

House Substitute for SENATE BILL No. 113

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; requiring school districts to submit a notice of intent to dispose of a school district building to the legislature; establishing a state option to acquire such school district buildings; 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; 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 school districts to give priority to nonresident military students under 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; providing for additional student eligibility and increasing the tax credit for contributions made pursuant to the tax credit for low income students scholarship program; establishing the special education and related services funding task force; extending the high-density at-risk student weighting sunset date; authorizing the use of current-year or preceding year student enrollment to determine state foundation aid under the Kansas school equity and enhancement act; continuing a district's low enrollment weighting factor if the district accepts students from another school district under certain circumstances; 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, 72-3216, 72-4357, 72-5149 and 72-5159 and K.S.A. 2022 Supp. 72-3126, 72-4352, 72-5132, 72-5142, 72-5151 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).....\$5,929,175
Supplemental state aid (652-00-1000-0840).....\$541,000

(b) On the effective date of this act, of the \$37,714,422 appropriated for the above agency for the fiscal year ending June 30, 2023, by section 2(a) of chapter 94 of the 2022 Session Laws of Kansas from the state general fund in the KPERS – school employer contributions – non-USDs account (652-00-1000-0100), the sum of \$8,039,460 is hereby lapsed.

(c) On the effective date of this act, of the \$2,524,235,833 appropriated for the above agency for the fiscal year ending June 30, 2023, by section 3(a) of chapter 114 of the 2021 Session Laws of Kansas from the state general fund in the state foundation aid account (652-00-1000-0820), the sum of \$79,307,834 is hereby lapsed.

New Sec. 2.

DEPARTMENT OF EDUCATION

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

Operating expenditures (including

official hospitality) (652-00-1000-0053).....\$14,712,912

Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2023, is hereby reappropriated for fiscal year 2024.

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

Provided, That the above agency shall expend moneys in such account to provide a project manager grant to the center for reading at Pittsburg state university to: (1) Assist in the development and support of a science of reading curricula for the state educational institutions and colleges based on the knowledge and practice standards that have been adopted by the 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).....\$29,810,273

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).....\$531,880,516

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

Special education services aid (652-00-1000-0700).....\$528,018,516

Provided, That any unencumbered balance in the special education services aid account in excess of \$100 as of June 30, 2023, is hereby reappropriated for fiscal year 2024: *Provided further*, That expenditures shall not be made from the special education services aid account for the provision of instruction for any homebound or hospitalized child unless the categorization of such child as exceptional is conjoined with the categorization of the child within one or more of the other categories of exceptionality: *And provided further*, That expenditures shall be made from this account for grants to school districts in amounts determined pursuant to and in accordance with the provisions of K.S.A. 72-3425, and amendments thereto: *And provided further*, That expenditures shall be made from the amount remaining in this account, after deduction of the expenditures specified in the foregoing provisions, for payments to school districts in amounts determined pursuant to and in accordance with the provisions of K.S.A. 72-3422, and amendments thereto.

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; acquisition of naloxone hydrochloride products for use by approved professionals; 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).....\$47,899,069

Supplemental state aid (652-00-1000-0840).....\$577,309

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 special revenue fund or funds for the fiscal year ending June 30, 2024, 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:

School district capital outlay state aid fund.....No limit

School district capital improvements fund (652-00-2880).....No limit

Provided, That expenditures from the school district capital improvements fund shall be made only for the payment of general obligation bonds approved by voters under the authority of K.S.A. 72-5457, and amendments thereto.

Educational technology coordinator fund (652-00-2157).....No limit

Provided, That expenditures shall be made by the above agency for the fiscal year ending June 30, 2024, from the educational technology coordinator fund of the department of education to provide data on the number of school districts served and cost savings for those districts in fiscal year 2024 in order to assess the cost effectiveness of the position of educational technology coordinator.

Communities in schools program fund (652-00-2221).....	No limit
Inservice education workshop fee fund (652-00-2230).....	No limit
<i>Provided</i> , That expenditures may be made from the inservice education workshop fee fund for operating expenditures, including official hospitality, incurred for inservice workshops and conferences: <i>Provided further</i> , That the state board of education is hereby authorized to fix, charge and collect fees for inservice workshops and conferences: <i>And provided further</i> , That such fees shall be fixed in order to recover all or part of such operating expenditures incurred for inservice workshops and conferences: <i>And provided further</i> , That all fees received for inservice workshops and conferences shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the inservice education workshop fee fund.	
Federal indirect cost reimbursement fund (652-00-2312).....	No limit
Conversion of materials and equipment fund (652-00-2420).....	No limit
School bus safety fund (652-00-2532).....	No limit
State safety fund (652-00-2538).....	No limit
<i>Provided</i> , That notwithstanding the provisions of K.S.A. 8-272, and amendments thereto, or any other statute, funds shall be distributed during fiscal year 2024 as soon as moneys are available.	
Motorcycle safety fund (652-00-2633).....	No limit
Teacher and administrator fee fund (652-00-2723).....	No limit
Service clearing fund (652-00-2869).....	No limit
ARPA supplemental (652-00-3028-0529).....	No limit
Reimbursement for services fund (652-00-3056).....	No limit
ESSA – student support academic enrichment – federal fund (652-00-3113).....	No limit
Educationally deprived children – state operations – federal fund (652-00-3131).....	No limit
Food assistance – federal fund (652-00-3230).....	No limit
Elementary and secondary school aid – federal fund (652-00-3233).....	No limit
Education of handicapped children fund – federal (652-00-3234).....	No limit
Community-based child abuse prevention – federal fund (652-00-3319).....	No limit
TANF children's programs – federal fund (652-00-3323).....	No limit
21 st century community learning centers – federal fund (652-00-3519).....	No limit
State assessments – federal fund (652-00-3520).....	No limit
Rural and low-income schools program – federal fund (652-00-3521).....	No limit
Language assistance state grants – federal fund (652-00-3522).....	No limit
State grants for improving teacher quality – federal fund (652-00-3526).....	No limit
State grants for improving	

teacher quality – federal fund – state operations (652-00-3527).....	No limit
Food assistance – school breakfast program – federal fund (652-00-3529).....	No limit
Food assistance – national school lunch program – federal fund (652-00-3530).....	No limit
Food assistance – child and adult care food program – federal fund (652-00-3531).....	No limit
Elementary and secondary school aid – federal fund – local education agency fund (652-00-3532).....	No limit
Education of handicapped children fund – state operations – federal fund (652-00-3534).....	No limit
Education of handicapped children fund – preschool – federal fund (652-00-3535).....	No limit
Education of handicapped children fund – preschool state operations – federal (652-00-3536).....	No limit
Elementary and secondary school aid – federal fund – migrant education fund (652-00-3537).....	No limit
Elementary and secondary school aid – federal fund – migrant education – state operations (652-00-3538).....	No limit
Vocational education title II – federal fund (652-00-3539).....	No limit
Vocational education title II – federal fund – state operations (652-00-3540).....	No limit
Educational research grants and projects fund (652-00-3592).....	No limit
ARPA agency state fiscal recovery fund (652-00-3756).....	No limit
ARPA capital projects fund (652-00-3761).....	No limit
Local school district contribution program checkoff fund (652-00-7005).....	No limit

Provided, That notwithstanding the provisions of K.S.A. 79-3221n, and amendments thereto, or any other statute, during the fiscal year ending June 30, 2024, any moneys in such fund where a taxpayer fails to designate a unified school district on such taxpayer's individual income tax return may be expended by the above agency to distribute to unified school districts.

Governor's teaching excellence
scholarships program
repayment fund (652-00-7221).....

Provided, That all expenditures from the governor's teaching excellence scholarships program repayment fund shall be made in accordance with K.S.A. 72-2166, and amendments thereto: *Provided further*, That each such grant shall be required to be matched on a \$1-for-\$1 basis from nonstate sources: *And provided further*, That award of each such grant shall be conditioned upon the recipient entering into an agreement requiring the grant to be repaid if the recipient fails to complete the course of training under the national board for professional teaching standards certification program: *And provided further*, That all moneys received by the department of education for repayment of grants made

under the governor's teaching excellence scholarships program shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the governor's teaching excellence scholarships program repayment fund.

Private donations, gifts, grants and

bequests fund (652-00-7307).....No limit

Family and children

investment fund (652-00-7375).....No limit

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

Children's cabinet

accountability fund (652-00-2000-2402).....\$375,000

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

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

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

Parent education program (652-00-2000-2510).....\$9,437,635

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

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

Provided, That any unencumbered balance in the pre-K pilot account in excess of \$100 as of June 30, 2023, is hereby reappropriated for fiscal year 2024.

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

Provided, That any unencumbered balance in the early childhood infrastructure account in excess of \$100 as of June 30, 2023, is hereby reappropriated for fiscal year 2024.

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

Provided, That any unencumbered balance in the imagination library account in excess of \$100 as of June 30, 2023, is hereby reappropriated for fiscal year 2024.

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

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

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

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

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

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

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

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

(j) During the fiscal year ending June 30, 2024, the commissioner of education, with the approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2024 from the state general fund for the department of education to another item of appropriation for fiscal year 2024 from the state general fund for the department of education. The commissioner of education shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

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

KPERS – school employer

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

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

(l) During the fiscal year ending June 30, 2024, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or from any special revenue fund or funds for the above agency for fiscal year 2024 as authorized by this or other appropriation act of the 2023 regular session of the legislature, expenditures shall be made by the above agency from such moneys for fiscal year 2024 to survey school districts and submit to the senate committee on education and the house of representatives committees on education and K-12 education budget a list of all school districts that used curriculum and training materials that include the three cueing systems model of reading or visual memory program in the preceding school year.

New Sec. 3.

DEPARTMENT OF EDUCATION

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

State foundation aid (652-00-1000-0820).....\$ 2,825,725,000

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

Supplemental state aid (652-00-1000-0840).....\$590,000,000

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

Special education services aid (652-00-1000-0700).....\$535,518,818

Provided, That any unencumbered balance in the special education services aid account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025: *Provided further*, That expenditures shall not be made from the special education services aid account for the provision of instruction for any homebound or hospitalized child, unless the categorization of such child as exceptional is conjoined with the categorization of the child within one or more of the other categories of exceptionality: *And provided further*, That expenditures shall be made from this account for grants to school districts in amounts determined pursuant to and in accordance with the provisions of K.S.A. 72-3425, and amendments thereto: *And provided further*, That expenditures shall be made from the amount remaining in this account, after deduction of the expenditures specified in the foregoing provisos, for payments to school districts in amounts determined pursuant to and in accordance with the 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) Within 30 days after the board of education of a school district adopts a resolution to dispose of a school district building pursuant to K.S.A. 72-3216, and amendments thereto, such board of education shall submit written notice of its intention to dispose of such building to the legislature. Such notice shall be filed with the chief clerk of the house of representatives and the secretary of the senate and shall contain the following:

(1) A description of the school district's use of such building immediately prior to the decision to dispose of such building;

(2) the reason for such building's disuse and the decision to dispose of such building;

(3) the legal description of the real property to be disposed of; and

(4) a copy of the resolution adopted by the board of education.

(b) (1) If the notice required under subsection (a) is received by the legislature during a regular legislative session, then the legislature shall have 45 days to adopt a concurrent resolution in accordance with subsection (c) stating the legislature's intention for the state to acquire such building.

(2) If the notice required under subsection (a) is received when the legislature is not in regular session, then the legislature shall have 45 days from the commencement of the next regular session to adopt a concurrent resolution in accordance with subsection (c) stating the

legislature's intention for the state to acquire such building.

(3) If the legislature does not adopt a concurrent resolution in accordance with subsection (c) within the 45-day period, then the school district may proceed with the disposition of such school district building in accordance with state law.

(c) The legislature may adopt a concurrent resolution stating the legislature's intention that the state acquire the school district building. Such concurrent resolution shall include:

- (1) The name of the school district that owns such building;
- (2) the information contained in the written notice as described in subsection (a)(1) through (3); and
- (3) the state agency that intends to acquire such building and the intended use of such building upon acquisition.

(d) Upon adoption of a concurrent resolution in accordance with subsection (c), the state agency named in such resolution shall have 180 days to complete the acquisition of such school district building and take title to the real property. Upon request of the state agency acquiring the school district building, the legislative coordinating council may extend the 180-day period for a period of not more than 60 days. The board of education of the school district shall not sell, gift, lease or otherwise convey such building or any of the real property described in the written notice or take any action or refrain from taking any action that would diminish the value of such property during the 180-day period or any extension thereof. If the state agency does not take title to the property within the 180-day period or any extension thereof, then the school district may proceed with disposition of such school district building in accordance with state law and any written agreements entered into between such state agency and the school district.

(e) For purposes of this section, the term "state agency" means any state agency, department, authority, institution, division, bureau or other state governmental entity.

New Sec. 5. (a) Any student who meets the requirements of this section shall be permitted to participate in any activities offered by a school district that are regulated, supervised, promoted and developed by the activities association referred to in K.S.A. 72-7114, and amendments thereto. A student shall be permitted to participate in any such activities if such student:

- (1) Is a resident of the school district;
- (2) is enrolled and attending a nonpublic elementary or secondary school;
- (3) complies with the requirements of K.S.A. 72-6262, and amendments thereto, prior to participation in any such activity;
- (4) meets any applicable age and eligibility requirements set forth by the activities association referred to in K.S.A. 72-7114, and amendments thereto, that are not otherwise in conflict with this section;
- (5) pays any fees required by the school district for participation in such activity if such fees are generally imposed upon all other students who participate in such activity; and
- (6) seeks participation at the appropriate school of the school district that corresponds to where such student resides within the school district's respective school attendance boundaries established by the board of education of the school district.

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

- (A) The student is maintaining satisfactory progress towards achievement or promotion to the next grade level; and

(B) the parent, teacher or organization that provides instruction to the student submits an affidavit or transcript to the activities association indicating the student meets the academic eligibility requirements of subparagraph (A).

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

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

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

(e) This section shall take effect on and after July 1, 2023.

New Sec. 6. (a) The activities association referred to in K.S.A. 72-7114, and amendments thereto, shall not prohibit a student primarily enrolled in and attending a nonpublic school who enrolls part time in a public school from participating in any activity available to such student as part of such student's primary enrollment and attendance at a nonpublic school.

(b) This section shall take effect on and after July 1, 2023.

New Sec. 7. (a) There is hereby established the special education and related services funding task force. The task force shall be composed of 11 members, as follows:

(1) Two members appointed by the speaker of the house of representatives;

(2) two members appointed by the president of the senate;

(3) one member appointed by the minority leader of the house of representatives;

(4) one member appointed by the minority leader of the senate;

(5) one member appointed by the state board of education;

(6) two members appointed by the state department of education who are professionals in the field of special education and related services;

(7) one member appointed by the state department of education who is a professional in early childhood developmental services and provides services for a tiny-K program; and

(8) one member who shall be a parent of a student who receives special education services. In calendar year 2023, and every second succeeding calendar year thereafter, such member shall be appointed by the speaker of the house of representatives. In calendar year 2024, and every second succeeding calendar year thereafter, such member shall be appointed by the president of the senate.

(b) Members shall be appointed to the task force on or before July 1, 2023. The speaker of the house of representatives shall designate one member appointed by the speaker of the house of representatives to call the first meeting of the task force. Any vacancy in the membership of the task force shall be filled by appointment in the same manner prescribed by this section for the original appointment.

(c) (1) If approved by the legislative coordinating council, members of the task force attending meetings authorized by the task force shall be paid amounts for expenses, mileage and subsistence as provided in K.S.A. 75-3223(e), and amendments thereto.

(2) The members of the task force shall select a chairperson and

vice chairperson from the membership of the task force.

(3) The task force may meet at any time and at any place within the state on the call of the chairperson. A quorum of the task force shall be six members. All actions of the task force shall be by motion adopted by a majority of those voting members present when there is a quorum.

(4) In accordance with K.S.A. 46-1204, and amendments thereto, the legislative coordinating council may provide for such professional services as may be requested by the task force.

(5) The staff of the office of revisor of statutes, the legislative research department and the division of legislative administrative services shall provide such assistance as may be requested by the task force. The state board of education shall provide consultants and assistance when requested by the task force. The state board of education and school districts shall provide any information or documentation requested by the task force.

(d) The special education and related services funding task force shall:

(1) Study and make recommendations for changes in the existing formula for funding of special education and related services;

(2) conduct hearings and receive and consider suggestions from teachers, parents, the department of education, the state board of education, other governmental officers and agencies and the general public concerning funding for special education and related services; and

(3) make and submit reports to the legislature on the work of the task force concerning recommendations of the task force. Such reports shall include recommendations for legislative changes and be submitted to the legislature on or before January 14 of each year.

Sec. 8. K.S.A. 72-1137 is hereby amended to read as follows: 72-1137. In addition to the officers provided for in this act, the board of education of any school district may appoint other officers and employees to serve at the pleasure of the board. Such officers and employees shall receive compensation fixed by the board. ~~No member of a board of education shall receive compensation from the school district for any work or duties performed by him.~~ *Members of a board of education of a school district may receive compensation from the school district for the work and duties performed by such board members.*

Sec. 9. K.S.A. 72-3123, as amended by section 16 of chapter 94 of the 2022 Session Laws of Kansas, is hereby amended to read as follows: 72-3123. (a) Beginning in school year 2024-2025, any child of school age pursuant to K.S.A. 72-3118, and amendments thereto, may attend a school operated by a school district where such child does not reside if such school district has open seats as determined pursuant to this section.

(b) The board of education of any school district shall permit nonresident students to enroll in and attend the schools of the district if such school district has open seats as determined pursuant to this section.

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

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

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

(d) (1) On or before May 1 of each year, each school board shall

determine for each grade level in each school building of the school district for the next succeeding school year the:

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

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

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

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

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

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

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

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

(2) *Subject to capacity, school districts shall give priority to any nonresident student who is a military student as defined in K.S.A. 72-5139, and amendments thereto. Priority shall be given when the military student is first accepted and, if necessary, at any other time the school district considers transfer applications. Any such military student shall not be subject to the open seat lottery.*

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

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

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

(f) A school district shall not:

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

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

or athletic ability.

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

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

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

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

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

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

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

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

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

Sec. 10. K.S.A. 2022 Supp. 72-3126 is hereby amended to read as follows: 72-3126. (a) (1) On or before January 1, 2024, each board of education of a school district shall adopt a policy to determine the number of nonresident students that the school district has the capacity to accept in each grade level for each school of the school district pursuant to K.S.A. 72-3123, and amendments thereto. Such policies

shall clearly specify the reasons that the board may use to deny continued enrollment of a nonresident student who is not in good standing. Such reasons for a denial of continued enrollment may include, but shall not be limited to, the nonresident student's record of school absenteeism and repeated suspensions or expulsions.

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

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

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

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

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

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

Sec. 11. K.S.A. 72-3216 is hereby amended to read as follows: 72-3216. (a) (1) Subject to ~~provision paragraph (2) of this subsection,~~ every unified school district shall maintain, offer and teach kindergarten and grades one through 12 and shall offer and teach at least 30 units of instruction for ~~pupils~~ *students* enrolled in grades nine through 12 in each high school operated by the board of education. The units of instruction, to qualify for the purpose of this section, shall have the prior approval of the state board of education.

(2) Any unified school district which has discontinued kindergarten, any grade or unit of instruction under authority of K.S.A. 72-13,101, and amendments thereto, and has entered into an agreement with another unified school district for the provision of kindergarten or any such grade or unit of instruction has complied with the kindergarten, grade and unit of instruction requirements of this section.

(b) The board of education shall adopt all necessary rules and regulations for the government and conduct of its schools, consistent with the laws of the state.

(c) The board of education may divide the district into subdistricts for purposes of attendance by pupils.

(d) The board of education shall have the title to and the care and keeping of all school buildings and other school property belonging to the district. The board may open any or all school buildings for community purposes and may adopt rules and regulations governing use of school buildings for those purposes. School buildings and other school properties no longer needed by the school district may be disposed of by the board upon the affirmative recorded vote of not less

than a majority of the members of the board at a regular meeting. *Subject to the provisions of section 4, and amendments thereto*, the board may dispose of the property in such manner and upon such terms and conditions as the board deems to be in the best interest of the school district. Conveyances of school buildings and other school properties shall be executed by the president of the board and attested by the clerk.

(e) The board shall have the power to acquire personal and real property by purchase, gift or the exercise of the power of eminent domain in accordance with K.S.A. 72-1144, and amendments thereto.

Sec. 12. On and after July 1, 2023, K.S.A. 2022 Supp. 72-4352 is hereby amended to read as follows: 72-4352. As used in the tax credit for low income students scholarship program act:

(a) "Contributions" means monetary gifts or donations and in-kind contributions, gifts or donations that have an established market value.

(b) "Department" means the Kansas department of revenue.

(c) "Educational scholarship" means an amount not to exceed \$8,000 per school year provided to an eligible student, or to a qualified school with respect to an eligible student, to cover all or a portion of the costs of education including tuition, fees and expenses of a qualified school and, if applicable, the costs of transportation to a qualified school if provided by such qualified school.

(d) "Eligible student" means a child who:

(1) Resides in Kansas; and

(2) (A) (i) ~~Is eligible for free or reduced-price meals under the national school lunch act~~ *Has an annual family income that is less than or equal to 250% of the federal poverty guidelines as determined annually in the federal register by the United States department of health and human services under 42 U.S.C. § 9902(2); and*

(ii) (a) was enrolled in kindergarten or any of the grades one through eight in any public school in the previous school year in which an educational scholarship is first sought for the child; or

(b) is eligible to be enrolled in any public school in the school year in which an educational scholarship is first sought for the child and the child is seven years of age or under; or

(B) has received an educational scholarship under the program and has not graduated from high school or reached the age of 21 years.

(e) "Parent" includes a guardian, custodian or other person with authority to act on behalf of the child.

(f) "Program" means the tax credit for low income students scholarship program established in K.S.A. 72-4351 through 72-4357, and amendments thereto.

(g) "Public school" means any school operated by a unified school district under the laws of this state.

(h) "Qualified school" means any nonpublic school that:

(1) Provides education to elementary or secondary students;

(2) is accredited by the state board or a national or regional accrediting agency that is recognized by the state board for the purpose of satisfying the teaching performance assessment for professional licensure *or is working in good faith toward such accreditation;*

(3) has notified the state board of its intention to participate in the program; and

(4) complies with the requirements of the program.

(i) "Scholarship granting organization" means an organization that complies with the requirements of this program and provides educational scholarships to eligible students or to qualified schools in which parents have enrolled eligible students.

(j) "School district" or "district" means any unified school district organized and operating under the laws of this state.

(k) "School year" means the same as in K.S.A. 72-5132, and amendments thereto.

(l) "Secretary" means the secretary of revenue.

(m) "State board" means the state board of education.

Sec. 13. On and after July 1, 2023, K.S.A. 72-4357 is hereby amended to read as follows: 72-4357. (a) (1) There shall be allowed a credit against the corporate income tax liability imposed upon a taxpayer pursuant to the Kansas income tax act, the privilege tax liability imposed upon a taxpayer pursuant to the privilege tax imposed upon any national banking association, state bank, trust company or savings and loan association pursuant to article 11 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, and the premium tax liability imposed upon a taxpayer pursuant to the premiums tax and privilege fees imposed upon an insurance company pursuant to K.S.A. 40-252, and amendments thereto, for tax years commencing after December 31, 2014, and ending before January 1, 2017, an amount equal to 70% of the amount contributed to a scholarship granting organization authorized pursuant to K.S.A. 72-4351 et seq., and amendments thereto.

(2) There shall be allowed a credit against the tax liability imposed upon a taxpayer pursuant to the Kansas income tax act, the privilege tax liability imposed upon a taxpayer pursuant to the privilege tax imposed upon any national banking association, state bank, trust company or savings and loan association pursuant to article 11 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, and the premium tax liability imposed upon a taxpayer pursuant to the premiums tax and privilege fees imposed upon an insurance company pursuant to K.S.A. 40-252, and amendments thereto;:

(A) For tax years commencing after December 31, 2016, *and ending before January 1, 2022*, an amount equal to 70% of the amount contributed to a scholarship granting organization authorized pursuant to K.S.A. 72-4351 et seq., and amendments thereto; *and*

(B) *for tax years commencing after December 31, 2022, an amount equal to 75% of the amount contributed to a scholarship granting organization authorized pursuant to K.S.A. 72-4351 et seq., and amendments thereto.*

(3) In no event shall the total amount of contributions for any taxpayer allowed under this subsection exceed \$500,000 for any tax year.

(b) The credit shall be claimed and deducted from the taxpayer's tax liability during the tax year in which the contribution was made to any such scholarship granting organization.

(c) For each tax year, in no event shall the total amount of credits allowed under this section exceed \$10,000,000 for any one tax year. Except as otherwise provided, the allocation of such tax credits for each scholarship granting organization shall be determined by the scholarship granting organization in consultation with the secretary, and such determination shall be completed prior to the issuance of any tax credits pursuant to this section.

(d) If the amount of any such tax credit claimed by a taxpayer exceeds the taxpayer's income, privilege or premium tax liability, such excess amount may be carried over for deduction from the taxpayer's income, privilege or premium tax liability in the next succeeding year or years until the total amount of the credit has been deducted from tax liability.

(e) The secretary shall adopt rules and regulations regarding filing of documents that support the amount of credit claimed pursuant to this section.

Sec. 14. On and after July 1, 2023, K.S.A. 2022 Supp. 72-5132 is

hereby amended to read as follows: 72-5132. As used in the Kansas school equity and enhancement act, K.S.A. 72-5131 et seq., and amendments thereto:

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

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

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

(2) "At-risk student" does not include any student enrolled in any of the grades one through 12 who is in attendance less than full time, or any student who is over 19 years of age. The provisions of this paragraph shall not apply to any student who has an individualized education program.

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

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

- (1) For school year 2018-2019, \$4,165;
- (2) for school year 2019-2020, \$4,436;
- (3) for school year 2020-2021, \$4,569;
- (4) for school year 2021-2022, \$4,706;
- (5) for school year 2022-2023, \$4,846; and

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

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

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

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

(i) "Categorical fund" means and includes the following funds of a school district: Adult education fund; adult supplementary education fund; at-risk education fund; bilingual education fund; career and postsecondary education fund; driver training fund; educational excellence grant program fund; extraordinary school program fund; food service fund; parent education program fund; preschool-aged at-

risk education fund; professional development fund; special education fund; and summer program fund.

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

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

(l) (1) "Enrollment" means, except as provided in K.S.A. 2022 Supp. 72-5180, and amendments thereto, *whichever is the greater of:*

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

~~(B)~~ (B) *except as provided in paragraph (4), the number of students regularly enrolled in kindergarten and grades one through 12 in the school district on September 20 of the preceding school year plus the number of preschool-aged at-risk students regularly enrolled in the school district on September 20 of the current school year, except a student who is a foreign exchange student shall not be counted unless such student is regularly enrolled in the school district on September 20 and attending kindergarten or any of the grades one through 12 maintained by the school district for at least one semester or two quarters, or the equivalent thereof.*

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

~~(A)(C)~~ (A)(C) *the enrollment in the second preceding school year, excluding students under paragraph (2)(B), minus enrollment in the preceding school year of preschool-aged at-risk students, if any, plus enrollment in the current school year of preschool-aged at-risk students, if any; and*

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

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

~~(A)(i)~~ (A)(i) *The enrollment amounts determined under paragraph (2) subparagraphs (A) or (B); or*

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

~~(i)(a)~~ (i)(a) *The enrollment of the number of students regularly enrolled in kindergarten and grades one through 12 in the school district in on September 20 of the preceding school year minus the enrollment in*

~~such school year of preschool-aged at-risk students, if any;~~

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

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

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

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

(4) If a school district closed any school building pursuant to K.S.A. 72-1431, and amendments thereto, in the preceding school year, such school district shall determine enrollment pursuant to paragraph (1)(A) in the current school year.

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

(n) "Federal impact aid" means an amount equal to the federally qualified percentage of the amount of moneys a school district receives in the current school year under the provisions of title I of public law 874 and congressional appropriations therefor, excluding amounts received for assistance in cases of major disaster and amounts received under the low-rent housing program. The amount of federal impact aid shall be determined by the state board in accordance with terms and conditions imposed under the provisions of the public law and rules and regulations thereunder.

(o) "General fund" means the fund of a school district from which operating expenses are paid and in which is deposited all amounts of state foundation aid provided under this act, payments under K.S.A. 72-528, and amendments thereto, payments of federal funds made available under the provisions of title I of public law 874, except amounts received for assistance in cases of major disaster and amounts received under the low-rent housing program and such other moneys as are provided by law.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(bb) (1) "Remote learning" means a method of providing education in which the student, although regularly enrolled in a school district, does not physically attend the attendance center such student would otherwise attend in person on a full-time basis and curriculum

and instruction are prepared, provided and supervised by teachers and staff of such school district to approximate the student learning experience that would take place in the attendance center classroom.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(D) A student enrolled in and attending an institution of postsecondary education that is authorized under the laws of this state to award academic degrees shall be counted as one student if the student's postsecondary education enrollment and attendance together with the student's attendance in either of the grades 11 or 12 is at least $\frac{5}{6}$ time, otherwise the student shall be counted as that proportion of one

student, to the nearest $\frac{1}{10}$, that the total time of the student's postsecondary education attendance and attendance in grades 11 or 12, as applicable, bears to full-time attendance.

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

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

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

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

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

This subparagraph shall not apply to:

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

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

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

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

(B) except as provided in paragraph (2), an individual confined in and receiving educational services provided for by a school district at a juvenile detention facility; and

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

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

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

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

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

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

Sec. 15. On and after July 1, 2023, K.S.A. 2022 Supp. 72-5142 is

hereby amended to read as follows: 72-5142. (a) The board of education of each school district shall levy an ad valorem tax upon the taxable tangible property of the school district in the school years specified in subsection (b) for the purpose of:

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

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

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

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

(c) The proceeds from the tax levied by a district under authority of this section, except the proceeds of such tax levied for the purpose described in subsection (a)(3), shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state school district finance fund.

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

Sec. 16. On and after July 1, 2023, K.S.A. 72-5149 is hereby amended to read as follows: 72-5149. (a) *Except as provided in subsection (c)*, the low enrollment weighting of each school district shall be determined by the state board as follows:

(1) For school districts with an enrollment of fewer than 100 students, multiply the enrollment of the school district by 1.014331. The resulting product is the low enrollment weighting of the school district;

(2) for school districts with an enrollment of at least 100 students, but fewer than 300 students:

(A) Subtract 100 from the enrollment of the school district;

(B) multiply the difference obtained under subsection (a)(2)(A) by 9.655;

(C) subtract the product obtained under subsection (a)(2)(B) from 7,337;

(D) divide the difference obtained under subsection (a)(2)(C) by 3,642.4;

(E) subtract one from the quotient obtained under subsection (a)(2)(D); and

(F) multiply the difference obtained under subsection (a)(2)(E) by the enrollment of the school district. The resulting product is the low enrollment weighting of the school district;

(3) for school districts with an enrollment of at least 300 students, but fewer than 1,622 students:

(A) Subtract 300 from the enrollment of the school district;

(B) multiply the difference obtained under subsection (a)(3)(A) by 1.2375;

(C) subtract the product obtained under subsection (a)(3)(B) from 5,406;

(D) divide the difference obtained under subsection (a)(3)(C) by 3,642.4;

(E) subtract one from the quotient obtained under subsection (a)

(3)(D); and

(F) multiply the difference obtained under subsection (a)(3)(E) by the enrollment of the school district. The resulting product is the low enrollment weighting of the school district.

(b) For school districts with an enrollment of at least 1,622 students, multiply the enrollment of the school district by 0.03504. The resulting product is the high enrollment weighting of the school district.

(c) Any school district that receives the low enrollment weighting and attaches territory of all or part of a disorganized school district or accepts students in the current school year who attended a school building that was closed by another school district pursuant to K.S.A. 72-1431, and amendments thereto, in the preceding school year shall maintain the low enrollment weighting factor such school district received in the school year immediately preceding such attachment or acceptance for the next three succeeding school years or may receive the low enrollment weighting factor determined pursuant to subsection (a), whichever is greater.

Sec. 17. On and after July 1, 2023, K.S.A. 2022 Supp. 72-5151 is hereby amended to read as follows: 72-5151. (a) The at-risk student weighting of each school district shall be determined by the state board as follows:

(1) Determine the number of at-risk students included in the enrollment of the school district; and

(2) multiply the number determined under subsection (a)(1) by 0.484. The resulting sum is the at-risk student weighting of the school district.

(b) Except as provided in subsection (b)(4), the high-density at-risk student weighting of each school district shall be determined by the state board as follows:

(1) (A) If the enrollment of the school district is at least 35% at-risk students, but less than 50% at-risk students:

(i) Subtract 35% from the percentage of at-risk students included in the enrollment of the school district;

(ii) multiply the difference determined under subsection (b)(1)(A) (i) by 0.7; and

(iii) multiply the product determined under subsection (b)(1)(A) (ii) by the number of at-risk students included in the enrollment of the school district; or

(B) if the enrollment of the school district is 50% or more at-risk students, multiply the number of at-risk students included in the enrollment of the school district by 0.105; or

(2) (A) if the enrollment of a school in the school district is at least 35% at-risk students, but less than 50% at-risk students:

(i) Subtract 35% from the percentage of at-risk students included in the enrollment of such school;

(ii) multiply the difference determined under subsection (b)(2)(A) (i) by 0.7; and

(iii) multiply the product determined under subsection (b)(2)(A) (ii) by the number of at-risk students included in the enrollment of such school; or

(B) if the enrollment of a school in the school district is 50% or more at-risk students, multiply the number of at-risk students included in the enrollment of such school by 0.105; and

(C) add the products determined under subsections (b)(2)(A)(iii) and (b)(2)(B) for each such school in the school district, respectively.

(3) The high-density at-risk student weighting of the school district shall be the greater of the product determined under subsection (b)(1) or the sum determined under subsection (b)(2)(C).

(4) School districts that qualify to receive the high-density at-risk

student weighting pursuant to this section shall spend any money attributable to the school district's high-density at-risk student weighting on the at-risk best practices developed by the state board pursuant to K.S.A. 72-5153(d), and amendments thereto. If a school district that qualifies for the high-density at-risk student weighting does not spend such money on such best practices, the state board shall notify the school district that it shall repay such money to the school district's at-risk education fund. On or before January 15 of each year, the state board shall notify the house and senate standing committees on education, or any successor committees, which school districts had to repay such money and the amount of money such school district repaid for the preceding school year. If a school district does not spend such money on such best practices for three consecutive years, the school district shall not qualify to receive the high-density at-risk student weighting in the succeeding school year.

(5) The provisions of this subsection shall expire on July 1, ~~2024~~ 2027.

(c) The purpose of the at-risk student weighting and the high-density at-risk student weighting is to provide students identified as eligible to receive at-risk programs and services with evidence-based educational services in addition to regular instructional services.

(d) Upon a school district's receipt of state foundation aid, that portion of such state foundation aid that is directly attributable to such school district's at-risk student weighting and high-density at-risk student weighting, if any, shall be transferred to the district's at-risk education fund established under K.S.A. 72-5153, and amendments thereto.

Sec. 18. On and after July 1, 2023, K.S.A. 72-5159 is hereby amended to read as follows: 72-5159. (a) Subject to subsection (b), the board of education of a school district may levy a tax on the taxable tangible property within the school district for the purpose of financing the costs incurred by the state that are attributable directly to assignment of the cost-of-living weighting to the enrollment of the school district.

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

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

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

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

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

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

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

RESOLUTION

Be It Resolved that:

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

CERTIFICATE

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

Clerk of the board of education.

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

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

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

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

follows:

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

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

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

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

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

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

Sec. 19. K.S.A. 2022 Supp. 72-5462 is hereby amended to read as follows: 72-5462. (a) There is hereby established in the state treasury the school district capital improvements fund. The fund shall consist of all amounts transferred thereto under the provisions of subsection (c).

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

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

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

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

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

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

(E) determine the amount of payments that a school district is

obligated to make from its bond and interest fund attributable to general obligation bonds approved for issuance at an election held prior to July 1, 2015; and

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

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

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

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

(C) determine a state aid percentage factor for each school district by assigning a state aid computation percentage to the amount of the lowest AVPP shown on the schedule and decreasing the state aid computation percentage assigned to the amount of the lowest AVPP by one percentage point for each \$1,000 interval above the amount of the lowest AVPP. Except as provided by K.S.A. 72-5463, and amendments thereto, the state aid percentage factor of a school district is the percentage assigned to the schedule amount that is equal to the amount of the AVPP of the school district. The state aid computation percentage is 75%;

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

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

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

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

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

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

(D) determine the amount of payments that a school district is

obligated to make from its bond and interest fund attributable to general obligation bonds approved for issuance at an election held on or after July 1, 2022; and

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

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

(5) (A) For general obligation bonds approved for issuance at an election held on or after July 1, 2016, the amount determined under subsection (b)(2)(E) or (b)(3)(E) is the amount of payment the school district shall receive from the school district capital improvements fund in the school year, except the total amount of payments school districts receive from the school district capital improvements fund in the school year for such bonds shall not exceed the six-year average amount of capital improvement state aid as determined by the state board of education.

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

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

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

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

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

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

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

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

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

(7) A school district that had an enrollment of less than 260 students in the school year immediately preceding the school year in

which an election is held to approve the issuance of general obligation bonds shall not be entitled to receive payments from the school district capital improvements fund unless such school district applied for and received approval from the state board of education to issue such bonds prior to holding an election to approve such bond issuance. The provisions of this paragraph shall apply to general obligation bonds approved for issuance at an election held on or after July 1, 2017, that are issued for the purpose of financing the construction of new school facilities.

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

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

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

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

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

(d) Payments from the school district capital improvements fund shall be distributed to school districts at times determined by the state board of education to be necessary to assist school districts in making scheduled payments pursuant to contractual bond obligations. The state board of education shall certify to the director of accounts and reports the amount due each school district entitled to payment from the fund, and the director of accounts and reports shall draw a warrant on the state treasurer payable to the treasurer of the school district. Upon receipt of the warrant, the treasurer of the school district shall credit the amount thereof to the bond and interest fund of the school district to be used for the purposes of such fund.

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

(f) Each year, the state board of education shall prepare and

submit a report to the legislature that includes information on school district elections held on or after July 1, 2016, to approve the issuance of general obligation bonds and the amount of payments school districts were approved to receive from the school district capital improvements fund pursuant to subsection (b)(5)(D).

Sec. 20. K.S.A. 72-1137, 72-3123, as amended by section 16 of chapter 94 of the 2022 Session Laws of Kansas, and 72-3216 and K.S.A. 2022 Supp. 72-3126 and 72-5462 are hereby repealed.

Sec. 21. On and after July 1, 2023, K.S.A. 72-4357, 72-5149 and 72-5159 and K.S.A. 2022 Supp. 72-4352, 72-5132, 72-5142 and 72-5151 are hereby repealed.

Sec. 22. This act shall take effect and be in force from and after its publication in the Kansas register.

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

SENATE adopted

Conference Committee Report _____

President of the Senate.

Secretary of the Senate.

Passed the HOUSE

as amended _____

HOUSE adopted

Conference Committee Report _____

Speaker of the House.

Chief Clerk of the House.

APPROVED _____

Governor.