



**KASBO**  
**October 28, 2011**

**What Fees Can School  
Districts Charge?**

**John M. Rasmussen**  
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**KANSAS ASSOCIATION  
OF SCHOOL BOARDS**

## Textbooks & Supplemental Fees

**Q. May we charge a rental fee to students for the use of textbooks?**

A. Yes. K.S.A. 72-4141 allows a board to establish a textbook rental plan.

**Q. Are we required to charge a fee for the use of textbooks?**

A. No. K.S.A. 72-4107 allows, but does not require, you to provide textbooks to students free of cost.

**Q. What if parents refuse to pay a rental fee for textbooks?**

A. If parents are unable to pay the fee, they should submit written application to the board asking that the fee be waived. If the board finds the application meritorious, it must grant the waiver and provide the textbooks free of charge. If parents refuse to pay for other reasons, the board can either pursue the debt in court or write the debt off.

**Q. May we refuse to give the student textbooks?**

A. Probably not. The student has a constitutional right to receive an education.

**Q. May the district rent textbooks to people in the community?**

A. No. K.S.A. 72-4146 provides that textbooks shall be rented to pupils in the school only while they are pursuing a course of study at the school. It appears, however, that the district may sell textbooks to patrons. See K.S.A. 72-4107.

**Q. What do we do if pupils lose or damage their rented textbooks?**

A. Pupils are to be held responsible for the loss. K.S.A. 72-4146. The district may charge the student for the cost of replacing or repairing the book.

**Q. Are rental fees for textbooks deposited in the general fund?**

A. The law allows the creation of a revolving fund dedicated specifically to the purchase and repair of textbooks. Rental charges, fees and fines must be deposited in the fund. The revolving fund is not subject to the annual budget, but a report on the condition of the fund must be made annually at the time the budget is published.

**Q. In addition to textbooks, what other items may we purchase for use by students?**

A. K.S.A. 72-5389 authorizes the purchase of:

- (1) Workbooks and materials supplemental to textbooks;
- (2) Specialized clothing and towels for use in physical education, shop or science courses;
- (3) Musical instruments for use in band;

- (4) Instructional materials for the use of technology in a specific course;  
or
- (5) Materials or supplies which are used in class projects, whether or not the student retains ownership of the project.

**Q. May we charge rental fees or supplemental fees for the use of the items K.S.A. 72-5389 authorizes us to purchase?**

A. Yes. K.S.A. 72-5390(a)(1).

**Q. May we charge fees for activities, facilities, materials or the use of equipment if participation in the event by students is optional, not mandatory?**

A. Yes. This applies to curricular, extracurricular or other school-related activities. K.S.A. 72-5390(a)(2).

**Q. What if parents refuse to pay the supplemental fees?**

A. If the items for which the fees are assessed are necessary for completion of the basic requirement of a class and if the parents are unable to pay the fees, they should submit a written application to the board asking that the fee be waived. If the board finds the application meritorious, the fee must be waived. K.S.A. 72-5391.

If the parents refuse to pay the fee for other reasons, the board may either pursue the debt in court or write the debt off.

**Q. May we refuse to provide the items to the student if the fees are unpaid?**

A. If the items are necessary for completion of the basic requirements of a class, probably not. In other situations you may be able to require payment of the fee before the items are provided.

**Q. May we allow parents or student to pay these fees with credit or debit cards?**

A. Yes. But your board must adopt a policy providing for the acceptance of payment by credit or debit card. K.S.A. 72-8245.

**Q. Can we allow credit card payment via the internet?**

A. Yes. If the policy provides for establishment of secure Internet sockets to allow payment via the Internet.

**Q. Are we required to provide alternate transportation for other students if privileges are suspended?**

A. Probably not. But you should notify the student's parents of the fact that the privileges have been suspended. The parents then would have the responsibility for getting the student to and from school.

**Q. May we provide transportation to and from field trips or school activities?**

A. Yes. You may provide and furnish transportation for students and school personnel. Students on activity buses are considered to be under school control and discipline. An adult must accompany students on an activity bus. K.S.A. 72-8305.

**Q. The parents of a child attending a parochial school in our district have demanded we transport the child to his parochial school. Is the board obligated to provide transportation for this student?**

A. Perhaps. K.S.A. 72-8306 provides that non-public school pupils are entitled to the privilege of public school bus transportation "upon such regular route as arranged for the benefit of pupils attending public schools." While the board is not obligated to create a transportation route or rearrange existing routes, the board cannot deny access to student transportation merely because the pupil attends a private or parochial school.

**Q. If the board desires, can it rearrange its school bus routes to furnish transportation for private school students?**

A. Yes. The board may alter its routes for the convenience of private school students, but it is not required to do so.

**Q. Are we required to provide transportation for Title I students who transfer from a school identified for improvement to another school in our district?**

A. Yes. You must spend up to five percent of your Title I funding for this purpose, and may spend up to an additional 10 percent providing transportation for students who exercise the public school choice option if they are attending a school identified for improvement. If this amount of funding is insufficient to meet the needs of all children, you must give priority to the lowest achieving, lowest income students.

**Q. Our school must provide supplemental educational services to eligible students. Do we have to provide transportation for these services?**

A. No. You may, but you are not required to provide transportation.

**Q. May we charge fees for providing transportation?**

A. In some cases. A school may charge fees for transportation, but only to recover the costs incurred in furnishing the transportation for students. Additionally fees may be charged only to the extent that such costs are not reimbursed from any other source. K.S.A. 72-8302(e)(1)(A).

**Q. Are we prohibited from charging transportation fees to some students?**

A. Yes. Fees for the provision or furnishing of transportation may not be assessed against or collected from:

- (1) Any student who is counted in determining the transportation weighting of the school district;
- (2) Any child with a disability under the provisions of the state special education law;
- (3) Any student who is eligible for free or reduced price meals under the national school lunch act; or
- (4) Any private or parochial school student who is entitled to transportation under state law and who resides 2½ miles or more by the regular route of a school bus from the school attended. K.S.A. 72-8302(e)(1)(B).

**Q. If we elect to provide transportation for students who live less than 2½ miles from school, could we charge a fee?**

A. Yes. But you could not charge special education students or those students who qualify for free or reduced lunch.

**Q. May we charge fees for those riding buses we provided to and from extracurricular school activities?**

A. Yes. The cost of activity buses is not generally reimbursed from any other source, so you could charge fees to recoup the cost of providing the transportation.

**Q. We provide some of our educational programs through a cooperative agreement with a neighboring district. How can we charge fees for transportation?**

A. Fees for the provision of transportation for students under an interdistrict agreement for the provision of educational services or an interschool district contract for transportation are controlled by the provisions of the agreement. K.S.A. 72-8302(e)(1)(C). The provisions of these agreements must be consistent with the general requirements relating to fees for student transportation. K.S.A. 72-8307.

**Q. May we contract with another district to provide our student transportation?**

A. Yes. K.S.A. 72-8307 allows districts to contract with each other for providing pupil transportation.

**Q. A student in a neighboring district attends school in our district? Can our bus go into the other district to pick up the student?**

A. Generally not. K.S.A. 72-8309 prohibits one district from entering another district to pick up students unless the board of that district has consented in writing, you have entered into an interdistrict agreement for the provision of educational programs pursuant to K.S.A. 72-8233, or an order allowing for the transportation has been issued by the board of that district pursuant to K.S.A. 72-1046b.

**72-4107. Free textbooks authorized to be provided by school districts; revolving fund for textbooks authorized.** The board of education of any school district may provide a revolving fund for the purpose of enabling the purchase, for the use of the students in the schools of the district, the necessary school textbooks. The treasurer of each board of education is hereby authorized and directed to pay out of said funds all orders lawfully drawn for the purchase of such textbooks.

Each clerk of a board of education shall replace the moneys paid out of the revolving fund with cash received by him, if any, for the books sold to the patrons of said school. Each school district may provide the pupils in said district with textbooks free of cost.

**72-4107a. Free textbooks required, when.** Whenever the parents or guardian of any child attending any of the public schools are unable to purchase textbooks or provide rental fees for said child, the board of education of the district in which said child resides shall, if written application is made and said board finds the application meritorious, furnish said child with the regular adopted textbooks free of cost.

**72-4141. Textbook rental plan; fees.** The board of education of any school district may establish a school textbook rental plan for such grades as are maintained by the district whereby such board shall purchase school textbooks to be used by the pupils upon the payment by such pupils of a rental fee. Moneys received by the board of education under this section shall be deposited in the textbook and student materials revolving fund of the school district.

**72-4145. Same; revolving fund; uses; report.** The board may establish a revolving fund for the purpose of purchasing textbooks from time to time for rental purposes and repairing books previously purchased, and all money collected by the board in the operation of the plan from rental of books, payments for books lost or destroyed, and all fines, shall be placed therein. Such revolving fund shall not be subject to the annual budget, but a report of the condition thereof shall be made annually at the time the budget is published.

**72-4146. Same; textbooks property of board; responsibility for.** All books purchased by the board under the textbook rental plan shall remain the property of the board purchasing them and shall be rented to the pupils in the school only while such pupils are pursuing a course of study therein; the board shall hold such pupils responsible for any damages to, loss of, or failure to return such books at the time and to the person that may be designated by the board.

**72-4417. Tuition and fees of students; liability; schedule.** (a) Students admitted to a vocational education course or program which is conducted by the school district in which the student is enrolled may be charged fees but shall not be charged tuition.

(b) Postsecondary students admitted to a vocational education course or program shall pay tuition and fees as provided by laws applicable thereto.

(c) (1) Except as provided in paragraph (2) of this subsection, students admitted to a vocational education course or program which is conducted by a community college shall pay tuition and fees as provided by laws applicable to community colleges and the provisions of this section shall not apply thereto, nor shall any provisions of this act which are inconsistent with laws relating to community college tuition and fees apply to community colleges.

(2) Students admitted to a vocational education course or program under the provision of K.S.A. 71-1706 and which is conducted by a community college which is consolidated with an area vocational school or area vocational-technical school may be charged fees but tuition shall be paid as provided in paragraph (2) of subsection (d). Nothing in this act shall be construed to amend, repeal or in any way change laws relating to community college student or out-district tuition.

(d) Students admitted to a vocational education course or program which is not conducted by the school district in which the student is enrolled shall be charged tuition and fees determined in accordance with subsection (e), subject however to the following: (1) Tuition or fees, or tuition and fees may be paid for the student in accordance with any agreement made under K.S.A. 72-4421, and amendments thereto; or

(2) if tuition of a student is not paid under provision (1) of this subsection, the tuition of the student shall be paid by the school district in which the student is enrolled. No school district shall pay tuition for a student who is a postsecondary student, and no school district shall be required to pay tuition or fees of a student who is eligible to have tuition and fees for the course or training the student selects paid by any state or federal agency from moneys, funds or appropriations made available under any one or more federal programs. Any state agency administering any one or more such programs shall pay such tuition and fees upon proper application by a student therefor.

(e) All tuition and fees charged for vocational education by any board shall be in such amounts as are authorized by rules and regulations adopted by the state board which shall establish general guidelines for tuition and fee schedules in vocational education courses and programs, except that tuition of postsecondary students shall be fixed in accordance with K.S.A. 72-4433, and amendments thereto. The particular tuition and fee schedule of every vocational education program shall be subject to annual approval of the state board. A current complete schedule of tuition and fees for each vocational education course and program of each board as approved by the state board shall be maintained on file in the office of the state board, and shall be open for public inspection at any reasonable time.

**72-5389. Boards of education; authorization to purchase certain items for use of pupils.**

The board of education of any school district may purchase, for the use of the pupils of the district, any of the following:

- (a) Workbooks and materials which are supplemental to textbooks used in specific courses;
- (b) specialized clothing and towels for use in physical education, shop, and science courses;
- (c) musical instruments for use in band or orchestra;
- (d) instructional materials for the use of technology in specific courses; and
- (e) materials or supplies which are consumed in specific courses or projects or in which the pupil may retain ownership upon completion of such courses or projects.

**72-5390. Fees; supplemental charges authorized to be prescribed and collected;**

**disposition of moneys.** (a) The board of education of any school district may prescribe, assess and collect fees and supplemental charges for:

- (1) The use, rental or purchase by pupils of any of the items designated in K.S.A. 72-5389, and amendments thereto, to offset, in part or in total, the expense of purchasing such items; and

(2) participation in activities, or the use of facilities, materials and equipment, which participation or use is not mandatory, but optional to pupils, whether incidental to curricular, extracurricular or other school-related activities.

(b) Moneys received by a board of education under this section shall be deposited in the textbook and student materials revolving fund of the school district.

**72-5391. Same; waiver required, when.** Whenever the parents or guardian of any pupil of the school district are unable to provide the fees and supplemental charges assessed and collected under authority of subsection (a) of K.S.A. 72-5390, the board of education shall, if written application is made and said board finds the application meritorious, waive said fees and supplemental charges if the items for which said fees and supplemental charges are assessed and collected are necessary for the completion of the basic requirements of courses of study offered in the school district.

**72-8245. Tuition, fees, charges; policy providing for payment by credit or debit cards; internet usage authorized.** The board of education of any school district, pursuant to a policy developed and adopted by the board, may provide for the acceptance of payment in the form of a credit or debit card of fees, tuition or other charges imposed by the school district. The policy may provide for imposition of an additional fee to recover the actual amount of any costs incurred by the school district by reason of the method of payment used. The policy also may provide for establishment by the school district of secure internet sockets that will allow payment by a credit or debit card via the internet. Any transactions involving payment by credit card pursuant to this section shall not be subject to the provisions of K.S.A. 16a-2-403, and amendments thereto.

**72-9104. Same; fees and fines; authority to charge and collect; use of.** The board of education of any school district may provide for the charging and collection of fees for the use of parking facilities at any school located within the school district governed by such board, and these and all fines for misuse of parking areas so collected shall be used by the board of education to benefit the school where collected for the purpose of the payment of the expense of enforcing the rules and regulations governing parking and speed limits and the construction, maintenance and repair of parking facilities at such school.

**72-5386. School records of pupils, withholding prohibited; school district property, return or payment for, exception.** (a) This section shall apply to all school districts and to every pupil of any school district. As used in this section, the term "school records" means transcripts, grade cards, the results of tests, assessments or evaluations, and all other personally identifiable records, files and data directly related to a pupil.

(b) All school district property in the possession of any pupil shall be returned to the proper school district authority or paid for by the pupil upon transfer of the pupil from the school district. The school records of any such pupil shall not be withheld for any reason. A school district authority, upon request, shall provide a fully itemized list of the school district property in the possession of the pupil. In the event that such school district authority receives an affidavit stating that the pupil's parents are unable to return the school district property which is lost or missing, such school district authority shall note in the school records of the pupil that the pupil has complied with the provisions of this section. In the event that a school district authority

receives an affidavit from the board of education of another school district or from the governing authority of a nonpublic school stating that a pupil's records are being requested as proof of identity of the pupil pursuant to the provisions of K.S.A. 72-53,106, and amendments thereto, such school district authority shall forward a certified copy of that part of the pupil's records which provides information regarding the identity of the pupil.

(c) The school records of each pupil are the property of the pupil and shall not be withheld by any school district. Upon request of a pupil or the parent of a pupil, the school records of the pupil shall be given to such pupil or parent, or, upon transfer of the pupil to another school district or to a nonpublic school, shall be forwarded to such school district or nonpublic school. A pupil's records forwarded to another school district due to transfer will include original copies of all the students records, including transcripts, grade cards, results of tests, assessments or evaluations, and all other personally identifiable records, files and data directly related to the pupil.

**44-314. Pay periods; payment methods.** (a) Every employer shall pay all wages due to the employees of the employer at least once during each calendar month, on regular paydays designated in advance by the employer.

(b) The employer may designate the method by which employees receive wages, provided all wages shall be paid by one or more of the following methods:

- (1) In lawful money of the United States;
- (2) by check or draft which is negotiable in the community wherein the place of employment is located;
- (3) by electronic fund transfer or deposit to an automated clearinghouse member financial institution account designated by the employee; or
- (4) by payroll card.

(c) Any employer that elects to pay wages only by a method authorized in subsection (b)(3) shall offer an alternative payment method as a default option for employees that fail to designate a financial institution account for electronic fund transfer or deposit.

(d) Any employer that elects to pay wages using a payroll card as authorized in subsection (b)(4) shall allow employees at least one means of fund access withdrawal per pay period at no cost to the employee for an amount up to and including the total amount of the employee's net wages, as stated on the employee's earnings statement.

(e) Not less than 30 days prior to implementing a payroll program using only the methods authorized in subsection (b)(3) or (b)(4), an employer shall either:

- (1) Conduct one or more employee forums to educate employees regarding the use of a direct deposit or payroll card program offered by the employer; or
- (2) distribute educational information to employees about direct deposits or payroll cards as they may be used under the payroll card program offered by the employer.

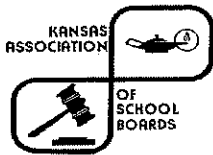
(f) (1) Employers shall retain no interest in wages paid by electronic funds transferred to an employee's payroll card account, other than the right to correct inadvertent overpayments in accordance with the rules governing direct deposit.

(2) An employer may not charge an employee initiation, loading or other participation fees to receive wages payable in an electronic fund transfer to a payroll card account, with the exception of the cost required to replace a lost, stolen or damaged payroll card.

(g) As used in this section:

- (1) "Payroll card" means a card, issued to an employee by an employer, a bank or other entity on behalf of an employer, onto which an employee's net wages are loaded on regular paydays from a payroll card account and made accessible to an employee. A payroll card is a machine readable instrument for purposes of K.S.A. 9-1111d, and amendments thereto.
- (2) "Payroll card issuer" means an employer, a bank or other entity that issues a payroll card to an employee under an employer payroll card program.
- (3) "Payroll card account" means an account into which an employer deposits each participating employee's net wages on regular paydays through an electronic fund transfer.
- (h) The end of the pay period for which payment is made on a regular payday shall be not more than 15 days before such regular payday unless a variance in such requirement is authorized by state or federal law.

**72-1390. Payment of salaries unlawful, when.** It shall be unlawful for the board of education of any school district to issue an order for payment of the salary of any employee required by law to be licensed who does not hold a license which is valid in the state of Kansas for the particular kind of work to be performed.



## Kansas Association of School Boards 2011-2012 Fees Survey

With budget difficulties affecting all Kansas districts, increased reliance upon student fees may occur. Could you please tell us what you're currently charging a student or others, on an "average fee" basis, for the following services? Also, many districts receive income that may be a source of funding; could you please estimate your total annual income from these sources in the "Income to District" section. Thank you very much; with questions call Jim at 800-432-2471 or email [research@kasb.org](mailto:research@kasb.org)

USD Number: \_\_\_\_\_ Person Completing Form: \_\_\_\_\_

**Please return by August 14, 2011**  
 To: Jim Hays, Research Specialist  
 1420 SW Arrowhead Rd.  
 Topeka, KS 66604-4024

### FEES TO STUDENTS

**Athletic/Activity Uniforms:**

\$ \_\_\_\_\_ HS Spirit Squads  
 \_\_\_\_\_ MS Spirit Squads  
 \_\_\_\_\_ HS Team Sports  
 \_\_\_\_\_ MS Team Sports  
 \_\_\_\_\_ HS Individual Sports  
 \_\_\_\_\_ MS Individual Sports  
 \_\_\_\_\_ Activity/clubs  
 \_\_\_\_\_ HS Band  
 \_\_\_\_\_ MS Band  
 \_\_\_\_\_ User Fee  
 \_\_\_\_\_ Other

**Band Instruments:**

\$ \_\_\_\_\_ HS Small Horns  
 \_\_\_\_\_ MS Small Horns  
 \_\_\_\_\_ HS Large Horns  
 \_\_\_\_\_ MS Large Horns  
 \_\_\_\_\_ HS Woodwinds  
 \_\_\_\_\_ MS Woodwinds  
 \_\_\_\_\_ HS Strings  
 \_\_\_\_\_ MS Strings  
 \_\_\_\_\_ HS Percussion  
 \_\_\_\_\_ MS Percussion  
 \_\_\_\_\_ Other

**Library Fees:**

\$ \_\_\_\_\_ Late Fees per day  
 \_\_\_\_\_ Library Card  
 \_\_\_\_\_ Computer  
 \_\_\_\_\_ Internet Connection  
 \_\_\_\_\_ Other

**Transportation Fees:**

\_\_\_\_\_ Less than 2.5 miles  
 \_\_\_\_\_ Activity Trips

**Parking Fees:**

\$ \_\_\_\_\_ Students  
 \_\_\_\_\_ Teachers/Administrators  
 \_\_\_\_\_ Other

**School Sponsored Child Care:**

\$ \_\_\_\_\_ Hourly  
 \_\_\_\_\_ Weekly  
 \_\_\_\_\_ Other

**Student Health/Liability Insurance:**

\$ \_\_\_\_\_ Monthly  
 \_\_\_\_\_ Annually

**Shop/Lab Fees:**

\$ \_\_\_\_\_ Metal Shop  
 \_\_\_\_\_ Wood Shop  
 \_\_\_\_\_ Science Labs  
 \_\_\_\_\_ Computer Labs  
 \_\_\_\_\_ Home Economics  
 \_\_\_\_\_ Art  
 \_\_\_\_\_ Other

**Textbook Rental**

\$ \_\_\_\_\_ HS  
 \_\_\_\_\_ Middle School  
 \_\_\_\_\_ Elementary School  
 \_\_\_\_\_ Kindergarten

**Driver's Education:**

\_\_\_\_\_ In-District Student Fee  
 \_\_\_\_\_ Out of District Student Fee  
 \_\_\_\_\_ Summer

**All Day Kindergarten (2nd half of day?)**

\_\_\_\_\_ All Day Fee

**Publications:**

\_\_\_\_\_ HS yearbook  
 \_\_\_\_\_ HS student newspaper  
 \_\_\_\_\_ HS daily planner  
 \_\_\_\_\_ MS yearbook  
 \_\_\_\_\_ MS planner

**Income to District**

**Bookstore:**  
 \$ \_\_\_\_\_

**Concessions:**  
 \$ \_\_\_\_\_

**Pay Phones:**  
 \$ \_\_\_\_\_

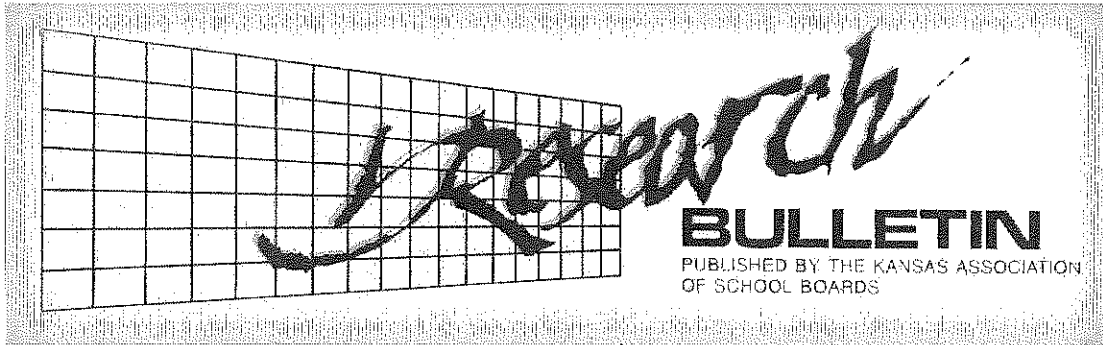
**Vending Machines:**  
 \$ \_\_\_\_\_

**Other:**  
 \$ \_\_\_\_\_

**Fees for Facility Usage:**

\$ \_\_\_\_\_ Auditorium per hour  
 \_\_\_\_\_ Auditorium per event  
 \_\_\_\_\_ Gym per hour  
 \_\_\_\_\_ Gym per event  
 \_\_\_\_\_ Commons Area per hour  
 \_\_\_\_\_ Commons Area per event  
 \_\_\_\_\_ Cafeteria, etc. per hour  
 \_\_\_\_\_ Cafeteria, etc. per event  
 \_\_\_\_\_ Kitchen per hour  
 \_\_\_\_\_ Kitchen per event  
 \_\_\_\_\_ Other

Thank you for completing this Survey.



**“Pay to Play” Update: Participation Fees Usage Continues to Increase**

**October, 2011**

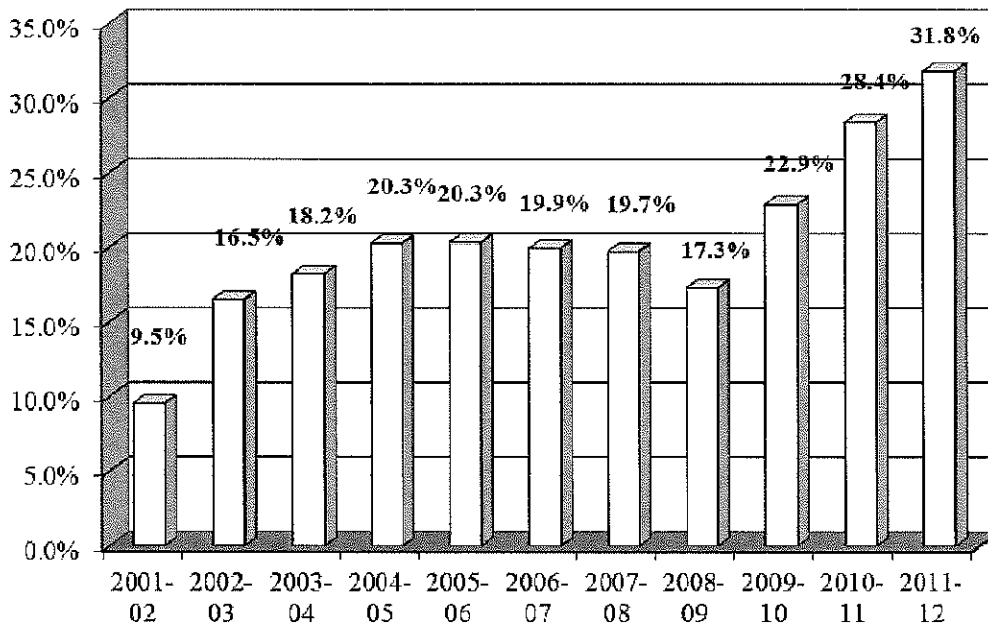
**Research Bulletin No. 2**

Jim Hays, Research Specialist

The idea of charging fees for participation in sports and other activities was growing dramatically in Kansas, but then stalled. Interest in the idea has picked up again recently. Ten years ago, KASB Research began to respond to calls about this issue with data collection. The question has usually included; “How many districts do that?” In order to be able to respond to that question, this summer we repeated a survey on this subject.

As the graph below illustrates, there was a period of decline in the use of activity participation fees which has ended. This year the highest number of districts ever (91 of 286) report that they charge fees for activity participation.

**% of School Districts With "Pay to Play"**



The greatest use of these fees, on a percentage basis, occurs in the districts with over 10,000 students where 3 of 6 have fees for activities. Only 29.2% of the districts with less than 1,725 students charge a fee, and the average fee charged is the lowest in the smallest districts.

Enrollment Category	USDs	Do you Pay to Play? "yes"	"Yes": % of all responses	Average Junior High Fee Reported	Average High School Fee Reported
<1,725	233	68	29.2%	\$22.76	\$27.75
1,725 - 10,000	47	20	42.6%	\$37.25	\$46.00
>10,000	6	3	50.0%	\$26.67	\$86.67
Total USDs	286	91	31.8%		

The survey questions concerning activity participation fees were repeated, based on input from school district business managers. The following table shows the "Yes" responses from the 91 districts that reported the use of activity participation fees:

Enrollment Category	Of 91 USDs with "pay to play":								
	Do you have Pay to Play? "yes"	1 student 1 sport	1 student ALL sports	Family all sports	Covers Gate Admission also	Non-refundable fee, for any reason	Fee is refundable for certain reasons	Fee waived under income guidelines	Discounts for multiple students per family
<1,725	68	43%	53%	4%	13%	31%	59%	40%	16%
1,725 - 10,000	20	40%	45%	5%	20%	25%	80%	85%	10%
>10,000	3	0%	100%	0%	33%	33%	67%	100%	0%
Total	91								

Because the issue of "pay to play" often arises in the context of the overall costs of activities programs, and whether or not the students should contribute financially to those programs, we included a question in the survey which asked the district to estimate what portions of their activities budgets come from fees, gate receipts and other sources. Usually, any other financial support beside fees and ticket sales would come from general fund transfers. Among all districts, irrespective of "pay to play," the following table displays the average percentages reported from each funding source, by size of district:

Average Financing of Activities Budgets						
Enrollment Category	Gate Receipts	Participation Fees	General Fund Transfers	Student Admission Pass	Other Funds	Total
<1,725	46.0%	2.5%	36.0%	5.8%	9.7%	100.0%
1,725 - 10,000	34.9%	5.8%	42.0%	5.2%	12.1%	100.0%
>10,000	29.3%	10.0%	36.7%	7.0%	17.0%	100.0%
Statewide Average	39.9%	2.9%	33.1%	5.1%	9.2%	100.0%

It appears that smaller districts have a higher income potential from ticket sales than do larger districts. Statewide, the average support coming from ticket sales amounts to just under 40% of the activities budget and about one-third comes from General Fund transfers.

In most districts, participation fees are not a significant source of income. These fees raise about half the proportion of the total activities budgets as do student admission passes, but perhaps some districts are planning in the future to increase ticket prices also.

In some districts, the discussion of the costs of activities tends to focus on where the money is going, rather than on increasing the sources of revenue through participation fees. Some districts pay for cleaning uniforms, and some don't. Some districts provide transportation for students to activities, and some don't. The following table shows the percentage of "yes" responses to a series of questions posed about just what aspects of activities participation does a district furnish, at no cost to the students:

<b>District pays for, or provides, the following things for participants in activities/athletics:</b>					
<b>School furnishes at no cost to students?</b>	<b>% of Districts answering "Yes":</b>				
	<b>Team Athletics</b>	<b>Individual Athletics</b>	<b>Spirit Squads</b>	<b>Music Groups</b>	<b>Other Activities*</b>
Uniforms	88.5%	61.5%	55.6%	64.7%	19.6%
Laundry	40.6%	20.6%	11.2%	27.6%	7.0%
Transportation	88.1%	67.8%	85.0%	86.7%	71.0%
Meals on trips	24.8%	20.3%	19.9%	21.3%	15.7%
Summer Camps	8.7%	4.5%	10.1%	4.9%	4.2%

**\*Activity competitions such as FFA, FBLA, Debate/Forensics, Student Council, etc.**

Team athletics seem to have the highest rates of districts paying the cost, although summer camps for spirit squads also are funded by a greater proportion of districts than other types of camp. Transportation for team sports, spirit squads and music groups is universally provided, but the percentages this year are all down slightly from last year's data. Laundry of team uniforms, dry cleaning choral group gowns and tuxedos and band uniforms is commonly provided, but cheerleaders and drill team dancers must clean their own outfits.

Like most other kinds of KASB information resources, this data is available by district to enable board members or administrators to examine their district in the context of how similar districts address the issue. Printouts of the complete data are available on the KASB web site. For more information, or printouts of selected USDs, or a searchable database of statewide information, email KASB Research [research@kasb.org](mailto:research@kasb.org) or call 800-432-2471.

# New tenure law - 2011

## Substitute for HOUSE BILL No. 2191

AN ACT concerning school districts; relating to teachers; amending K.S.A. 2010 Supp. 72-5445 and repealing the existing section.

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

Section 1. K.S.A. 2010 Supp. 72-5445 is hereby amended to read as follows: 72-5445. (a) (1) Subject to the provisions of ~~subsection~~ *subsections* (b) and (c), the provisions of K.S.A. 72-5438 through 72-5443, and amendments thereto, apply only to: (A) Teachers who have completed not less than three consecutive years of employment, and been offered a fourth contract, in the school district, area vocational-technical school or community college by which any such teacher is currently employed; and (B) teachers who have completed not less than two consecutive years of employment, and been offered a third contract, in the school district, area vocational-technical school or community college by which any such teacher is currently employed if at any time prior to the current employment the teacher has completed the years of employment requirement of subpart (A) in any school district, area vocational-technical school or community college in this state.

(2) Any board may waive, at any time, the years of employment requirements of provision (1) for any teachers employed by it.

(3) The provisions of this subsection are subject to the provisions of K.S.A. 72-5446, and amendments thereto.

(b) The provisions of K.S.A. 72-5438 through 72-5443, and amendments thereto, do not apply to any teacher whose license has been nonrenewed or revoked by the state board of education for the reason that the teacher: (1) Has been convicted of a felony under K.S.A. 2010 Supp. 21-36a01 through 21-36a17, and amendments thereto, or any felony violation of any provision of the uniform controlled substances act prior to July 1, 2009; (2) has been convicted of a felony described in any section of article 34 of chapter 21 of the Kansas Statutes Annotated, *prior to their repeal, or sections 36 through 64, 174, 210 or 211 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto*, or an act described in K.S.A. 21-3412 or K.S.A. 21-3412a, *prior to their repeal, or sections 48 or 49 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto*, if the victim is a minor or student; (3) has been convicted of a felony described in any section of article 35 of chapter 21 of the Kansas Statutes Annotated, *prior to their repeal, or sections 65 through 77 or 229 through 231 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto*, or has been convicted of an act described in K.S.A. 21-3517, *prior to its repeal, or section 69 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto*, if the victim is a minor or student; (4) has been convicted of any act described in any section of article 36 of chapter 21 of the Kansas Statutes Annotated, *prior to their repeal, or sections 78 through 86 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto*; (5) has been convicted of a felony described in article 37 of chapter 21 of the Kansas Statutes Annotated, *prior to their repeal, or sections 87 through 125 and subsection (a)(6) of section 223 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto*; (6) has been convicted of an attempt under K.S.A. 21-3301, *prior to their repeal, or section 33 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto*, to commit any act specified in this subsection; (7) has been convicted of any act which is described in K.S.A. 21-4301, 21-4301a or 21-4301c, *prior to their repeal, or sections 212 or 213 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto*; (8) has been convicted in another state or by the federal government of an act similar to any act described in this subsection; or (9) has entered into a criminal diversion agreement after having been charged with any offense described in this subsection.

(c) (1) *The provisions of this subsection shall apply to a teacher described in subsection (a)(1)(A) of this section. After a teacher has completed not less than three consecutive years of employment and if the requirements of paragraph (2) have been satisfied, the board of education of the school district and the teacher may enter into an agreement under which the school district may offer the teacher a contract of employment for a fourth year or a fourth and fifth year and the teacher agrees that the provisions of K.S.A. 72-5438 through 72-5443, and amendments thereto, shall not apply to such teacher unless a sixth contract is offered to the teacher.*

(2) *A school district offering a contract pursuant to this subsection shall prepare a written plan of assistance for the teacher being offered such*

contract and shall submit such plan of assistance to the teacher at the time such contract is offered. Prior to signing or rejecting a contract, the teacher shall have not less than 48 hours from the time the contract is offered to review and consider the contract and the plan of assistance. The plan of assistance shall be written to address those areas of teacher performance where the school district believes the teacher's performance is less than satisfactory.

(3) If an agreement under this subsection is reached by the teacher and the school district, then the school district shall file annually a report with the state board of education which shall contain the following information in subparagraphs (A) through (D):

(A) The number of teachers that were offered by the school district a contract under subsection (a)(1)(A) of this section;

(B) the number of teachers that were offered by the school district an agreement under this subsection;

(C) the number of teachers that accepted the agreement under this subsection;

(D) the number of teachers that were not offered by the school district either a contract under subsection (a)(1)(A) of this section or an agreement under this subsection.

(4) In addition to the reports required under paragraph (3), each school district shall report annually to the state board of education, the committee on education of the senate and the committee on education of the house of representatives the number of contracts issued under subsection (a) which result in the application of K.S.A. 72-5438 through 72-5443, and amendments thereto, to the teachers who receive such contracts and the year of employment for which the contract is issued.

(5) The provisions of this subsection shall expire on July 1, 2016.

Sec. 2. K.S.A. 2010 Supp. 72-5445 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the HOUSE, and passed that body

HOUSE adopted  
Conference Committee Report \_\_\_\_\_

\_\_\_\_\_  
*Speaker of the House.*

\_\_\_\_\_  
*Chief Clerk of the House.*

Passed the SENATE  
as amended \_\_\_\_\_

SENATE adopted  
Conference Committee Report \_\_\_\_\_

\_\_\_\_\_  
*President of the Senate.*

\_\_\_\_\_  
*Secretary of the Senate.*

APPROVED \_\_\_\_\_

\_\_\_\_\_  
*Governor.*