

**Senate Substitute for HOUSE BILL No. 2200**

By Committee on Education

3-16

1 AN ACT concerning school districts; relating to the amount of base state  
2 aid per pupil; relating to the local option budget; amending K.S.A. 2011  
3 Supp. 72-6410 and 72-6433 and repealing the existing sections.

4  
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2011 Supp. 72-6410 is hereby amended to read as  
7 follows: 72-6410. (a) "State financial aid" means an amount equal to the  
8 product obtained by multiplying base state aid per pupil by the adjusted  
9 enrollment of a district.

10 (b) (1) "Base state aid per pupil" means an amount of state financial  
11 aid per pupil. Subject to the other provisions of this subsection, the amount  
12 of base state aid per pupil is ~~\$4,433 in school year 2008-2009 and :~~

13 (A) \$4,492 in school ~~year 2009-2010~~ years 2011-2012 and 2014-  
14 2015 and each school year thereafter;

15 (B) \$3,854 in school year 2012-2013; and

16 (C) \$3,928 in school year 2013-2014.

17 (2) *The provisions of subparagraph (1)(B) shall have no force and*  
18 *effect unless the aggregate amount of appropriations for supplemental*  
19 *general state aid for school year ~~2012-2013~~ {2011-2012}, is equal to*  
20 *92.5% of the amount of supplemental general state aid school districts are*  
21 *entitled to receive {for such school year} as determined by K.S.A. 72-*  
22 *6434, and amendments thereto. The provisions of subparagraph (1)(C)*  
23 *shall have no force and effect unless the aggregate amount of*  
24 *appropriations for supplemental general state aid for school year ~~2013-~~*  
25 *~~2014~~{2012-2013}, is equal to 100% of the amount of supplemental*  
26 *general state aid school districts are entitled to receive {for such school*  
27 *year} as determined by K.S.A. 72-6434, and amendments thereto. In the*  
28 *event either subparagraph (1)(B) or (1)(C) does not take effect in its*  
29 *corresponding school year, then the base state aid per pupil for such*  
30 *school year shall be \$3,780.*

31 (3) 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

1 is subject to reduction commensurate with the amount of the insufficiency.

2 (c) "Local effort" means the sum of an amount equal to the proceeds  
3 from the tax levied under authority of K.S.A. 72-6431, and amendments  
4 thereto, and an amount equal to any unexpended and unencumbered  
5 balance remaining in the general fund of the district, except amounts  
6 received by the district and authorized to be expended for the purposes  
7 specified in K.S.A. 72-6430, and amendments thereto, and an amount  
8 equal to any unexpended and unencumbered balances remaining in the  
9 program weighted funds of the district, except any amount in the  
10 vocational education fund of the district if the district is operating an area  
11 vocational school, and an amount equal to any remaining proceeds from  
12 taxes levied under authority of K.S.A. 72-7056 and 72-7072, and  
13 amendments thereto, prior to the repeal of such statutory sections, and an  
14 amount equal to the amount deposited in the general fund in the current  
15 school year from amounts received in such year by the district under the  
16 provisions of subsection (a) of K.S.A. 72-1046a, and amendments thereto,  
17 and an amount equal to the amount deposited in the general fund in the  
18 current school year from amounts received in such year by the district  
19 pursuant to contracts made and entered into under authority of K.S.A. 72-  
20 6757, and amendments thereto, and an amount equal to the amount  
21 credited to the general fund in the current school year from amounts  
22 distributed in such year to the district under the provisions of articles 17  
23 and 34 of chapter 12 of Kansas Statutes Annotated, *and amendments*  
24 *thereto*, and under the provisions of articles 42 and 51 of chapter 79 of  
25 Kansas Statutes Annotated, *and amendments thereto*, and an amount equal  
26 to the amount of payments received by the district under the provisions of  
27 K.S.A. 72-979, and amendments thereto, and an amount equal to the  
28 amount of a grant, if any, received by the district under the provisions of  
29 K.S.A. 72-983, and amendments thereto, and an amount equal to 70% of  
30 the federal impact aid of the district.

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

42 Sec. 2. K.S.A. 2011 Supp. 72-6433 is hereby amended to read as  
43 follows: 72-6433. (a) As used in this section:

1 (1) ~~{(A)}~~ "State prescribed percentage" means 31% of state financial  
2 aid of the district in the current school year :

3 ~~{(A)}~~~~{(i)}~~ For school year 2012-2013, 32% of state financial aid of the  
4 district in such school year; and

5 ~~{(B)}~~~~{(ii)}~~ for school year 2013-2014 and each school year thereafter,  
6 33% of state financial aid of the district in such school year.

7 **{(B) The provisions of subparagraph (1)(A)(i) shall have no force**  
8 **and effect unless the aggregate amount of appropriations for**  
9 **supplemental general state aid for school year 2011-2012, is equal to**  
10 **92.5% of the amount of supplemental general state aid school districts**  
11 **are entitled to receive for such school year as determined by K.S.A. 72-**  
12 **6434, and amendments thereto. The provisions of subparagraph (1)(A)**  
13 **(ii) shall have no force and effect unless the aggregate amount of**  
14 **appropriations for supplemental general state aid for school year 2012-**  
15 **2013, is equal to 100% of the amount of supplemental general state aid**  
16 **school districts are entitled to receive for such school year as determined**  
17 **by K.S.A. 72-6434, and amendments thereto.}**

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

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

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

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

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

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

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

36 Except as provided by subsection (e), the adoption of a resolution  
37 pursuant to this subsection shall require a majority vote of the members of  
38 the board. Such resolution shall be effective upon adoption and shall  
39 require no other procedure, authorization or approval.

40 (d) If the board of a district desires to increase its local option budget  
41 authority above the amount authorized under subsection (c) or if the board  
42 was not authorized to adopt a local option budget in 2006-2007, the board  
43 may adopt, by resolution, such budget in an amount not to exceed the state

1 prescribed percentage. The adoption of a resolution pursuant to this  
2 subsection shall require a majority vote of the members of the board. The  
3 resolution shall be published at least once in a newspaper having general  
4 circulation in the district. The resolution shall be published in substantial  
5 compliance with the following form:

6 Unified School District No. \_\_\_\_\_,  
7 \_\_\_\_\_ County, Kansas.

8 RESOLUTION

9 Be It Resolved that:

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

22 CERTIFICATE

23 This is to certify that the above resolution was duly adopted by the  
24 board of education of unified School District No. \_\_\_\_\_, County, Kansas,  
25 on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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 budget.  
30 If a sufficient petition is filed, the board may notify the county election  
31 officer of the date of an election to be held to submit the question of  
32 whether adoption of a local option budget shall be authorized. Any such  
33 election shall be noticed, called and held in the manner provided by K.S.A.  
34 10-120, and amendments thereto. If the board fails to notify the county  
35 election officer within 30 days after a sufficient petition is filed, the  
36 resolution shall be deemed abandoned and no like resolution shall be  
37 adopted by the board within the nine months following publication of the  
38 resolution.

39 ~~(e)-(1)~~ Any resolution authorizing the adoption of a local option  
40 budget in excess of 30% of the state financial aid of the district in the  
41 current school year ~~and in excess of the percentage of state financial aid of~~  
42 ~~the district which was specified in the resolution adopted by the board of~~  
43 ~~education pursuant to this section in the immediately preceding school~~

1 ~~year~~ shall not become effective unless such resolution has been submitted  
2 to and approved by a majority of the qualified electors of the school  
3 district voting at an election called and held thereon. The election shall be  
4 called and held in the manner provided by K.S.A. 10-120, and  
5 amendments thereto.

6 ~~(2) The provisions of this subsection shall not apply to any resolution~~  
7 ~~adopted pursuant to this section during school year 2012-2013.~~

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

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

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

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

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

42 (2) Subject to the limitation imposed under paragraph (3) and  
43 subsection (e) of K.S.A. 72-6434, and amendments thereto, amounts in the

1 supplemental general fund may be expended for any purpose for which  
2 expenditures from the general fund are authorized or may be transferred to  
3 any program weighted fund or categorical fund of the district. Amounts in  
4 the supplemental general fund attributable to any percentage over 25% of  
5 state financial aid determined for the current school year may be  
6 transferred to the capital improvements fund of the district and the capital  
7 outlay fund of the district if such transfers are specified in the resolution  
8 authorizing the adoption of a local option budget in excess of 25%.

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

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

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

26 (k) Each year the state board of education shall determine the  
27 statewide average percentage of local option budgets legally adopted by  
28 school districts for the preceding school year.

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

31 Sec. 3. K.S.A. 2011 Supp. 72-6410 and 72-6433 are hereby repealed.

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