

HOUSE BILL No. 2773

By Committee on Taxation

3-6

1 AN ACT concerning school districts; authorizing the expenditure of
2 certain unencumbered funds; ~~relating to the local option budget;~~
3 amending K.S.A. 2011 Supp. 72-965, 72-3607, 72-3715, 72-6414a, 72-
4 6414b, 72-6420, 72-6421, 72-6423, 72-6426, ~~72-6433~~, 72-6460, 72-
5 8237, 72-8250, 72-9509 and 72-9609 and repealing the existing section
6 {sections}.

7
8 *Be it enacted by the Legislature of the State of Kansas:*

9 New Section 1. ~~(a) On June 30, 2013, the clerk or superintendent~~
10 ~~of each school district shall certify under oath to the state board a report~~
11 ~~showing the unencumbered balance of moneys remaining in each of the~~
12 ~~following funds: At-risk education fund, as provided in K.S.A. 76-6414a,~~
13 ~~and amendments thereto; bilingual education fund, as provided in K.S.A.~~
14 ~~72-9509, and amendments thereto; contingency reserve fund, as provided~~
15 ~~in K.S.A. 72-6426, and amendments thereto; driver training fund, as~~
16 ~~provided in K.S.A. 72-6423, and amendments thereto; parent education~~
17 ~~program fund, as provided in K.S.A. 72-3607, and amendments thereto;~~
18 ~~preschool-aged at-risk education fund, as provided in K.S.A. 72-6414b,~~
19 ~~and amendments thereto; professional development fund, as provided in~~
20 ~~K.S.A. 72-9609, and amendments thereto; summer program fund, as~~
21 ~~provided in K.S.A. 72-8237, and amendments thereto; textbook and~~
22 ~~student materials revolving fund, as provided in K.S.A. 72-8250, and~~
23 ~~amendments thereto; special education fund, as provided in K.S.A. 72-965~~
24 ~~and 72-6420, and amendments thereto; virtual school fund, as provided in~~
25 ~~K.S.A. 72-3715, and amendments thereto; and vocational education fund,~~
26 ~~as provided in K.S.A. 72-6421, and amendments thereto.~~

27 (b) ~~Upon receipt of such report, the state board shall subtract the~~
28 ~~aggregate amount of the unencumbered balance of moneys as certified by~~
29 ~~the school district in the report from the amount of unencumbered balance~~
30 ~~of moneys such school district was authorized to spend for general~~
31 ~~operating expenses of the school district as determined pursuant to K.S.A.~~
32 ~~2011 Supp. 72-6460, and amendments thereto.~~

33 (c) ~~The state board shall notify each school district of the difference~~
34 ~~determined under subsection (b), if any. If there is a difference between the~~

1 amount of the unencumbered balance of moneys as certified by the school
2 district and the amount of unencumbered balance of moneys such school
3 district was authorized to spend for general operating expenses of the
4 school district as determined pursuant to K.S.A. 2011 Supp. 72-6460, and
5 amendments thereto, then an amount equal to such difference shall be
6 transferred from the unencumbered balance of moneys in those funds set
7 forth in subsection (a) to the local option budget fund of such school
8 district, and any levy to be imposed by the school district pursuant to
9 K.S.A. 72-6435, and amendments thereto, for school year 2013-2014 shall
10 be reduced accordingly, except as otherwise provided in K.S.A. 72-6433,
11 and amendments thereto.

12 New Sec. 2. The provisions of section 1 and K.S.A. 2011 Supp. 72-
13 6460, and amendments thereto, shall be a part of and supplemental to the
14 school district finance and quality performance act.—

15 Section ~~3~~. 1. K.S.A. 2011 Supp. 72-965 is hereby amended to read as
16 follows: 72-965. (a) The state board shall be responsible for the
17 distribution and allocation of state and federal funds for special education.
18 Such moneys shall be expended only in accordance with and for the
19 purposes specified in federal or state law. Payments under this act may be
20 made in installments and in advance or by way of reimbursement, with
21 necessary adjustments for overpayments or underpayments. Federal funds
22 for special education shall be deposited in the state treasury.

23 (b) The state board is hereby authorized to accept from an individual
24 or individuals, the United States government or any of its agencies or any
25 other public or private body, grants or contributions of money, funds or
26 property which the state board may authorize to be used in accordance
27 with appropriation acts, for or in aid of special education or related
28 services or any of the purposes authorized by the federal law or this act.

29 (c) (1) Each board may use up to 15% of the amount it receives each
30 year under the federal law to develop and implement coordinated, early
31 intervening services for students in kindergarten through grade 12, with a
32 particular emphasis on students in kindergarten through grade three, who
33 have not been identified as needing special education or related services
34 but who appear to need additional academic and behavioral support to
35 succeed in a general education environment.

36 (2) In implementing coordinated, early intervening services under this
37 subsection, a board may carry out activities that include:

38 (A) Providing professional development for teachers and other school
39 staff to enable such personnel to deliver scientifically based academic
40 instruction and behavioral interventions, including scientifically based
41 literacy instruction and, where appropriate, instruction on the use of
42 adaptive and instructional software; and

43 (B) providing educational and behavioral evaluations, services and

1 supports, including scientifically based literacy instruction.

2 (3) Each board that develops and maintains coordinated, early
3 intervening services under this subsection shall annually report to the
4 department:

5 (A) The number of students served under this subsection; and

6 (B) the number of students served under this subsection who
7 subsequently receive special education and related services under this title
8 during the two-year period preceding each report.

9 (d) Except for moneys received under K.S.A. 72-978, and
10 amendments thereto, from cooperative agreements entered into under
11 K.S.A. 72-968, and amendments thereto, any unencumbered balance of
12 moneys attributable to appropriations by the legislature for special
13 education or related services remaining in the special education fund of a
14 school district on June 30, ~~2011~~ ~~2011, or June 30, 2012~~, may be expended
15 in ~~school year 2011-2012~~ ~~2012-2013~~ **the school year that immediately**
16 **succeeds such date** by the school district for general operating expenses
17 of the school district as approved by the board of education in an amount
18 not to exceed 1/3 of the unencumbered balance of the school district's
19 special education fund.

20 ~~Sec.-4.~~ **2.** K.S.A. 2011 Supp. 72-3607 is hereby amended to read as
21 follows: 72-3607. (a) There is hereby established in every school district
22 which has developed and is operating a parent education program for
23 which grants are awarded under this act a fund which shall be called the
24 parent education program fund, which fund shall consist of all moneys
25 deposited therein or transferred thereto according to law. Notwithstanding
26 any other provision of law, all moneys received by the school district from
27 whatever source for a parent education program operated under this act
28 shall be credited to the fund established by this section. Amounts deposited
29 in the parent education program fund shall be used exclusively for the
30 payment of expenses directly attributable to the program.

31 (b) Any unencumbered balance of moneys remaining in the parent
32 education program fund of a school district on June 30, ~~2011~~ ~~2011, or~~
33 ~~June 30, 2012~~, may be expended in ~~school year 2011-2012~~ ~~2012-2013~~ **the**
34 **school year that immediately succeeds such date** by the school district
35 for general operating expenses of the school district as approved by the
36 board of education.

37 ~~Sec.-5.~~ **3.** K.S.A. 2011 Supp. 72-3715 is hereby amended to read as
38 follows: 72-3715. (a) In order to be included in the full-time equivalent
39 enrollment of a virtual school, a pupil shall be in attendance at the virtual
40 school on; (1) A single school day on or before September 19 of each
41 school year; and (2) on a single school day on or after September 20, but
42 before October 4 of each school year.

43 (b) A school district which offers a virtual school shall determine the

1 full-time equivalent enrollment of each pupil enrolled in the virtual school
2 on September 20 of each school year as follows:

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

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

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

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

11 (c) The school days on which a district determines the full-time
12 equivalent enrollment of a pupil under paragraphs (1) and (2) of subsection
13 (b) shall be the school days on which the pupil has the highest number of
14 hours of attendance at the virtual school. No more than six hours of
15 attendance may be counted in a single school day. Attendance may be
16 shown by a pupil's on-line activity or entries in the pupil's virtual school
17 journal or log of activities.

18 (d) (1) Subject to the availability of appropriations for virtual school
19 state aid and within the limits of any such appropriations, each school year
20 a school district which offers a virtual school shall be entitled to virtual
21 school state aid.

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

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

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

30 (C) add any amount determined under K.S.A. 2011 Supp. 72-3716,
31 and amendments thereto; and

32 (D) add the amounts obtained under ~~paragraphs~~ *subparagraphs* (A)
33 through (C). The sum is the amount of the virtual school state aid to which
34 the school district is entitled.

35 (3) There is hereby established in every school district a fund which
36 shall be called the virtual school fund, which fund shall consist of all
37 moneys deposited therein or transferred thereto according to law. Moneys
38 received as virtual school state aid shall be deposited in the general fund of
39 the school district and transferred to the virtual school fund of the district.
40 The expenses of a district directly attributable to virtual schools offered by
41 a school district shall be paid from the virtual school fund. The cost of an
42 advance placement course provided to a pupil described in subsection (d)
43 (2)(D) shall be paid by the virtual school.

1 Any balance remaining in the virtual school fund at the end of the
2 budget year shall be carried forward into the virtual school fund for
3 succeeding budget years. Such fund shall not be subject to the provisions
4 of K.S.A. 79-2925 through 79-2937, and amendments thereto.

5 Any unencumbered balance of moneys remaining in the virtual school
6 fund of a school district on June 30, ~~2011~~ **2011, or June 30, 2012**, may be
7 expended in ~~school year 2011-2012~~ **2012-2013 the school year that**
8 **immediately succeeds such date** by the school district for general
9 operating expenses of the school district as approved by the board of
10 education.

11 In preparing the budget of such school district, the amounts credited to
12 and the amount on hand in the virtual school fund, and the amount
13 expended therefrom shall be included in the annual budget for the
14 information of the residents of the school district. Interest earned on the
15 investment of moneys in any such fund shall be credited to that fund.

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

19 ~~Sec.-6-~~ **4.** K.S.A. 2011 Supp. 72-6414a is hereby amended to read as
20 follows: 72-6414a. (a) There is hereby established in every district a fund
21 which shall be called the at-risk education fund, which fund shall consist
22 of all moneys deposited therein or transferred thereto according to law.
23 The expenses of a district directly attributable to providing at-risk
24 assistance or programs, including assistance or programs provided to
25 nonproficient pupils, shall be paid from the at-risk education fund.

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

35 Any unencumbered balance of moneys remaining in the at-risk
36 education fund of a school district on June 30, ~~2011~~ **2011, or June 30,**
37 **2012**, may be expended in ~~school year 2011-2012~~ **2012-2013 the school**
38 **year that immediately succeeds such date** by the school district for
39 general operating expenses of the school district as approved by the board
40 of education.

41 (c) Each year the board of education of each school district shall
42 prepare and submit to the state board a report on the at-risk program or
43 assistance provided by the district. Such report shall include information

1 specifying the number of at-risk pupils and nonproficient pupils who were
2 served or provided assistance, the type of service provided, the research
3 upon which the district relied in determining that a need for service or
4 assistance existed, the results of providing such service or assistance and
5 any other information required by the state board.

6 (d) In order to achieve uniform reporting of the number of at-risk
7 pupils and nonproficient pupils provided service or assistance by school
8 districts in at-risk programs, districts shall report the number of at-risk
9 pupils and nonproficient pupils served or assisted in the manner required
10 by the state board.

11 ~~Sec. 7.~~ **5.** K.S.A. 2011 Supp. 72-6414b is hereby amended to read as
12 follows: 72-6414b. (a) There is hereby established in every district a fund
13 which shall be called the preschool-aged at-risk education fund, which
14 fund shall consist of all moneys deposited therein or transferred thereto
15 according to law. The expenses of a district directly attributable to
16 providing preschool-aged at-risk assistance or programs shall be paid from
17 the preschool-aged at-risk education fund.

18 (b) A school district may expend amounts received from the
19 preschool-aged at-risk weighting to pay the cost of providing at-risk,
20 bilingual and vocational education programs and services.

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

31 Any unencumbered balance of moneys remaining in the preschool-aged
32 at-risk education fund of a school district on June 30, ~~2011~~, ~~or June~~
33 ~~30, 2012~~, may be expended in ~~school year 2011-2012~~ ~~2012-2013~~ **the**
34 **school year that immediately succeeds such date** by the school district
35 for general operating expenses of the school district as approved by the
36 board of education.

37 (d) Each year the board of education of each school district shall
38 prepare and submit to the state board a report on the preschool-aged at-risk
39 program or assistance provided by the district. Such report shall include
40 information specifying the number of pupils who were served or provided
41 assistance, the type of service provided, the research upon which the
42 district relied in determining that a need for service or assistance existed,
43 the results of providing such service or assistance and any other

1 information required by the state board.

2 Sec.-8: 6. K.S.A. 2011 Supp. 72-6420 is hereby amended to read as
3 follows: 72-6420. (a) There is hereby established in every district a fund
4 which shall be called the special education fund, which fund shall consist
5 of all moneys deposited therein or transferred thereto according to law.
6 Notwithstanding any other provision of law, all moneys received by the
7 district from whatever source for special education shall be credited to the
8 special education fund established by this section, except that: (1)
9 Amounts of payments received by a district under K.S.A. 72-979, and
10 amendments thereto, and amounts of grants, if any, received by a district
11 under K.S.A. 72-983, and amendments thereto, shall be deposited in the
12 general fund of the district and transferred to the special education fund;
13 and (2) moneys received by a district pursuant to lawful agreements made
14 under K.S.A. 72-968, and amendments thereto, shall be credited to the
15 special fund established under the agreements.

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

19 (c) Obligations of a district pursuant to lawful agreements made
20 under K.S.A. 72-968, and amendments thereto, shall be paid from the
21 special education fund established by this section.

22 (d) Except for moneys received under K.S.A. 72-978, and
23 amendments thereto, from cooperative agreements entered into under
24 K.S.A. 72-968, and amendments thereto, any unencumbered balance of
25 moneys attributable to appropriations by the legislature for special
26 education or related services remaining in the special education fund of a
27 school district on June 30, ~~2011~~ ~~2011~~, ~~or June 30, 2012~~,
28 in ~~school year 2011-2012~~ ~~2012-2013~~ **the school year that immediately**
29 **succeeds such date** by the school district for general operating expenses
30 of the school district as approved by the board of education in an amount
31 not to exceed 1/3 of the unencumbered balance of the school district's
32 special education fund.

33 Sec.-9: 7. K.S.A. 2011 Supp. 72-6421 is hereby amended to read as
34 follows: 72-6421. (a) There is hereby established in every district a fund
35 which shall be called the vocational education fund. All moneys received
36 by a district for any course or program authorized and approved under the
37 provisions of article 44 of chapter 72 of Kansas Statutes Annotated, and
38 amendments thereto, except for courses and programs conducted in an area
39 vocational school, shall be credited to the vocational education fund. All
40 moneys received by the district from tuition, fees or charges or from any
41 other source for vocational education courses or programs, except for
42 courses and programs conducted in an area vocational school, shall be
43 credited to the vocational education fund. The expenses of a district

1 directly attributable to vocational education shall be paid from the
2 vocational education fund.

3 (b) Obligations of a district pursuant to lawful agreements made
4 under K.S.A. 72-4421, and amendments thereto, shall be paid from the
5 vocational education fund established by this section. If any such
6 agreement expresses an obligation of a district in terms of a mill levy, such
7 obligation shall be construed to mean an amount equal to that which would
8 be produced by the levy.

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

18 Any unencumbered balance of moneys attributable to appropriations by
19 the legislature in the vocational education fund of a school district on June
20 30, ~~2011~~ **2011, or June 30, 2012**, may be expended in ~~school year 2011-~~
21 ~~2012~~ **2012-2013 the school year that immediately succeeds such date**
22 by the school district for general operating expenses of the school district
23 as approved by the board of education.

24 ~~Sec. 40.~~ **8.** K.S.A. 2011 Supp. 72-6423 is hereby amended to read as
25 follows: 72-6423. (a) There is hereby established in every district a fund
26 which shall be called the driver training fund which fund shall consist of
27 all moneys deposited therein or transferred thereto according to law. All
28 moneys received by the district from distributions made from the state
29 safety fund and the motorcycle safety fund and from tuition, fees or
30 charges for driver training courses shall be credited to the driver training
31 fund. The expenses of a district directly attributable to driver training shall
32 be paid from the driver training fund.

33 (b) Any unencumbered balance of moneys remaining in the driver
34 training fund of a school district on June 30, ~~2011~~ **2011, or June 30, 2012**,
35 may be expended in ~~school year 2011-2012~~ **2012-2013 the school year**
36 **that immediately succeeds such date** by the school district for general
37 operating expenses of the school district as approved by the board of
38 education.

39 ~~Sec. 41.~~ **9.** K.S.A. 2011 Supp. 72-6426 is hereby amended to read as
40 follows: 72-6426. (a) There is hereby established in every district a fund
41 which shall be called the contingency reserve fund. Such fund shall consist
42 of all moneys deposited therein or transferred thereto according to law.
43 The fund shall be maintained for payment of expenses of a district

1 attributable to financial contingencies as determined by the board.

2 (b) (1) Except as otherwise provided in subsection (c), at no time in
3 school year 2008-2009 through school year 2011-2012 shall the amount
4 maintained in the contingency reserve fund exceed an amount equal to
5 10% of the general fund budget of the district for the school year.

6 (2) Except as otherwise provided in subsection (c), at no time in
7 school year 2012-2013 or any school year thereafter shall the amount
8 maintained in the contingency reserve fund exceed an amount equal to 6%
9 of the general fund budget of the district for the school year.

10 (c) (1) If the amount in the contingency reserve fund of a district is in
11 excess of the amount authorized under subsection (b), and if such excess
12 amount is the result of a reduction in the general fund budget of the district
13 for the school year because of a decrease in enrollment, the district may
14 maintain the excess amount in the fund until depletion of such excess
15 amount by expenditure from the fund for the purposes thereof.

16 (2) The limitation on the amount which may be maintained in the
17 contingency reserve fund imposed under subsection (b) shall not apply to
18 any district whose state financial aid is computed under the provisions of
19 K.S.A. 72-6445a, and amendments thereto. Any such district may maintain
20 the excess amount in the fund until depletion of such excess amount by
21 expenditure from the fund for the purposes thereof.

22 (d) Notwithstanding the provisions of subsection (c), any
23 unencumbered balance of moneys remaining in the contingency reserve
24 fund of a school district on June 30, ~~2011~~ **2011, or June 30, 2012**, may be
25 expended in ~~school year 2011-2012~~ **2012-2013 the school year that**
26 **immediately succeeds such date** by the school district for general
27 operating expenses of the school district as approved by the board of
28 education.

29 ~~Sec. 12. K.S.A. 2011 Supp. 72-6433 is hereby amended to read as~~
30 ~~follows: 72-6433. (a) As used in this section:~~

31 ~~(1) "State prescribed percentage" means 31% of state financial aid of~~
32 ~~the district in the current school year.~~

33 ~~(2) "Authorized to adopt a local option budget" means that a district~~
34 ~~has adopted a resolution under this section, has published the same, and~~
35 ~~either the resolution was not protested or it was protested and an election~~
36 ~~was held by which the adoption of a local option budget was approved.~~

37 ~~(b) In each school year, the board of any district may adopt a local~~
38 ~~option budget which does not exceed the state prescribed percentage.~~

39 ~~(c) Subject to the limitation of subsection (b), in each school year, the~~
40 ~~board of any district may adopt, by resolution, a local option budget in an~~
41 ~~amount not to exceed:~~

42 ~~(1) (A) The amount which the board was authorized to adopt in~~
43 ~~accordance with the provisions of this section in effect prior to its~~

1 amendment by this act; plus

2 (B) the amount which the board was authorized to adopt pursuant to
3 any resolution currently in effect; plus

4 (C) the amount which the board was authorized to adopt pursuant to
5 K.S.A. 72-6444, and amendments thereto, if applicable to the district; or

6 (2) the state-wide average for the preceding school year as
7 determined by the state board pursuant to subsection (j).

8 Except as provided by subsection (c), the adoption of a resolution
9 pursuant to this subsection shall require a majority vote of the members of
10 the board. Such resolution shall be effective upon adoption and shall
11 require no other procedure, authorization or approval.

12 (d) If the board of a district desires to increase its local option budget
13 authority above the amount authorized under subsection (c) or if the board
14 was not authorized to adopt a local option budget in 2006-2007, the board
15 may adopt, by resolution, such budget in an amount not to exceed the state
16 prescribed percentage. The adoption of a resolution pursuant to this
17 subsection shall require a majority vote of the members of the board. The
18 resolution shall be published at least once in a newspaper having general
19 circulation in the district. The resolution shall be published in substantial
20 compliance with the following form:

21
22 Unified School District No. _____,
23 _____ County, Kansas.

24 RESOLUTION

25 Be It Resolved that:

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

38
39

40 CERTIFICATE

41 This is to certify that the above resolution was duly adopted by the
42 board of education of unified School District
43 No. _____, _____ County,

1 Kansas, on the _____ day of _____
2 _____,
3 _____.

4 Clerk of the board of education.

5 All of the blanks in the resolution shall be filled as is appropriate. If a
6 sufficient petition is not filed, the board may adopt a local option budget.
7 If a sufficient petition is filed, the board may notify the county election
8 officer of the date of an election to be held to submit the question of
9 whether adoption of a local option budget shall be authorized. Any such
10 election shall be noticed, called and held in the manner provided by K.S.A.
11 10-120, and amendments thereto. If the board fails to notify the county
12 election officer within 30 days after a sufficient 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.

16 (e) ~~(1) Any resolution authorizing the adoption of a local option~~
17 ~~budget in excess of 30% of the state financial aid of the district in the~~
18 ~~current school year shall not become effective unless such resolution has~~
19 ~~been submitted to and approved by a majority of the qualified electors of~~
20 ~~the school district voting at an election called and held thereon. The~~
21 ~~election shall be called and held in the manner provided by K.S.A. 10-120,~~
22 ~~and amendments thereto.~~

23 ~~(2) For any school district that is required to make a transfer of~~
24 ~~moneys to the local option budget fund of such school district pursuant to~~
25 ~~subsection (c) of section 1, and amendments thereto, any resolution~~
26 ~~adopted during school year 2013-2014 authorizing the adoption of a local~~
27 ~~option budget in excess of an amount equal to the local option budget~~
28 ~~authorized for school year 2012-2013 less any amount transferred to the~~
29 ~~local option budget fund of the school district pursuant to subsection (c) of~~
30 ~~section 1, and amendments thereto, shall not become effective unless such~~
31 ~~resolution has been submitted to and approved by a majority of the~~
32 ~~qualified electors of the school district voting at an election called and~~
33 ~~held thereon. The election shall be called and held in the manner provided~~
34 ~~by K.S.A. 10-120, and amendments thereto.~~

35 (f) Unless specifically stated otherwise in the resolution, the authority
36 to adopt a local option budget shall be continuous and permanent. The
37 board of any district which is authorized to adopt a local option budget
38 may choose not to adopt such a budget or may adopt a budget in an
39 amount less than the amount authorized. If the board of any district whose
40 authority to adopt a local option budget is not continuous and permanent
41 refrains from adopting a local option budget, the authority of such district
42 to adopt a local option budget shall not be extended by such refrainment
43 beyond the period specified in the resolution authorizing adoption of such

1 budget.

2 ~~(g) The board of any district may initiate procedures to renew or~~
3 ~~increase the authority to adopt a local option budget at any time during a~~
4 ~~school year after the tax levied pursuant to K.S.A. 72-6435, and~~
5 ~~amendments thereto, is certified to the county clerk under any existing~~
6 ~~authorization.~~

7 ~~(h) The board of any district that is authorized to adopt a local option~~
8 ~~budget prior to the effective date of this act under a resolution which~~
9 ~~authorized the adoption of such budget in accordance with the provisions~~
10 ~~of this section in effect prior to its amendment by this act may continue to~~
11 ~~operate under such resolution for the period of time specified in the~~
12 ~~resolution or may abandon the resolution and operate under the provisions~~
13 ~~of this section as amended by this act. Any such district shall operate under~~
14 ~~the provisions of this section as amended by this act after the period of~~
15 ~~time specified in the resolution has expired.~~

16 ~~(i) Any resolution adopted pursuant to this section may revoke or~~
17 ~~repeal any resolution previously adopted by the board. If the resolution~~
18 ~~does not revoke or repeal previously adopted resolutions, all resolutions~~
19 ~~which are in effect shall expire on the same date. The maximum amount of~~
20 ~~the local option budget of a school district under all resolutions in effect~~
21 ~~shall not exceed the state prescribed percentage in any school year.~~

22 ~~(j)(1) There is hereby established in every district that adopts a local~~
23 ~~option budget a fund which shall be called the supplemental general fund.~~
24 ~~The fund shall consist of all amounts deposited therein or credited thereto~~
25 ~~according to law.~~

26 ~~(2) Subject to the limitation imposed under paragraph (3) and~~
27 ~~subsection (c) of K.S.A. 72-6434, and amendments thereto, amounts in the~~
28 ~~supplemental general fund may be expended for any purpose for which~~
29 ~~expenditures from the general fund are authorized or may be transferred to~~
30 ~~any program weighted fund or categorical fund of the district. Amounts in~~
31 ~~the supplemental general fund attributable to any percentage over 25% of~~
32 ~~state financial aid determined for the current school year may be~~
33 ~~transferred to the capital improvements fund of the district and the capital~~
34 ~~outlay fund of the district if such transfers are specified in the resolution~~
35 ~~authorizing the adoption of a local option budget in excess of 25%.~~

36 ~~(3) Amounts in the supplemental general fund may not be expended~~
37 ~~for the purpose of making payments under any lease-purchase agreement~~
38 ~~involving the acquisition of land or buildings which is entered into~~
39 ~~pursuant to the provisions of K.S.A. 72-8225, and amendments thereto.~~

40 ~~(4) (A) Except as provided in paragraph *subparagraph* (B), any~~
41 ~~unexpended budget remaining in the supplemental general fund of a~~
42 ~~district at the conclusion of any school year in which a local option budget~~
43 ~~is adopted shall be maintained in such fund.~~

1 (B) ~~If the district received supplemental general state aid in the~~
2 ~~school year, the state board shall determine the ratio of the amount of~~
3 ~~supplemental general state aid received to the amount of the local option~~
4 ~~budget of the district for the school year and multiply the total amount of~~
5 ~~the unexpended budget remaining by such ratio. An amount equal to the~~
6 ~~amount of the product shall be transferred to the general fund of the~~
7 ~~district or remitted to the state treasurer. Upon receipt of any such~~
8 ~~remittance, the state treasurer shall deposit the same in the state treasury to~~
9 ~~the credit of the state school district finance fund.~~

10 (k) ~~Each year the state board of education shall determine the~~
11 ~~statewide average percentage of local option budgets legally adopted by~~
12 ~~school districts for the preceding school year.~~

13 (l) ~~The provisions of this section shall be subject to the provisions of~~
14 ~~K.S.A. 2011 Supp. 72-6433d and section 1, and amendments thereto.~~

15 ~~Sec. 13. 10.~~ K.S.A. 2011 Supp. 72-6460 is hereby amended to read as
16 follows: 72-6460. (a) For school year 2011-2012 ~~years 2011-2012 and~~
17 ~~{year} 2012-2013~~, subject to any limitations as provided in this act, any
18 school district may expend the unencumbered balance of the moneys held
19 in the at-risk education fund, as provided in K.S.A. 76-6414a, and
20 amendments thereto, bilingual education fund, as provided in K.S.A. 72-
21 9509, and amendments thereto, contingency reserve fund, as provided in
22 K.S.A. 72-6426, and amendments thereto, driver training fund, as provided
23 in K.S.A. 72-6423, and amendments thereto, parent education program
24 fund, as provided in K.S.A. 72-3607, and amendments thereto, preschool-
25 aged at-risk education fund, as provided in K.S.A. 72-6414b, and
26 amendments thereto, professional development fund, as provided in
27 K.S.A. 72-9609, and amendments thereto, summer program fund, as
28 provided in K.S.A. 72-8237, and amendments thereto, textbook and
29 student materials revolving fund, as provided in K.S.A. 72-8250, and
30 amendments thereto, special education fund, as provided in K.S.A. 72-965
31 and 72-6420, and amendments thereto, virtual school fund, as provided in
32 K.S.A. 72-3715, and amendments thereto, and vocational education fund,
33 as provided in K.S.A. 72-6421, and amendments thereto, to pay for
34 general operating expenses of the district out of the general fund as
35 approved by the board of education of such district, ~~provided, that . For~~
36 ~~school year 2011-2012, any moneys transferred to the general fund of a~~
37 ~~school district pursuant to this section shall be expended first to pay for~~
38 ~~those costs incurred by the school district due to increases, if any, in the~~
39 ~~adjusted enrollment of the district and the at-risk pupil enrollment of the~~
40 ~~district compared to such enrollments in school year 2011-2012 2010-~~
41 ~~2011.~~

42 The board of education of a school district shall consider the use of
43 such funds in the following order of priority:

1 (1) At-risk education fund, bilingual education fund, contingency
 2 reserve fund, driver training fund, parent education program fund,
 3 preschool-aged at-risk education fund, professional development fund,
 4 summer program fund, virtual school fund and vocational education fund;

5 (2) textbook and student materials revolving fund; and

6 (3) special education fund.

7 The board of education of a school district shall not be limited to the
 8 order of priority as listed in this subsection if the board so chooses. The
 9 board of education of a school district shall not be required to use the total
 10 amount of the unencumbered balance of moneys in a fund before using the
 11 unencumbered balance of moneys in another fund.

12 (b) The amount of money expended by a school district in school
 13 year 2011-2012 ~~years 2011-2012 and~~ {year} 2012-2013 from the
 14 unencumbered balance of moneys in the funds under subsection (a) of this
 15 section shall not exceed, in the aggregate, an amount determined by the
 16 state board of education. Such amount shall be determined by the state
 17 board as follows:

18 (1) Determine the adjusted enrollment of the district, excluding
 19 special education and related services weighting, *for the current school*
 20 *year 2012-2013;*

21 (2) subtract the amount of base state aid per pupil appropriated to the
 22 department of education for ~~fiscal year 2012 2013~~ **the fiscal year ending**
 23 **on June 30 of the current school year** from \$4,012; and

24 (3) multiply the difference obtained under paragraph (2) by the
 25 number determined under paragraph (1); **{and}**

26 ~~(4) determine the adjusted enrollment of the district, excluding~~
 27 ~~special education and related services weighting, for the immediately~~
 28 ~~preceding school year 2011-2012;~~

29 ~~(5) subtract the number determined under paragraph (4) from the~~
 30 ~~number determined under paragraph (1);~~

31 ~~(6) if the difference determined under paragraph (5) is greater than~~
 32 ~~zero, then multiply such difference by the amount of base state aid per~~
 33 ~~pupil appropriated to the department of education for fiscal year 2013~~ **the**
 34 **fiscal year ending on June 30 of the current school year;**

35 ~~(7) determine the enrollment of the district adjusted only by the at-~~
 36 ~~risk pupil weighting determined pursuant to K.S.A. 72-6414, and~~
 37 ~~amendments thereto, the high density at-risk pupil weighting determined~~
 38 ~~pursuant to K.S.A. 72-6455, and amendments thereto, and the medium-~~
 39 ~~density at-risk pupil weighting determined pursuant to K.S.A. 72-6459,~~
 40 ~~and amendments thereto, for the immediately preceding school year~~
 41 ~~2011-2012;~~

42 ~~(8) determine the enrollment of the district adjusted only by the at-~~
 43 ~~risk pupil weighting determined pursuant to K.S.A. 72-6414, and~~

1 ~~amendments thereto, the high density at-risk pupil weighting determined~~
2 ~~pursuant to K.S.A. 72-6455, and amendments thereto, and the medium~~
3 ~~density at-risk pupil weighting determined pursuant to K.S.A. 72-6459,~~
4 ~~and amendments thereto, for **the current** school year 2012-2013;~~

5 ~~(9) subtract the number determined under paragraph (7) from the~~
6 ~~number determined under paragraph (8);~~

7 ~~(10) if the difference determined under paragraph (9) is greater than~~
8 ~~zero, then multiply such difference by the amount of base state aid per~~
9 ~~pupil appropriated to the department of education for fiscal year 2013 **the**~~
10 ~~**fiscal year ending on June 30 of the current school year;** and~~

11 ~~(11) add the products determined under paragraphs (3), (6) and (10).~~
12 **{(4)}** The ~~product~~ *sum* **{product}** is the aggregate amount of moneys that
13 may be expended by a school district in **the current** school year ~~2011-~~
14 ~~2012 2012-2013~~ from the unencumbered balance of moneys in the funds
15 under subsection (a) of this section.

16 (c) It is the public policy goal of the state of Kansas that at least 65%
17 of the aggregate of all unencumbered balances authorized to be expended
18 for general operating expenses pursuant to subsection (a) shall be
19 expended in the classroom or for instruction, as provided in K.S.A. 2011
20 Supp. 72-64c01, and amendments thereto.

21 Sec. 14. 11. K.S.A. 2011 Supp. 72-8237 is hereby amended to read as
22 follows: 72-8237. (a) The board of education of any school district may:
23 (1) Establish, operate and maintain a summer program for pupils; (2) enter
24 into cooperative or interlocal agreements with one or more other boards of
25 education for the establishment, operation and maintenance of a summer
26 program for pupils; and (3) prescribe and collect fees for providing a
27 summer program for pupils or provide such program without charge.

28 (b) Fees for providing a summer program for pupils shall be
29 prescribed and collected only to recover the costs incurred as a result of
30 and directly attributable to the establishment, operation and maintenance
31 of the program.

32 (c) No school district may collect fees for providing a summer
33 program for pupils required to attend such a program in accordance with
34 the provisions of law, rules and regulations of the state board of education,
35 policy of the board of education, or an individualized education plan
36 developed for an exceptional child.

37 (d) There is hereby established in every district which establishes,
38 operates and maintains a summer program a fund which shall be called the
39 summer program fund, which fund shall consist of all moneys deposited
40 therein or transferred thereto according to law. All moneys received by a
41 district from fees collected under this section or from any other source for
42 summer programs shall be credited to the summer program fund. The
43 expenses of a district directly attributable to summer programs shall be

1 paid from the summer program fund.

2 Any unencumbered balance of moneys remaining in the summer
3 program fund of a school district on June 30, ~~2011~~ **2011, or June 30,**
4 ~~2012~~, may be expended in ~~school year 2011-2012~~ ~~2012-2013~~ **the school**
5 **year that immediately succeeds such date** by the school district for
6 general operating expenses of the school district as approved by the board
7 of education.

8 (e) As used in this section, the term "summer program" means a
9 program which is established by the board of education of a school district
10 and operated during the summer months for the purpose of giving remedial
11 instruction to pupils or for the purpose of conducting special projects and
12 activities designed to enrich and enhance the educational experience of
13 pupils, or for both such purposes.

14 ~~Sec. 15. 12.~~ K.S.A. 2011 Supp. 72-8250 is hereby amended to read as
15 follows: 72-8250. (a) There is hereby established in every school district a
16 textbook and student materials revolving fund. Moneys in such fund shall
17 be used to:

18 (1) Purchase any items designated in K.S.A. 72-5389, and
19 amendments thereto;

20 (2) pay the cost of materials or other items used in curricular,
21 extracurricular or other school-related activities; and

22 (3) purchase textbooks as authorized by K.S.A. 72-4141, and
23 amendments thereto.

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

33 Any unencumbered balance of moneys remaining in the textbook and
34 student materials revolving fund of a school district on June 30, ~~2011~~
35 ~~2011, or June 30,~~ **2012**, may be expended in ~~school year 2011-2012~~ ~~2012-~~
36 ~~2013~~ **the school year that immediately succeeds such date** by the school
37 district for general operating expenses of the school district as approved by
38 the board of education in an amount not to exceed 1/3 of the
39 unencumbered balance of the school district's textbook and student
40 materials revolving fund.

41 ~~Sec. 16. 13.~~ K.S.A. 2011 Supp. 72-9509 is hereby amended to read as
42 follows: 72-9509. (a) There is hereby established in every school district a
43 fund which shall be called the bilingual education fund, which fund shall

1 consist of all moneys deposited therein or transferred thereto according to
2 law. The expenses of a district directly attributable to such bilingual
3 education programs shall be paid from the bilingual education fund.

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

13 Any unencumbered balance of moneys remaining in the bilingual
14 education fund of a school district on June 30, ~~2011~~ **2011, or June 30,**
15 ~~2012~~, may be expended in ~~school year 2011-2012~~ ~~2012-2013~~ **the school**
16 **year that immediately succeeds such date** by the school district for
17 general operating expenses of the school district as approved by the board
18 of education.

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

27 ~~Sec. 14.~~ **14.** K.S.A. 2011 Supp. 72-9609 is hereby amended to read as
28 follows: 72-9609. There is hereby established in every school district a
29 fund which shall be called the professional development fund, which fund
30 shall consist of all moneys deposited therein or transferred thereto
31 according to law. All moneys received by the school district from whatever
32 source for professional development programs established under this act
33 shall be credited to the fund established by this section. The expenses of a
34 school district directly attributable to professional development programs
35 shall be paid from the professional development fund.

36 Any unencumbered balance of moneys remaining in the professional
37 development fund of a school district on June 30, ~~2011~~ **2011, or June 30,**
38 ~~2012~~, may be expended in ~~school year 2011-2012~~ ~~2012-2013~~ **the school**
39 **year that immediately succeeds such date** by the school district for
40 general operating expenses of the school district as approved by the board
41 of education.

42 ~~Sec. 15.~~ **15.** K.S.A. 2011 Supp. 72-965, 72-3607, 72-3715, 72-6414a,
43 72-6414b, 72-6420, 72-6421, 72-6423, 72-6426, ~~72-6433~~, 72-6460, 72-

1 8237, 72-8250, 72-9509 and 72-9609 are hereby repealed.

2 Sec. ~~19~~. **16**. This act shall take effect and be in force from and after
3 its publication in the ~~statute book~~ **Kansas register** {**statute book**}.

4