

House Substitute for SENATE BILL No. 113

By Committee on K-12 Education Budget

3-15

AN ACT concerning education; making and concerning appropriations for the fiscal years ending June 30, 2023, June 30, 2024, and June 30, 2025, for the state department of education; establishing the mental health intervention team program in state statute; providing incentives for coordination between school districts and community mental health centers; creating the mental health intervention team program fund in each school district; authorizing certain students to participate in activities that are regulated by the Kansas state high school activities association; authorizing certain nonpublic school students who enroll part-time in a school district to participate in nonpublic school activities; requiring each school district to post certain enrollment and academic information on the school district's website; authorizing any student with a parent or guardian employed by a school district to enroll in and attend such school district without entering the school district's open-seat lottery process; requiring consideration of homelessness when determining enrollment status of a student under school district open-enrollment procedures; authorizing members of school district boards of education to receive compensation from the school district for work and duties performed; authorizing the use of current-year student enrollment to determine state foundation aid under the Kansas school equity and enhancement act; continuing the 20 mill statewide levy for schools; increasing the number of school districts that qualify to finance a cost-of-living weighting and increasing the maximum amount of such weighting; amending K.S.A. 72-1137, 72-3123, as amended by section 16 of chapter 94 of the 2022 Session Laws of Kansas, and 72-5159 and K.S.A. 2022 Supp. 72-3126, 72-5132, 72-5142 and 72-5462 and repealing the existing sections.

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

New Section 1.

DEPARTMENT OF EDUCATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, the following:

KPERS – school employer contributions –

USDs (652-00-1000-0110).....\$11,368,175

(b) On the effective date of this act, of the \$37,714,422 appropriated

1 for the above agency for the fiscal year ending June 30, 2023, by section
2 2(a) of chapter 94 of the 2022 Session Laws of Kansas from the state
3 general fund in the KPERS – school employer contributions – non-USDs
4 account (652-00-1000-0100), the sum of \$6,546,460 is hereby lapsed.

5 (c) On the effective date of this act, of the \$2,524,235,833
6 appropriated for the above agency for the fiscal year ending June 30, 2023,
7 by section 3(a) of chapter 114 of the 2021 Session Laws of Kansas from
8 the state general fund in the state foundation aid account (652-00-1000-
9 0820), the sum of \$76,276,834 is hereby lapsed.

10 New Sec. 2.

11 DEPARTMENT OF EDUCATION

12 (a) There is appropriated for the above agency from the state general
13 fund for the fiscal year ending June 30, 2024, the following:

14 Operating expenditures (including

15 official hospitality) (652-00-1000-0053).....\$14,797,912

16 *Provided*, That any unencumbered balance in the operating expenditures
17 (including official hospitality) account in excess of \$100 as of June 30,
18 2023, is hereby reappropriated for fiscal year 2024: *Provided further*, That
19 in addition to the other purposes for which expenditures may be made by
20 the above agency from the operating expenditures (including official
21 hospitality) account of the state general fund for fiscal year 2024,
22 expenditures shall be made by the above agency from the operating
23 expenditures (including official hospitality) account of the state general
24 fund to fund the salary, fringe benefits and operating costs of one full-time
25 position who shall conduct audits and on-site inspections of school district
26 policies and procedures for maintaining safe and secure school buildings:
27 *And provided further*, That the above agency shall select school districts of
28 various sizes for audit or on-site inspection: *And provided further*, That on
29 or before February 1, 2024, the above agency shall prepare and submit a
30 report on the results of such audits and on-site inspections to the house of
31 representatives standing committee on education and senate standing
32 committee on education to the extent such information does not jeopardize
33 public safety: *And provided further*, That the above agency shall not be
34 required to disclose the records relating to any such audits if disclosure
35 would jeopardize public safety pursuant to the exception to disclosure
36 described in K.S.A. 45-221(a)(12), and amendments thereto.

37 Center for READIng (652-00-1000-0080).....\$80,000

38 *Provided*, That the above agency shall expend moneys in such account to
39 provide a project manager grant to the center for reading at Pittsburg state
40 university to: (1) Assist in the development and support of a science of
41 reading curricula for the state educational institutions and colleges based
42 on the knowledge and practice standards that have been adopted by the
43 state department of education; (2) develop and support a recommended

dyslexia textbook list for in-class learning for school districts to use; (3) develop and support a recommended dyslexia resources list for in-class learning for school districts to use; (4) provide knowledge and support for a train the trainer program and professional development curriculum for school districts to use; and (5) provide knowledge and support for developing a list of qualified trainers for school districts to hire.

KPERS – school employer

contributions – non-USDs (652-00-1000-0100).....\$32,018,273

Provided, That any unencumbered balance in the KPERS-school employer contributions – non-USDs account in excess of \$100 as of June 30, 2023, is hereby reappropriated for fiscal year 2024.

KPERS – school employer

contributions-USDs (652-00-1000-0110).....\$537,372,516

Provided, That any unencumbered balance in the KPERS-school employer contributions – USDs account in excess of \$100 as of June 30, 2023, is hereby reappropriated for fiscal year 2024.

ACT and workkeys assessments

program (652-00-1000-0140).....\$2,800,000

Mental health intervention

team pilot (652-00-1000-0150).....\$13,534,722

Provided, That any unencumbered balance in the mental health intervention team pilot account in excess of \$100 as of June 30, 2023, is hereby reappropriated for fiscal year 2024.

Career and technical education transportation

state aid (652-00-1000-0190).....\$1,482,338

Juvenile transitional crisis

center pilot (652-00-1000-0210).....\$300,000

Education commission of

the states (652-00-1000-0220).....\$67,700

School safety hotline (652-00-1000-0230).....\$10,000

School safety and

security grants (652-00-1000-0235).....\$5,000,000

Provided, That expenditures shall be made from the school safety and security grants account for fiscal year 2024 for disbursements of grant moneys approved by the state board of education for the: Acquisition and installation of security cameras and any other systems, equipment and services necessary for security monitoring of facilities operated by a school district and for securing doors, windows and any entrances to such facilities; acquisition of communication devices and equipment necessary for the effective communication between law enforcement, security services and school; and salaries and wages, and associated fringe benefits, for newly created positions of school resource officers and the costs associated with any newly created school resource officers provided by the

city or county of such school district: *Provided further*, That all moneys expended for school safety and security grants for fiscal year 2024 shall be matched by the receiving school district on a \$1-for-\$1 basis from other moneys of the district that may be used for such purpose.

School district juvenile detention

facilities and Flint Hills job corps

center grants (652-00-1000-0290).....\$5,060,528

Provided, That any unencumbered balance in the school district juvenile detention facilities and Flint Hills job corps center grants account in excess of \$100 as of June 30, 2023, is hereby reappropriated for fiscal year 2024:

Provided further, That expenditures shall be made from the school district juvenile detention facilities and Flint Hills job corps center grants account for grants to school districts in amounts determined pursuant to and in accordance with the provisions of K.S.A. 72-1173, and amendments thereto.

School food assistance (652-00-1000-0320).....\$2,510,486

Mentor teacher (652-00-1000-0440).....\$1,300,000

Educable deaf-blind and severely handicapped

children's programs aid (652-00-1000-0630).....\$110,000

Governor's teaching excellence scholarships

and awards (652-00-1000-0770).....\$360,693

State foundation aid (652-00-1000-0820).....\$101,388,069

Supplemental state aid (652-00-1000-0840).....\$2,423,309

Professional development

state aid (652-00-1000-0860).....\$1,770,000

Computer science education

advancement grant (652-00-1000-0920).....\$1,000,000

Provided, That expenditures shall be made by the above agency from the computer science education advancement grant account for fiscal year 2024 to provide grants to high-quality professional learning providers to develop and implement teacher professional development programs for the computer science courses as established in K.S.A. 2022 Supp. 72-3258, and amendments thereto.

Career technical education pilot (652-00-1000-0940).....\$40,000

Provided, That expenditures shall be made by the above agency from the career technical education pilot account for fiscal year 2024 to distribute the stipends required to be provided to the Washburn institute of technology and to participating high schools that are served by the Washburn institute of technology service area pursuant to the secondary career technical education credentialing and student transitioning to employment success pilot program as established in K.S.A. 2022 Supp. 72-3822, and amendments thereto.

(b) There is appropriated for the above agency from the following

1 special revenue fund or funds for the fiscal year ending June 30, 2024, all
 2 moneys now or hereafter lawfully credited to and available in such fund or
 3 funds, except that expenditures other than refunds authorized by law and
 4 transfers to other state agencies shall not exceed the following:
 5 School district capital outlay state aid fund.....No limit
 6 School district capital
 7 improvements fund (652-00-2880).....No limit
 8 *Provided*, That expenditures from the school district capital improvements
 9 fund shall be made only for the payment of general obligation bonds
 10 approved by voters under the authority of K.S.A. 72-5457, and
 11 amendments thereto.
 12 Educational technology
 13 coordinator fund (652-00-2157).....No limit
 14 *Provided*, That expenditures shall be made by the above agency for the
 15 fiscal year ending June 30, 2024, from the educational technology
 16 coordinator fund of the department of education to provide data on the
 17 number of school districts served and cost savings for those districts in
 18 fiscal year 2024 in order to assess the cost effectiveness of the position of
 19 educational technology coordinator.
 20 Communities in schools
 21 program fund (652-00-2221).....No limit
 22 Inservice education workshop
 23 fee fund (652-00-2230).....No limit
 24 *Provided*, That expenditures may be made from the inservice education
 25 workshop fee fund for operating expenditures, including official
 26 hospitality, incurred for inservice workshops and conferences: *Provided*
 27 *further*, That the state board of education is hereby authorized to fix,
 28 charge and collect fees for inservice workshops and conferences: *And*
 29 *provided further*, That such fees shall be fixed in order to recover all or
 30 part of such operating expenditures incurred for inservice workshops and
 31 conferences: *And provided further*, That all fees received for inservice
 32 workshops and conferences shall be deposited in the state treasury in
 33 accordance with the provisions of K.S.A. 75-4215, and amendments
 34 thereto, and shall be credited to the inservice education workshop fee fund.
 35 Federal indirect cost
 36 reimbursement fund (652-00-2312).....No limit
 37 Conversion of materials and
 38 equipment fund (652-00-2420).....No limit
 39 School bus safety fund (652-00-2532).....No limit
 40 State safety fund (652-00-2538).....No limit
 41 *Provided*, That notwithstanding the provisions of K.S.A. 8-272, and
 42 amendments thereto, or any other statute, funds shall be distributed during
 43 fiscal year 2024 as soon as moneys are available.

1	Motorcycle safety fund (652-00-2633).....	No limit
2	Teacher and administrator	
3	fee fund (652-00-2723).....	No limit
4	Service clearing fund (652-00-2869).....	No limit
5	ARPA supplemental (652-00-3028-0529).....	No limit
6	Reimbursement for	
7	services fund (652-00-3056).....	No limit
8	ESSA – student support academic enrichment –	
9	federal fund (652-00-3113).....	No limit
10	Educationally deprived	
11	children – state operations –	
12	federal fund (652-00-3131).....	No limit
13	Food assistance –	
14	federal fund (652-00-3230).....	No limit
15	Elementary and secondary school aid –	
16	federal fund (652-00-3233).....	No limit
17	Education of handicapped children	
18	fund – federal (652-00-3234).....	No limit
19	Community-based	
20	child abuse prevention –	
21	federal fund (652-00-3319).....	No limit
22	TANF children's programs –	
23	federal fund (652-00-3323).....	No limit
24	21 st century community learning centers –	
25	federal fund (652-00-3519).....	No limit
26	State assessments –	
27	federal fund (652-00-3520).....	No limit
28	Rural and low-income schools program –	
29	federal fund (652-00-3521).....	No limit
30	Language assistance state grants –	
31	federal fund (652-00-3522).....	No limit
32	State grants for improving teacher quality –	
33	federal fund (652-00-3526).....	No limit
34	State grants for improving	
35	teacher quality – federal fund –	
36	state operations (652-00-3527).....	No limit
37	Food assistance – school	
38	breakfast program –	
39	federal fund (652-00-3529).....	No limit
40	Food assistance – national	
41	school lunch program –	
42	federal fund (652-00-3530).....	No limit
43	Food assistance – child	

1	and adult care food program –	
2	federal fund (652-00-3531).....	No limit
3	Elementary and secondary school aid –	
4	federal fund – local education	
5	agency fund (652-00-3532).....	No limit
6	Education of handicapped	
7	children fund – state operations –	
8	federal fund (652-00-3534).....	No limit
9	Education of handicapped	
10	children fund – preschool –	
11	federal fund (652-00-3535).....	No limit
12	Education of handicapped	
13	children fund – preschool state	
14	operations – federal (652-00-3536).....	No limit
15	Elementary and secondary school	
16	aid – federal fund – migrant	
17	education fund (652-00-3537).....	No limit
18	Elementary and secondary school aid –	
19	federal fund – migrant education –	
20	state operations (652-00-3538).....	No limit
21	Vocational education title II –	
22	federal fund (652-00-3539).....	No limit
23	Vocational education title II – federal fund –	
24	state operations (652-00-3540).....	No limit
25	Educational research grants and	
26	projects fund (652-00-3592).....	No limit
27	ARPA agency state fiscal	
28	recovery fund (652-00-3756).....	No limit
29	ARPA capital projects fund (652-00-3761).....	No limit
30	Local school district contribution program	
31	checkoff fund (652-00-7005).....	No limit
32	<i>Provided</i> , That notwithstanding the provisions of K.S.A. 79-3221n, and	
33	amendments thereto, or any other statute, during the fiscal year ending	
34	June 30, 2024, any moneys in such fund where a taxpayer fails to	
35	designate a unified school district on such taxpayer's individual income tax	
36	return may be expended by the above agency to distribute to unified	
37	school districts.	
38	Governor's teaching excellence	
39	scholarships program	
40	repayment fund (652-00-7221).....	No limit
41	<i>Provided</i> , That all expenditures from the governor's teaching excellence	
42	scholarships program repayment fund shall be made in accordance with	
43	K.S.A. 72-2166, and amendments thereto: <i>Provided further</i> , That each	

1 such grant shall be required to be matched on a \$1-for-\$1 basis from
 2 nonstate sources: *And provided further*, That award of each such grant shall
 3 be conditioned upon the recipient entering into an agreement requiring the
 4 grant to be repaid if the recipient fails to complete the course of training
 5 under the national board for professional teaching standards certification
 6 program: *And provided further*, That all moneys received by the
 7 department of education for repayment of grants made under the
 8 governor's teaching excellence scholarships program shall be deposited in
 9 the state treasury in accordance with the provisions of K.S.A. 75-4215, and
 10 amendments thereto, and shall be credited to the governor's teaching
 11 excellence scholarships program repayment fund.

12 Private donations, gifts, grants and
 13 bequests fund (652-00-7307).....No limit

14 Family and children
 15 investment fund (652-00-7375).....No limit

16 (c) There is appropriated for the above agency from the children's
 17 initiatives fund for the fiscal year ending June 30, 2024, the following:

18 Children's cabinet
 19 accountability fund (652-00-2000-2402).....\$375,000

20 *Provided*, That any unencumbered balance in the children's cabinet
 21 accountability fund account in excess of \$100 as of June 30, 2023, is
 22 hereby reappropriated for fiscal year 2024.

23 CIF grants (652-00-2000-2408).....\$23,720,493

24 *Provided*, That any unencumbered balance in the CIF grants account in
 25 excess of \$100 as of June 30, 2023, is hereby reappropriated for fiscal year
 26 2024.

27 Parent education program (652-00-2000-2510).....\$8,437,635

28 *Provided*, That any unencumbered balance in the parent education
 29 program account in excess of \$100 as of June 30, 2023, is hereby
 30 reappropriated for fiscal year 2024: *Provided further*, That expenditures
 31 from the parent education program account for each such grant shall be
 32 matched by the school district in an amount that is equal to not less than
 33 50% of the grant.

34 Pre-K pilot (652-00-2000-2535).....\$4,200,000

35 Early childhood infrastructure (652-00-2000-2555).....\$1,400,773

36 Imagination library (652-00-2000-2560).....\$1,500,000

37 (d) On July 1, 2023, or as soon thereafter as moneys are available,
 38 notwithstanding the provisions of K.S.A. 8-1,148 or 38-1808, and
 39 amendments thereto, or any other statute, the director of accounts and
 40 reports shall transfer \$50,000 from the family and children trust account of
 41 the family and children investment fund (652-00-7375-7900) of the
 42 department of education to the communities in schools program fund (652-
 43 00-2221-2400) of the department of education.

1 (e) On March 30, 2024, and June 30, 2024, or as soon thereafter as
2 moneys are available, notwithstanding the provisions of K.S.A. 8-267 or
3 8-272, and amendments thereto, or any other statute, the director of
4 accounts and reports shall transfer \$550,000 from the state safety fund
5 (652-00-2538-2030) to the state general fund: *Provided*, That the transfer
6 of such amount shall be in addition to any other transfer from the state
7 safety fund to the state general fund as prescribed by law: *Provided*
8 *further*, That the amount transferred from the state safety fund to the state
9 general fund pursuant to this subsection is to reimburse the state general
10 fund for accounting, auditing, budgeting, legal, payroll, personnel and
11 purchasing services and any other governmental services that are
12 performed on behalf of the department of education by other state agencies
13 that receive appropriations from the state general fund to provide such
14 services.

15 (f) On July 1, 2023, and quarterly thereafter, the director of accounts
16 and reports shall transfer \$81,250 from the state highway fund (276-00-
17 4100-4100) of the department of transportation to the school bus safety
18 fund (652-00-2532-2300) of the department of education.

19 (g) On July 1, 2023, the director of accounts and reports shall transfer
20 an amount certified by the commissioner of education from the motorcycle
21 safety fund (652-00-2633-2050) of the department of education to the
22 motorcycle safety fund (561-00-2366-2360) of the state board of regents:
23 *Provided*, That the amount to be transferred shall be determined by the
24 commissioner of education based on the amounts required to be paid
25 pursuant to K.S.A. 8-272(b)(2), and amendments thereto.

26 (h) On July 1, 2023, or as soon thereafter as moneys are available, the
27 director of accounts and reports shall transfer \$70,000 from the USAC E-
28 rate program federal fund (561-00-3920-3920) of the state board of regents
29 to the education technology coordinator fund (652-00-2157-2157) of the
30 department of education.

31 (i) There is appropriated for the above agency from the Kansas
32 endowment for youth fund for the fiscal year ending June 30, 2024, the
33 following:

34 Children's cabinet administration (652-00-7000-7001).....\$268,534

35 *Provided*, That any unencumbered balance in the children's cabinet
36 administration account in excess of \$100 as of June 30, 2023, is hereby
37 reappropriated for fiscal year 2024.

38 (j) During the fiscal year ending June 30, 2024, the commissioner of
39 education, with the approval of the director of the budget, may transfer any
40 part of any item of appropriation for fiscal year 2024 from the state general
41 fund for the department of education to another item of appropriation for
42 fiscal year 2024 from the state general fund for the department of
43 education. The commissioner of education shall certify each such transfer

1 to the director of accounts and reports and shall transmit a copy of each
 2 such certification to the director of legislative research.

3 (k) There is appropriated for the above agency from the expanded
 4 lottery act revenues fund for the fiscal year ending June 30, 2024, the
 5 following:

6 KPERS – school employer

7 contribution (652-00-1700-1700).....\$43,788,676

8 *Provided*, That during the fiscal year ending June 30, 2024, the amount
 9 appropriated from the expanded lottery act revenues fund in the KPERS –
 10 school employer contribution account (652- 00-1700-1700) for the
 11 department of education shall be for the purpose of reducing the unfunded
 12 actuarial liability of the Kansas public employees retirement system
 13 attributable to the state of Kansas and participating employers under
 14 K.S.A. 74-4931, and amendments thereto, in accordance with K.S.A. 74-
 15 8768, and amendments thereto.

16 New Sec. 3.

17 DEPARTMENT OF EDUCATION

18 (a) There is appropriated for the above agency from the state general
 19 fund for the fiscal year ending June 30, 2025, the following:

20 State foundation aid (652-00-1000-0820).....\$2,795,337,000

21 *Provided*, That any unencumbered balance in the state foundation aid
 22 account in excess of \$100 as of June 30, 2024, is hereby reappropriated for
 23 fiscal year 2025.

24 Supplemental state aid (652-00-1000-0840).....\$602,200,000

25 *Provided*, That any unencumbered balance in the supplemental state aid
 26 account in excess of \$100 as of June 30, 2024, is hereby reappropriated for
 27 fiscal year 2025.

28 Special education services aid (652-00-1000-0700).....\$592,740,238

29 *Provided*, That any unencumbered balance in the special education
 30 services aid account in excess of \$100 as of June 30, 2024, is hereby
 31 reappropriated for fiscal year 2025: *Provided further*, That expenditures
 32 shall not be made from the special education services aid account for the
 33 provision of instruction for any homebound or hospitalized child, unless
 34 the categorization of such child as exceptional is conjoined with the
 35 categorization of the child within one or more of the other categories of
 36 exceptionality: *And provided further*, That expenditures shall be made from
 37 this account for grants to school districts in amounts determined pursuant
 38 to and in accordance with the provisions of K.S.A. 72-3425, and
 39 amendments thereto: *And provided further*, That expenditures shall be
 40 made from the amount remaining in this account, after deduction of the
 41 expenditures specified in the foregoing provisos, for payments to school
 42 districts in amounts determined pursuant to and in accordance with the
 43 provisions of K.S.A. 72-3422, and amendments thereto.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2025, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law and transfers to other state agencies shall not exceed the following:

State school district finance fund (652-00-7393).....No limit

Mineral production

education fund (652-00-7669-7669).....No limit

New Sec. 4. (a) Sections 4 through 8, and amendments thereto, shall be known and may be cited as the mental health intervention team program act.

(b) As used in the mental health intervention team program act:

(1) "Community mental health center" means a center organized pursuant to article 40 of chapter 19 of the Kansas Statutes Annotated, and amendments thereto, or a mental health clinic organized pursuant to article 2 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.

(2) "Department" means the state department of education.

New Sec. 5. (a) There is hereby established the mental health intervention team program. Such program shall be a continuation of the mental health intervention team pilot program first established pursuant to section 1 of chapter 57 of the 2018 Session Laws of Kansas and section 3 of chapter 70 of the 2018 Session Laws of Kansas and continued and expanded through subsequent appropriation acts of the legislature.

(b) The purposes of the mental health intervention team program are to:

(1) Provide greater access to behavioral health services for students enrolled in kindergarten or any of the grades one through 12 and establish a coherent structure between school districts and community mental health centers to optimize scarce behavioral health resources and workforce;

(2) identify students, communicate with families and link students and their families to the statewide behavioral health systems and resources within the network of community mental health centers;

(3) alleviate the shortage of staff with specialized degrees or training such as school counselors, psychologists and social workers and reduce the competition for such staff between school districts and other private and governmental service providers to provide broader-based and collaborative services to students, especially in rural districts that do not have enough students to justify a full-time staff position;

(4) provide and coordinate mental health services to students throughout the calendar year, not only during school hours over nine months of the school year; and

(5) reduce barriers that families experience to access mental health services and maintain consistency for a child to attend recurring sessions

1 and coordination between the child's classroom schedule and the provision
2 of such services.

3 (c) The program shall focus on the following students:

4 (1) Any student who has been adjudicated as a child in need of care
5 and is in the custody of the secretary for children and families or has been
6 referred for a families first program or family preservation program; and

7 (2) any other student who is in need of mental health support
8 services.

9 New Sec. 6. (a) The state department of education shall oversee and
10 implement the mental health intervention team program in accordance
11 with the requirements of the mental health intervention team program act
12 and the policies and procedures established by the department pursuant to
13 such act.

14 (b) In each school year, the board of education of a school district
15 may apply to the department to establish or maintain a mental health
16 intervention team program within such school district. The application
17 shall be in such form and manner as the department requires and submitted
18 at a time determined and specified by the department. Each application
19 submitted by a school district shall specify the community mental health
20 center that the school intends to coordinate with to provide school-based
21 services to students who need assistance during the applicable school year.

22 (c) If a school district is approved to establish or maintain a mental
23 health intervention team program, the school district shall enter into a
24 memorandum of understanding with a partnering community mental
25 health center. If the school district chooses to partner with more than one
26 community mental health center, the school district shall enter into a
27 separate memorandum of understanding with each such community mental
28 health center. The department may establish requirements for a
29 memorandum of understanding, including contractual provisions that are
30 required to be included in each memorandum of understanding and that are
31 optional and subject to agreement between the school district and the
32 community mental health center. Each memorandum of understanding
33 shall be submitted to the department for final approval.

34 (d) (1) Subject to appropriations therefor, a school district that has
35 been approved by the department to establish or maintain a mental health
36 intervention team program shall be eligible to receive a mental health
37 intervention team program grant and a community mental health center
38 pass-through grant.

39 (A) Except as provided in subsection (e), the amount of a school
40 district's mental health intervention team program grant shall be
41 determined in each school year by calculating the total amount of the
42 salary and fringe benefits paid by the school district to each school liaison,
43 not to exceed \$50,000 for any such school liaison.

1 (B) The amount of a school district's community mental health center
2 pass-through grant shall be an amount equal to 33% of the amount of the
3 school district's mental health intervention team grant. Moneys provided to
4 a school district for the community mental health center pass-through
5 grant shall be paid to any community mental health center that partners
6 with the school district.

7 (2) If the amount of appropriations are insufficient to pay in full the
8 amount of all grants school districts are entitled to receive for the school
9 year, the department shall prorate the amount appropriated among all
10 districts. The department shall be responsible for the allocation and
11 distribution of grants in accordance with appropriation acts. The
12 department may make grant payments in installments and may provide for
13 payments in advance or by way of reimbursement and may make any
14 necessary adjustments for any overpayment to a school district. The
15 department shall not award any grant to a school district unless such
16 district has entered into a memorandum of understanding with a partnering
17 community mental health center in accordance with subsection (c).

18 (e) The department may waive the requirement that a school district
19 employ a school liaison and may instead authorize a community mental
20 health center that partners with the school district to employ a school
21 liaison. Such waiver shall only be granted by the department in limited
22 circumstances. A school district that is granted a waiver pursuant to this
23 section shall continue to be eligible to receive the mental health
24 intervention team program grant and the community mental health center
25 pass-through grant authorized pursuant to this section. The amount of the
26 mental health intervention team program grant shall be determined in the
27 same manner as provided under subsection (d)(1)(A) as though the school
28 liaison was employed by such school district. Upon receipt of any moneys
29 awarded pursuant to the mental health intervention team program grant to
30 any such school district, the school district shall direct payment of such
31 amount to the community mental health center that employs the school
32 liaison.

33 (f) On or before the first day of the legislative session of 2024, and on
34 or before the first day of each legislative session thereafter, the department
35 shall prepare and submit a report on the mental health intervention team
36 program for the preceding school year to the house of representatives
37 standing committees on appropriations, social services budget and K-12
38 education budget and the senate standing committees on ways and means,
39 public health and welfare and education. Such report shall provide a
40 summary of the program, including, but not limited to, the school districts
41 that applied to participate or continued participating under the program,
42 the participating community mental health centers, the grant amount each
43 such school district received and the payments made by school districts

1 from the mental health intervention team program fund of each school
2 district.

3 New Sec. 7. (a) The staff required for the establishment and
4 maintenance of a mental health intervention team program shall include a
5 combination of one or more behavioral health liaisons employed by the
6 school district and one or more case managers and clinical therapists
7 employed by the partnering community mental health center. All staff
8 working together under a school district's program shall be known as the
9 behavioral health intervention team of the school district.

10 (b) The school district and the community mental health center shall
11 cooperate and work together to identify needs specific to the students in
12 the school district and the families of such students and shall develop an
13 action plan to implement a school-based program that is tailored to such
14 needs.

15 (c) A school district that participates in the program shall employ one
16 or more school liaisons who will help students in need and coordinate
17 services between the school district, the student, the student's family and
18 the community mental health center. A school liaison shall have a
19 bachelor's degree in any field of study. A school liaison's roles and
20 responsibilities include, but are not limited to:

21 (1) Identifying appropriate student referrals for the team to engage
22 with;

23 (2) act as a liaison between the school district and the community
24 mental health center and be the primary point of contact for
25 communications between the school district and the community mental
26 health center;

27 (3) assist with community mental health center staff understanding of
28 the school district's system and procedures including the school calendar,
29 professional development, drills and crisis plan protocols;

30 (4) triage prospective student referrals and help decide how to
31 prioritize interventions;

32 (5) help the community mental health center and other school
33 personnel understand the roles and responsibilities of the behavioral health
34 intervention team;

35 (6) facilitate communications and connections between families of
36 identified students and the community mental health center's staff;

37 (7) coordinate a student's treatment schedule with building
38 administrators and classroom teachers, to optimize clinical therapist's
39 productivity;

40 (8) troubleshoot problems that arise and work with the community
41 mental health center to resolve such problems;

42 (9) track and compile outcomes to monitor the effectiveness of the
43 program;

1 (10) maintain and update the mental health intervention team
2 database as directed by the department;

3 (11) follow up with child welfare contacts if a student has moved
4 schools to get the child's educational history;

5 (12) be an active part of the school intervention team and relay
6 information back to community mental health center staff, including
7 student observations, intervention feedback from teachers,
8 communications with family and other relevant information;

9 (13) work with school administration to identify and provide
10 confidential space for a community mental health center therapist; and

11 (14) assist in planning continuity of care through summer services.

12 (d) A community mental health center that partners with a school
13 district shall employ one or more master's level clinical therapists who will
14 collaborate with the school district to assist students in need and provide
15 services to such students under the program. A clinical therapist's roles and
16 responsibilities under the program include, but are not limited to:

17 (1) Assist the school liaison with the identification of appropriate
18 student referrals to the program;

19 (2) triage student referrals with the school liaison to prioritize
20 treatment interventions for identified students;

21 (3) work with the school liaison to connect with families or child
22 welfare contacts to obtain consent to commence treatment;

23 (4) conduct a clinical assessment of the identified student and make
24 appropriate treatment recommendations;

25 (5) engage with the student, family or child welfare contacts in
26 clinical interventions as identified on the treatment plan and provide
27 individual and family therapy;

28 (6) administer scales or tests to detect areas of concern with
29 depression, anxiety, self-harm or other areas as identified;

30 (7) make referrals to other treatment modalities as appropriate;

31 (8) communicate educationally appropriate information to the school
32 liaison, such as interventions and strategies for use by classroom and
33 school staff;

34 (9) gather outcome data to monitor the effectiveness of the program;

35 (10) coordinate with the case manager to identify ways to support the
36 student and family;

37 (11) provide therapy services as determined by the students' treatment
38 plan; and

39 (12) maintain the treatment plan and necessary treatment protocols
40 required by the community mental health center.

41 (e) A community mental health center that partners with a school
42 district shall employ one or more case managers who will collaborate with
43 the school district to assist students in need and to coordinate services

1 under the program. A case manager's roles and responsibilities under the
2 program include, but are not limited to:

3 (1) Work with the school liaison and clinical therapist to identify
4 students and triage priorities for treatment;

5 (2) provide outreach to students, families and child welfare contacts
6 to help engage in treatment;

7 (3) participate in the treatment planning process;

8 (4) communicate with the school liaison and other school district
9 personnel about student needs, interventions and progress;

10 (5) help maintain communication between all entities, including the
11 family, student, school, clinical therapist, child welfare contacts and the
12 community;

13 (6) maintain the treatment plan and necessary treatment protocols
14 required by the community mental health center;

15 (7) make referrals to appropriate community resources;

16 (8) help reconnect students and families when they are not following
17 through with the treatment process;

18 (9) help families negotiate barriers to treatment; and

19 (10) engage with the student in the classroom, the home or the
20 community to help build skills wherever needed.

21 New Sec. 8. (a) There is hereby established in each school district a
22 fund called the mental health intervention team program fund. All moneys
23 received by a school district for the mental health intervention team
24 program grant or the community mental health center pass-through grant
25 awarded pursuant to section 6, and amendments thereto, shall be credited
26 to the the mental health intervention team program fund. Moneys in such
27 fund shall be used by a school district to:

28 (1) Pay for the expenditures that are attributable to the salary and
29 fringe benefits of any school liaison employed by the school district
30 pursuant to the mental health intervention team program; and

31 (2) provide payment to each partnering community mental health
32 center in an amount equal to the community mental health center pass-
33 through grant received by the school district.

34 (b) The school district shall keep separate accounting records for the
35 school liaison expenditures and the pass-through grants to community
36 mental health centers.

37 New Sec. 9. (a) Any student who meets the requirements of this
38 section shall be permitted to participate in any activities offered by a
39 school district that are regulated, supervised, promoted and developed by
40 the activities association referred to in K.S.A. 72-7114, and amendments
41 thereto. A student shall be permitted to participate in any such activities if
42 such student:

43 (1) Is a resident of the school district;

1 (2) is enrolled and attending a nonpublic elementary or secondary
2 school;

3 (3) complies with the requirements of K.S.A. 72-6262, and
4 amendments thereto, prior to participation in any such activity;

5 (4) meets any applicable age and eligibility requirements set forth by
6 the activities association referred to in K.S.A. 72-7114, and amendments
7 thereto, that are not otherwise in conflict with this section;

8 (5) pays any fees required by the school district for participation in
9 such activity if such fees are generally imposed upon all other students
10 who participate in such activity; and

11 (6) seeks participation at the appropriate school of the school district
12 that corresponds to where such student resides within the school district's
13 respective school attendance boundaries established by the board of
14 education of the school district.

15 (b) (1) Any student attending a home school who seeks to participate
16 in an activity in the student's resident school district shall be deemed to
17 meet any academic eligibility requirements established by the activities
18 association for participation in an activity if:

19 (A) The student is mastering the material in each course or subject
20 being taught to such student;

21 (B) the student is maintaining satisfactory progress towards
22 achievement or promotion to the next grade level; and

23 (C) the parent, teacher or organization that provides instruction to the
24 student submits an affidavit to the activities association indicating the
25 student meets the academic eligibility requirements of subparagraphs (A)
26 and (B).

27 (2) Upon submission of an affidavit, the student attending a home
28 school shall be deemed to meet any academic eligibility requirements
29 established by the activities association and shall retain such academic
30 eligibility during the activity season for which such affidavit is submitted.

31 (c) The board of education of a school district may require a student
32 who participates in an activity pursuant to this section to enroll in a
33 particular course or complete a particular course as a condition of
34 participation, if such requirement is imposed upon all other students who
35 participate in such activity.

36 (d) Except as provided in subsection (b), any student who seeks to
37 participate in an activity pursuant to this section shall be subject to any
38 tryout or other participation requirements that are otherwise applicable to
39 all other students for participation in the activity.

40 New Sec. 10. The activities association referred to in K.S.A. 72-7114,
41 and amendments thereto, shall not prohibit a student primarily enrolled in
42 and attending a nonpublic school who enrolls part time in a public school
43 from participating in any activity available to such student as part of such

1 student's primary enrollment and attendance at a nonpublic school.

2 New Sec. 11. (a) On or before August 15 of each year, each school
3 district in this state shall establish a link on the school district's website
4 homepage titled "Parent Portal" and shall post and make the following
5 information available on the parent portal:

6 (1) The number of nonresident student transfers approved and denied
7 by the board of education of the school district in each grade level
8 pursuant to K.S.A. 72-3123, and amendments thereto, and whether the
9 denials were based on capacity or pursuant to the policy adopted by the
10 board under K.S.A. 2022 Supp. 72-3126, and amendments thereto;

11 (2) a copy of each nonacademic test, questionnaire, survey or
12 examination that is required to be posted on the school district's website
13 pursuant to K.S.A. 72-6316, and amendments thereto; and

14 (3) a list organized by grade level that includes the district-wide
15 curriculum content adopted by the board of education of the school
16 district, including textbooks, required reading books and units of study by
17 theme, chapter or subject matter. Such list shall provide the title, author,
18 publishing company and year of publication for any such textbook or
19 book. A school district shall only be required to post such information once
20 per school year unless the board of education of the school district makes
21 substantial changes to the district's adopted curriculum content during the
22 school year. This paragraph shall not be construed to require posting of
23 teacher lesson plans.

24 (b) The publication of information and updates to such information
25 on the parent portal shall be an administrative function of the school
26 district and shall not be a duty or obligation imposed upon teachers.

27 Sec. 12. K.S.A. 72-1137 is hereby amended to read as follows: 72-
28 1137. In addition to the officers provided for in this act, the board of
29 education of any school district may appoint other officers and employees
30 to serve at the pleasure of the board. Such officers and employees shall
31 receive compensation fixed by the board. ~~No member of a board of~~
32 ~~education shall receive compensation from the school district for any work~~
33 ~~or duties performed by him. Members of a board of education of a school~~
34 ~~district may receive compensation from the school district for the work~~
35 ~~and duties performed by such board members.~~

36 Sec. 13. K.S.A. 72-3123, as amended by section 16 of chapter 94 of
37 the 2022 Session Laws of Kansas, is hereby amended to read as follows:
38 72-3123. (a) Beginning in school year 2024-2025, any child of school age
39 pursuant to K.S.A. 72-3118, and amendments thereto, may attend a school
40 operated by a school district where such child does not reside if such
41 school district has open seats as determined pursuant to this section.

42 (b) The board of education of any school district shall permit
43 nonresident students to enroll in and attend the schools of the district if

1 such school district has open seats as determined pursuant to this section.

2 (c) Each school district shall determine capacity in each school of the
3 school district for the following school year as follows:

4 (1) For kindergarten and grades one through eight, the classroom
5 student-teacher ratio in each grade level; and

6 (2) for grades nine through 12, the student-teacher ratio for each
7 school building or program in each school building, including, but not
8 limited to, advanced placement or international baccalaureate programs.

9 (d) (1) On or before May 1 of each year, each school board shall
10 determine for each grade level in each school building of the school
11 district for the next succeeding school year the:

12 (A) Capacity as determined pursuant to subsection (c);

13 (B) number of students expected to attend school in the school
14 district; and

15 (C) number of open seats available to nonresident students.

16 (2) On or before June 1 of each year, each school district shall publish
17 on such school district's website the number of open seats available to
18 nonresident students in each grade level for each school building of the
19 school district for the next succeeding school year.

20 (3) From June 1 through June 30, each school district shall accept
21 applications from nonresident students. Applications shall be on a form
22 and in a manner determined by the school district.

23 (4) If the number of applications for a grade level in a school building
24 is less than the number of available seats for such grade level in such
25 school building, the nonresident students shall be accepted for enrollment
26 and attendance at such school district. If the number of applications for a
27 grade level in a school building is greater than the number of available
28 seats for such grade level in such school building, the school district shall
29 randomly select nonresident students using a confidential lottery process.
30 Such process shall be completed on or before July 15 of each year.

31 (5) The school district shall provide to the parent or person acting as
32 parent of a nonresident student who was not accepted for or denied
33 enrollment at such school district the reason for the nonacceptance or
34 denial and an explanation of the nonresident student selection process.

35 (e) (1) Subject to capacity, school districts shall give priority to any
36 sibling of a nonresident student who was accepted to enroll in and attend
37 such school district. Priority shall be given when the nonresident student is
38 first accepted and, if necessary, at any other time the school district
39 considers transfer applications. Any such sibling shall not be subject to the
40 open seat lottery.

41 (2) Any child who is in the custody of the department for children
42 and families and who is living in the home of a nonresident student who
43 transfers may attend school in the receiving school district.

1 (3) *Any nonresident student who has a parent or person acting as*
2 *parent employed by a school district shall be permitted to enroll in and*
3 *attend such school district as if the student is a resident of the school*
4 *district. Any such student shall not be subject to the open-seat lottery*
5 *established pursuant to subsection (d) when enrolling in and attending the*
6 *school district where the parent or person acting as parent is employed.*

7 (4) *Any child who is experiencing homelessness shall be permitted to*
8 *enroll in and attend the school district of origin or the school district of*
9 *residence.*

10 (f) A school district shall not:

11 (1) Charge tuition or fees to any nonresident student who transfers to
12 such school district pursuant to this section except fees that are otherwise
13 charged to every student enrolled in and attending school in the district; or

14 (2) accept or deny a nonresident student transfer based on ethnicity,
15 national origin, gender, income level, disabling condition, proficiency in
16 the English language, measure of achievement, aptitude or athletic ability.

17 (g) A nonresident student who has been accepted for enrollment and
18 attendance at a receiving school district shall be permitted to continue such
19 enrollment and attendance in such school district until such student
20 graduates from high school, unless such student is no longer in good
21 standing. A receiving school district may deem a nonresident student as
22 not in good standing in accordance with such school district's nonresident
23 transfer policy. *Prior to making any determination to deem a nonresident*
24 *student as not in good standing, a district shall consider a student's status*
25 *as a homeless child and the resulting factors of homelessness on such*
26 *student's standing.*

27 (h) A student may always enroll at any time in the school district
28 where such student resides.

29 (i) Except for a child in the custody of the department for children
30 and families *or a child who is experiencing homelessness*, a nonresident
31 student shall not transfer more than once per school year to one or more
32 receiving school districts pursuant to the provisions of this section.

33 (j) A receiving school district shall not be required to provide
34 transportation to nonresident students. If space is available on school
35 district transportation vehicles, a school district may provide nonresident
36 students an in-district bus stop where transportation may be provided by
37 such school district to and from such bus stop and the school for such
38 nonresident students. *A school district shall ensure that transportation for*
39 *nonresident homeless students is provided comparably to that of housed*
40 *students.*

41 (k) Each school district board of education shall submit to the state
42 department of education *the school district's policy adopted pursuant to*
43 *K.S.A. 2022 Supp. 72-3126, and amendments thereto*, the number of

1 nonresident student transfers approved and denied by such board *in each*
2 *grade level* and whether the denials were based on capacity or in
3 accordance with the policy adopted pursuant to ~~section 9~~ K.S.A. 2022
4 *Supp. 72-3126*, and amendments thereto. The state department of
5 education shall collect and report such data on such department's website
6 and make such data available to the legislative division of post audit.

7 (l) (1) Each year, the state department of education, as part of the
8 department's enrollment audit, shall audit the nonresident student capacity
9 and enrollment.

10 (2) In calendar year 2027, the legislative post audit committee shall
11 direct the legislative division of post audit to conduct an audit of
12 nonresident student transfers pursuant to this section. Such audit shall be
13 reported to the legislative post audit committee on or before January 15,
14 2028, and subsequently presented to the house standing committee on K-
15 12 education budget and the senate standing committee on education, or
16 any successor committees.

17 (m) Nothing in this section shall be construed to exempt any
18 nonresident student who transfers to a receiving school district pursuant to
19 this section from the policies and requirements of the activities association
20 referred to in K.S.A. 72-7114, and amendments thereto.

21 (n) The provisions of this section shall not apply to any school
22 located on a military installation as defined in K.S.A. 72-8268, and
23 amendments thereto.

24 Sec. 14. K.S.A. 2022 Supp. 72-3126 is hereby amended to read as
25 follows: 72-3126. (a) (1) On or before January 1, 2024, each board of
26 education of a school district shall adopt a policy to determine the number
27 of nonresident students that the school district has the capacity to accept in
28 each grade level for each school of the school district pursuant to K.S.A.
29 72-3123, and amendments thereto. Such policies shall clearly specify the
30 reasons that the board may use to deny continued enrollment of a
31 nonresident student who is not in good standing. Such reasons for a denial
32 of continued enrollment may include, but shall not be limited to, the
33 nonresident student's record of school absenteeism and repeated
34 suspensions or expulsions.

35 (2) *A school district's policy adopted pursuant to this section shall*
36 *consider the adverse impact of homelessness on a student's attendance*
37 *and any resulting suspensions or expulsions before making a*
38 *determination on the continued enrollment of a student who is homeless. A*
39 *district shall consider the obstacles a homeless student faces to arrive at*
40 *school on time or each day due to housing instability, lack of*
41 *transportation or lack of other basic resources that can hinder consistent*
42 *attendance.*

43 (b) Prior to adopting such policy, the board of education shall call and

1 hold a hearing on the proposed policy. The board of education shall
2 provide notice of such hearing, which shall include the time, date and
3 place of the public hearing to be held on the proposed policy. Such notice
4 shall be published at least once each week for two consecutive weeks in a
5 newspaper of general circulation in the school district and shall also be
6 posted on the school district's website.

7 (c) At such hearing, a representative of the board shall present the
8 board's proposal for the policy and the board shall hear testimony
9 regarding the proposed policy. Following the public hearing, after
10 consideration of the testimony and evidence presented or submitted at such
11 public hearing, the board shall determine whether to adopt or revise the
12 proposed policy at a subsequent public meeting of the board.

13 (d) The policy adopted pursuant to subsection (a) shall be published
14 on the school district's website.

15 (e) The provisions of this section shall not apply to any school
16 located on a military installation; as defined in K.S.A. 72-8268, and
17 amendments thereto.

18 ~~(f) This section shall take effect and be in force from and after July 1,~~
19 ~~2023.~~

20 Sec. 15. On and after July 1, 2023, K.S.A. 2022 Supp. 72-5132 is
21 hereby amended to read as follows: 72-5132. As used in the Kansas school
22 equity and enhancement act, K.S.A. 72-5131 et seq., and amendments
23 thereto:

24 (a) "Adjusted enrollment" means the enrollment of a school district,
25 excluding the remote enrollment determined pursuant to K.S.A. 2022
26 Supp. 72-5180, and amendments thereto, adjusted by adding the following
27 weightings, if any, to the enrollment of a school district: At-risk student
28 weighting; bilingual weighting; career technical education weighting;
29 high-density at-risk student weighting; high enrollment weighting; low
30 enrollment weighting; school facilities weighting; ancillary school
31 facilities weighting; cost-of-living weighting; special education and related
32 services weighting; and transportation weighting.

33 (b) "Ancillary school facilities weighting" means an addend
34 component assigned to the enrollment of school districts pursuant to
35 K.S.A. 72-5158, and amendments thereto, on the basis of costs attributable
36 to commencing operation of one or more new school facilities by such
37 school districts.

38 (c) (1) "At-risk student" means a student who is eligible for free
39 meals under the national school lunch act, and who is enrolled in a school
40 district that maintains an approved at-risk student assistance program.

41 (2) "At-risk student" does not include any student enrolled in any of
42 the grades one through 12 who is in attendance less than full time, or any
43 student who is over 19 years of age. The provisions of this paragraph shall

1 not apply to any student who has an individualized education program.

2 (d) "At-risk student weighting" means an addend component assigned
3 to the enrollment of school districts pursuant to K.S.A. 72-5151(a), and
4 amendments thereto, on the basis of costs attributable to the maintenance
5 of at-risk educational programs by such school districts.

6 (e) "Base aid for student excellence" or "BASE aid" means an amount
7 appropriated by the legislature in a fiscal year for the designated year. The
8 amount of BASE aid shall be as follows:

9 (1) For school year 2018-2019, \$4,165;

10 (2) for school year 2019-2020, \$4,436;

11 (3) for school year 2020-2021, \$4,569;

12 (4) for school year 2021-2022, \$4,706;

13 (5) for school year 2022-2023, \$4,846; and

14 (6) for school year 2023-2024, and each school year thereafter, the
15 BASE aid shall be the BASE aid amount for the immediately preceding
16 school year plus an amount equal to the average percentage increase in the
17 consumer price index for all urban consumers in the midwest region as
18 published by the bureau of labor statistics of the United States department
19 of labor during the three immediately preceding school years rounded to
20 the nearest whole dollar amount.

21 (f) "Bilingual weighting" means an addend component assigned to
22 the enrollment of school districts pursuant to K.S.A. 72-5150, and
23 amendments thereto, on the basis of costs attributable to the maintenance
24 of bilingual educational programs by such school districts.

25 (g) "Board" means the board of education of a school district.

26 (h) "Budget per student" means the general fund budget of a school
27 district divided by the enrollment of the school district.

28 (i) "Categorical fund" means and includes the following funds of a
29 school district: Adult education fund; adult supplementary education fund;
30 at-risk education fund; bilingual education fund; career and postsecondary
31 education fund; driver training fund; educational excellence grant program
32 fund; extraordinary school program fund; food service fund; parent
33 education program fund; preschool-aged at-risk education fund;
34 professional development fund; special education fund; and summer
35 program fund.

36 (j) "Cost-of-living weighting" means an addend component assigned
37 to the enrollment of school districts pursuant to K.S.A. 72-5159, and
38 amendments thereto, on the basis of costs attributable to the cost of living
39 in such school districts.

40 (k) "Current school year" means the school year during which state
41 foundation aid is determined by the state board under K.S.A. 72-5134, and
42 amendments thereto.

43 (l) (1) "Enrollment" means, except as provided in K.S.A. 2022 Supp.

1 72-5180, and amendments thereto, *whichever is the greater of:*

2 ~~(1)(A)~~ *The number of students regularly enrolled in kindergarten and*
3 *grades one through 12 in the school district on September 20 of the*
4 *current school year plus the number of preschool-aged at-risk students*
5 *regularly enrolled in the school district on September 20 of the current*
6 *school year;*

7 *(B) the number of students regularly enrolled in kindergarten and*
8 *grades one through 12 in the school district on September 20 of the*
9 *preceding school year plus the number of preschool-aged at-risk students*
10 *regularly enrolled in the school district on September 20 of the current*
11 *school year, except a student who is a foreign exchange student shall not*
12 *be counted unless such student is regularly enrolled in the school district*
13 *on September 20 and attending kindergarten or any of the grades one*
14 *through 12 maintained by the school district for at least one semester or*
15 *two quarters, or the equivalent thereof.*

16 ~~(2)~~ *If the enrollment in a school district in the preceding school year*
17 *has decreased from enrollment in the second preceding school year, the*
18 *enrollment of the school district in the current school year means the sum*
19 *of;*

20 ~~(A)(C)~~ *the enrollment in sum of:*

21 *(i) The number of students regularly enrolled in kindergarten and*
22 *grades one through 12 on September 20 of the second preceding school*
23 *year, excluding students under paragraph (2)(B), minus enrollment in the*
24 *preceding school year of preschool-aged at-risk students, if any clause (ii),*
25 *plus enrollment in the current school year the number of preschool-aged*
26 *at-risk students, if any regularly enrolled in the school district on*
27 *September 20 of the current school year; and*

28 ~~(B)(ii)~~ *the adjusted enrollment in the second preceding school year of*
29 *any students participating in the tax credit for low income students*
30 *scholarship program pursuant to K.S.A. 72-4351 et seq., and amendments*
31 *thereto, in the preceding school year, if any, plus the adjusted enrollment in*
32 *the preceding school year of preschool-aged at-risk students who are*
33 *participating in the tax credit for low income students scholarship program*
34 *pursuant to K.S.A. 72-4351 et seq., and amendments thereto, in the current*
35 *school year, if any; or*

36 ~~(3)(D)~~ *for any school district that has a military student, as that term*
37 *is defined in K.S.A. 72-5139, and amendments thereto, enrolled in such*
38 *district, and that received federal impact aid for the preceding school year,*
39 *if the enrollment in such school district in the preceding school year has*
40 *decreased from enrollment in the second preceding school year, the*
41 *enrollment of the school district in the current school year means*
42 *whichever is the greater of:*

43 ~~(A)(i)~~ *The enrollment amounts determined under paragraph (2)-*

1 *subparagraphs (A), (B) or (C); or*

2 ~~(B)(ii) the sum of the enrollment in the preceding school year of the~~
3 ~~number of preschool-aged at-risk students regularly enrolled in the school~~
4 ~~district on September 20 of the preceding school year, if any, and the~~
5 ~~arithmetic mean of the sum of:~~

6 ~~(i)(a) The enrollment of the number of students regularly enrolled in~~
7 ~~kindergarten and grades one through 12 in the school district in on~~
8 ~~September 20 of the preceding school year minus the enrollment in such~~
9 ~~school year of preschool-aged at-risk students, if any;~~

10 ~~(ii)(b) the enrollment in the number of students regularly enrolled in~~
11 ~~kindergarten and grades one through 12 in the school district on~~
12 ~~September 20 of the second preceding school year minus the enrollment in~~
13 ~~such school year of preschool-aged at-risk students, if any; and~~

14 ~~(iii)(c) the enrollment in the number of students regularly enrolled in~~
15 ~~kindergarten and grades one through 12 in the school district on~~
16 ~~September 20 of the third preceding school year minus the enrollment in~~
17 ~~such school year of preschool-aged at-risk students, if any.~~

18 ~~(4)(2) The~~When enrollment is determined under paragraph (1), ~~(2) or~~
19 ~~(3), except~~ if the school district begins to offer kindergarten on a full-time
20 basis in such school year, students regularly enrolled in kindergarten in the
21 school district in the preceding school year shall be counted as one student
22 regardless of actual attendance during such preceding school year.

23 (3) *A foreign exchange student shall not be counted in the enrollment*
24 *of a school district unless such student was regularly enrolled on*
25 *September 20 and attending kindergarten or any of the grades one*
26 *through 12 maintained by the district for at least one semester or two*
27 *quarters, or the equivalent thereof.*

28 (m) "February 20" has its usual meaning, except that in any year in
29 which February 20 is not a day on which school is maintained, it means
30 the first day after February 20 on which school is maintained.

31 (n) "Federal impact aid" means an amount equal to the federally
32 qualified percentage of the amount of moneys a school district receives in
33 the 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 shall be
37 determined by the state board in accordance with terms and conditions
38 imposed under the provisions of the public law and rules and regulations
39 thereunder.

40 (o) "General fund" means the fund of a school district from which
41 operating expenses are paid and in which is deposited all amounts of state
42 foundation aid provided under this act, payments under K.S.A. 72-528,
43 and amendments thereto, payments of federal funds made available under

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

4 (p) "General fund budget" means the amount budgeted for operating
5 expenses in the general fund of a school district.

6 (q) "High-density at-risk student weighting" means an addend
7 component assigned to the enrollment of school districts pursuant to
8 K.S.A. 72-5151(b), and amendments thereto, on the basis of costs
9 attributable to the maintenance of at-risk educational programs by such
10 school districts.

11 (r) "High enrollment weighting" means an addend component
12 assigned to the enrollment of school districts pursuant to K.S.A. 72-
13 5149(b), and amendments thereto, on the basis of costs attributable to
14 maintenance of educational programs by such school districts.

15 (s) "Juvenile detention facility" means the same as such term is
16 defined in K.S.A. 72-1173, and amendments thereto.

17 (t) "Local foundation aid" means the sum of the following amounts:

18 (1) An amount equal to any unexpended and unencumbered balance
19 remaining in the general fund of the school district, except moneys
20 received by the school district and authorized to be expended for the
21 purposes specified in K.S.A. 72-5168, and amendments thereto;

22 (2) an amount equal to any remaining proceeds from taxes levied
23 under authority of K.S.A. 72-7056 and 72-7072, prior to their repeal;

24 (3) an amount equal to the amount deposited in the general fund in
25 the current school year from moneys received in such school year by the
26 school district under the provisions of K.S.A. 72-3123(a), and amendments
27 thereto;

28 (4) an amount equal to the amount deposited in the general fund in
29 the current school year from moneys received in such school year by the
30 school district pursuant to contracts made and entered into under authority
31 of K.S.A. 72-3125, and amendments thereto;

32 (5) an amount equal to the amount credited to the general fund in the
33 current school year from moneys distributed in such school year to the
34 school district under the provisions of articles 17 and 34 of chapter 12 of
35 the Kansas Statutes Annotated, and amendments thereto, and under the
36 provisions of articles 42 and 51 of chapter 79 of the Kansas Statutes
37 Annotated, and amendments thereto;

38 (6) an amount equal to the amount of payments received by the
39 school district under the provisions of K.S.A. 72-3423, and amendments
40 thereto; and

41 (7) an amount equal to the amount of any grant received by the
42 school district under the provisions of K.S.A. 72-3425, and amendments
43 thereto.

1 (u) "Low enrollment weighting" means an addend component
2 assigned to the enrollment of school districts pursuant to K.S.A. 72-
3 5149(a), and amendments thereto, on the basis of costs attributable to
4 maintenance of educational programs by such school districts.

5 (v) "Operating expenses" means the total expenditures and lawful
6 transfers from the general fund of a school district during a school year for
7 all purposes, except expenditures for the purposes specified in K.S.A. 72-
8 5168, and amendments thereto.

9 (w) "Preceding school year" means the school year immediately
10 before the current school year.

11 (x) "Preschool-aged at-risk student" means an at-risk student who has
12 attained the age of three years, is under the age of eligibility for attendance
13 at kindergarten, and has been selected by the state board in accordance
14 with guidelines governing the selection of students for participation in
15 head start programs.

16 (y) "Preschool-aged exceptional children" means exceptional
17 children, except gifted children, who have attained the age of three years
18 but are under the age of eligibility for attendance at kindergarten.
19 "Exceptional children" and "gifted children" mean the same as those terms
20 are defined in K.S.A. 72-3404, and amendments thereto.

21 (z) "Psychiatric residential treatment facility" means the same as such
22 term is defined in K.S.A. 72-1173, and amendments thereto.

23 (aa) (1) "Remote enrollment" means the number of students regularly
24 enrolled in kindergarten and grades one through 12 in the school district
25 who attended school through remote learning in excess of the remote
26 learning limitations provided in K.S.A. 2022 Supp. 72-5180, and
27 amendments thereto.

28 (2) This subsection shall not apply in any school year prior to the
29 2021-2022 school year.

30 (bb) (1) "Remote learning" means a method of providing education in
31 which the student, although regularly enrolled in a school district, does not
32 physically attend the attendance center such student would otherwise
33 attend in person on a full-time basis and curriculum and instruction are
34 prepared, provided and supervised by teachers and staff of such school
35 district to approximate the student learning experience that would take
36 place in the attendance center classroom.

37 (2) "Remote learning" does not include virtual school as such term is
38 defined in K.S.A. 72-3712, and amendments thereto.

39 (3) This subsection shall not apply in any school year prior to the
40 2021-2022 school year.

41 (cc) "School district" means a school district organized under the
42 laws of this state that is maintaining public school for a school term in
43 accordance with the provisions of K.S.A. 72-3115, and amendments

1 thereto.

2 (dd) "School facilities weighting" means an addend component
3 assigned to the enrollment of school districts pursuant to K.S.A. 72-5156,
4 and amendments thereto, on the basis of costs attributable to commencing
5 operation of one or more new school facilities by such school districts.

6 (ee) "School year" means the 12-month period ending June 30.

7 (ff) "September 20" has its usual meaning, except that in any year in
8 which September 20 is not a day on which school is maintained, it means
9 the first day after September 20 on which school is maintained.

10 (gg) "Special education and related services weighting" means an
11 addend component assigned to the enrollment of school districts pursuant
12 to K.S.A. 72-5157, and amendments thereto, on the basis of costs
13 attributable to the maintenance of special education and related services by
14 such school districts.

15 (hh) "State board" means the state board of education.

16 (ii) "State foundation aid" means the amount of aid distributed to a
17 school district as determined by the state board pursuant to K.S.A. 72-
18 5134, and amendments thereto.

19 (jj) (1) "Student" means any person who is regularly enrolled in a
20 school district and attending kindergarten or any of the grades one through
21 12 maintained by the school district or who is regularly enrolled in a
22 school district and attending kindergarten or any of the grades one through
23 12 in another school district in accordance with an agreement entered into
24 under authority of K.S.A. 72-13,101, and amendments thereto, or who is
25 regularly enrolled in a school district and attending special education
26 services provided for preschool-aged exceptional children by the school
27 district.

28 (2) (A) Except as otherwise provided in this subsection, the following
29 shall be counted as one student:

30 (i) A student in attendance full-time; and

31 (ii) a student enrolled in a school district and attending special
32 education and related services, provided for by the school district.

33 (B) The following shall be counted as $\frac{1}{2}$ student:

34 (i) A student enrolled in a school district and attending special
35 education and related services for preschool-aged exceptional children
36 provided for by the school district; and

37 (ii) a preschool-aged at-risk student enrolled in a school district and
38 receiving services under an approved at-risk student assistance plan
39 maintained by the school district.

40 (C) A student in attendance part-time shall be counted as that
41 proportion of one student, to the nearest $\frac{1}{10}$, that the student's attendance
42 bears to full-time attendance.

43 (D) A student enrolled in and attending an institution of

1 postsecondary education that is authorized under the laws of this state to
2 award academic degrees shall be counted as one student if the student's
3 postsecondary education enrollment and attendance together with the
4 student's attendance in either of the grades 11 or 12 is at least $\frac{5}{6}$ time,
5 otherwise the student shall be counted as that proportion of one student, to
6 the nearest $\frac{1}{10}$, that the total time of the student's postsecondary education
7 attendance and attendance in grades 11 or 12, as applicable, bears to full-
8 time attendance.

9 (E) A student enrolled in and attending a technical college, a career
10 technical education program of a community college or other approved
11 career technical education program shall be counted as one student, if the
12 student's career technical education attendance together with the student's
13 attendance in any of grades nine through 12 is at least $\frac{5}{6}$ time, otherwise
14 the student shall be counted as that proportion of one student, to the
15 nearest $\frac{1}{10}$, that the total time of the student's career technical education
16 attendance and attendance in any of grades nine through 12 bears to full-
17 time attendance.

18 (F) A student enrolled in a school district and attending a non-virtual
19 school and also attending a virtual school shall be counted as that
20 proportion of one student, to the nearest $\frac{1}{10}$, that the student's attendance at
21 the non-virtual school bears to full-time attendance.

22 (G) A student enrolled in a school district and attending special
23 education and related services provided for by the school district and also
24 attending a virtual school shall be counted as that proportion of one
25 student, to the nearest $\frac{1}{10}$, that the student's attendance at the non-virtual
26 school bears to full-time attendance.

27 (H) A student enrolled in a school district and attending school on a
28 part-time basis through remote learning and also attending school in
29 person on a part-time basis shall be counted as that proportion of one
30 student, to the nearest $\frac{1}{10}$, that the student's in-person attendance bears to
31 full-time attendance.

32 (I) A student enrolled in a school district who is not a resident of
33 Kansas shall be counted as $\frac{1}{2}$ of a student.

34 This subparagraph shall not apply to:

35 (i) A student whose parent or legal guardian is an employee of the
36 school district where such student is enrolled; or

37 (ii) a student who attended public school in Kansas during school
38 year 2016-2017 and who attended public school in Kansas during the
39 immediately preceding school year.

40 (3) The following shall not be counted as a student:

41 (A) An individual residing at the Flint Hills job corps center;

42 (B) except as provided in paragraph (2), an individual confined in and
43 receiving educational services provided for by a school district at a

1 juvenile detention facility; and

2 (C) an individual enrolled in a school district but housed, maintained
3 and receiving educational services at a state institution or a psychiatric
4 residential treatment facility.

5 (4) A student enrolled in virtual school pursuant to K.S.A. 72-3711 et
6 seq., and amendments thereto, shall be counted in accordance with the
7 provisions of K.S.A. 72-3715, and amendments thereto.

8 (5) A student enrolled in a school district who attends school through
9 remote learning shall be counted in accordance with the provisions of this
10 section and K.S.A. 2022 Supp. 72-5180, and amendments thereto.

11 (kk) "Total foundation aid" means an amount equal to the product
12 obtained by multiplying the BASE aid by the adjusted enrollment of a
13 school district.

14 (ll) "Transportation weighting" means an addend component assigned
15 to the enrollment of school districts pursuant to K.S.A. 72-5148, and
16 amendments thereto, on the basis of costs attributable to the provision or
17 furnishing of transportation.

18 (mm) "Virtual school" means the same as such term is defined in
19 K.S.A. 72-3712, and amendments thereto.

20 Sec. 16. On and after July 1, 2023, K.S.A. 2022 Supp. 72-5142 is
21 hereby amended to read as follows: 72-5142. (a) The board of education of
22 each school district shall levy an ad valorem tax upon the taxable tangible
23 property of the school district in the school years specified in subsection
24 (b) for the purpose of:

25 (1) Financing that portion of the school district's general fund budget
26 that is not financed from any other source provided by law;

27 (2) paying a portion of the costs of operating and maintaining public
28 schools in partial fulfillment of the constitutional obligation of the
29 legislature to finance the educational interests of the state; and

30 (3) with respect to any redevelopment school district established prior
31 to July 1, 1997, pursuant to K.S.A. 12-1771, and amendments thereto,
32 paying a portion of the principal and interest on bonds issued by cities
33 under authority of K.S.A. 12-1774, and amendments thereto, for the
34 financing of redevelopment projects upon property located within the
35 school district.

36 (b) The tax required under subsection (a) shall be levied at a rate of
37 20 mills in the school years ~~2021-2022~~ 2023-2024 and ~~2022-2023~~ 2024-
38 2025.

39 (c) The proceeds from the tax levied by a district under authority of
40 this section, except the proceeds of such tax levied for the purpose
41 described in subsection (a)(3), shall be remitted to the state treasurer in
42 accordance with the provisions of K.S.A. 75-4215, and amendments
43 thereto. Upon receipt of each such remittance, the state treasurer shall

1 deposit the entire amount in the state treasury to the credit of the state
2 school district finance fund.

3 (d) No school district shall proceed under K.S.A. 79-1964, 79-1964a
4 or 79-1964b, and amendments thereto.

5 Sec. 17. On and after July 1, 2023, K.S.A. 72-5159 is hereby
6 amended to read as follows: 72-5159. (a) Subject to subsection (b), the
7 board of education of a school district may levy a tax on the taxable
8 tangible property within the school district for the purpose of financing the
9 costs incurred by the state that are attributable directly to assignment of the
10 cost-of-living weighting to the enrollment of the school district.

11 (b) The state board shall determine whether a school district may levy
12 a tax under this section as follows:

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

15 (2) multiply the amount determined under subsection (b)(1) by ~~1.25~~
16 *1.15*;

17 (3) determine the average appraised value of single family residences
18 in each school district for the calendar year preceding the current school
19 year; and

20 (4) subtract the amount determined under subsection (b)(2) from the
21 amount determined under subsection (b)(3). If the amount determined for
22 the school district is a positive number and the school district has adopted
23 a local option budget in an amount equal to at least 31% of the total
24 foundation aid for the school district, the school district qualifies for
25 assignment of cost-of-living weighting and may levy a tax on the taxable
26 tangible property of the school district for the purpose of financing the
27 costs that are attributable directly to assignment of the cost-of-living
28 weighting to the enrollment of the school district.

29 (c) (1) No tax may be levied under this section unless the board of
30 education adopts a resolution authorizing such a tax levy and publishes the
31 resolution at least once in a newspaper having general circulation in the
32 school district. Except as provided by subsection (e), the resolution shall
33 be published in substantial compliance with the following form:

34 Unified School District No. _____,

35 _____ County, Kansas.

36 RESOLUTION

37 Be It Resolved that:

38 The board of education of the above-named school district shall be
39 authorized to levy an ad valorem tax in an amount not to exceed the
40 amount necessary to finance the costs attributable directly to the
41 assignment of cost-of-living weighting to the enrollment of the school
42 district. The ad valorem tax authorized by this resolution may be levied
43 unless a petition in opposition to the same, signed by not less than 5% of

1 the qualified electors of the school district, is filed with the county election
2 officer of the home county of the school district within 30 days after the
3 publication of this resolution. If a petition is filed, the county election
4 officer shall submit the question of whether the levy of such a tax shall be
5 authorized in accordance with the provisions of this resolution to the
6 electors of the school district at the next general election of the school
7 district, as is specified by the board of education of the school district.

8 CERTIFICATE

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

12 _____
13 Clerk of the board of education.

14 (2) All of the blanks in the resolution shall be filled appropriately. If
15 no petition as specified above is filed in accordance with the provisions of
16 the resolution, the resolution authorizing the ad valorem tax levy shall
17 become effective. If a petition is filed as provided in the resolution, the
18 board may notify the county election officer to submit the question of
19 whether such tax levy shall be authorized. If the board fails to notify the
20 county election officer within 30 days after a petition is filed, the
21 resolution shall be deemed abandoned and of no force and effect and no
22 like resolution shall be adopted by the board within the nine months
23 following publication of the resolution. If a majority of the votes cast in an
24 election conducted pursuant to this provision is in favor of the resolution,
25 such resolution shall be effective on the date of such election. If a majority
26 of the votes cast is not in favor of the resolution, the resolution shall be
27 deemed of no force and effect and no like resolution shall be adopted by
28 the board within the nine months following such election.

29 (d) There is hereby established in every school district a cost-of-
30 living fund, which shall consist of all moneys deposited therein or
31 transferred thereto in accordance with law. All moneys derived from a tax
32 imposed pursuant to this section shall be credited to the cost-of-living
33 fund. The proceeds from the tax levied by a school district credited to the
34 cost-of-living fund shall be remitted to the state treasurer in accordance
35 with the provisions of K.S.A. 75-4215, and amendments thereto. Upon
36 receipt of each such remittance, the state treasurer shall deposit the entire
37 amount in the state treasury to the credit of the state school district finance
38 fund.

39 (e) In determining the amount produced by the tax levied by the
40 school district under the authority of this section, the state board shall
41 include any moneys apportioned to the cost-of-living fund of the school
42 district from taxes levied under the provisions of K.S.A. 79-5101 et seq.
43 and 79-5118 et seq., and amendments thereto.

1 (f) The cost-of-living weighting of a school district shall be
2 determined by the state board in each school year in which such weighting
3 may be assigned to the enrollment of the school district as follows:

4 (1) Divide the amount determined under subsection (b)(4) by the
5 amount determined under subsection (b)(2);

6 (2) multiply the quotient determined under subsection (f)(1) by ~~0.095~~
7 *0.115*;

8 (3) multiply the school district's total foundation aid for the current
9 school year, excluding the amount determined under this provision, by the
10 lesser of the product determined under subsection (f)(2) or ~~0.05~~ *the cost-*
11 *of-living weighting cap which shall be:*

12 (A) *0.07 in school year 2023-2024; and*

13 (B) *for school year 2024-2025, and each school year thereafter, the*
14 *amount of the cost-of-living weighting cap for the immediately preceding*
15 *school year plus an amount equal to the average percentage increase in*
16 *the consumer price index for all urban consumers in the midwest region as*
17 *published by the bureau of labor statistics of the United States department*
18 *of labor during the three immediately preceding school years rounded to*
19 *the nearest 10th of a percentage; and*

20 (4) divide the product determined under subsection (f)(3) by the
21 BASE aid for the current school year. The quotient is the cost-of-living
22 weighting of the school district.

23 Sec. 18. K.S.A. 2022 Supp. 72-5462 is hereby amended to read as
24 follows: 72-5462. (a) There is hereby established in the state treasury the
25 school district capital improvements fund. The fund shall consist of all
26 amounts transferred thereto under the provisions of subsection (c).

27 (b) In each school year, each school district that is obligated to make
28 payments from its capital improvements fund shall be entitled to receive
29 payment from the school district capital improvements fund in an amount
30 determined by the state board of education as provided in this subsection.

31 (1) For general obligation bonds approved for issuance at an election
32 held prior to July 1, 2015, the state board of education shall:

33 (A) Determine the amount of the assessed valuation per pupil (AVPP)
34 of each school district in the state for the preceding school year and round
35 such amount to the nearest \$1,000. The rounded amount is the AVPP of a
36 school district for the purposes of this subsection (b)(1);

37 (B) determine the median AVPP of all school districts;

38 (C) prepare a schedule of dollar amounts using the amount of the
39 median AVPP of all school districts as the point of beginning. The
40 schedule of dollar amounts shall range upward in equal \$1,000 intervals
41 from the point of beginning to and including an amount that is equal to the
42 amount of the AVPP of the school district with the highest AVPP of all
43 school districts and shall range downward in equal \$1,000 intervals from

1 the point of beginning to and including an amount that is equal to the
2 amount of the AVPP of the school district with the lowest AVPP of all
3 school districts;

4 (D) determine a state aid percentage factor for each school district by
5 assigning a state aid computation percentage to the amount of the median
6 AVPP shown on the schedule, decreasing the state aid computation
7 percentage assigned to the amount of the median AVPP by one percentage
8 point for each \$1,000 interval above the amount of the median AVPP, and
9 increasing the state aid computation percentage assigned to the amount of
10 the median AVPP by one percentage point for each \$1,000 interval below
11 the amount of the median AVPP. Except as provided by K.S.A. 72-5463,
12 and amendments thereto, the state aid percentage factor of a school district
13 is the percentage assigned to the schedule amount that is equal to the
14 amount of the AVPP of the school district. The state aid percentage factor
15 of a school district shall not exceed 100%. The state aid computation
16 percentage is 25%;

17 (E) determine the amount of payments that a school district is
18 obligated to make from its bond and interest fund attributable to general
19 obligation bonds approved for issuance at an election held prior to July 1,
20 2015; and

21 (F) multiply the amount determined under subsection (b)(1)(E) by the
22 applicable state aid percentage factor.

23 (2) For general obligation bonds approved for issuance at an election
24 held on or after July 1, 2015, but prior to July 1, 2022, the state board of
25 education shall:

26 (A) Determine the amount of the AVPP of each school district in the
27 state for the preceding school year and round such amount to the nearest
28 \$1,000. The rounded amount is the AVPP of a school district for the
29 purposes of this subsection (b)(2);

30 (B) prepare a schedule of dollar amounts using the amount of the
31 AVPP of the school district with the lowest AVPP of all school districts as
32 the point of beginning. The schedule of dollar amounts shall range upward
33 in equal \$1,000 intervals from the point of beginning to and including an
34 amount that is equal to the amount of the AVPP of the school district with
35 the highest AVPP of all school districts;

36 (C) determine a state aid percentage factor for each school district by
37 assigning a state aid computation percentage to the amount of the lowest
38 AVPP shown on the schedule and decreasing the state aid computation
39 percentage assigned to the amount of the lowest AVPP by one percentage
40 point for each \$1,000 interval above the amount of the lowest AVPP.
41 Except as provided by K.S.A. 72-5463, and amendments thereto, the state
42 aid percentage factor of a school district is the percentage assigned to the
43 schedule amount that is equal to the amount of the AVPP of the school

1 district. The state aid computation percentage is 75%;

2 (D) determine the amount of payments that a school district is
3 obligated to make from its bond and interest fund attributable to general
4 obligation bonds approved for issuance at an election held on or after July
5 1, 2015, but prior to July 1, 2022; and

6 (E) multiply the amount determined under subsection (b)(2)(D) by
7 the applicable state aid percentage factor.

8 (3) For general obligation bonds approved for issuance at an election
9 held on or after July 1, 2022, the state board of education shall:

10 (A) Except as provided in subsection (b)(9), determine the amount of
11 the AVPP of each school district in the state for the preceding school year
12 and round such amount to the nearest \$1,000. The rounded amount is the
13 AVPP of a school district for the purposes of this subsection (b)(3);

14 (B) except as provided in subsection (b)(9), prepare a schedule of
15 dollar amounts using the amount of the AVPP of the school district with
16 the lowest AVPP of all school districts as the point of beginning. The
17 schedule of dollar amounts shall range upward in equal \$1,000 intervals
18 from the point of beginning to and including an amount that is equal to the
19 amount of the AVPP of the school district with the highest AVPP of all
20 school districts;

21 (C) determine a state aid percentage factor for each school district by
22 assigning a state aid computation percentage to the amount of the lowest
23 AVPP shown on the schedule and decreasing the state aid computation
24 percentage assigned to the amount of the lowest AVPP by one percentage
25 point for each \$1,000 interval above the amount of the lowest AVPP.
26 Except as provided by K.S.A. 72-5463, and amendments thereto, the state
27 aid percentage factor of a school district is the percentage assigned to the
28 schedule amount that is equal to the amount of the AVPP of the school
29 district. The state aid computation percentage is 51%;

30 (D) determine the amount of payments that a school district is
31 obligated to make from its bond and interest fund attributable to general
32 obligation bonds approved for issuance at an election held on or after July
33 1, 2022; and

34 (E) multiply the amount determined under subsection (b)(3)(D) by
35 the applicable state aid percentage factor.

36 (4) For general obligation bonds approved for issuance at an election
37 held on or before June 30, 2016, the sum of the amount determined under
38 subsection (b)(1)(F) and the amount determined under subsection (b)(2)(E)
39 is the amount of payment the school district is entitled to receive from the
40 school district capital improvements fund in the school year.

41 (5) (A) For general obligation bonds approved for issuance at an
42 election held on or after July 1, 2016, the amount determined under
43 subsection (b)(2)(E) or (b)(3)(E) is the amount of payment the school

1 district shall receive from the school district capital improvements fund in
2 the school year, except the total amount of payments school districts
3 receive from the school district capital improvements fund in the school
4 year for such bonds shall not exceed the six-year average amount of
5 capital improvement state aid as determined by the state board of
6 education.

7 (B) The state board of education shall determine the six-year average
8 amount of capital improvement state aid by calculating the average of the
9 total amount of moneys expended per year from the school district capital
10 improvements fund in the immediately preceding six fiscal years, not to
11 include the current fiscal year.

12 (C) (i) Subject to clause (ii), the state board of education shall
13 prioritize the allocations to school districts from the school district capital
14 improvements fund in accordance with the priorities set forth as follows in
15 order of highest priority to lowest priority:

16 (a) Safety of the current facility and disability access to such facility
17 as demonstrated by a state fire marshal report, an inspection under the
18 Americans with disabilities act, 42 U.S.C. § 12101 et seq., or other similar
19 evaluation;

20 (b) enrollment growth and imminent overcrowding as demonstrated
21 by successive increases in enrollment of the school district in the
22 immediately preceding three school years;

23 (c) impact on the delivery of educational services as demonstrated by
24 restrictive inflexible design or limitations on installation of technology;
25 and

26 (d) energy usage and other operational inefficiencies as demonstrated
27 by a district-wide energy usage analysis, district-wide architectural
28 analysis or other similar evaluation.

29 (ii) In allocating capital improvement state aid, the state board shall
30 give higher priority to those school districts with a lower AVPP compared
31 to the other school districts that are to receive capital improvement state
32 aid under this section.

33 (D) On and after July 1, 2016, the state board of education shall
34 approve the amount of state aid payments a school district shall receive
35 from the school district capital improvements fund pursuant to subsection
36 (b)(6) prior to an election to approve the issuance of general obligation
37 bonds.

38 (6) Except as provided in subsections (b)(7) through (b)(9), the sum
39 of the amounts determined under subsection (b)(4) and the amount
40 determined or allocated to the district by the state board of education
41 pursuant to subsection (b)(5), is the amount of payment the school district
42 is entitled to receive from the school district capital improvements fund in
43 the school year.

1 (7) A school district that had an enrollment of less than 260 students
2 in the school year immediately preceding the school year in which an
3 election is held to approve the issuance of general obligation bonds shall
4 not be entitled to receive payments from the school district capital
5 improvements fund unless such school district applied for and received
6 approval from the state board of education to issue such bonds prior to
7 holding an election to approve such bond issuance. The provisions of this
8 paragraph shall apply to general obligation bonds approved for issuance at
9 an election held on or after July 1, 2017, that are issued for the purpose of
10 financing the construction of new school facilities.

11 (8) For general obligation bonds approved for issuance at an election
12 held on or after July 1, 2017, in determining the amount under subsection
13 (b)(2)(D) and (b)(3)(D), the state board shall exclude payments for any
14 capital improvement project, or portion thereof, that proposes to construct,
15 reconstruct or remodel a facility that would be used primarily for
16 extracurricular activities, unless the construction, reconstruction or
17 remodeling of such facility is necessary due to concerns relating to the
18 safety of the current facility or disability access to such facility as
19 demonstrated by a state fire marshal report, an inspection under the
20 Americans with disabilities act, 42 U.S.C. § 12101 et seq., or other similar
21 evaluation.

22 (9) For general obligation bonds approved for issuance at an election
23 held on or after July 1, 2022, the state board of education shall:

24 (A) In preparing the schedule of dollar amounts pursuant to
25 subsection (b)(3)(B), exclude unified school district No. 207, Fort
26 Leavenworth, from such schedule and determine the point of beginning
27 based on the amount of the AVPP of the school district with the lowest
28 AVPP of the remaining school districts; and

29 (B) in determining the amount of the AVPP of a school district,
30 exclude the number of students enrolled in a virtual school, as defined in
31 K.S.A. 72-3712, and amendments thereto, that is offered by such school
32 district from the determination of the AVPP of such school district.

33 (c) The state board of education shall certify to the director of
34 accounts and reports the entitlements of school districts determined under
35 the provisions of subsection (b), and an amount equal thereto shall be
36 transferred by the director from the state general fund to the school district
37 capital improvements fund for distribution to school districts. All transfers
38 made in accordance with the provisions of this subsection shall be
39 considered to be demand transfers from the state general fund, except that
40 all such transfers during the fiscal ~~years~~ *year* ending ~~June 30, 2022~~, June
41 30, 2023, ~~and June 30, 2024~~, shall be considered to be revenue transfers
42 from the state general fund.

43 (d) Payments from the school district capital improvements fund shall

1 be distributed to school districts at times determined by the state board of
2 education to be necessary to assist school districts in making scheduled
3 payments pursuant to contractual bond obligations. The state board of
4 education shall certify to the director of accounts and reports the amount
5 due each school district entitled to payment from the fund, and the director
6 of accounts and reports shall draw a warrant on the state treasurer payable
7 to the treasurer of the school district. Upon receipt of the warrant, the
8 treasurer of the school district shall credit the amount thereof to the bond
9 and interest fund of the school district to be used for the purposes of such
10 fund.

11 (e) The provisions of this section apply only to contractual
12 obligations incurred by school districts pursuant to general obligation
13 bonds issued upon approval of a majority of the qualified electors of the
14 school district voting at an election upon the question of the issuance of
15 such bonds.

16 (f) Each year, the state board of education shall prepare and submit a
17 report to the legislature that includes information on school district
18 elections held on or after July 1, 2016, to approve the issuance of general
19 obligation bonds and the amount of payments school districts were
20 approved to receive from the school district capital improvements fund
21 pursuant to subsection (b)(5)(D).

22 Sec. 19. K.S.A. 72-1137, 72-3123, as amended by section 16 of
23 chapter 94 of the 2022 Session Laws of Kansas, and K.S.A. 2022 Supp.
24 72-3126 and 72-5462 are hereby repealed.

25 Sec. 20. On and after July 1, 2023, K.S.A. 72-5159 and K.S.A. 2022
26 Supp. 72-5132 and 72-5142 are hereby repealed.

27 Sec. 21. This act shall take effect and be in force from and after its
28 publication in the Kansas register.