

HOUSE BILL No. 2003

By Representative Huebert

1-7

1 AN ACT concerning school districts; relating to school finance; amending
2 K.S.A. 72-6444 and K.S.A. 2012 Supp. 72-978, 72-6409, 72-6410, 72-
3 6415b, 72-6433, 72-6433d, 72-6434, 72-6435, 72-6441, 72-6449, 72-
4 6451 and 72-6456 and repealing the existing sections; also repealing
5 K.S.A. 2012 Supp. 72-978a.
6

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

8 Section 1. K.S.A. 2012 Supp. 72-978 is hereby amended to read as
9 follows: 72-978. (a) Each year, the state board of education shall determine
10 the amount of state aid for the provision of special education and related
11 services each school district shall receive for the ensuing school year. The
12 amount of such state aid shall be computed by the state board as provided
13 in this section. The state board shall:

14 (1) Determine the total amount of general fund and local ~~option-~~
15 *operating* budgets of all school districts;

16 (2) subtract from the amount determined in paragraph (1) the total
17 amount attributable to assignment of transportation weighting, program
18 weighting, special education weighting and at-risk pupil weighting to
19 enrollment of all school districts;

20 (3) divide the remainder obtained in paragraph (2) by the total
21 number of full-time equivalent pupils enrolled in all school districts on
22 September 20;

23 (4) determine the total full-time equivalent enrollment of exceptional
24 children receiving special education and related services provided by all
25 school districts;

26 (5) multiply the amount of the quotient obtained in paragraph (3) by
27 the full-time equivalent enrollment determined in paragraph (4);

28 (6) determine the amount of federal funds received by all school
29 districts for the provision of special education and related services;

30 (7) determine the amount of revenue received by all school districts
31 rendered under contracts with the state institutions for the provisions of
32 special education and related services by the state institution;

33 (8) add the amounts determined under paragraphs (6) and (7) to the
34 amount of the product obtained under paragraph (5);

35 (9) determine the total amount of expenditures of all school districts
36 for the provision of special education and related services;

1 (10) subtract the amount of the sum obtained under paragraph (8)
2 from the amount determined under paragraph (9); and

3 (11) multiply the remainder obtained under paragraph (10) by 92%.

4 The computed amount is the amount of state aid for the provision of
5 special education and related services aid a school district is entitled to
6 receive for the ensuing school year.

7 (b) Each school district shall be entitled to receive:

8 (1) Reimbursement for actual travel allowances paid to special
9 teachers at not to exceed the rate specified under K.S.A. 75-3203, and
10 amendments thereto, for each mile actually traveled during the school year
11 in connection with duties in providing special education or related services
12 for exceptional children; such reimbursement shall be computed by the
13 state board by ascertaining the actual travel allowances paid to special
14 teachers by the school district for the school year and shall be in an
15 amount equal to 80% of such actual travel allowances;

16 (2) reimbursement in an amount equal to 80% of the actual travel
17 expenses incurred for providing transportation for exceptional children to
18 special education or related services; such reimbursement shall not be paid
19 if such child has been counted in determining the transportation weighting
20 of the district under the provisions of the school district finance and
21 quality performance act;

22 (3) reimbursement in an amount equal to 80% of the actual expenses
23 incurred for the maintenance of an exceptional child at some place other
24 than the residence of such child for the purpose of providing special
25 education or related services; such reimbursement shall not exceed \$600
26 per exceptional child per school year; and

27 (4) (A) except for those school districts entitled to receive
28 reimbursement under subsection (c) or (d), after subtracting the amounts of
29 reimbursement under paragraphs (1), (2) and (3) of ~~this~~ subsection (a)
30 from the total amount appropriated for special education and related
31 services under this act, an amount which bears the same proportion to the
32 remaining amount appropriated as the number of full-time equivalent
33 special teachers who are qualified to provide special education or related
34 services to exceptional children and are employed by the school district for
35 approved special education or related services bears to the total number of
36 such qualified full-time equivalent special teachers employed by all school
37 districts for approved special education or related services.

38 (B) Each special teacher who is qualified to assist in the provision of
39 special education or related services to exceptional children shall be
40 counted as $\frac{2}{5}$ full-time equivalent special teacher who is qualified to
41 provide special education or related services to exceptional children.

42 (C) *For purposes of this paragraph (4), a special teacher, qualified to*
43 *assist in the provision of special education and related services to*

1 *exceptional children, who assists in providing special education and*
2 *related services to exceptional children at either the state school for the*
3 *blind or the state school for the deaf and whose services are paid for by a*
4 *school district pursuant to K.S.A. 76-1006 or 76-1102, and amendments*
5 *thereto, shall be considered a special teacher of such school district.*

6 (c) Each school district which has paid amounts for the provision of
7 special education and related services under an interlocal agreement shall
8 be entitled to receive reimbursement under subsection (b)(4). The amount
9 of such reimbursement for the district shall be the amount which bears the
10 same relation to the aggregate amount available for reimbursement for the
11 provision of special education and related services under the interlocal
12 agreement, as the amount paid by such district in the current school year
13 for provision of such special education and related services bears to the
14 aggregate of all amounts paid by all school districts in the current school
15 year who have entered into such interlocal agreement for provision of such
16 special education and related services.

17 (d) Each contracting school district which has paid amounts for the
18 provision of special education and related services as a member of a
19 cooperative shall be entitled to receive reimbursement under subsection (b)
20 (4). The amount of such reimbursement for the district shall be the amount
21 which bears the same relation to the aggregate amount available for
22 reimbursement for the provision of special education and related services
23 by the cooperative, as the amount paid by such district in the current
24 school year for provision of such special education and related services
25 bears to the aggregate of all amounts paid by all contracting school
26 districts in the current school year by such cooperative for provision of
27 such special education and related services.

28 (e) No time spent by a special teacher in connection with duties
29 performed under a contract entered into by the Kansas juvenile
30 correctional complex, the Atchison juvenile correctional facility, the
31 Larned juvenile correctional facility, or the Topeka juvenile correctional
32 facility and a school district for the provision of special education services
33 by such state institution shall be counted in making computations under
34 this section.

35 Sec. 2. K.S.A. 2012 Supp. 72-6409 is hereby amended to read as
36 follows: 72-6409. (a) "General fund" means the fund of a district from
37 which operating expenses are paid and in which is deposited the proceeds
38 from the tax levied under K.S.A. 72-6431, and amendments thereto, all
39 amounts of general state aid under this act, payments under K.S.A. 72-
40 7105a, and amendments thereto, *amounts transferred from the*
41 *supplemental general fund to the general fund of a district in accordance*
42 *with subsection (j)(5) of K.S.A. 72-6433, and amendments thereto,*
43 payments of federal funds made available under the provisions of title I of

1 public law 874, except amounts received for assistance in cases of major
2 disaster and amounts received under the low-rent housing program, and
3 such other moneys as are provided by law.

4 (b) "Operating expenses" means the total expenditures and lawful
5 transfers from the general fund of a district during a school year for all
6 purposes, except expenditures for the purposes specified in K.S.A. 72-
7 6430, and amendments thereto.

8 (c) "General fund budget" means the amount budgeted for operating
9 expenses in the general fund of a district.

10 (d) "Budget per pupil" means the general fund budget of a district
11 divided by the enrollment of the district.

12 (e) "Program weighted fund" means and includes the following funds
13 of a district: Vocational education fund, preschool-aged at-risk education
14 fund and bilingual education fund.

15 (f) "Categorical fund" means and includes the following funds of a
16 district: Special education fund, food service fund, driver training fund,
17 adult education fund, adult supplementary education fund, area vocational
18 school fund, professional development fund, parent education program
19 fund, summer program fund, extraordinary school program fund, and
20 educational excellence grant program fund.

21 Sec. 3. K.S.A. 2012 Supp. 72-6410 is hereby amended to read as
22 follows: 72-6410. (a) "State financial aid" means an amount equal to the
23 product obtained by multiplying base state aid per pupil by the adjusted
24 enrollment of a district.

25 (b) (1) "Base state aid per pupil" means an amount of state financial
26 aid per pupil. Subject to the other provisions of this subsection, the amount
27 of base state aid per pupil is ~~\$4,433 in school year 2008-2009 and \$4,492~~
28 ~~in school year 2009-2010~~ *\$4,241 in school year 2012-2013 and school*
29 *year 2013-2014 and \$4,492 in school year 2014-2015* and each school
30 year thereafter.

31 (2) The amount of base state aid per pupil is subject to reduction
32 commensurate with any reduction under K.S.A. 75-6704, and amendments
33 thereto, in the amount of the appropriation from the state general fund for
34 general state aid. If the amount of appropriations for general state aid is
35 insufficient to pay in full the amount each district is entitled to receive for
36 any school year, the amount of base state aid per pupil for such school year
37 is subject to reduction commensurate with the amount of the insufficiency.

38 (c) "Local effort" means the sum of an amount equal to the proceeds
39 from the tax levied under authority of K.S.A. 72-6431, and amendments
40 thereto, *and an amount transferred from the supplemental general fund to*
41 *the general fund in accordance with subsection (j)(5) of K.S.A. 72-6433,*
42 *and amendments thereto,* and an amount equal to any unexpended and
43 unencumbered balance remaining in the general fund of the district, except

1 amounts received by the district and authorized to be expended for the
2 purposes specified in K.S.A. 72-6430, and amendments thereto, and an
3 amount equal to any unexpended and unencumbered balances remaining in
4 the program weighted funds of the district, except any amount in the
5 vocational education fund of the district if the district is operating an area
6 vocational school, and an amount equal to any remaining proceeds from
7 taxes levied under authority of K.S.A. 72-7056 and 72-7072, and
8 amendments thereto, prior to the repeal of such statutory sections, and an
9 amount equal to the amount deposited in the general fund in the current
10 school year from amounts received in such year by the district under the
11 provisions of subsection (a) of K.S.A. 72-1046a, and amendments thereto,
12 and an amount equal to the amount deposited in the general fund in the
13 current school year from amounts received in such year by the district
14 pursuant to contracts made and entered into under authority of K.S.A. 72-
15 6757, and amendments thereto, and an amount equal to the amount
16 credited to the general fund in the current school year from amounts
17 distributed in such year to the district under the provisions of articles 17
18 and 34 of chapter 12 of Kansas Statutes Annotated and under the
19 provisions of articles 42 and 51 of chapter 79 of Kansas Statutes
20 Annotated, and an amount equal to the amount of payments received by
21 the district under the provisions of K.S.A. 72-979, and amendments
22 thereto, and an amount equal to the amount of a grant, if any, received by
23 the district under the provisions of K.S.A. 72-983, and amendments
24 thereto, and an amount equal to 70% of the federal impact aid of the
25 district.

26 (d) "Federal impact aid" means an amount equal to the federally
27 qualified percentage of the amount of moneys a district receives in the
28 current school year under the provisions of title I of public law 874 and
29 congressional appropriations therefor, excluding amounts received for
30 assistance in cases of major disaster and amounts received under the low-
31 rent housing program. The amount of federal impact aid defined herein as
32 an amount equal to the federally qualified percentage of the amount of
33 moneys provided for the district under title I of public law 874 shall be
34 determined by the state board in accordance with terms and conditions
35 imposed under the provisions of the public law and rules and regulations
36 thereunder.

37 Sec. 4. K.S.A. 2012 Supp. 72-6415b is hereby amended to read as
38 follows: 72-6415b. School facilities weighting may be assigned to
39 enrollment of a district only if the district has adopted a local ~~option~~
40 *operating* budget in an amount equal to at least ~~25%~~ 22.5% of the amount
41 of the state financial aid determined for the district in the current school
42 year. School facilities weighting may be assigned to enrollment of the
43 district only in the school year in which operation of a new school facility

1 is commenced and in the next succeeding school year.

2 Sec. 5. K.S.A. 2012 Supp. 72-6433 is hereby amended to read as
3 follows: 72-6433. (a) As used in this section:

4 (1) "State prescribed percentage" means ~~31%~~ 28% of state financial
5 aid of the district in the current school year.

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

11 (b) (1) In each school year, the board of any district ~~may shall~~ adopt a
12 local ~~option~~ operating budget ~~which does not exceed the state prescribed~~
13 ~~percentage~~, which shall be at least 10% but not more than 27% of the
14 state financial aid of the district in the current school year.

15 (2) Subject to subsection (i), in each school year, the board of any
16 district may adopt a local operating budget in excess of 27% of the state
17 financial aid of the district in the current school year. Such excess
18 percentage shall be adopted by separate resolution.

19 (c) Subject to ~~the limitation of~~ subsection (b)(1), in each school year,
20 the board of any district may adopt, by resolution, a local ~~option~~ operating
21 budget in an amount shall not to exceed:

22 (1) (A) The amount which the board was authorized to adopt in
23 accordance with the provisions of this section in effect prior to its
24 amendment by this act; plus

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

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

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

31 ~~Except as provided by subsection (e), the adoption of a resolution~~
32 ~~pursuant to this subsection shall require a majority vote of the members of~~
33 ~~the board. Such resolution shall be effective upon adoption and shall~~
34 ~~require no other procedure, authorization or approval.~~

35 (d) If the board of a district desires to increase its local ~~option~~
36 operating budget authority above the amount authorized under subsection
37 (c) or if the board was not authorized to adopt a local option budget in
38 2006-2007, the board may adopt, by resolution, such budget in an amount
39 not to exceed the state prescribed percentage. The adoption of a resolution
40 pursuant to this subsection shall require a majority vote of the members of
41 the board. The resolution shall be published at least once in a newspaper
42 having general circulation in the district. The resolution shall be published
43 in substantial compliance with the following form:

1 Unified School District No. _____,
2 _____ County, Kansas.

3 RESOLUTION

4 Be It Resolved that:

5 The board of education of the above-named school district shall be
6 authorized to adopt a local ~~option~~ *operating* budget in each school year in
7 an amount not to exceed ____% of the amount of state financial aid. The
8 local ~~option~~ *operating* budget authorized by this resolution may be
9 adopted, unless a petition in opposition to the same, signed by not less than
10 5% of the qualified electors of the school district, is filed with the county
11 election officer of the home county of the school district within 30 days
12 after publication of this resolution. If a petition is filed, the county election
13 officer shall submit the question of whether adoption of the local ~~option~~
14 *operating* budget shall be authorized to the electors of the school district at
15 an election called for the purpose or at the next general election, as is
16 specified by the board of education of the school district.

17
18
19 CERTIFICATE

20 This is to certify that the above resolution was duly adopted by the
21 board of education of unified School District
22 No. _____, _____ County,
23 Kansas, on the _____ day of _____
24 _____, _____.

25
26 _____
27 Clerk of the board of education.

28 All of the blanks in the resolution shall be filled as is appropriate. If a
29 sufficient petition is not filed, the board may adopt a local ~~option~~
30 *operating* budget. If a sufficient petition is filed, the board may notify the
31 county election officer of the date of an election to be held to submit the
32 question of whether adoption of a local ~~option~~ *operating* budget shall be
33 authorized. Any such election shall be noticed, called and held in the
34 manner provided by K.S.A. 10-120, and amendments thereto. If the board
35 fails to notify the county election officer within 30 days after a sufficient
36 petition is filed, the resolution shall be deemed abandoned and no like
37 resolution shall be adopted by the board within the nine months following
38 publication of the resolution.

39 (e) Any resolution ~~authorizing the adoption of a local option budget~~
40 ~~in excess of 30% of the state financial aid of the district in the current~~
41 ~~school year~~ *adopted under subsection (b)(2)* shall not become effective
42 unless such resolution *specifying the excess percentage* has been submitted
43 to and approved by a majority of the qualified electors of the school
district voting at an election called and held thereon. The election shall be

1 called and held in the manner provided by K.S.A. 10-120, and
2 amendments thereto.

3 (f) Unless specifically stated otherwise in the resolution, the authority
4 to adopt a local option budget shall be continuous and permanent. ~~The~~
5 ~~board of any district which is authorized to adopt a local option budget~~
6 ~~may choose not to adopt such a budget or may adopt a budget in an~~
7 ~~amount less than the amount authorized. If the board of any district whose~~
8 ~~authority to adopt a local option budget is not continuous and permanent~~
9 ~~refrains from adopting a local option budget, the authority of such district~~
10 ~~to adopt a local option budget shall not be extended by such refrainment~~
11 ~~beyond the period specified in the resolution authorizing adoption of such~~
12 ~~budget.~~

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

18 (h) The board of any district that is authorized to adopt a local ~~option~~
19 *operating* budget prior to the effective date of this act under a resolution
20 which authorized the adoption of such budget in accordance with the
21 provisions of this section in effect prior to its amendment by this act may
22 continue to operate under such resolution for the period of time specified
23 in the resolution or may abandon the resolution and operate under the
24 provisions of this section as amended by this act. Any such district shall
25 operate under the provisions of this section as amended by this act after the
26 period of time specified in the resolution has expired.

27 (i) Any resolution adopted pursuant to this section may revoke or
28 repeal any resolution previously adopted by the board. If the resolution
29 does not revoke or repeal previously adopted resolutions, all resolutions
30 which are in effect shall expire on the same date. The maximum amount of
31 the local ~~option~~ *operating* budget of a school district under all resolutions
32 in effect shall not exceed the state prescribed percentage in any school
33 year.

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

38 (2) Subject to the limitation imposed under ~~paragraph~~ *paragraphs* (3)
39 *and* (5) and subsection (e) of K.S.A. 72-6434, and amendments thereto,
40 amounts in the supplemental general fund may be expended for any
41 purpose for which expenditures from the general fund are authorized or
42 may be transferred to any program weighted fund or categorical fund of
43 the district. Amounts in the supplemental general fund attributable to any

1 percentage over 25% of state financial aid determined for the current
2 school year may be transferred to the capital improvements fund of the
3 district and the capital outlay fund of the district if such transfers are
4 specified in the resolution authorizing the adoption of a local-~~option~~
5 *operating* budget in excess of 25%.

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

10 (4) (A) Except as provided in paragraph (B), any unexpended-~~budget~~
11 *moneys* remaining in the supplemental general fund of a district at the
12 conclusion of any school year in which a local-~~option~~ *operating* budget is
13 adopted shall be maintained in such fund.

14 (B) If the district received supplemental general state aid in the
15 school year, the state board shall determine the ratio of the amount of
16 supplemental general state aid received to the amount of the local-~~option~~
17 *operating* budget of the district for the school year and multiply the total
18 amount of the unexpended budget remaining by such ratio. An amount
19 equal to the amount of the product shall be transferred to the general fund
20 of the district or remitted to the state treasurer. Upon receipt of any such
21 remittance, the state treasurer shall deposit the same in the state treasury to
22 the credit of the state school district finance fund.

23 (5) (A) *An amount equal to the product obtained by multiplying 10%*
24 *of the base state aid per pupil by the adjusted enrollment of the district*
25 *shall be transferred to the general fund of the district. Such amount shall*
26 *be expended in the following manner and order of priority:*

27 (i) (a) *An amount equal to 10% of the state financial aid of the*
28 *district directly attributable to at-risk pupils under K.S.A. 72-6414, and*
29 *amendments thereto, and K.S.A. 2012 Supp. 72-6455 and 72-6459, and*
30 *amendments thereto, shall be expended for at-risk assistance or programs*
31 *in the district; and*

32 (b) *an amount equal to 10% of the state financial aid of the district*
33 *directly attributable to bilingual education under subsection (a)(1) of*
34 *K.S.A. 72-6413, and amendments thereto, shall be expended for bilingual*
35 *education programs in the district; and*

36 (ii) *the remainder of such moneys, if any, shall be expended for*
37 *general operating expenses.*

38 (B) *For the purposes of determining the total amount of state moneys*
39 *paid to school districts, all moneys transferred under this paragraph shall*
40 *be deemed to be state moneys for educational and support services for*
41 *school districts.*

42 (k) Each year the state board of education shall determine the
43 statewide average percentage of local-~~option~~ *operating* budgets legally

1 adopted by school districts for the preceding school year.

2 (l) *For the purposes of this section, the term "local operating budget"*
3 *means "local option budget" as that term was used prior to the*
4 *amendment of this section by this act.*

5 (⊕) (m) The provisions of this section shall be subject to the provisions
6 of K.S.A. 2012 Supp. 72-6433d, and amendments thereto.

7 Sec. 6. K.S.A. 2012 Supp. 72-6433d is hereby amended to read as
8 follows: 72-6433d. (a) (1) The provisions of this subsection shall apply in
9 any school year in which the amount of base state aid per pupil is \$4,433
10 or less.

11 (2) The board of any school district may adopt a local ~~option~~
12 *operating* budget which does not exceed the local ~~option~~ *operating* budget
13 calculated as if the base state aid per pupil was ~~\$4,433~~ \$4,926, or which
14 does not exceed the local ~~option~~ *operating* budget as calculated pursuant to
15 K.S.A. 72-6433, and amendments thereto, whichever is greater.

16 (b) The board of education of any school district may adopt a local
17 ~~option~~ *operating* budget which does not exceed the local ~~option~~ *operating*
18 budget calculated as if the district received state aid for special education
19 and related services equal to the amount of state aid for special education
20 and related services received in school year 2008-2009, or which does not
21 exceed the local ~~option~~ *operating* budget as calculated pursuant to K.S.A.
22 72-6433, and amendments thereto, whichever is greater.

23 (c) The board of education of any school district may exercise the
24 authority granted under subsection (a) or (b) or both subsections (a) and
25 (b).

26 (d) To the extent that the provisions of K.S.A. 72-6433, and
27 amendments thereto, conflict with this section, this section shall control.

28 (e) The provisions of this section shall expire on June 30, 2014.

29 Sec. 7. K.S.A. 2012 Supp. 72-6434 is hereby amended to read as
30 follows: 72-6434. (a) In each school year, each district that has adopted a
31 local ~~option~~ *operating* budget is eligible for entitlement to an amount of
32 supplemental general state aid. Except as provided by K.S.A. 2012 Supp.
33 72-6434b, and amendments thereto, entitlement of a district to
34 supplemental general state aid shall be determined by the state board as
35 provided in this subsection. The state board shall:

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

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

40 (3) identify the amount of the assessed valuation per pupil located at
41 the 81.2 percentile of the amounts ranked under (2);

42 (4) divide the assessed valuation per pupil of the district in the
43 preceding school year by the amount identified under (3);

1 (5) subtract the ratio obtained under (4) from 1.0. If the resulting ratio
2 equals or exceeds 1.0, the eligibility of the district for entitlement to
3 supplemental general state aid shall lapse. If the resulting ratio is less than
4 1.0, the district is entitled to receive supplemental general state aid in an
5 amount which shall be determined by the state board by multiplying the
6 amount of the local ~~option~~ *operating* budget of the district by such ratio.
7 The product is the amount of supplemental general state aid the district is
8 entitled to receive for the school year.

9 (b) If the amount of appropriations for supplemental general state aid
10 is less than the amount each district is entitled to receive for the school
11 year, the state board shall prorate the amount appropriated among the
12 districts in proportion to the amount each district is entitled to receive.

13 (c) The state board shall prescribe the dates upon which the
14 distribution of payments of supplemental general state aid to school
15 districts shall be due. Payments of supplemental general state aid shall be
16 distributed to districts on the dates prescribed by the state board. The state
17 board shall certify to the director of accounts and reports the amount due
18 each district, and the director of accounts and reports shall draw a warrant
19 on the state treasurer payable to the treasurer of the district. Upon receipt
20 of the warrant, the treasurer of the district shall credit the amount thereof
21 to the supplemental general fund of the district to be used for the purposes
22 of such fund.

23 (d) If any amount of supplemental general state aid that is due to be
24 paid during the month of June of a school year pursuant to the other
25 provisions of this section is not paid on or before June 30 of such school
26 year, then such payment shall be paid on or after the ensuing July 1, as
27 soon as moneys are available therefor. Any payment of supplemental
28 general state aid that is due to be paid during the month of June of a school
29 year and that is paid to school districts on or after the ensuing July 1 shall
30 be recorded and accounted for by school districts as a receipt for the
31 school year ending on the preceding June 30.

32 (e) (1) Except as provided by paragraph (2), moneys received as
33 supplemental general state aid shall be used to meet the requirements
34 under the school performance accreditation system adopted by the state
35 board, to provide programs and services required by law and to improve
36 student performance.

37 (2) Amounts of supplemental general state aid attributable to any
38 percentage over 25% of state financial aid determined for the current
39 school year may be transferred to the capital improvements fund of the
40 district and the capital outlay fund of the district if such transfers are
41 specified in the resolution authorizing the adoption of a local ~~option~~
42 *operating* budget in excess of 25%.

43 (f) For the purposes of determining the total amount of state moneys

1 paid to school districts, all moneys appropriated as supplemental general
2 state aid shall be deemed to be state moneys for educational and support
3 services for school districts.

4 Sec. 8. K.S.A. 2012 Supp. 72-6435 is hereby amended to read as
5 follows: 72-6435. (a) In each school year, the board of every district ~~that~~
6 ~~has adopted a local option budget may~~ shall levy an ad valorem tax on the
7 taxable tangible property of the district for the purpose of: (1) Financing
8 that portion of the district's local ~~option~~ *operating* budget which is not
9 financed from any other source provided by law; (2) paying a portion of
10 the principal and interest on bonds issued by cities under authority of
11 K.S.A. 12-1774, and amendments thereto, for the financing of
12 redevelopment projects upon property located within the district; and (3)
13 funding transfers to the capital improvement fund of the district and the
14 capital outlay fund of the district if such transfers are specified in the
15 resolution authorizing the adoption of a local ~~option~~ *operating* budget in
16 excess of 25% of state financial aid determined for the current school year.

17 (b) The proceeds from the tax levied by a district under authority of
18 this section, except the proceeds of such tax levied for the purpose of
19 paying a portion of the principal and interest on bonds issued by cities
20 under authority of K.S.A. 12-1774, and amendments thereto, for the
21 financing of redevelopment projects upon property located within the
22 district, shall be deposited in the supplemental general fund of the district.

23 (c) No district shall proceed under K.S.A. 79-1964, 79-1964a or 79-
24 1964b, and amendments to such sections.

25 Sec. 9. K.S.A. 2012 Supp. 72-6441 is hereby amended to read as
26 follows: 72-6441. (a) (1) The board of any district to which the provisions
27 of this subsection apply may levy an ad valorem tax on the taxable
28 tangible property of the district each year for a period of time not to
29 exceed two years in an amount not to exceed the amount authorized by the
30 state court of tax appeals under this subsection for the purpose of financing
31 the costs incurred by the state that are directly attributable to assignment of
32 ancillary school facilities weighting to enrollment of the district. The state
33 court of tax appeals may authorize the district to make a levy which will
34 produce an amount that is not greater than the difference between the
35 amount of costs directly attributable to commencing operation of one or
36 more new school facilities and the amount that is financed from any other
37 source provided by law for such purpose, including any amount
38 attributable to assignment of school facilities weighting to enrollment of
39 the district for each school year in which the district is eligible for such
40 weighting. If the district is not eligible, or will be ineligible, for school
41 facilities weighting in any one or more years during the two-year period
42 for which the district is authorized to levy a tax under this subsection, the
43 state court of tax appeals may authorize the district to make a levy, in such

1 year or years of ineligibility, which will produce an amount that is not
2 greater than the actual amount of costs attributable to commencing
3 operation of the facility or facilities.

4 (2) The state court of tax appeals shall certify to the state board of
5 education the amount authorized to be produced by the levy of a tax under
6 subsection (a).

7 (3) The state court of tax appeals may adopt rules and regulations
8 necessary to effectuate the provisions of this subsection, including rules
9 and regulations relating to the evidence required in support of a district's
10 claim that the costs attributable to commencing operation of one or more
11 new school facilities are in excess of the amount that is financed from any
12 other source provided by law for such purpose.

13 (4) The provisions of this subsection apply to any district that: (A)
14 Commenced operation of one or more new school facilities in the school
15 year preceding the current school year or has commenced or will
16 commence operation of one or more new school facilities in the current
17 school year or any or all of the foregoing; (B) is authorized to adopt and
18 has adopted a local-~~option~~ *operating* budget which is at least equal to that
19 amount required to qualify for school facilities weighting under K.S.A.
20 2012 Supp. 72-6415b, and amendments thereto; and (C) is experiencing
21 extraordinary enrollment growth as determined by the state board of
22 education.

23 (b) The board of any district that has levied an ad valorem tax on the
24 taxable tangible property of the district each year for a period of two years
25 under authority of subsection (a) may continue to levy such tax under
26 authority of this subsection each year for an additional period of time not
27 to exceed three years in an amount not to exceed the amount computed by
28 the state board of education as provided in this subsection if the board of
29 the district determines that the costs attributable to commencing operation
30 of one or more new school facilities are significantly greater than the costs
31 attributable to the operation of other school facilities in the district. The tax
32 authorized under this subsection may be levied at a rate which will
33 produce an amount that is not greater than the amount computed by the
34 state board of education as provided in this subsection. In computing such
35 amount, the state board shall: (1) Determine the amount produced by the
36 tax levied by the district under authority of subsection (a) in the second
37 year for which such tax was levied and add to such amount the amount of
38 general state aid directly attributable to school facilities weighting that was
39 received by the district in the same year; (2) compute 75% of the amount
40 of the sum obtained under (1), which computed amount is the amount the
41 district may levy in the first year of the three-year period for which the
42 district may levy a tax under authority of this subsection; (3) compute 50%
43 of the amount of the sum obtained under (1), which computed amount is

1 the amount the district may levy in the second year of the three-year period
2 for which the district may levy a tax under authority of this subsection; and
3 (4) compute 25% of the amount of the sum obtained under (1), which
4 computed amount is the amount the district may levy in the third year of
5 the three-year period for which the district may levy a tax under authority
6 of this subsection.

7 In determining the amount produced by the tax levied by the district
8 under authority of subsection (a), the state board shall include any moneys
9 which have been apportioned to the ancillary facilities fund of the district
10 from taxes levied under the provisions of K.S.A. 79-5101 et seq. and 79-
11 5118 et seq., and amendments thereto.

12 (c) The proceeds from the tax levied by a district under authority of
13 this section shall be remitted to the state treasurer in accordance with the
14 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
15 each such remittance, the state treasurer shall deposit the entire amount in
16 the state treasury to the credit of the state school district finance fund.

17 Sec. 10. K.S.A. 72-6444 is hereby amended to read as follows: 72-
18 6444. (a) In each school year, commencing with the 1997-98 school year,
19 the state board shall compute a district prescribed percentage for the
20 purpose of determining the amount of a local-~~option~~ *operating* budget the
21 board of a district to which the provisions of this section apply may adopt
22 for the school year. The district prescribed percentage for each district to
23 which the provisions of this section apply shall be computed by the state
24 board as provided in this section. The state board shall:

25 (1) Determine the actual amount per pupil for the preceding school
26 year of the general fund budget and the local-~~option~~ *operating* budget, if
27 any, of each district;

28 (2) compute the average amount per pupil for the preceding school
29 year of general fund budgets and local-~~option~~ *operating* budgets of
30 districts with 75-125 enrollment in such school year;

31 (3) compute the average amount per pupil for the preceding school
32 year of general fund budgets and local-~~option~~ *operating* budgets of
33 districts with 200-399 enrollment in such school year;

34 (4) compute the average amount per pupil for the preceding school
35 year of general fund budgets and local-~~option~~ *operating* budgets of
36 districts with 1,800 or over enrollment in such school year;

37 (5) compute an average amount per pupil for the preceding school
38 year of general fund budgets and local-~~option~~ *operating* budgets of
39 districts with 100-299.9 enrollment in such school year by preparing a
40 schedule based upon an accepted mathematical formula and deriving an
41 amount for each such district from a linear transition between the average
42 amount per pupil computed under (2) and the average amount per pupil
43 computed under (3);

1 (6) compute an average amount per pupil for the preceding school
2 year of general fund budgets and local ~~option~~ *operating* budgets of
3 districts with 300-1,799.9 enrollment in such school year by preparing a
4 schedule based upon an accepted mathematical formula and deriving an
5 amount for each such district from a linear transition between the average
6 amount per pupil computed under (3) and the average amount per pupil
7 computed under (4);

8 (7) for districts with 0-99.9 enrollment, compare the amount
9 determined for the district under (1) to the average amount computed
10 under (2). If the amount determined under (1) is equal to or greater than
11 the average amount computed under (2), the provisions of this section do
12 not apply to the district. If the amount determined under (1) is less than
13 the average amount computed under (2), subtract the amount determined
14 under (1) from the amount computed under (2), multiply the remainder by
15 enrollment of the district in the preceding school year, and divide the
16 product by the amount of state financial aid determined for the district in
17 the preceding school year. The quotient is the district prescribed
18 percentage of the district;

19 (8) for districts with 100-299.9 enrollment, compare the amount
20 determined for the district under (1) to the average amount computed
21 under (5). If the amount determined under (1) is equal to or greater than
22 the average amount computed under (5), the provisions of this section do
23 not apply to the district. If the amount determined under (1) is less than
24 the average amount computed under (5), subtract the amount determined
25 under (1) from the amount computed under (5), multiply the remainder by
26 enrollment of the district in the preceding school year, and divide the
27 product by the amount of state financial aid determined for the district in
28 the preceding school year. The quotient is the district prescribed
29 percentage of the district;

30 (9) for districts with 300-1,799.9 enrollment, compare the amount
31 determined for the district under (1) to the average amount computed
32 under (6). If the amount determined under (1) is equal to or greater than
33 the average amount computed under (6), the provisions of this section do
34 not apply to the district. If the amount determined under (1) is less than
35 the average amount computed under (6), subtract the amount determined
36 under (1) from the amount computed under (6), multiply the remainder by
37 enrollment of the district in the preceding school year, and divide the
38 product by the amount of state financial aid determined for the district in
39 the preceding school year. The quotient is the district prescribed
40 percentage of the district;

41 (10) for districts with 1,800 or over enrollment, compare the amount
42 determined for the district under (1) to the average amount computed
43 under (4). If the amount determined under (1) is equal to or greater than

1 the average amount computed under (4), the provisions of this section do
2 not apply to the district. If the amount determined under (1) is less than
3 the average amount computed under (4), subtract the amount determined
4 under (1) from the amount computed under (4), multiply the remainder by
5 enrollment of the district in the preceding school year, and divide the
6 product by the amount of state financial aid determined for the district in
7 the preceding school year. The quotient is the district prescribed
8 percentage of the district.

9 (b) The provisions of this section apply to any district that budgeted
10 an amount per pupil in the preceding school year, as determined under
11 provision (1) of subsection (a), that was less than the average amount per
12 pupil of general fund budgets and local ~~option~~ *operating* budgets
13 computed by the state board under whichever of the provisions (7) through
14 (10) of subsection (a) is applicable to the district's enrollment group.

15 (c) *For the purposes of this section, the term "local operating*
16 *budget" means "local option budget" as that term was used prior to the*
17 *amendment of this section by this act.*

18 Sec. 11. K.S.A. 2012 Supp. 72-6449 is hereby amended to read as
19 follows: 72-6449. (a) As used in this section, "school district" or "district"
20 means a school district authorized to make a levy under this section.

21 (b) The board of education of any district may levy a tax on the
22 taxable tangible property within the district for the purpose of financing
23 the costs incurred by the state that are attributable directly to assignment of
24 the cost of living weighting to the enrollment of the district. There is
25 hereby established in every school district a fund which shall be called the
26 cost of living fund, which fund shall consist of all moneys deposited
27 therein or transferred thereto in accordance with law. All moneys derived
28 from a tax imposed pursuant to this section shall be credited to the cost of
29 living fund. The proceeds from the tax levied by a district credited to the
30 cost of living fund shall be remitted to the state treasurer in accordance
31 with the provisions of K.S.A. 75-4215, and amendments thereto. Upon
32 receipt of each such remittance, the state treasurer shall deposit the entire
33 amount in the state treasury to the credit of the state school district finance
34 fund.

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

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

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

40 (3) determine the average appraised value of single family residences
41 in each school district for the calendar year preceding the current school
42 year; and

43 (4) (A) subtract the amount determined under (2) from the amount

1 determined under (3). If the amount determined for the district under this
 2 paragraph is a positive number and the district is authorized to adopt and
 3 has adopted a local ~~option~~ *operating* budget in an amount equal to at least
 4 ~~34%~~ 28% of the state financial aid for the school district, the district
 5 qualifies for assignment of cost of living weighting and may levy a tax on
 6 the taxable tangible property of the district for the purpose of financing the
 7 costs that are attributable directly to assignment of the cost of living
 8 weighting to enrollment of the district; or

9 (B) as an alternative to the authority provided in paragraph (4)(A), if
 10 a district was authorized to make a levy pursuant to this section in school
 11 year 2006-2007, such district shall remain authorized to levy such tax at a
 12 rate necessary to generate revenue in the same amount generated in school
 13 year 2006-2007 if: (i) The amount determined under paragraph (4)(A) is a
 14 positive number; and (ii) the district continues to adopt a local ~~option~~
 15 *operating* budget in an amount equal to the state prescribed percentage in
 16 effect in school year 2006-2007.

17 (d) No tax may be levied under this section unless the board of
 18 education adopts a resolution authorizing such a tax levy and publishes the
 19 resolution at least once in a newspaper having general circulation in the
 20 district. Except as provided by subsection (e), the resolution shall be
 21 published in substantial compliance with the following form:

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

39 CERTIFICATE

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

Clerk of the board of education.

1
2 All of the blanks in the resolution shall be filled. If no petition as
3 specified above is filed in accordance with the provisions of the resolution,
4 the resolution authorizing the ad valorem tax levy shall become effective.
5 If a petition is filed as provided in the resolution, the board may notify the
6 county election officer to submit the question of whether such tax levy
7 shall be authorized. If the board fails to notify the county election officer
8 within 30 days after a petition is filed, the resolution shall be deemed
9 abandoned and of no force and effect and no like resolution shall be
10 adopted by the board within the nine months following publication of the
11 resolution. If a majority of the votes cast in an election conducted pursuant
12 to this provision are in favor of the resolution, such resolution shall be
13 effective on the date of such election. If a majority of the votes cast are not
14 in favor of the resolution, the resolution shall be deemed of no effect and
15 no like resolution shall be adopted by the board within the nine months
16 following such election.

17 (e) In determining the amount produced by the tax levied by the
18 district under the authority of this section, the state board shall include any
19 moneys which have been apportioned to the cost of living fund of the
20 district from taxes levied under the provisions of K.S.A. 79-5101 et seq.
21 and 79-5118 et seq., and amendments thereto.

22 Sec. 12. K.S.A. 2012 Supp. 72-6451 is hereby amended to read as
23 follows: 72-6451. (a) As used in this section:

24 (1) "School district" or "district" means a school district which: (A)
25 Has a declining enrollment; and (B) has adopted a local ~~option~~ *operating*
26 budget in an amount which equals at least ~~34%~~ *28%* of the state financial
27 aid for the school district at the time the district applies to the state court of
28 tax appeals for authority to make a levy pursuant to this section.

29 (2) "Declining enrollment" means an enrollment which has declined
30 in amount from that of the preceding school year.

31 (b) (1) (A) A school district may levy an ad valorem tax on the
32 taxable tangible property of the district each year for a period of time not
33 to exceed two years in an amount not to exceed the amount authorized by
34 the state court of tax appeals under this subsection for the purpose of
35 financing the costs incurred by the state that are directly attributable to
36 assignment of declining enrollment weighting to enrollment of the district.
37 The state court of tax appeals may authorize the district to make a levy
38 which will produce an amount that is not greater than the amount of
39 revenues lost as a result of the declining enrollment of the district. Such
40 amount shall not exceed 5% of the general fund budget of the district in
41 the school year in which the district applies to the state court of tax appeals
42 for authority to make a levy pursuant to this section.

43 (B) As an alternative to the authority provided in paragraph (1)(A), if

1 a district was authorized to make a levy pursuant to this section in school
2 year 2006-2007, such district shall remain authorized to make a levy at a
3 rate necessary to generate revenue in the same amount that was generated
4 in school year 2007-2008 if the district adopts a local ~~option~~ *operating*
5 budget in an amount equal to the state prescribed percentage in effect in
6 school year 2006-2007.

7 (2) The state court of tax appeals shall certify to the state board the
8 amount authorized to be produced by the levy of a tax under this section.

9 (3) The state board shall prescribe guidelines for the data that school
10 districts shall include in cases before the state court of tax appeals pursuant
11 to this section.

12 (c) A district may levy the tax authorized pursuant to this section for a
13 period of time not to exceed two years unless authority to make such levy
14 is renewed by the state court of tax appeals. The state court of tax appeals
15 may renew the authority to make such levy for periods of time not to
16 exceed two years.

17 (d) The state board shall provide to the state court of tax appeals such
18 school data and information requested by the state court of tax appeals and
19 any other information deemed necessary by the state board.

20 (e) There is hereby established in every district a fund which shall be
21 called the declining enrollment fund. Such fund shall consist of all moneys
22 deposited therein or transferred thereto according to law. The proceeds
23 from the tax levied by a district under authority of this section shall be
24 credited to the declining enrollment fund of the district. The proceeds from
25 the tax levied by a district credited to the declining enrollment fund shall
26 be remitted to the state treasurer in accordance with the provisions of
27 K.S.A. 75-4215, and amendments thereto. Upon receipt of each such
28 remittance, the state treasurer shall deposit the entire amount in the state
29 treasury to the credit of the state school district finance fund.

30 (f) In determining the amount produced by the tax levied by the
31 district under authority of this section, the state board shall include any
32 moneys which have been apportioned to the declining enrollment fund of
33 the district from taxes levied under the provisions of K.S.A. 79-5101 et
34 seq. and 79-5118 et seq., and amendments thereto.

35 Sec. 13. K.S.A. 2012 Supp. 72-6456 is hereby amended to read as
36 follows: 72-6456. (a) For the purpose of determining the general fund
37 budget of a school district, weightings shall not be assigned to a pupil
38 enrolled in and attending KAMS.

39 (b) Moneys in the general fund which are attributable to a pupil
40 enrolled in and attending KAMS shall not be included in the computation
41 of the local ~~option~~ *operating* budget of the school district.

42 (c) The provisions of this section shall be part of and supplemental to
43 the school district finance and quality performance act.

1 Sec. 14. K.S.A. 72-6444 and K.S.A. 2012 Supp. 72-978, 72-978a, 72-
2 6409, 72-6410, 72-6415b, 72-6433, 72-6433d, 72-6434, 72-6435, 72-6441,
3 72-6449, 72-6451 and 72-6456 are hereby repealed.

4 Sec. 15. This act shall take effect and be in force from and after its
5 publication in the statute book.