

## HOUSE BILL No. 2748

By Committee on Appropriations

4-28

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9 AN ACT concerning school districts; relating to the use of moneys by  
10 school districts; amending K.S.A. 72-3607, 72-4523, 72-4525, 72-6420,  
11 72-6423, 72-6424, 72-8237, 72-8238 and 72-8804 and K.S.A. 2009  
12 Supp. 72-965, 72-3715, 72-6414a, 72-6414b, 72-6421, 72-8223, 72-  
13 8248, 72-8249, 72-8250, 72-9509 and 72-9609 and repealing the exist-  
14 ing sections; also repealing K.S.A. 72-6422.  
15

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

17 New Section 1. In order to assist school districts in the implemen-  
18 tation of this act and to prevent the expenditure of tax moneys in violation  
19 of section 5 of article 11 of the constitution of the state of Kansas, the  
20 state board of education shall adopt guidelines to be used by school dis-  
21 tricts when determining the extent to which the unencumbered balance  
22 in a school district fund is attributable to a property tax imposed by the  
23 school district.

24 New Sec. 2. (a) As used in this section, “moneys” means those mon-  
25 eys which are not derived from a property tax imposed.

26 (b) Any unencumbered balance of moneys remaining in the bond and  
27 interest fund of a school district on June 30, 2010, may be expended by  
28 the school district for general education purposes of the school district in  
29 school year 2010-2011.

30 Sec. 3. K.S.A. 2009 Supp. 72-965 is hereby amended to read as fol-  
31 lows: 72-965. (a) The state board shall be responsible for the distribution  
32 and allocation of state and federal funds for special education. Such mon-  
33 eys shall be expended only in accordance with and for the purposes spec-  
34 ified in federal or state law. Payments under this act may be made in  
35 installments and in advance or by way of reimbursement, with necessary  
36 adjustments for overpayments or underpayments. Federal funds for spe-  
37 cial education shall be deposited in the state treasury.

38 (b) The state board is hereby authorized to accept from an individual  
39 or individuals, the United States government or any of its agencies or any  
40 other public or private body, grants or contributions of money, funds or  
41 property which the state board may authorize to be used in accordance  
42 with appropriation acts, for or in aid of special education or related serv-  
43 ices or any of the purposes authorized by the federal law or this act.

- 1 (c) (1) Each board may use up to 15% of the amount it receives each  
2 year under the federal law to develop and implement coordinated, early  
3 intervening services for students in kindergarten through grade 12, with  
4 a particular emphasis on students in kindergarten through grade 3, who  
5 have not been identified as needing special education or related services  
6 but who appear to need additional academic and behavioral support to  
7 succeed in a general education environment.
- 8 (2) In implementing coordinated, early intervening services under  
9 this subsection, a board may carry out activities that include:
- 10 (A) Providing professional development for teachers and other school  
11 staff to enable such personnel to deliver scientifically based academic  
12 instruction and behavioral interventions, including scientifically based lit-  
13 eracy instruction and, where appropriate, instruction on the use of adap-  
14 tive and instructional software; and
- 15 (B) providing educational and behavioral evaluations, services and  
16 supports, including scientifically based literacy instruction.
- 17 (3) Each board that develops and maintains coordinated, early inter-  
18 venting services under this subsection shall annually report to the  
19 department:
- 20 (A) The number of students served under this subsection; and  
21 (B) the number of students served under this subsection who sub-  
22 sequently receive special education and related services under this title  
23 during the ~~2-year~~ *two-year* period preceding each report.
- 24 (d) *Any unencumbered balance of moneys attributable to appropri-*  
25 *ations by the legislature for special education or related services remaining*  
26 *in the special education fund of a school district on June 30, 2010, may*  
27 *be expended by the school district for general education purposes of the*  
28 *school district in school year 2010-2011.*
- 29 Sec. 4. K.S.A. 72-3607 is hereby amended to read as follows: 72-  
30 3607. (a) There is hereby established in every school district which has  
31 developed and is operating a parent education program for which grants  
32 are awarded under this act a fund which shall be called the parent edu-  
33 cation program fund, which fund shall consist of all moneys deposited  
34 therein or transferred thereto according to law. Notwithstanding any  
35 other provision of law, all moneys received by the school district from  
36 whatever source for a parent education program operated under this act  
37 shall be credited to the fund established by this section. Amounts depos-  
38 ited in the parent education program fund shall be used exclusively for  
39 the payment of expenses directly attributable to the program.
- 40 (b) *Any unencumbered balance of moneys remaining in the parent*  
41 *education program fund of a school district on June 30, 2010, may be*  
42 *expended by the school district for general education purposes of the*  
43 *school district in school year 2010-2011.*

1     Sec. 5. K.S.A. 2009 Supp. 72-3715 is hereby amended to read as  
2 follows: 72-3715. (a) In order to be included in the full-time equivalent  
3 enrollment of a virtual school, a pupil shall be in attendance at the virtual  
4 school on (1) a single school day on or before September 19 of each school  
5 year and (2) on a single school day on or after September 20, but before  
6 October 4 of each school year.

7     (b) A school district which offers a virtual school shall determine the  
8 full-time equivalent enrollment of each pupil enrolled in the virtual school  
9 on September 20 of each school year as follows:

10     (1) Determine the number of hours the pupil was in attendance on  
11 a single school day on or before September 19 of each school year;

12     (2) determine the number of hours the pupil was in attendance on a  
13 single school day on or after September 20, but before October 4 of each  
14 school year;

15     (3) add the numbers obtained under paragraphs (1) and (2);

16     (4) divide the sum obtained under paragraph (3) by 12. The quotient  
17 is the full-time equivalent enrollment of the pupil.

18     (c) The school days on which a district determines the full-time  
19 equivalent enrollment of a pupil under paragraphs (1) and (2) of subsec-  
20 tion (b) shall be the school days on which the pupil has the highest num-  
21 ber of hours of attendance at the virtual school. No more than six hours  
22 of attendance may be counted in a single school day. Attendance may be  
23 shown by a pupil's on-line activity or entries in the pupil's virtual school  
24 journal or log of activities.

25     (d) (1) Subject to the availability of appropriations for virtual school  
26 state aid and within the limits of any such appropriations, each school  
27 year a school district which offers a virtual school shall be entitled to  
28 virtual school state aid.

29     (2) The state board of education shall determine the amount of virtual  
30 school state aid a school district is entitled to receive as follows:

31     (A) Multiply the full-time equivalent enrollment of the virtual school  
32 by an amount equal to 105% of the amount of base state aid per pupil;

33     (B) multiply the full-time equivalent enrollment of nonproficient at-  
34 risk pupils enrolled in an approved at-risk program offered by the virtual  
35 school, if any, by an amount equal to 25% of the amount of base state aid  
36 per pupil;

37     (C) add any amount determined under K.S.A. 2009 Supp. 72-3716,  
38 and amendments thereto; and

39     (D) add the amounts obtained under paragraphs (A) through (C).  
40 The sum is the amount of the virtual school state aid to which the school  
41 district is entitled.

42     (3) There is hereby established in every school district a fund which  
43 shall be called the virtual school fund, which fund shall consist of all

1 moneys deposited therein or transferred thereto according to law. Mon-  
2 eys received as virtual school state aid shall be deposited in the general  
3 fund of the school district and transferred to the virtual school fund of  
4 the district. The expenses of a district directly attributable to virtual  
5 schools offered by a school district shall be paid from the virtual school  
6 fund. The cost of an advance placement course provided to a pupil de-  
7 scribed in subsection (d)(2)(D) shall be paid by the virtual school.

8 Any balance remaining in the virtual school fund at the end of the  
9 budget year shall be carried forward into the virtual school fund for suc-  
10 ceeding budget years. Such fund shall not be subject to the provisions of  
11 K.S.A. 79-2925 through 79-2937, and amendments thereto.

12 *Any unencumbered balance of moneys remaining in the virtual school*  
13 *fund of a school district on June 30, 2010, may be expended by the school*  
14 *district for general education purposes of the school district in school year*  
15 *2010-2011.*

16 In preparing the budget of such school district, the amounts credited  
17 to and the amount on hand in the virtual school fund, and the amount  
18 expended therefrom shall be included in the annual budget for the in-  
19 formation of the residents of the school district. Interest earned on the  
20 investment of moneys in any such fund shall be credited to that fund.

21 (e) For the purposes of this section, a pupil enrolled in a virtual school  
22 who is not a resident of the state of Kansas shall not be counted in the  
23 full-time equivalent enrollment of the virtual school.

24 Sec. 6. K.S.A. 72-4523 is hereby amended to read as follows: 72-  
25 4523. (a) Subject to the provisions of subsection (b), the board of any  
26 school district may make an annual tax levy for a period of not to exceed  
27 five years in an amount not to exceed  $\frac{1}{2}$  mill upon the assessed taxable  
28 tangible property within the school district to maintain and operate an  
29 adult basic education program at a level approved by the state board and  
30 for the purpose of paying a portion of the principal and interest on bonds  
31 issued by cities under authority of K.S.A. 12-1774, and amendments  
32 thereto, for the financing of redevelopment projects upon property lo-  
33 cated within the school district. Proceeds from the tax levy, except for an  
34 amount to pay a portion of the principal and interest on bonds issued by  
35 cities under authority of K.S.A. 12-1774, and amendments thereto, for  
36 the financing of redevelopment projects upon property located within the  
37 school district, shall be deposited in the adult education fund of the school  
38 district, which fund is hereby established. Notwithstanding any other pro-  
39 vision of law, all moneys received by the school district from whatever  
40 source for adult basic education shall be credited to the adult education  
41 fund established by this section. The expenses of a school district directly  
42 attributable to adult basic education shall be paid from the adult educa-  
43 tion fund.

1 (b) No tax levy shall be made under this section until a resolution  
2 authorizing the levy is passed by the board and published once a week  
3 for three consecutive weeks in a newspaper having general circulation in  
4 the school district. The resolution shall specify the millage rate of the tax  
5 levy and the period of time for which the tax levy shall be made under  
6 authority thereof. After adoption of the resolution, the levy may be made  
7 unless, within 90 days following the last publication of the resolution, a  
8 petition in opposition to the levy, signed by not less than 5% of the qual-  
9 ified electors of the school district, is filed with the county election officer  
10 of the home county of the school district. In the event a petition is filed,  
11 the tax shall not be levied without the question of levying the same having  
12 been submitted to and approved by a majority of the qualified electors  
13 of the school district voting at an election which shall be called for that  
14 purpose or at the next general election.

15 (c) The board of any school district which has made a tax levy au-  
16 thorized under the provisions of this section may initiate procedures to  
17 renew its authority to make such a tax levy at any time after the final levy  
18 under a current authorization is certified to the county clerk.

19 (d) (1) *As used in this subsection "moneys" means those moneys*  
20 *which are not derived from a property tax imposed under this section.*

21 (2) *Any unencumbered balance of moneys remaining in the adult ed-*  
22 *ucation fund of a school district on June 30, 2010, may be expended by*  
23 *the school district for general education purposes of the school district in*  
24 *school year 2010-2011.*

25 Sec. 7. K.S.A. 72-4525 is hereby amended to read as follows: 72-  
26 4525. (a) Any board may establish and maintain an adult supplementary  
27 education program for the instruction of persons desirous of attending  
28 such a program.

29 (b) The cost of instruction for adult supplementary education pro-  
30 grams shall be borne by the school district or community college and the  
31 board shall obtain and furnish the necessary teaching personnel and sup-  
32 plies. Tuition or fees shall be charged by the board to offset expense of  
33 operation of adult supplementary education programs in part or in total.

34 (c) There is hereby established in every school district and in every  
35 community college a fund which shall be called the adult supplementary  
36 education fund, which fund shall consist of all moneys deposited therein  
37 or transferred thereto according to law. All moneys received by a board  
38 for adult supplementary education shall be deposited in the adult sup-  
39plementary education fund established by this section. The expenses of  
40 a school district or a community college attributable to adult supplemen-  
41 tary education shall be paid from the adult supplementary education fund.

42 (d) *Any unencumbered balance of moneys remaining in the adult sup-*  
43 *plementary education fund of a school district on June 30, 2010, may be*

1 *expended by the school district for general education purposes of the*  
2 *school district in school year 2010-2011.*

3 Sec. 8. K.S.A. 2009 Supp. 72-6414a is hereby amended to read as  
4 follows: 72-6414a. (a) There is hereby established in every district a fund  
5 which shall be called the at-risk education fund, which fund shall consist  
6 of all moneys deposited therein or transferred thereto according to law.  
7 The expenses of a district directly attributable to providing at-risk assis-  
8 tance or programs, including assistance or programs provided to non-  
9 proficient pupils, shall be paid from the at-risk education fund.

10 (b) Any balance remaining in the at-risk education fund at the end  
11 of the budget year shall be carried forward into the at-risk education fund  
12 for succeeding budget years. Such fund shall not be subject to the pro-  
13 visions of K.S.A. 79-2925 through 79-2937, and amendments thereto. In  
14 preparing the budget of such school district, the amounts credited to and  
15 the amount on hand in the at-risk education fund, and the amount ex-  
16 pended therefrom shall be included in the annual budget for the infor-  
17 mation of the residents of the school district. Interest earned on the in-  
18 vestment of moneys in any such fund shall be credited to that fund.

19 *Any unencumbered balance of moneys remaining in the at-risk edu-*  
20 *cation fund of a school district on June 30, 2010, may be expended by the*  
21 *school district for general education purposes of the school district in*  
22 *school year 2010-2011.*

23 (c) Each year the board of education of each school district shall  
24 prepare and submit to the state board a report on the at-risk program or  
25 assistance provided by the district. Such report shall include information  
26 specifying the number of at-risk pupils and nonproficient pupils who were  
27 served or provided assistance, the type of service provided, the research  
28 upon which the district relied in determining that a need for service or  
29 assistance existed, the results of providing such service or assistance and  
30 any other information required by the state board.

31 (d) In order to achieve uniform reporting of the number of at-risk  
32 pupils and nonproficient pupils provided service or assistance by school  
33 districts in at-risk programs, districts shall report the number of at-risk  
34 pupils and nonproficient pupils served or assisted in the manner required  
35 by the state board.

36 Sec. 9. K.S.A. 2009 Supp. 72-6414b is hereby amended to read as  
37 follows: 72-6414b. (a) There is hereby established in every district a fund  
38 which shall be called the preschool-aged at-risk education fund, which  
39 fund shall consist of all moneys deposited therein or transferred thereto  
40 according to law. The expenses of a district directly attributable to pro-  
41 viding preschool-aged at-risk assistance or programs shall be paid from  
42 the preschool-aged at-risk education fund.

43 (b) A school district may expend amounts received from the pre-

1 school-aged at-risk weighting to pay the cost of providing at-risk, bilingual  
2 and vocational education programs and services.

3 (c) Any balance remaining in the preschool-aged at-risk education  
4 fund at the end of the budget year shall be carried forward into the  
5 preschool-aged at-risk education fund for succeeding budget years. Such  
6 fund shall not be subject to the provisions of K.S.A. 79-2925 through 79-  
7 2937, and amendments thereto. In preparing the budget of such school  
8 district, the amounts credited to and the amount on hand in the pre-  
9 school-aged at-risk education fund, and the amount expended therefrom  
10 shall be included in the annual budget for the information of the residents  
11 of the school district. Interest earned on the investment of moneys in any  
12 such fund shall be credited to that fund.

13 *Any unencumbered balance of moneys remaining in the preschool-aged*  
14 *at-risk education fund of a school district on June 30, 2010, may be ex-*  
15 *pended by the school district for general education purposes of the school*  
16 *district in school year 2010-2011.*

17 (d) Each year the board of education of each school district shall  
18 prepare and submit to the state board a report on the preschool-aged at-  
19 risk program or assistance provided by the district. Such report shall in-  
20 clude information specifying the number of pupils who were served or  
21 provided assistance, the type of service provided, the research upon which  
22 the district relied in determining that a need for service or assistance  
23 existed, the results of providing such service or assistance and any other  
24 information required by the state board.

25 Sec. 10. K.S.A. 72-6420 is hereby amended to read as follows: 72-  
26 6420. (a) There is hereby established in every district a fund which shall  
27 be called the special education fund, which fund shall consist of all mon-  
28 eys deposited therein or transferred thereto according to law. Notwith-  
29 standing any other provision of law, all moneys received by the district  
30 from whatever source for special education shall be credited to the special  
31 education fund established by this section, except that (1) amounts of  
32 payments received by a district under K.S.A. 72-979, and amendments  
33 thereto, and amounts of grants, if any, received by a district under K.S.A.  
34 72-983, and amendments thereto, shall be deposited in the general fund  
35 of the district and transferred to the special education fund, and (2) mon-  
36 eys received by a district pursuant to lawful agreements made under  
37 K.S.A. 72-968, and amendments thereto, shall be credited to the special  
38 fund established under the agreements.

39 (b) The expenses of a district directly attributable to special education  
40 shall be paid from the special education fund and from special funds  
41 established under K.S.A. 72-968, and amendments thereto.

42 (c) Obligations of a district pursuant to lawful agreements made un-  
43 der K.S.A. 72-968, and amendments thereto, shall be paid from the spe-

1 cial education fund established by this section. Insert 72-6420

2 *(d) Any unencumbered balance of moneys attributable to appropri-*  
3 *ations by the legislature for special education or related services remaining*  
4 *in the special education fund of a school district on June 30, 2010, may*  
5 *be expended by the school district for general education purposes of the*  
6 *school district in school year 2010-2011.*

7 Sec. 11. K.S.A. 2009 Supp. 72-6421 is hereby amended to read as  
8 follows: 72-6421. (a) There is hereby established in every district a fund  
9 which shall be called the vocational education fund. All moneys received  
10 by a district for any course or program authorized and approved under  
11 the provisions of article 44 of chapter 72 of Kansas Statutes Annotated;  
12 ~~except for courses and programs conducted in an area vocational school,~~  
13 shall be credited to the vocational education fund. All moneys received  
14 by the district from tuition, fees or charges or from any other source for  
15 vocational education courses or programs, ~~except for courses and pro-~~  
16 ~~grams conducted in an area vocational school,~~ shall be credited to the  
17 vocational education fund. The expenses of a district directly attributable  
18 to vocational education shall be paid from the vocational education fund.

19 (b) Obligations of a district pursuant to lawful agreements made under  
20 K.S.A. 72-4421, and amendments thereto, shall be paid from the  
21 vocational education fund established by this section. If any such agree-  
22 ment expresses an obligation of a district in terms of a mill levy, such  
23 obligation shall be construed to mean an amount equal to that which  
24 would be produced by the levy.

25 (c) Any balance remaining in the vocational education fund at the  
26 end of the budget year shall be carried forward into the vocational edu-  
27 cation fund for succeeding budget years. Such fund shall not be subject  
28 to the provisions of K.S.A. 79-2925 through 79-2937, and amendments  
29 thereto. In preparing the budget of such school district, the amounts  
30 credited to and the amount on hand in the vocational education fund,  
31 and the amount expended therefrom shall be included in the annual  
32 budget for the information of the residents of the school district. Interest  
33 earned on the investment of moneys in any such fund shall be credited  
34 to that fund.

35 *Any unencumbered balance of moneys attributable to appropriations*  
36 *by the legislature in the vocational education fund of a school district on*  
37 *June 30, 2010, may be expended by the school district for general edu-*  
38 *cation purposes of the school district in school year 2010-2011.*

39 Sec. 12. K.S.A. 72-6423 is hereby amended to read as follows: 72-  
40 6423. (a) There is hereby established in every district a fund which shall  
41 be called the driver training fund which fund shall consist of all moneys  
42 deposited therein or transferred thereto according to law. All moneys  
43 received by the district from distributions made from the state safety fund

1 and the motorcycle safety fund and from tuition, fees or charges for driver  
2 training courses shall be credited to the driver training fund. The expenses  
3 of a district directly attributable to driver training shall be paid from the  
4 driver training fund.

5 ~~(b) The provisions of this section shall take effect and be in force~~  
6 ~~from and after July 1, 1992. Any unencumbered balance of moneys re-~~  
7 ~~maining in the driver training fund of a school district on June 30, 2010,~~  
8 ~~may be expended by the school district for general education purposes of~~  
9 ~~the school district in school year 2010-2011.~~

10 Sec. 13. K.S.A. 72-6424 is hereby amended to read as follows: 72-  
11 6424. (a) There is hereby established in every district a fund which shall  
12 be called the food service fund, which fund shall consist of all moneys  
13 deposited therein or transferred thereto according to law. All moneys  
14 received by the district for food service and from charges for food service  
15 shall be credited to the food service fund. The expenses of a district  
16 attributable to food service shall be paid from the food service fund.

17 ~~(b) The provisions of this section shall take effect and be in force~~  
18 ~~from and after July 1, 1992. Any unencumbered balance of moneys at-~~  
19 ~~tributable to appropriations by the legislature in the food service fund of~~  
20 ~~a school district on June 30, 2010, may be expended by the school district~~  
21 ~~for general education purposes of the school district in school year 2010-~~  
22 ~~2011.~~

23 Sec. 14. K.S.A. 2009 Supp. 72-8223 is hereby amended to read as  
24 follows: 72-8223. (a) The secretary of social and rehabilitation services  
25 shall pay tuition to the board of education of any school district for chil-  
26 dren in any institution under the jurisdiction of the secretary who attend  
27 any of the schools of such school district. The amount of tuition shall be  
28 determined on the basis of the average operating cost per pupil of the  
29 school district, less the proportionate amount of state aid received by such  
30 school district as determined by the state board of education. Whenever  
31 feasible, the board of education of such school district shall work with  
32 the department of social and rehabilitation services to maximize federal  
33 matching funds.

34 (b) Payments of tuition received under this section by the board of  
35 education of any school district for attendance of children at school in  
36 regular educational programs shall be deposited in the tuition reimburse-  
37 ment fund.

38 (c) There is hereby established in every district a fund which shall be  
39 called the tuition reimbursement fund, which fund shall consist of all  
40 moneys deposited therein or transferred thereto according to law. The  
41 expenses of a district attributable to the costs of providing educational  
42 services to a child in an institution under the jurisdiction of the secretary  
43 who attends the school shall be paid from the tuition reimbursement

1 fund.

2 (d) *Any unencumbered balance of moneys remaining in the tuition*  
3 *reimbursement fund of a school district on June 30, 2010, may be ex-*  
4 *pended by the school district for general education purposes of the school*  
5 *district in school year 2010-2011.*

6 Sec. 15. K.S.A. 72-8237 is hereby amended to read as follows: 72-  
7 8237. (a) The board of education of any school district may: (1) Establish,  
8 operate and maintain a summer program for pupils; (2) enter into co-  
9 operative or interlocal agreements with one or more other boards of ed-  
10 ucation for the establishment, operation and maintenance of a summer  
11 program for pupils; and (3) prescribe and collect fees for providing a  
12 summer program for pupils or provide such program without charge.

13 (b) Fees for providing a summer program for pupils shall be pre-  
14 scribed and collected only to recover the costs incurred as a result of and  
15 directly attributable to the establishment, operation and maintenance of  
16 the program.

17 (c) No school district may collect fees for providing a summer pro-  
18 gram for pupils required to attend such a program in accordance with  
19 the provisions of law, rules and regulations of the state board of education,  
20 policy of the board of education, or an individualized education plan de-  
21 veloped for an exceptional child.

22 (d) There is hereby established in every district which establishes,  
23 operates and maintains a summer program a fund which shall be called  
24 the summer program fund, which fund shall consist of all moneys depos-  
25 ited therein or transferred thereto according to law. All moneys received  
26 by a district from fees collected under this section or from any other  
27 source for summer programs shall be credited to the summer program  
28 fund. The expenses of a district directly attributable to summer programs  
29 shall be paid from the summer program fund.

30 *Any unencumbered balance of moneys remaining in the summer pro-*  
31 *gram fund of a school district on June 30, 2010, may be expended by the*  
32 *school district for general education purposes of the school district in*  
33 *school year 2010-2011.*

34 (e) As used in this section, the term “summer program” means a  
35 program which is established by the board of education of a school district  
36 and operated during the summer months for the purpose of giving re-  
37 medial instruction to pupils or for the purpose of conducting special pro-  
38 jects and activities designed to enrich and enhance the educational ex-  
39 perience of pupils, or for both such purposes.

40 Sec. 16. K.S.A. 72-8238 is hereby amended to read as follows: 72-  
41 8238. (a) The board of education of any school district may: (1) Establish,  
42 operate and maintain an extraordinary school program for pupils who  
43 meet the district’s criteria for attendance of such programs; (2) enter into

1 cooperative or interlocal agreements with one or more other boards of  
2 education for the establishment, operation and maintenance of an ex-  
3 traordinary school program for pupils; and (3) prescribe and collect fees  
4 for providing an extraordinary school program for pupils or provide such  
5 program without charge.

6 (b) Fees for providing an extraordinary school program for pupils  
7 shall be prescribed and collected only to recover the cost incurred as a  
8 result of and directly attributable to the establishment, operation and  
9 maintenance of the program.

10 (c) No school district may collect fees for providing an extraordinary  
11 school program for pupils who are required to attend such a program in  
12 accordance with the provisions of law, rules and regulations of the state  
13 board of education, policy of the board of education, or an individualized  
14 education plan developed for an exceptional child or who are eligible for  
15 free or reduced price meals under the national school lunch act.

16 (d) There is hereby established in every district which establishes,  
17 operates and maintains an extraordinary school program a fund which  
18 shall be called the extraordinary school program fund, which fund shall  
19 consist of all moneys deposited therein or transferred thereto according  
20 to law. All moneys received by a district from fees collected under this  
21 section or from any other source for extraordinary school programs shall  
22 be credited to the extraordinary school program fund. The expenses of a  
23 district directly attributable to extraordinary school programs shall be paid  
24 from the extraordinary school program fund.

25 *Any unencumbered balance of moneys remaining in the extraordinary*  
26 *school program fund of a school district on June 30, 2010, may be ex-*  
27 *pended by the school district for general education purposes of the school*  
28 *district in school year 2010-2011.*

29 (e) As used in this section, the term “extraordinary school program”  
30 means a program which is established by the board of education of a  
31 school district, operated before or after regular school hours during the  
32 regular school term, and maintained for any or all of the following pur-  
33 poses: (1) Providing pupils with additional time to achieve learner exit or  
34 improvement plan outcomes; (2) giving pupils remedial instruction or  
35 independent study assistance; (3) affording pupils an opportunity to  
36 strengthen or attain mastery of basic or higher order thinking skills; and  
37 (4) conducting special projects and activities designed to enrich and en-  
38 hance the educational experience of pupils.

39 Sec. 17. K.S.A. 2009 Supp. 72-8248 is hereby amended to read as  
40 follows: 72-8248. (a) There is hereby established in every school district  
41 a special liability expense fund. Moneys in such fund shall be used to:

42 (1) Pay the cost of providing for its defense and the defense of em-  
43 ployees pursuant to the Kansas tort claims act and for the payment of

1 claims and other direct and indirect costs resulting from the implemen-  
2 tation of such act; and

3 (2) pay judgments rendered against the district.

4 (b) (1) The district shall credit to the special liability expense fund  
5 any moneys received by the district from any source which may be law-  
6 fully utilized for the purposes specified by this section including the pro-  
7 ceeds of tax levies hereinafter authorized and provided. Any balance re-  
8 maining in the special liability expense fund at the end of the budget year  
9 shall be carried forward into that fund for succeeding budget years. Such  
10 fund shall not be subject to the provisions of K.S.A. 79-2925 through 79-  
11 2937, and amendments thereto. In making the budget of the district, the  
12 amounts credited to and the amount on hand in such special fund, and  
13 the amount expended therefrom, shall be included in the annual budget  
14 for the information of the residents of the district. Interest earned on the  
15 investment of moneys in any such fund shall be credited to that fund.

16 (2) *As used in this paragraph (2), "moneys" means those moneys*  
17 *which are not derived from a property tax imposed under this section.*

18 *Any unencumbered balance of moneys remaining in the special liability*  
19 *expense fund of a school district on June 30, 2010, may be expended by*  
20 *the school district for general education purposes of the school district in*  
21 *school year 2010-2011.*

22 (c) Whenever the governing body of any school district determines  
23 that moneys from other sources will be insufficient to pay such costs, the  
24 governing body is hereby authorized to levy an annual tax upon all taxable  
25 tangible property within the district in an amount determined by the  
26 governing body to be necessary for such purpose and to pay a portion of  
27 the principal and interest on bonds issued by cities under the authority  
28 of K.S.A. 12-1774, and amendments thereto, for the financing of rede-  
29 velopment projects upon property located in such school district.

30 Sec. 18. K.S.A. 2009 Supp. 72-8249 is hereby amended to read as  
31 follows: 72-8249. (a) There is hereby established in every school district  
32 a special reserve fund. Moneys in such fund shall be used to:

33 (1) Pay claims, judgments, expenses and other purposes relating to  
34 health care services, disability income benefits and group life insurance  
35 benefits as authorized by K.S.A. 72-8415a, and amendments thereto;

36 (2) pay costs relating to uninsured losses; and

37 (3) pay the cost of workers compensation insurance and workers com-  
38 pensation claims, awards, expenses and other purposes authorized by the  
39 workers compensation act.

40 (b) Any balance remaining in the special reserve fund at the end of  
41 the budget year shall be carried forward into that reserve fund for suc-  
42 ceeding budget years. Such fund shall not be subject to the provisions of  
43 K.S.A. 79-2925 through 79-2937, and amendments thereto. In preparing

1 the budget of such school district, the amounts credited to and the  
2 amount on hand in the special reserve fund, and the amount expended  
3 therefrom shall be included in the annual budget for the information of  
4 the residents of the school district. Interest earned on the investment of  
5 moneys in any such fund shall be credited to that fund.

6 *Any unencumbered balance of moneys remaining in the special reserve*  
7 *fund of a school district on June 30, 2010, may be expended by the school*  
8 *district for general education purposes of the school district in school year*  
9 *2010-2011.*

10 Sec. 19. K.S.A. 2009 Supp. 72-8250 is hereby amended to read as  
11 follows: 72-8250. (a) There is hereby established in every school district  
12 a textbook and student materials revolving fund. Moneys in such fund  
13 shall be used to:

14 (1) Purchase any items designated in K.S.A. 72-5389, and amend-  
15 ments thereto;

16 (2) pay the cost of materials or other items used in curricular, extra-  
17 curricular or other school-related activities; and

18 (3) purchase textbooks as authorized by K.S.A. 72-4141, and amend-  
19 ments thereto.

20 (b) Any balance remaining in the textbook and student materials re-  
21 volving fund at the end of the budget year shall be carried forward into  
22 that fund for succeeding budget years. Such fund shall not be subject to  
23 the provisions of K.S.A. 79-2925 through 79-2937, and amendments  
24 thereto. In preparing the budget of such school district, the amounts  
25 credited to and the amount on hand in the textbook and student materials  
26 revolving fund, and the amount expended therefrom shall be included in  
27 the annual budget for the information of the residents of the school dis-  
28 trict. Interest earned on the investment of moneys in any such fund shall  
29 be credited to that fund.

30 *Any unencumbered balance of moneys remaining in the textbook and*  
31 *student materials revolving fund of a school district on June 30, 2010,*  
32 *may be expended by the school district for general education purposes of*  
33 *the school district in school year 2010-2011.*

34 Sec. 20. K.S.A. 72-8804 is hereby amended to read as follows: 72-  
35 8804. (a) *Except as provided in subsection (b),* any moneys in the capital  
36 outlay fund of any school district and any moneys received from issuance  
37 of bonds under K.S.A. 72-8805 or 72-8810, and amendments thereto,  
38 may be used for the purpose of the acquisition, construction, reconstruc-  
39 tion, repair, remodeling, additions to, furnishing and equipping of build-  
40 ings necessary for school district purposes, ~~including housing and board-~~  
41 ~~ing pupils enrolled in an area vocational school operated under the board~~  
42 ~~of education,~~ architectural expenses incidental thereto, the acquisition of  
43 building sites, the undertaking and maintenance of asbestos control pro-

1 jects, the acquisition of school buses and the acquisition of other equip-  
2 ment. The board of education of any school district is hereby authorized  
3 to invest any portion of the capital outlay fund of the school district which  
4 is not currently needed in investments authorized by K.S.A. 12-1675, and  
5 amendments thereto, in the manner prescribed therein or may invest the  
6 same in direct obligations of the United States government maturing or  
7 redeemable at par and accrued interest within three years from date of  
8 purchase, the principal and interest whereof is guaranteed by the gov-  
9 ernment of the United States. All interest received on any such invest-  
10 ment shall upon receipt thereof be credited to the capital outlay fund.

11 *(b) Moneys in the capital outlay fund which are attributable to trans-*  
12 *fers of moneys from the general fund of a school district in school year*  
13 *2008-2009 may be transferred to the contingency reserve fund of the*  
14 *district in school year 2009-2010.*

15 *Moneys in the capital outlay fund which are attributable to transfers*  
16 *of moneys from the general fund of a school district in school year 2008-*  
17 *2009 or school year 2009-2010 may be expended for general education*  
18 *purposes of the school district in school year 2009-2010 and school year*  
19 *2010-2011.*

20 Sec. 21. K.S.A. 2009 Supp. 72-9509 is hereby amended to read as  
21 follows: 72-9509. (a) There is hereby established in every school district  
22 a fund which shall be called the bilingual education fund, which fund  
23 shall consist of all moneys deposited therein or transferred thereto ac-  
24 cording to law. The expenses of a district directly attributable to such  
25 bilingual education programs shall be paid from the bilingual education  
26 fund.

27 (b) Any balance remaining in the bilingual education fund at the end  
28 of the budget year shall be carried forward into the bilingual education  
29 fund for succeeding budget years. Such fund shall not be subject to the  
30 provisions of K.S.A. 79-2925 through 79-2937, and amendments thereto.  
31 In preparing the budget of such school district, the amounts credited to  
32 and the amount on hand in the bilingual education fund, and the amount  
33 expended therefrom shall be included in the annual budget for the in-  
34 formation of the residents of the school district. Interest earned on the  
35 investment of moneys in any such fund shall be credited to that fund.

36 *Any unencumbered balance of moneys remaining in the bilingual ed-*  
37 *ucation fund of a school district on June 30, 2010, may be expended by*  
38 *the school district for general education purposes of the school district in*  
39 *school year 2010-2011.*

40 (c) Each year the board of education of each school district shall  
41 prepare and submit to the state board a report on the bilingual education  
42 program and assistance provided by the district. Such report shall include  
43 information specifying the number of pupils who were served or provided

1 assistance, the type of service provided, the research upon which the  
2 district relied in determining that a need for service or assistance existed,  
3 the results of providing such service or assistance and any other infor-  
4 mation required by the state board.

5 Sec. 22. K.S.A. 2009 Supp. 72-9609 is hereby amended to read as  
6 follows: 72-9609. There is hereby established in every school district a  
7 fund which shall be called the professional development fund, which fund  
8 shall consist of all moneys deposited therein or transferred thereto ac-  
9 cording to law. All moneys received by the school district from whatever  
10 source for professional development programs established under this act  
11 shall be credited to the fund established by this section. The expenses of  
12 a school district directly attributable to professional development pro-  
13 grams shall be paid from the professional development fund.

14 *Any unencumbered balance of moneys remaining in the professional*  
15 *development fund of a school district on June 30, 2010, may be expended*  
16 *by the school district for general education purposes of the school district*  
17 *in school year 2010-2011.*

18 Sec. 23. K.S.A. 72-3607, 72-4523, 72-4525, 72-6420, 72-6422, 72-  
19 6423, 72-6424, 72-8237, 72-8238 and 72-8804 and K.S.A. 2009 Supp. 72-  
20 965, 72-3715, 72-6414a, 72-6414b, 72-6421, 72-8223, 72-8248, 72-8249,  
21 72-8250, 72-9509 and 72-9609 are hereby repealed.

22 Sec. 24. This act shall take effect and be in force from and after its  
23 publication in the Kansas register.