entity for the exclusive use by it for an exempt
12 purpose, including the purpose of displaying or exhibiting per-
13 sonal property by a museum or historical society, if no portion of
14 the lease payments include compensation for return on the in-
15 vestment in such leased property shall be deemed to be used ex-
16 clusively for the purposes of this paragraph. All property leased,
17 other than property being acquired pursuant to a lease-purchase
18 agreement, to the state or any municipality or political subdivision
19 of the state by any private entity shall not be considered to be used
20 exclusively by the state or any municipality or political subdivision
21 of the state for the purposes of this section except that the provi-
22 sions of this sentence shall not apply to any such property subject
23 to lease on the effective date of this act until the term of such lease
24 expires but property taxes levied upon any such property prior to
25 tax year 1989, shall not be abated or refunded. Any property con-
26 structed or purchased with the proceeds of industrial revenue
27 bonds issued prior to July 1, 1963, as authorized by K.S.A. 12-1740
28 to 12-1749, or purchased with proceeds of improvement district
29 bonds issued prior to July 1, 1963, as authorized by K.S.A. 19-2776,
30 or with proceeds of bonds issued prior to July 1, 1963, as author-
31 ized by K.S.A. 19-3815a and 19-3815b, or any property improved,
32 purchased, constructed, reconstructed or repaired with the pro-
33 ceeds of revenue bonds issued prior to July 1, 1963, as authorized
34 by K.S.A. 13-1238 to 13-1245, inclusive, or any property improved,
35 reimproved, reconstructed or repaired with the proceeds of rev-
36 enue bonds issued after July 1, 1963, under the authority of K.S.A.
37 13-1238 to 13-1245, inclusive, which had previously been im-
38 proved, reconstructed or repaired with the proceeds of revenue
39 bonds issued under such act on or before July 1, 1963, shall be
40 exempt from taxation for so long as any of the revenue bonds is-
41 sued to finance such construction, reconstruction, improvement,
42 repair or purchase shall be outstanding and unpaid. Any property
43 constructed or purchased with the proceeds of any revenue bonds

1 authorized by K.S.A. 13-1238 to 13-1245, inclusive, 19-2776, 19-
2 3815a and 19-3815b, and amendments thereto, issued on or after
3 July 1, 1963, shall be exempt from taxation only for a period of 10
4 calendar years after the calendar year in which the bonds were
5 issued. Any property, all or any portion of which is constructed or
6 purchased with the proceeds of revenue bonds authorized by
7 K.S.A. 12-1740 to 12-1749, inclusive, and amendments thereto, is-
8 sued on or after July 1, 1963 and prior to July 1, 1981, *and prior to*
9 *the effective date of this act* shall be exempt from taxation only for a
10 period of 10 calendar years after the calendar year in which the
11 bonds were issued. Except as hereinafter provided, any property
12 constructed or purchased wholly with the proceeds of revenue
13 bonds issued on or after July 1, 1981, *and prior to the effective date*
14 *of this act* under the authority of K.S.A. 12-1740 to 12-1749, inclu-
15 sive, and amendments thereto, shall be exempt from taxation only
16 for a period of 10 calendar years after the calendar year in which
17 the bonds were issued. Except as hereinafter provided, any prop-
18 erty constructed or purchased in part with the proceeds of revenue
19 bonds issued on or after July 1, 1981, *and prior to the effective date*
20 *of this act* under the authority of K.S.A. 12-1740 to 12-1749, inclu-
21 sive, and amendments thereto, shall be exempt from taxation to
22 the extent of the value of that portion of the property financed by
23 the revenue bonds and only for a period of 10 calendar years after
24 the calendar year in which the bonds were issued. The exemption
25 of that portion of the property constructed or purchased with the
26 proceeds of revenue bonds shall terminate upon the failure to pay
27 all taxes levied on that portion of the property which is not exempt
28 and the entire property shall be subject to sale in the manner pre-
29 scribed by K.S.A. 79-2301 *et seq.*, and amendments thereto. *Any*
30 *property constructed or purchased wholly with the proceeds of revenue*
31 *bonds issued on or after the effective date of this act under the authority*
32 *of K.S.A. 12-1740 to 12-1749, inclusive, and amendments thereto, shall*
33 *be exempt from all property or ad valorem taxes levied except the ad*
34 *valorem tax levied by a school district pursuant to K.S.A. 72-6431, and*
35 *amendments thereto. All such property shall be exempt from taxation to*
36 *the extent herein provided only for a period of 10 calendar years after the*
37 *calendar year in which the bonds were issued. Such exemption shall ter-*
38 *minate upon the failure to pay all taxes levied upon the property, and the*
39 *entire property shall be subject to sale in the manner prescribed by K.S.A.*
40 *79-2301 et seq., and amendments thereto. Any property constructed or*
41 *purchased in part with the proceeds of revenue bonds issued on or after*
42 *the effective date of this act under the authority of K.S.A. 12-1740 to 12-*
43 *1749, inclusive, and amendments thereto, to the extent of the value of that*

1 *portion of the property financed by the revenue bonds, shall be exempt*
2 *from all property or ad valorem taxes levied, except the ad valorem tax*
3 *levied by a school district pursuant to K.S.A. 72-6431, and amendments*
4 *thereto. All such property to the extent herein provided shall be exempt*
5 *from taxation to the extent herein provided only for a period of 10 cal-*
6 *endar years after the calendar year in which the bonds were issued. Such*
7 *exemption shall terminate upon the failure to pay all taxes levied on the*
8 *property, and the entire property shall be subject to sale in the manner*
9 *prescribed by K.S.A. 79-2301 et seq., and amendments thereto.* **Property**
10 **constructed or purchased in whole or in part with the proceeds of**
11 **revenue bonds issued on or after January 1, 1995, under the au-**
12 **thority of K.S.A. 12-1740 to 12-1749, inclusive, and amendments**
13 **thereto, and used in any retail enterprise identified under the stan-**
14 **dard industrial classification codes, major groups 52 through 59,**
15 **inclusive, except facilities used exclusively to house the headquar-**
16 **ters or back office operations of such retail enterprises identified**
17 **thereunder, shall not be exempt from taxation. For the purposes**
18 **of the preceding provision “standard industrial classification code”**
19 **means a standard industrial classification code published in the**
20 **Standard Industrial Classification manual, 1987, as prepared by**
21 **the statistical policy division of the office of management and**
22 **budget of the office of the president of the United States. “Head-**
23 **quarters or back office operations” means a facility from which the**
24 **enterprise is provided direction, management, administrative**
25 **services, or distribution or warehousing functions in support of**
26 **transactions made by the enterprise. Property purchased, con-**
27 **structed, reconstructed, equipped, maintained or repaired with**
28 **the proceeds of industrial revenue bonds issued under the au-**
29 **thority of K.S.A. 12-1740 et seq., and amendments thereto, which**
30 **is located in a redevelopment project area established under the**
31 **authority of K.S.A. 12-1770 et seq. shall not be exempt from taxa-**
32 **tion. Property purchased, acquired, constructed, reconstructed,**
33 **improved, equipped, furnished, repaired, enlarged or remodeled**
34 **with all or any part of the proceeds of revenue bonds issued under**
35 **authority of K.S.A. 12-1740 to 12-1749a, inclusive, and amend-**
36 **ments thereto for any poultry confinement facility on agricultural**
37 **land which is owned, acquired, obtained or leased by a corpora-**
38 **tion, as such terms are defined by K.S.A. 17-5903 and amendments**
39 **thereto, shall not be exempt from such taxation. Property pur-**
40 **chased, acquired, constructed, reconstructed, improved,**
41 **equipped, furnished, repaired, enlarged or remodeled with all or**
42 **any part of the proceeds of revenue bonds issued under the au-**
43 **thority of K.S.A. 12-1740 to 12-1749a, inclusive, and amendments**

1 thereto, for a rabbit confinement facility on agricultural land
2 which is owned, acquired, obtained or leased by a corporation, as
3 such terms are defined by K.S.A. 17-5903 and amendments
4 thereto, shall not be exempt from such taxation.

5 *Third.* All works, machinery and fixtures used exclusively by any
6 rural water district or township water district for conveying or pro-
7 duction of potable water in such rural water district or township
8 water district, and all works, machinery and fixtures used exclu-
9 sively by any entity which performed the functions of a rural water
10 district on and after January 1, 1990, and the works, machinery
11 and equipment of which were exempted hereunder on March 13,
12 1995.

13 *Fourth.* All fire engines and other implements used for the extin-
14 guishment of fires, with the buildings used exclusively for the safe-
15 keeping thereof, and for the meeting of fire companies, whether
16 belonging to any rural fire district, township fire district, town, city
17 or village, or to any fire company organized therein or therefor.

18 *Fifth.* All property, real and personal, owned by county fair as-
19 sociations organized and operating under the provisions of K.S.A.
20 2-125 *et seq.* and amendments thereto.

21 *Sixth.* Property acquired and held by any municipality under the
22 municipal housing law (K.S.A. 17-2337 *et seq.*) and amendments
23 thereto, except that such exemption shall not apply to any portion
24 of the project used by a nondwelling facility for profit making en-
25 terprise.

26 *Seventh.* All property of a municipality, acquired or held under
27 and for the purposes of the urban renewal law (K.S.A. 17-4742 *et*
28 *seq.*) and amendments thereto except that such tax exemption shall
29 terminate when the municipality sells, leases or otherwise disposes
30 of such property in an urban renewal area to a purchaser or lessee
31 which is not a public body entitled to tax exemption with respect
32 to such property.

33 *Eighth.* All property acquired and held by the Kansas armory
34 board for armory purposes under the provisions of K.S.A. 48-317,
35 and amendments thereto.

36 *Ninth.* All property acquired and used by the Kansas turnpike
37 authority under the authority of K.S.A. 68-2001 *et seq.*, and amend-
38 ments thereto, K.S.A. 68-2030 *et seq.*, and amendments thereto,
39 K.S.A. 68-2051 *et seq.*, and amendments thereto, and K.S.A. 68-
40 2070 *et seq.*, and amendments thereto.

41 *Tenth.* All property acquired and used for state park purposes by
42 the Kansas department of wildlife and parks.

43 *Eleventh.* The state office building constructed under authority

1 of K.S.A. 75-3607 *et seq.*, and amendments thereto, and the site
2 upon which such building is located.

3 *Twelfth.* All buildings erected under the authority of K.S.A. 76-
4 6a01 *et seq.*, and amendments thereto, and all other student union
5 buildings and student dormitories erected upon the campus of any
6 institution mentioned in K.S.A. 76-6a01, and amendments thereto,
7 by any other nonprofit corporation.

8 *Thirteenth.* All buildings, as the same is defined in subsection (c)
9 of K.S.A. 76-6a13, and amendments thereto, which are erected,
10 constructed or acquired under the authority of K.S.A. 76-6a13 *et*
11 *seq.*, and amendments thereto, and building sites acquired there-
12 for.

13 *Fourteenth.* All that portion of the waterworks plant and system
14 of the city of Kansas City, Missouri, now or hereafter located within
15 the territory of the state of Kansas pursuant to the compact and
16 agreement adopted by chapter 304 of the 1921 Session Laws of
17 the state of Kansas. [See K.S.A. 79-205.]

18 *Fifteenth.* All property, real and personal, owned by a ground-
19 water management district organized and operating pursuant to
20 K.S.A. 82a-1020, and amendments thereto.

21 *Sixteenth.* All property, real and personal, owned by the joint wa-
22 ter district organized and operating pursuant to K.S.A. 80-1616 *et*
23 *seq.*, and amendments thereto.

24 *Seventeenth.* All property, including interests less than fee own-
25 ership, acquired for the state of Kansas by the secretary of trans-
26 portation or a predecessor in interest which is used in the admin-
27 istration, construction, maintenance or operation of the state
28 system of highways, regardless of how or when acquired.

29 *Eighteenth.* Any building used primarily as an industrial training
30 center for academic or vocational education programs designed
31 for and operated under contract with private industry, and located
32 upon a site owned, leased or being acquired by or for an area
33 vocational school, an area vocational-technical school, a technical
34 college, or a community college, as defined by K.S.A. 72-4412, and
35 amendments thereto, and the site upon which any such building is
36 located.

37 *Nineteenth.* For all taxable years commencing after December
38 31, 1997, all buildings of an area vocational school, an area voca-
39 tional-technical school, a technical college or a community college,
40 as defined by K.S.A. 72-4412, and amendments thereto, which are
41 owned and operated by any such school or college as a student
42 union or dormitory and the site upon which any such building is
43 located.

1 *Twentieth.* For all taxable years commencing after December
2 **31, 1997**, all personal property which is contained within a dor-
3 **mitory that is exempt from property taxation and which is neces-**
4 **sary for the accommodation of the students residing therein.**

5 Except as otherwise specifically provided, the provisions of this
6 section shall apply to all taxable years commencing after Decem-
7 **ber 31, 2000.**

8 Sec. ~~23~~ **44** [40]. K.S.A. 72-6405 is hereby amended to read as follows:
9 72-6405. ~~(a)~~ [(a)] K.S.A. 72-6405 through 72-6440, *sections 14, 15, 16*
10 ~~and 19, 19, 23, 24, 25 and 26~~, and amendments thereto, shall be known
11 and may be cited as the school district finance and quality performance
12 act.

13 ~~(b) The provisions of this section shall take effect and be in force from~~
14 ~~and after July 1, 1992.~~

15 [(b) **The provisions of this act are severable. If any provision of**
16 **this act is held to be invalid or unconstitutional, it shall be pre-**
17 **sumed conclusively that the legislature would have enacted the**
18 **remainder of this act without such invalid or unconstitutional pro-**
19 **vision.]**

20 Sec. ~~24~~ **45**. [41.] K.S.A. ~~46-1225~~, 72-979, 72-6405, 72-6410, 72-6412,
21 72-6413, 72-6414, 72-6415, 72-6433, [**72-6440**,] 72-6442, 72-6433b, **72-**
22 **6444, 72-6757** and 72-8801 and K.S.A. 2004 Supp. 46-1208a, **46-1225**,
23 72-978, 72-6407, 72-6434, ~~72-8205~~, **79-201a** and 79-5040 are hereby
24 repealed.

25 Sec. ~~25~~ **46**. [42.] This act shall take effect and be in force from and
26 after its publication in the statute book.