

HOUSE BILL No. 2797

By Committee on Appropriations

4-26

1 AN ACT concerning education; relating to the Kansas school equity and
2 enhancement act; local option budgets; local foundation aid; amending
3 K.S.A. 2017 Supp. 72-5132, as amended by section 2 of 2018
4 Substitute for Senate Bill No. 423, 72-5143, as amended by section 4 of
5 2018 Substitute for Senate Bill No. 423, 72-5148, as amended by
6 section 6 of 2018 Substitute for Senate Bill No. 423, 72-5157, 72-5158
7 and 72-5159 and repealing the existing sections.
8

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

10 New Section. 1. (a) The board of education of a school district may
11 adopt a local option budget that does not exceed the local option budget
12 calculated as if the school district received state aid for special education
13 and related services equal to the amount of state aid for special education
14 and related services received in school year 2008-2009, or that does not
15 exceed the local option budget as calculated pursuant to K.S.A. 2017
16 Supp. 72-5143, and amendments thereto, whichever is greater.

17 (b) To the extent that the provisions of K.S.A. 2017 Supp. 72-5143,
18 and amendments thereto, conflict with this section, this section shall
19 control.

20 Sec. 2. K.S.A. 2017 Supp. 72-5132, as amended by section 2 of 2018
21 Substitute for Senate Bill No. 423, is hereby amended to read as follows:
22 72-5132. As used in the Kansas school equity and enhancement act,
23 K.S.A. 2017 Supp. 72-5131 et seq., and amendments thereto:

24 (a) "Adjusted enrollment" means the enrollment of a school district
25 adjusted by adding the following weightings, if any, to the enrollment of a
26 school district: At-risk student weighting; bilingual weighting; career
27 technical education weighting; high-density at-risk student weighting; high
28 enrollment weighting; low enrollment weighting; school facilities
29 weighting; ancillary school facilities weighting; cost-of-living weighting;
30 special education and related services weighting; and transportation
31 weighting.

32 (b) "Ancillary school facilities weighting" means an addend
33 component assigned to the enrollment of school districts pursuant to
34 K.S.A. 2017 Supp. 72-5158, and amendments thereto, on the basis of costs
35 attributable to commencing operation of one or more new school facilities
36 by such school districts.

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

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

9 (d) "At-risk student weighting" means an addend component assigned
10 to the enrollment of school districts pursuant to K.S.A. 2017 Supp. 72-
11 5151(a), and amendments thereto, on the basis of costs attributable to the
12 maintenance of at-risk educational programs by such school districts.

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

16 (1) For school year 2018-2019, \$4,900;

17 (2) for school year 2019-2020, \$5,061;

18 (3) for school year 2020-2021, \$5,222;

19 (4) for school year 2021-2022, \$5,384;

20 (5) for school year 2022-2023, \$5,545; and

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

28 (f) "Bilingual weighting" means an addend component assigned to
29 the enrollment of school districts pursuant to K.S.A. 2017 Supp. 72-5150,
30 and amendments thereto, on the basis of costs attributable to the
31 maintenance of bilingual educational programs by such school districts.

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

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

35 (i) "Categorical fund" means and includes the following funds of a
36 school district: Adult education fund; adult supplementary education fund;
37 at-risk education fund; bilingual education fund; career and postsecondary
38 education fund; driver training fund; educational excellence grant program
39 fund; extraordinary school program fund; food service fund; parent
40 education program fund; preschool-aged at-risk education fund;
41 professional development fund; special education fund; and summer
42 program fund.

43 (j) "Cost-of-living weighting" means an addend component assigned

1 to the enrollment of school districts pursuant to K.S.A. 2017 Supp. 72-
2 5159, and amendments thereto, on the basis of costs attributable to the cost
3 of living in such school districts.

4 (k) "Current school year" means the school year during which state
5 foundation aid is determined by the state board under K.S.A. 2017 Supp.
6 72-5134, and amendments thereto.

7 (l) "Enrollment" means:

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

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

21 (A) The enrollment in the second preceding school year, excluding
22 students under paragraph (2)(B), minus enrollment in the preceding school
23 year of preschool-aged at-risk students, if any, plus enrollment in the
24 current school year of preschool-aged at-risk students, if any; and

25 (B) the adjusted enrollment in the second preceding school year of
26 any students participating in the tax credit for low income students
27 scholarship program pursuant to K.S.A. 2017 Supp. 72-4351 et seq., and
28 amendments thereto, in the preceding school year, if any, plus the adjusted
29 enrollment in the preceding school year of preschool-aged at-risk students
30 who are participating in the tax credit for low income students scholarship
31 program pursuant to K.S.A. 2017 Supp. 72-4351 et seq., and amendments
32 thereto, in the current school year, if any.

33 (3) For any school district that has a military student, as that term is
34 defined in K.S.A. 2017 Supp. 72-5139, and amendments thereto, enrolled
35 in such district, and that received federal impact aid for the preceding
36 school year, if the enrollment in such school district in the preceding
37 school year has decreased from enrollment in the second preceding school
38 year, the enrollment of the school district in the current school year means
39 whichever is the greater of:

40 (A) The enrollment determined under paragraph (2); or

41 (B) the sum of the enrollment in the preceding school year of
42 preschool-aged at-risk students, if any, and the arithmetic mean of the sum
43 of:

1 (i) The enrollment of the school district in the preceding school year
2 minus the enrollment in such school year of preschool-aged at-risk
3 students, if any;

4 (ii) the enrollment in the second preceding school year minus the
5 enrollment in such school year of preschool-aged at-risk students, if any;
6 and

7 (iii) the enrollment in the third preceding school year minus the
8 enrollment in such school year of preschool-aged at-risk students, if any.

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

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

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

26 (o) "General fund" means the fund of a school district from which
27 operating expenses are paid and in which is deposited all amounts of state
28 foundation aid provided under this act, payments under K.S.A. 2017 Supp.
29 72-528, and amendments thereto, payments of federal funds made
30 available under the provisions of title I of public law 874, except amounts
31 received for assistance in cases of major disaster and amounts received
32 under the low-rent housing program and such other moneys as are
33 provided by law.

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

36 (q) "High-density at-risk student weighting" means an addend
37 component assigned to the enrollment of school districts pursuant to
38 K.S.A. 2017 Supp. 72-5151(b), and amendments thereto, on the basis of
39 costs attributable to the maintenance of at-risk educational programs by
40 such school districts.

41 (r) "High enrollment weighting" means an addend component
42 assigned to the enrollment of school districts pursuant to K.S.A. 2017
43 Supp. 72-5149(b), and amendments thereto, on the basis of costs

1 attributable to maintenance of educational programs by such school
2 districts.

3 (s) "Juvenile detention facility" means the same as such term is
4 defined in K.S.A. 2017 Supp. 72-1173, and amendments thereto.

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

6 (1) ~~The amount of the proceeds from the tax levied under the~~
7 ~~authority of K.S.A. 2017 Supp. 72-5147, and amendments thereto, that is~~
8 ~~levied to finance that portion of the school district's local option budget~~
9 ~~that is required pursuant to K.S.A. 2017 Supp. 72-5143(a), and~~
10 ~~amendments thereto, and not financed from any other source provided by~~
11 ~~law, except that for purposes of this paragraph, the school district's local~~
12 ~~option budget shall be determined by using the school district's state aid~~
13 ~~for special education and related services for the current school year;~~

14 ~~(2) an amount equal to that portion of the school district's~~
15 ~~supplemental state aid determined pursuant to K.S.A. 2017 Supp. 72-5145,~~
16 ~~and amendments thereto, to equalize that portion of the school district's~~
17 ~~local option budget that is required pursuant to K.S.A. 2017 Supp. 72-~~
18 ~~5143(a), and amendments thereto, and not financed from any other source~~
19 ~~provided by law;~~

20 ~~(3) an amount equal to any unexpended and unencumbered balance~~
21 ~~remaining in the general fund of the school district, except moneys~~
22 ~~received by the school district and authorized to be expended for the~~
23 ~~purposes specified in K.S.A. 2017 Supp. 72-5168, and amendments~~
24 ~~thereto;~~

25 ~~(4)(3) an amount equal to any remaining proceeds from taxes levied~~
26 ~~under authority of K.S.A. 72-7056 and 72-7072, and amendments thereto,~~
27 ~~prior to their repeal;~~

28 ~~(5)(4) an amount equal to the amount deposited in the general fund in~~
29 ~~the current school year from moneys received in such school year by the~~
30 ~~school district under the provisions of K.S.A. 2017 Supp. 72-3123(a), and~~
31 ~~amendments thereto;~~

32 ~~(6)(5) an amount equal to the amount deposited in the general fund in~~
33 ~~the current school year from moneys received in such school year by the~~
34 ~~school district pursuant to contracts made and entered into under authority~~
35 ~~of K.S.A. 2017 Supp. 72-3125, and amendments thereto;~~

36 ~~(7)(6) an amount equal to the amount credited to the general fund in~~
37 ~~the current school year from moneys distributed in such school year to the~~
38 ~~school district under the provisions of articles 17 and 34 of chapter 12 of~~
39 ~~the Kansas Statutes Annotated, and amendments thereto, and under the~~
40 ~~provisions of articles 42 and 51 of chapter 79 of the Kansas Statutes~~
41 ~~Annotated, and amendments thereto;~~

42 ~~(8)(7) an amount equal to the amount of payments received by the~~
43 ~~school district under the provisions of K.S.A. 2017 Supp. 72-3423, and~~

1 amendments thereto;

2 ~~(9)~~(8) an amount equal to the amount of any grant received by the
3 school district under the provisions of K.S.A. 2017 Supp. 72-3425, and
4 amendments thereto; and

5 ~~(10)~~(9) an amount equal to 70% of the federal impact aid of the
6 school district.

7 (u) "Low enrollment weighting" means an addend component
8 assigned to the enrollment of school districts pursuant to K.S.A. 2017
9 Supp. 72-5149(a), and amendments thereto, on the basis of costs
10 attributable to maintenance of educational programs by such school
11 districts.

12 (v) "Operating expenses" means the total expenditures and lawful
13 transfers from the general fund of a school district during a school year for
14 all purposes, except expenditures for the purposes specified in K.S.A.
15 2017 Supp. 72-5168, and amendments thereto.

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

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

23 (y) "Preschool-aged exceptional children" means exceptional
24 children, except gifted children, who have attained the age of three years
25 but are under the age of eligibility for attendance at kindergarten. The
26 terms "exceptional children" and "gifted children" have the same meaning
27 as those terms are defined in K.S.A. 2017 Supp. 72-3404, and amendments
28 thereto.

29 (z) "Psychiatric residential treatment facility" means the same as such
30 term is defined in K.S.A. 2017 Supp. 72-1173, and amendments thereto.

31 (aa) "School district" means a school district organized under the
32 laws of this state that is maintaining public school for a school term in
33 accordance with the provisions of K.S.A. 2017 Supp. 72-3115, and
34 amendments thereto.

35 (bb) "School facilities weighting" means an ~~added~~ *addend* component
36 assigned to the enrollment of school districts pursuant to K.S.A. 2017
37 Supp. 72-5156, and amendments thereto, on the basis of costs attributable
38 to commencing operation of one or more new school facilities by such
39 school districts.

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

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

1 (ee) "Special education and related services weighting" means an
2 addend component assigned to the enrollment of school districts pursuant
3 to K.S.A. 2017 Supp. 72-5157, and amendments thereto, on the basis of
4 costs attributable to the maintenance of special education and related
5 services by such school districts.

6 (ff) "State board" means the state board of education.

7 (gg) "State foundation aid" means the amount of aid distributed to a
8 school district as determined by the state board pursuant to K.S.A. 2017
9 Supp. 72-5134, and amendments thereto.

10 (hh) (1) "Student" means any person who is regularly enrolled in a
11 school district and attending kindergarten or any of the grades one through
12 12 maintained by the school district or who is regularly enrolled in a
13 school district and attending kindergarten or any of the grades one through
14 12 in another school district in accordance with an agreement entered into
15 under authority of K.S.A. 2017 Supp. 72-13,101, and amendments thereto,
16 or who is regularly enrolled in a school district and attending special
17 education services provided for preschool-aged exceptional children by the
18 school district.

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

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

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

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

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

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

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

34 (D) A student enrolled in and attending an institution of
35 postsecondary education that is authorized under the laws of this state to
36 award academic degrees shall be counted as one student if the student's
37 postsecondary education enrollment and attendance together with the
38 student's attendance in either of the grades 11 or 12 is at least $\frac{5}{6}$ time,
39 otherwise the student shall be counted as that proportion of one student (to
40 the nearest $\frac{1}{10}$) that the total time of the student's postsecondary education
41 attendance and attendance in grades 11 or 12, as applicable, bears to full-
42 time attendance.

43 (E) A student enrolled in and attending a technical college, a career

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

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

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

18 (H) (i) Except as provided in clause (ii), a student enrolled in a school
19 district who is not a resident of Kansas shall be counted as follows:

20 (a) For school year 2018-2019, one student;

21 (b) for school years 2019-2020 and 2020-2021, $\frac{3}{4}$ of a student; and

22 (c) for school year 2021-2022 and each school year thereafter, $\frac{1}{2}$ of a
23 student.

24 (ii) This subparagraph (H) shall not apply to:

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

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

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

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

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

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

38 (4) A student enrolled in virtual school pursuant to K.S.A. 72-3711 et
39 seq., and amendments thereto, shall be counted in accordance with the
40 provisions of K.S.A. 2017 Supp. 72-3715, and amendments thereto.

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

1 (jj) "Transportation weighting" means an addend component assigned
2 to the enrollment of school districts pursuant to K.S.A. 2017 Supp. 72-
3 5148, and amendments thereto, on the basis of costs attributable to the
4 provision or furnishing of transportation.

5 (kk) "Virtual school" means the same as such term is defined in
6 K.S.A. 2017 Supp. 72-3712, and amendments thereto.

7 Sec. 3. K.S.A. 2017 Supp. 72-5143, as amended by section 4 of 2018
8 Substitute for Senate Bill No. 423, is hereby amended to read as follows:
9 72-5143. (a) In each school year, the board of education of a school district
10 shall adopt, by resolution, a local option budget equal to 15% of the school
11 district's total foundation aid.

12 (b) If the board of education of a school district desires local option
13 budget authority above the amount required under subsection (a), the
14 board may adopt, by resolution, a local option budget in an amount that
15 does not exceed 27.5% of the school district's total foundation aid. The
16 adoption of a resolution pursuant to this section shall require a majority
17 vote of the members of the board. Such resolution shall be effective upon
18 adoption and shall require no other procedure, authorization or approval.

19 (c) If the board of a school district desires local option budget
20 authority above the amount authorized under subsection (b), the board may
21 adopt, by resolution, such budget in an amount not to exceed the state
22 prescribed percentage. The adoption of a resolution pursuant to this
23 subsection shall require a majority vote of the members of the board. The
24 resolution shall be published at least once in a newspaper having general
25 circulation in the school district. The resolution shall be published in
26 substantial compliance with the following form:

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

29 RESOLUTION

30 Be It Resolved that:

31 The board of education of the above-named school district shall be
32 authorized to adopt a local option budget in each school year in an amount
33 not to exceed ____% of the amount of total foundation aid. The local
34 option budget authorized by this resolution may be adopted, unless a
35 petition in opposition to the same, signed by not less than 10% of the
36 qualified electors of the school district, is filed with the county election
37 officer of the home county of the school district within 40 days after
38 publication of this resolution. If a petition is filed, the county election
39 officer shall submit the question of whether adoption of the local option
40 budget shall be authorized to the electors of the school district at an
41 election called for the purpose or at the next general election, as is
42 specified by the board of education of the school district.

43 CERTIFICATE

1 This is to certify that the above resolution was duly adopted by the
2 board of education of unified school district No. _____, _____ County,
3 Kansas, on the _____ day of _____, _____.

4 _____
5 Clerk of the board of education.

6 All of the blanks in the resolution shall be filled appropriately. If a
7 sufficient petition is not filed, the board may adopt a local option budget.
8 If a sufficient petition is filed, the board may notify the county election
9 officer of the date of an election to be held to submit the question of
10 whether adoption of a local option budget shall be authorized. Any such
11 election shall be noticed, called and held in the manner provided by K.S.A.
12 10-120, and amendments thereto. If the board fails to notify the county
13 election officer within 30 days after a sufficient petition is filed, the
14 resolution shall be deemed abandoned and no like resolution shall be
15 adopted by the board within the nine months following publication of the
16 resolution.

17 (d) Unless specifically stated otherwise in the resolution, the authority
18 to adopt a local option budget shall be continuous and permanent.

19 (e) The board of any school district may initiate procedures to renew
20 or increase the authority to adopt a local option budget at any time during
21 a school year after the tax levied pursuant to K.S.A. 2017 Supp. 72-5147,
22 and amendments thereto, is certified to the county clerk under any existing
23 authorization.

24 (f) (1) Except as provided in ~~paragraph (2)~~ paragraphs (2) and (3),
25 the board of any school district authorized to adopt a local option budget
26 prior to July 1, 2017, under a resolution that authorized the adoption of
27 such budget in accordance with the provisions of K.S.A. 2017 Supp. 72-
28 6471, prior to July 1, 2017, may continue to operate under such resolution
29 for the period of time specified in the resolution if such resolution adopted
30 a local option budget equal to or greater than the amount required in
31 subsection (a), or may abandon the resolution and operate under the
32 provisions of this section. Any such school district shall operate under the
33 provisions of this section after the period of time specified in any
34 previously adopted resolution has expired.

35 (2) *If the board elects to continue to operate under a resolution*
36 *described in paragraph (1), or under a resolution adopted in school year*
37 *2017-2018 pursuant to this section, for the current school year, the*
38 *percentage of the total foundation aid specified in such resolution shall be*
39 *reduced by 2.5%. If the percentage reduction required by this paragraph*
40 *would result in the school district adopting a local option budget in an*
41 *amount less than the local option budget required under subsection (a),*
42 *then the percentage of the total foundation aid specified in such resolution*
43 *shall be reduced only by the difference of the percentage specified in such*

1 *resolution and the percentage required under subsection (a).*

2 ~~(2)~~(3) Any resolution adopted prior to July 1, 2017, pursuant to
3 K.S.A. 72-6433(e)(2), prior to its repeal, that authorized the adoption of a
4 local option budget and that was not subsequently submitted to and
5 approved by a majority of the qualified electors of the school district
6 voting at an election called and held thereon shall expire on June 30, 2018,
7 and shall have no force and effect during school year 2018-2019 or any
8 subsequent school year.

9 (g) Any resolution adopted pursuant to this section may revoke or
10 repeal any resolution previously adopted by the board. If the resolution
11 does not revoke or repeal previously adopted resolutions, all resolutions
12 that are in effect shall expire on the same date. The maximum amount of
13 the local option budget of a school district under all resolutions in effect
14 shall not exceed the state prescribed percentage in any school year.

15 (h) For school year 2019-2020 and each school year thereafter, the
16 board of any school district that desires to increase its local option budget
17 authority for the immediately succeeding school year shall submit written
18 notice of such intent to the state board by April 1 of the current school
19 year. Such notice shall include the local option budget authority, expressed
20 as a percentage of the school district's total foundation aid, to be adopted
21 for the immediately succeeding school year. The board of a school district
22 shall not adopt a local option budget in excess of the authority stated in a
23 notice submitted pursuant to this subsection.

24 (i) (1) There is hereby established in each school district that adopts a
25 local option budget a supplemental general fund, which shall consist of all
26 amounts deposited therein or credited thereto according to law.

27 (2) (A) Of the moneys deposited in or otherwise credited to the
28 supplemental general fund of a school district pursuant to K.S.A. 2017
29 Supp. 72-5147, and amendments thereto, an amount that is proportional to
30 that amount of such school district's total foundation aid attributable to the
31 at-risk student weighting as compared to such district's total foundation aid
32 shall be transferred to the at-risk education fund of such school district and
33 shall be expended in accordance with K.S.A. 2017 Supp. 72-5153, and
34 amendments thereto.

35 (B) Of the moneys deposited in or otherwise credited to the
36 supplemental general fund of a school district pursuant to K.S.A. 2017
37 Supp. 72-5147, and amendments thereto, an amount that is proportional to
38 that amount of such school district's total foundation aid attributable to the
39 bilingual weighting as compared to such district's total foundation aid shall
40 be transferred to the bilingual education fund of such school district and
41 shall be expended in accordance with K.S.A. 2017 Supp. 72-3613, and
42 amendments thereto.

43 (3) Subject to the limitations imposed under paragraph (4), amounts

1 in the supplemental general fund may be expended for any purpose for
2 which expenditures from the general fund are authorized or may be
3 transferred to any categorical fund of the school district. Amounts in the
4 supplemental general fund attributable to any percentage over 25% of total
5 foundation aid determined for the current school year may be transferred
6 to the capital improvements fund of the school district and the capital
7 outlay fund of the school district if such transfers are specified in the
8 resolution authorizing the adoption of a local option budget in excess of
9 25%.

10 (4) Amounts in the supplemental general fund may not be expended
11 for the purpose of making payments under any lease-purchase agreement
12 involving the acquisition of land or buildings that is entered into pursuant
13 to the provisions of K.S.A. 2017 Supp. 72-1149, and amendments thereto.

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

18 (B) If the school district received supplemental state aid in the school
19 year, the state board shall determine the ratio of the amount of
20 supplemental general state aid received to the amount of the local option
21 budget of the school district for the school year and multiply the total
22 amount of the unexpended moneys remaining by such ratio. An amount
23 equal to the amount of the product shall be transferred to the general fund
24 of the school district or remitted to the state treasurer in accordance with
25 the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt
26 of any such remittance, the state treasurer shall deposit the same in the
27 state treasury to the credit of the state school district finance fund.

28 (j) The provisions of this section shall be subject to the provisions of
29 ~~K.S.A. 2017 Supp. 72-5144 section 1~~, and amendments thereto.

30 (k) As used in this section:

31 (1) "Authorized to adopt a local option budget" means that a school
32 district has adopted a resolution pursuant to subsection (c).

33 (2) "State prescribed percentage" means 30.5% of the total foundation
34 aid of the school district in the current school year.

35 ~~(3) For purposes of determining the school district's local option~~
36 ~~budget under subsections (a), (b) and (c), "Total foundation aid" means the~~
37 ~~same as such term is defined in K.S.A. 2017 Supp. 72-5132, and~~
38 ~~amendments thereto, except the state aid for special education and related~~
39 ~~services shall be divided by an amount equal to 85% of the BASE aid~~
40 ~~amount, and the resulting quotient shall be used in determining the school~~
41 ~~district's total foundation aid.~~

42 Sec. 4. K.S.A. 2017 Supp. 72-5148, as amended by section 6 of 2018
43 Substitute for Senate Bill No. 423, is hereby amended to read as follows:

1 72-5148. (a) (1) The transportation weighting of each school district shall
2 be determined by the state board as follows:

3 (A) Divide the BASE aid amount for the current school year by the
4 BASE aid amount for school year 2018-2019;

5 (B) multiply the number of transported students by the per capita
6 allowance that corresponds to the density figure for the school district as
7 determined in subsection (a)(2);

8 (C) multiply the product obtained under subsection (a)(1)(B) by 1.00;

9 (D) multiply the product obtained under subsection (a)(1)(C) by the
10 quotient obtained under subsection (a)(1)(A);

11 (E) divide the product obtained under subsection (a)(1)(D) by *an*
12 *amount equal to 85% of the ~~current year~~ BASE aid amount for the current*
13 *school year.* The result is the transportation weighting of the school
14 district.

15 (2) The per capita allowance shall be determined using the following
16 chart:

17 Density Figure Range.....	Per Capita Allowance
18 0.000 - 0.059	\$1,620
19 0.060 - 0.069	\$1,580
20 0.070 - 0.079	\$1,540
21 0.080 - 0.089	\$1,500
22 0.090 - 0.099	\$1,480
23 0.100 - 0.109	\$1,450
24 0.110 - 0.119	\$1,430
25 0.120 - 0.129	\$1,410
26 0.130 - 0.139	\$1,390
27 0.140 - 0.149	\$1,370
28 0.150 - 0.159	\$1,350
29 0.160 - 0.169	\$1,340
30 0.170 - 0.179	\$1,320
31 0.180 - 0.199	\$1,300
32 0.200 - 0.209	\$1,290
33 0.210 - 0.219	\$1,270
34 0.220 - 0.239	\$1,250
35 0.240 - 0.269	\$1,230
36 0.270 - 0.289	\$1,210
37 0.290 - 0.319	\$1,190
38 0.320 - 0.349	\$1,170
39 0.350 - 0.389	\$1,150
40 0.390 - 0.429	\$1,130
41 0.430 - 0.469	\$1,110
42 0.470 - 0.519	\$1,090
43 0.520 - 0.579	\$1,070

1	0.580 - 0.639	\$1,050
2	0.640 - 0.709	\$1,030
3	0.710 - 0.789	\$1,010
4	0.790 - 0.879	\$990
5	0.880 - 0.989	\$970
6	0.990 - 1.109	\$950
7	1.110 - 1.249	\$930
8	1.250 - 1.399	\$910
9	1.400 - 1.589	\$890
10	1.590 - 1.799	\$870
11	1.800 - 2.039	\$850
12	2.040 - 2.319	\$830
13	2.320 - 2.659	\$810
14	2.660 - 3.049	\$790
15	3.050 - 3.509	\$770
16	3.510 - 4.049	\$750
17	4.050 - 4.699	\$730
18	4.700 - 5.469	\$710
19	5.470 - 6.399	\$690
20	6.400 - 7.519	\$670
21	7.520 - 8.879	\$650
22	8.880 - 10.549	\$630
23	10.550 - 12.589	\$610
24	12.590 - 15.129	\$590
25	15.130 - 18.289	\$570
26	18.290 +	\$550

27 (b) (1) For school years 2017-2018 through 2020-2021, the
 28 transportation weighting of the school district shall be either the product
 29 determined under subsection (a)(1)(E), or that portion of such school
 30 district's general state aid for school year 2016-2017 that was attributable
 31 to the school district's transportation weighting, whichever is greater.

32 (2) For school year 2021-2022, and each school year thereafter, the
 33 transportation weighting of the school district shall be the product
 34 determined under subsection (a)(1)(E).

35 (3) In no event shall the transportation weighting of the school district
 36 result in the portion of such school district's state foundation aid
 37 attributable to the transportation weighting being in excess of 110% of
 38 such school district's total expenditures from all funds for transporting
 39 students for the immediately preceding school year.

40 (c) For the purpose of providing accurate and reliable data on student
 41 transportation, the state board is authorized to adopt rules and regulations
 42 prescribing procedures that school districts shall follow in reporting
 43 pertinent information, including uniform reporting of expenditures for

1 transportation.

2 (d) As used in this section:

3 (1) "Density figure" means the area of the school district in square
4 miles divided by the number of transported students.

5 (2) "Transported students" means the number of students who were
6 included in the enrollment of the school district in the preceding year who
7 resided 2½ miles or more by the usually traveled road from the school
8 building such students attended and for whom transportation was made
9 available.

10 Sec. 5. K.S.A. 2017 Supp. 72-5157 is hereby amended to read as
11 follows: 72-5157. The special education and related services weighting of
12 each school district shall be determined by the state board as follows:

13 (a) Add the amount of payments received by the school district under
14 the provisions of K.S.A. 2017 Supp. 72-3423, and amendments thereto, to
15 the amount of any grants received by the school district under the
16 provisions of K.S.A. 2017 Supp. 72-3425, and amendments thereto; and

17 (b) divide the sum obtained under subsection (a) by *an amount equal*
18 *to 85% of the BASE aid amount for the current school year*. The resulting
19 quotient is the special education and related services weighting of the
20 school district.

21 Sec. 6. K.S.A. 2017 Supp. 72-5158 is hereby amended to read as
22 follows: 72-5158. (a) (1) The board of education of a school district to
23 which the provisions of this section apply may levy an ad valorem tax on
24 the taxable tangible property of the school district each year for a period of
25 time not to exceed two years in an amount not to exceed the amount
26 authorized by the state board of tax appeals under this subsection for the
27 purpose of financing the costs incurred by the state that are directly
28 attributable to assignment of ancillary school facilities weighting to the
29 enrollment of the school district. The state board of tax appeals may
30 authorize the school district to make a levy that will produce an amount
31 that is not greater than the difference between the amount of costs directly
32 attributable to commencing operation of one or more new school facilities
33 and the amount that is financed from any other source provided by law for
34 such purpose. If the school district is not eligible, or will be ineligible, for
35 ancillary school facilities weighting in any one or more years during the
36 two-year period for which the school district is authorized to levy a tax
37 under this subsection, the state board of tax appeals may authorize the
38 school district to make a levy, in such year or years of ineligibility, that
39 will produce an amount that is not greater than the actual amount of costs
40 attributable to commencing operation of the facility or facilities.

41 (2) The state board of tax appeals shall certify to the state board the
42 amount authorized to be produced by the levy of a tax under this
43 subsection.

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

7 (b) The board of education of a school district that has levied an ad
8 valorem tax on the taxable tangible property of the school district each
9 year for a period of two years under authority of subsection (a) may
10 continue to levy such tax under authority of this subsection each year for
11 an additional period of time not to exceed six years in an amount not to
12 exceed the amount computed by the state board as provided in this
13 subsection if the board of the school district determines that the costs
14 attributable to commencing operation of one or more new school facilities
15 are significantly greater than the costs attributable to the operation of other
16 school facilities in the school district. The tax authorized under this
17 subsection may be levied at a rate that will produce an amount that is not
18 greater than the amount computed by the state board as provided in this
19 subsection. In computing such amount, the state board shall:

20 (1) Determine the amount produced by the tax levied by the school
21 district under authority of subsection (a) in the second year for which such
22 tax was levied and add to such amount the amount of state foundation aid
23 directly attributable to ancillary school facilities weighting that was
24 received by the school district in the same year;

25 (2) compute 90% of the amount of the sum obtained under subsection
26 (b)(1), which computed amount is the amount the school district may levy
27 in the first year of the six-year period for which the school district may
28 levy a tax under authority of this subsection;

29 (3) compute 75% of the amount of the sum obtained under subsection
30 (b)(1), which computed amount is the amount the school district may levy
31 in the second year of the six-year period for which the school district may
32 levy a tax under authority of this subsection;

33 (4) compute 60% of the amount of the sum obtained under subsection
34 (b)(1), which computed amount is the amount the school district may levy
35 in the third year of the six-year period for which the school district may
36 levy a tax under authority of this subsection;

37 (5) compute 45% of the amount of the sum obtained under subsection
38 (b)(1), which computed amount is the amount the school district may levy
39 in the fourth year of the six-year period for which the school district may
40 levy a tax under authority of this subsection;

41 (6) compute 30% of the amount of the sum obtained under subsection
42 (b)(1), which computed amount is the amount the school district may levy
43 in the fifth year of the six-year period for which the school district may

1 levy a tax under authority of this subsection; and

2 (7) compute 15% of the amount of the sum obtained under subsection
 3 (b)(1), which computed amount is the amount the school district may levy
 4 in the sixth year of the six-year period for which the school district may
 5 levy a tax under authority of this subsection.

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

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

17 (d) The ancillary school facilities weighting may be assigned to the
 18 enrollment of a school district only if the school district has levied a tax
 19 under the authority of subsection (a), and remitted the proceeds from such
 20 tax to the state treasurer. The ancillary school facilities weighting of each
 21 school district shall be determined in each school year in which such
 22 weighting may be assigned to the enrollment of the school district as
 23 follows:

24 (1) Add the amount to be produced by a tax levy as authorized under
 25 subsection (a) and certified to the state board by the state board of tax
 26 appeals to the amount computed under subsection (b) to be produced by a
 27 tax levy, if any; and

28 (2) divide the sum obtained under subsection (d)(1) by *an amount*
 29 *equal to 85% of the BASE aid amount for the current school year.* The
 30 resulting quotient is the ancillary school facilities weighting of the school
 31 district.

32 (e) The provisions of this section apply to any school district that:

33 (1) Commenced operation of one or more new school facilities in the
 34 school year preceding the current school year or has commenced or will
 35 commence operation of one or more new school facilities in the current
 36 school year;

37 (2) adopted a local option budget; and

38 (3) is experiencing extraordinary enrollment growth as determined by
 39 the state board.

40 Sec. 7. K.S.A. 2017 Supp. 72-5159 is hereby amended to read as
 41 follows: 72-5159. (a) Subject to subsection (b), the board of education of a
 42 school district may levy a tax on the taxable tangible property within the
 43 school district for the purpose of financing the costs incurred by the state

1 that are attributable directly to assignment of the cost-of-living weighting
2 to the enrollment of the school district.

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

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

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

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

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

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

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

27 RESOLUTION

28 Be It Resolved that:

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

42 CERTIFICATE

43 This is to certify that the above resolution was duly adopted by the

1 board of education of Unified School District No. _____, _____
2 County, Kansas, on the ____ day of _____, (year)____.

3
4 _____
Clerk of the board of education.

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

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

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

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

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

40 (2) multiply the quotient determined under subsection (f)(1) by 0.095;

41 (3) multiply the school district's total foundation aid for the current
42 school year, excluding the amount determined under this provision, by the
43 lesser of the product determined under subsection (f)(2) or 0.05; and

1 (4) divide the product determined under subsection (f)(3) by *an*
2 *amount equal to 85% of the BASE aid amount* for the current school year.
3 The quotient is the cost-of-living weighting of the school district.

4 Sec. 8. K.S.A. 2017 Supp. 72-5132, as amended by section 2 of 2018
5 Substitute for Senate Bill No. 423, 72-5143, as amended by section 4 of
6 2018 Substitute for Senate Bill No. 423, 72-5148, as amended by section 6
7 of 2018 Substitute for Senate Bill No. 423, 72-5157, 72-5158 and 72-5159
8 are hereby repealed.

9 Sec. 9. This act shall take effect and be in force from and after its
10 publication in the statute book.