

[As Amended by House Committee of the Whole]

As Amended by House Committee

Session of 2006

HOUSE BILL No. 3012

By Select Committee on School Finance

3-14

12 AN ACT relating to schools; allowing for school districts to create shared
13 schools by interlocal agreement; concerning operations and financing
14 thereof.

15
16 *Be it enacted by the Legislature of the State of Kansas:*

17 ~~Section 1. The provisions of this act shall be an alternative method~~
18 ~~for school districts to enter into interlocal cooperation agreements when~~
19 ~~school districts desire to create one or more shared schools. Such shared~~
20 ~~schools shall be independent of the sponsoring school districts in accord-~~
21 ~~ance with this act.~~

22 ~~—Sec. 2. (a) In the event the boards of education of any two or more~~
23 ~~school districts desire to enter into a school district interlocal cooperation~~
24 ~~agreement for the purpose of creating shared schools, the following con-~~
25 ~~ditions shall apply:~~

26 ~~—(1) A school district interlocal cooperation agreement shall establish~~
27 ~~a board of directors which shall govern the operations of the shared~~
28 ~~schools and shall be referred to as the interlocal school board of directors.~~
29 ~~The agreement shall specify the organization and composition of and~~
30 ~~manner of appointment to the board of directors. Only members of~~
31 ~~boards of education of school districts party to the agreement shall be~~
32 ~~eligible for membership on the board of directors. The terms of office of~~
33 ~~members of the board of directors shall expire concurrently with their~~
34 ~~terms as board of education members. Vacancies in the membership of~~
35 ~~the board of directors shall be filled within 30 days from the date of the~~
36 ~~vacancy in the manner specified in the agreement.~~

37 ~~—(2) An interlocal cooperation agreement for shared schools shall pro-~~
38 ~~vide for a certified school administrator to administer the shared schools~~
39 ~~and be responsible to perform or oversee all administrative functions.~~
40 ~~The school administrator shall be employed by and report to the interlocal~~
41 ~~school board of directors. The shared interlocal schools shall operate as~~
42 ~~public schools and shall be subject to the same statutes, regulations and~~
43 ~~requirements as other accredited public schools of school districts.~~

- 1 ~~—(3) A school district interlocal cooperation agreement for shared~~
2 ~~schools shall be effective only after approval by the state board of~~
3 ~~education.~~
- 4 ~~—(4) A school district interlocal cooperation agreement for shared~~
5 ~~schools shall be subject to change or termination by the legislature.~~
- 6 ~~—(5) The duration of a school district interlocal cooperation agreement~~
7 ~~for shared schools shall be stated in the agreement and may be perpetual.~~
- 8 ~~—(6) A school district interlocal cooperation agreement for shared~~
9 ~~schools shall specify the method or methods to be employed for disposing~~
10 ~~of property upon partial or complete termination.~~
- 11 ~~—(7) Within the limitations provided by law, a school district interlocal~~
12 ~~cooperation agreement for shared schools may be changed or modified~~
13 ~~by affirmative vote of not less than $\frac{2}{3}$ of the contracting school districts.~~
- 14 ~~—(b) Except as otherwise specifically provided in this subsection, any~~
15 ~~power or powers, privileges or authority exercised or capable of exercise~~
16 ~~by any school district of this state, or by any board of education thereof,~~
17 ~~may be jointly exercised pursuant to the provisions of a school district~~
18 ~~interlocal cooperation agreement for shared schools. Except as provided~~
19 ~~in this act, no power or powers, privileges or authority with respect to the~~
20 ~~levy and collection of taxes, the issuance of bonds, or the purposes and~~
21 ~~provisions of the school district finance and quality performance act or~~
22 ~~title I of public law 874 shall be created or effectuated for joint exercise~~
23 ~~pursuant to the provisions of a school district interlocal cooperation agree-~~
24 ~~ment for shared schools.~~
- 25 ~~—(c) Payments from the general fund of each school district which~~
26 ~~enters into any school district interlocal cooperation agreement for shared~~
27 ~~schools for the purpose of financing the joint or cooperative undertaking~~
28 ~~provided for by the agreement shall be operating expenses.~~
- 29 ~~—(d) Upon partial termination of a school district interlocal cooperation~~
30 ~~agreement for shared schools, the board of directors established under a~~
31 ~~renegotiated agreement thereof shall be the successor in every respect to~~
32 ~~the board of directors established under the former agreement.~~
- 33 ~~—(e) Nothing contained in this section shall be construed to abrogate,~~
34 ~~interfere with, impair, qualify or affect in any manner the exercise and~~
35 ~~enjoyment of all of the powers, privileges and authority conferred upon~~
36 ~~school districts and boards of education thereof by the provisions of the~~
37 ~~interlocal cooperation act, except that boards of education and school~~
38 ~~districts are required to comply with the provisions of this section when~~
39 ~~entering into an interlocal cooperation agreement that meets the defini-~~
40 ~~tion of school district interlocal cooperation agreement for shared schools.~~
- 41 ~~—(f) As used in this section:~~
- 42 ~~—(1) “School district interlocal cooperation agreement for shared~~
43 ~~schools” means an agreement which is entered into by the boards of~~

1 education of two or more school districts pursuant to the provisions of
2 this act.

3 —(2)—“State board” means the state board of education.

4 —Sec. 3.—(a) The interlocal school board of directors shall approve an
5 annual budget by simple majority of the board. Such budget shall be
6 funded by full-time equivalent pupil contributions prorated on the basis
7 of the residency of the pupils from among the participating school
8 districts.

9 —Sec. 4.—(a) If additional land, facilities or capitol improvements are
10 required to enable the interlocal school to be operational, then the inter-
11 local board of directors shall establish a facilities budget. The interlocal
12 board of directors shall publish the proposed facilities budget and conduct
13 a public hearing thereon. The facilities budget shall be subject to the
14 approval of each participating school district board of education.

15 —(b)—~~No shared school bonds may be issued by the participating~~
16 ~~school districts unless the bond issue is approved by the voters~~
17 ~~pursuant to section 5. The aggregate amount of bonds outstanding~~
18 ~~for each participating school district shall be subject to the statu-~~
19 ~~tory debt limitations specified by K.S.A. 72-6761, and amendments~~
20 ~~thereto, and any modifications thereto by the state board of edu-~~
21 ~~cation pursuant to article 23 of chapter 75 of the Kansas Statutes~~
22 ~~Annotated, and amendments thereto.~~

23 —(c)—~~When a bond issue has been approved by the voters, the~~
24 ~~participating school districts may combine district valuation for the~~
25 ~~calculation of the payment of state aid, pursuant to K.S.A. 72-2310,~~
26 ~~and amendments thereto. The debt service for new facilities shall~~
27 ~~be divided proportionately among the participating districts based~~
28 ~~on each district’s enrollment in the shared school.~~

29 —Sec. 5.—(a) Participating school districts may combine district valua-
30 tion for the calculation of the payment of new facilities and divide the
31 debt evenly among participating districts.

32 —(b)—Participating school district boards of education shall have the
33 authority to publish and establish a levy for the purpose of contributing
34 to the interlocal school facilities budget by simple majority vote of the
35 board. This levy shall be considered a bond and interest levy in the dis-
36 trict’s budget.

37 —(c)—No bonds shall be issued for shared school facilities until a reso-
38 lution is published by each participating school district in accordance with
39 subsection (d) and either: (1) No valid protest petition has been timely
40 filed; or (2) an election has been held thereon and a majority of all school
41 voters from the participating school districts voting thereon approve the
42 bond issue.

43 —(d)—No bonds may be issued under this section unless the board of

1 ~~education of each participating school district adopts a resolution author-~~
2 ~~izing such a bond issue and publishes the resolution at least once in a~~
3 ~~newspaper having general circulation in the district. The resolution shall~~
4 ~~be published in substantial compliance with the following form: Unified~~
5 ~~School District No. _____,~~

6 _____ County, Kansas.

7 **RESOLUTION**

8 ~~Be It Resolved that:~~

9 ~~—The board of education of the above-named school district is a participating school district~~
10 ~~for shared schools. A bond issue in the amount of \$_____ is proposed to provide shared~~
11 ~~school facilities. The bond issue shall be authorized unless a petition in opposition to the~~
12 ~~same, signed by not less than 5% of the qualified electors of the school district, is filed in~~
13 ~~each participating school district with the county election officer of the home county of the~~
14 ~~school district within 30 days after the publication of this resolution. If such petitions are~~
15 ~~filed, the county election officers for the participating school districts shall submit the ques-~~
16 ~~tion of whether the bond issue shall be authorized in accordance with the provisions of this~~
17 ~~resolution to the electors of their participating school district at the next general election of~~
18 ~~the school district, as is specified by the interlocal school board of directors.~~

19 **CERTIFICATE**

20 ~~—This is to certify that the above resolution was duly adopted by the board of education of~~
21 ~~Unified School District No. _____, _____ County, Kansas, on the _____ day of~~
22 ~~_____, (year)_____~~

23 _____
24 _____
25 Clerk of the board of education.

26 ~~—All of the blanks in the resolution shall be filled. If no petition as spec-~~
27 ~~ified above is filed in accordance with the provisions of the resolution,~~
28 ~~the resolution authorizing the bond issue shall become effective. If pe-~~
29 ~~titions are filed as provided in the resolution, the interlocal board of di-~~
30 ~~rectors may notify the county election officer of each participating school~~
31 ~~district to submit the question of whether such bond issue shall be au-~~
32 ~~thorized. If the board fails to notify each county election officer within~~
33 ~~30 days after a petition is filed, the resolution shall be deemed abandoned~~
34 ~~and of no force and effect and no like resolution shall be adopted by the~~
35 ~~board within the nine months following publication of the resolution. If~~
36 ~~a majority of the votes cast are not in favor of the resolution, the resolution~~
37 ~~shall be deemed of no effect and no like resolution shall be adopted by~~
38 ~~the board within the nine months following such election.~~

39 ~~—Sec. 6.—(a) Participating school districts shall have the authority to~~
40 ~~make fund transfers from the general fund to the bond and interest fund,~~
41 ~~from the supplemental general fund to the bond and interest fund or~~
42 ~~from capital outlay fund to the bond and interest fund to be used to pay~~
43 ~~the district's contribution to the interlocal school building fund.~~

44 ~~—(b) Participating districts shall make their contribution to the inter-~~

1 ~~local school facilities fund from the bond and interest fund.~~

2 **[Section 1. (a) Subject to the provisions of subsection (d), the**
3 **boards of education of any two or more school districts may enter**
4 **into a school district interlocal cooperation agreement for a shared**
5 **school for the purpose of acquiring, constructing and operating**
6 **one or more shared schools and to jointly and cooperatively per-**
7 **forming any of the services, duties, functions, activities, obligations**
8 **or responsibilities which are authorized or required by law to be**
9 **performed by school districts.**

10 **[(b) Any agreement entered into pursuant to this section shall:**

11 **[(1) Establish a board of directors which shall be responsible**
12 **for administering the joint or cooperative undertaking. The agree-**
13 **ment shall specify the organization, composition of and manner of**
14 **appointment of members of the board of directors. Only members**
15 **of boards of education of school districts which are party to the**
16 **agreement shall be eligible for membership on the board of di-**
17 **rectors. The terms of office of members of the board of directors**
18 **shall expire concurrently with their terms as board of education**
19 **members. Vacancies in the membership of the board of directors**
20 **shall be filled within 30 days from the date of the vacancy in the**
21 **manner specified in the agreement;**

22 **[(2) be effective unless at least one school in each of the dis-**
23 **tricts entering the agreement is closed as required by subsection**
24 **(d);**

25 **[(3) be effective only after approval by the state board of ed-**
26 **ucation;**

27 **[(4) be subject to change or termination by the legislature;**

28 **[(5) shall specify the method by which property may be dis-**
29 **posed upon partial or complete termination; and**

30 **[(6) be perpetual in duration unless the agreement is partially**
31 **or completely terminated in accordance with the provision of this**
32 **section.**

33 **[(c) Any agreement entered into pursuant to this section may:**

34 **[(1) Provide for the establishment and composition of an ex-**
35 **ecutive board. The members of the executive board, if established,**
36 **shall be selected by the board of directors from its membership.**
37 **The executive board shall exercise the powers, have the respon-**
38 **sibilities, and perform the duties and functions of the board of**
39 **directors to the extent authority to do so is delegated by the board**
40 **of directors; and**

41 **[(2) include any other provision deemed necessary by the**
42 **boards of education.**

43 **[(d) As a condition precedent to entering an agreement, the**

1 board of education of each school district shall close at least one
2 school in the district.

3 [(e) (1) The partial termination of an agreement entered into
4 by the boards of three or more school districts may be accom-
5 plished only upon petition for withdrawal from the agreement by
6 a contracting school district to the other contracting school dis-
7 tricts and approval by the state board of written consent to the
8 petition by such other school districts or upon order of the state
9 board after appeal to it by a school district from denial of consent
10 to a petition for withdrawal and hearing thereon conducted by the
11 state board. The state board shall consider all the testimony and
12 evidence brought forth at the hearing and issue an order approv-
13 ing or disapproving withdrawal by the school district from the
14 agreement.

15 [(2) Upon partial termination of a school district interlocal co-
16 operation agreement for a shared school, the board of directors
17 established under a renegotiated agreement thereof shall be the
18 successor in every respect to the board of directors established
19 under the former agreement.

20 [(f) The complete termination of an agreement entered into by
21 the boards of two school districts may be accomplished upon ap-
22 proval by the state board of a joint petition made to the state board
23 for termination of the agreement by both of the contracting school
24 districts after adoption of a resolution to that effect by each of the
25 contracting school districts or upon petition for withdrawal from
26 the agreement made by a contracting school district to the other
27 contracting school district and approval by the state board of writ-
28 ten consent to the petition by such other school district or upon
29 order of the state board after appeal to it by a school district from
30 denial of consent to a petition for withdrawal and hearing thereon
31 conducted by the state board. The state board shall consider all
32 the testimony and evidence brought forth at the hearing and issue
33 an order approving or disapproving withdrawal by the school dis-
34 trict from the agreement.

35 [(g) The complete termination of an agreement entered into
36 by the boards of three or more school districts may be accom-
37 plished only upon approval by the state board of a joint petition
38 made to the state board for termination of the agreement by not
39 less than $\frac{2}{3}$ of the contracting school districts after adoption of a
40 resolution to that effect by each of the contracting school districts
41 seeking termination of the agreement. The state board shall con-
42 sider the petition and approve or disapprove termination of the
43 agreement.

1 **[(h) The state board shall take such action in approving or dis-**
2 **approving the complete or partial termination of an agreement as**
3 **the state board deems to be in the best interests of the contracting**
4 **school districts and of the state as a whole. Whenever the state**
5 **board has disapproved the complete or partial termination of an**
6 **agreement, no further action with respect to such agreement shall**
7 **be considered or taken by the state board for a period of not less**
8 **than three years.**

9 **[(i) Within the limitations provided by law, an agreement be**
10 **changed or modified by the affirmative vote of not less than $\frac{2}{3}$ of**
11 **the contracting school districts.**

12 **[(j) Except as otherwise specifically provided in this section,**
13 **any power, privilege or authority exercised or capable of exercise**
14 **by any school district, or by any board of education thereof, may**
15 **be exercised jointly pursuant to the provisions of an agreement**

16 **[(k) Except as specifically provided in this section, no power,**
17 **privilege or authority with respect to the levy and collection of**
18 **taxes, the issuance of bonds, or the purposes and provisions of the**
19 **school district finance and quality performance act or title I of**
20 **public law 874 shall be created or effectuated for joint exercise**
21 **pursuant to the provisions of an agreement.**

22 **[(l) Payments from the general fund of each school district**
23 **which enters into an agreement for the purpose of financing the**
24 **joint or cooperative undertaking provided for by the agreement**
25 **shall be operating expenses.**

26 **[(m) Nothing in this section shall be construed to abrogate, in-**
27 **terfere with, impair, qualify or affect in any manner the exercise**
28 **and enjoyment of any power, privilege or authority conferred**
29 **upon school districts and boards of education thereof by the pro-**
30 **visions of the interlocal cooperation act, except that boards of ed-**
31 **ucation and school districts are required to comply with the pro-**
32 **visions of this section when entering into an agreement providing**
33 **for a shared school.**

34 **[(n) As used in this section:**

35 **[(1) “Agreement” means a school district interlocal coopera-**
36 **tion agreement for a shared school; and**

37 **[(2) “state board” means the state board of education.]**

38 **Sec. 5. [2.] Before the participating schools issue any bonds for**
39 **a shared school, each participating school district board shall adopt**
40 **a resolution stating the purpose for which the bonds are to be**
41 **issued and the estimated amount thereof. Each board of the par-**
42 **ticipating school districts shall give notice of the bond election in**
43 **the manner prescribed by K.S.A. 10-120, and amendments thereto,**

1 **and the election shall be held in accordance with the general bond**
2 **law and this section in all of the participating school districts. If a**
3 **majority of the voters in the participating school districts vote in**
4 **the aggregate to approve the bond issue, each participating district**
5 **may issue bonds therefor.**

6 Sec. ~~7-6~~ **3.** School districts that participate in an interlocal agree-
7 ment for shared schools that opens a new facility shall receive a 25% new
8 facilities weighting on the district's computed general fund for the budget
9 for the year the new facility opens, ~~as well as the following two years~~
10 **pursuant to K.S.A. 72-6415, and amendments thereto. School fa-**
11 **cilities weighting may be assigned to the enrollment of the partic-**
12 **ipating districts only in the school year in which operation of a new**
13 **school facility is commenced and the next succeeding school year.**

14 Sec. ~~8-7~~ **4.** This act shall take effect and be in force from and after
15 its publication in the statute book.