

{As Amended by House Committee of the Whole}

Session of 2023

House Substitute for SENATE BILL No. 83

By Committee on K-12 Education Budget

3-8

1 AN ACT concerning education; making and concerning appropriations for
2 the fiscal year ending June 30, 2024, for the state department of
3 education; establishing the sunflower education equity act; providing
4 education savings accounts for students; establishing the sunflower
5 education equity scholarship fund; requiring each school district to
6 provide a salary increase to each licensed teacher in the school district
7 in school year 2023-2024; defining enrollment of small school districts
8 as the highest enrollment of the four preceding years under the Kansas
9 school equity and enhancement act; amending K.S.A. 2022 Supp. 72-
10 3120 and 72-5132 and repealing the existing sections.

11
12 WHEREAS, The legislature affirms that a quality, individualized
13 education provides an essential pathway to success, not only for each
14 student but for the prosperity and stability of the state; and

15 WHEREAS, Every child in Kansas is unique with diverse learning
16 needs and thus shall be granted educational freedom. Educational freedom
17 provides parental choice that considers the unique learning needs of each
18 student and the learning environment that best aligns with the student's
19 academic, socio-emotional and spiritual needs that direct and encourage
20 life success; and

21 WHEREAS, The sunflower education equity act affirms that equity in
22 education means that all children shall receive what they need
23 educationally regardless of their socioeconomic, racial or cultural status.
24 The act affirms and promotes that all children, without preference or bias,
25 are uniquely capable and worthy of meeting and exceeding the highest
26 caliber of expectations in an environment that best promotes their unique
27 qualities, abilities, needs and goals; and

28 WHEREAS, The sunflower education equity act provides meaningful
29 educational freedom while simultaneously protecting the freedom of
30 parents to direct the education of their children.

31 Now, therefore:

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

33 New Section 1.

34 DEPARTMENT OF EDUCATION

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

1 Special education services aid (652-00-1000-0700).....\$592,740,238
2 *Provided*, That any unencumbered balance in the special education
3 services aid account in excess of \$100 as of June 30, 2023, is hereby
4 reappropriated for fiscal year 2024: *Provided further*, That expenditures
5 shall not be made from the special education services aid account for the
6 provision of instruction for any homebound or hospitalized child unless
7 the categorization of such child as exceptional is conjoined with the
8 categorization of the child within one or more of the other categories of
9 exceptionality: *And provided further*, That expenditures shall be made from
10 this account for grants to school districts in amounts determined pursuant
11 to and in accordance with the provisions of K.S.A. 72-3425, and
12 amendments thereto: *And provided further*, That expenditures shall be
13 made from the amount remaining in this account, after deduction of the
14 expenditures specified in the foregoing provisos, for payments to school
15 districts in amounts determined pursuant to and in accordance with the
16 provisions of K.S.A. 72-3422, and amendments thereto.

17 (b) During the fiscal year ending June 30, 2024, in addition to the
18 other purposes for which expenditures may be made by the above agency
19 from moneys appropriated from the state general fund or from any special
20 revenue fund or funds for the above agency for fiscal year 2024 as
21 authorized by this or other appropriation act of the 2023 regular session of
22 the legislature, expenditures shall be made by the above agency from such
23 moneys for fiscal year 2024 to create a special education and related
24 services funding task force to study and make recommendations for
25 changes in the existing state funding formula for special education and
26 related services: *Provided*, That such task force shall have 10 members as
27 follows: Two members appointed by the speaker of the house of
28 representatives; two members appointed by the president of the senate; one
29 member appointed by the minority leader of the house of representatives;
30 one member appointed by the minority leader of the senate; one member
31 appointed by the state board of education; two members appointed by the
32 state department of education who are professionals in the field of special
33 education and related services; and one member appointed by the speaker
34 of the house of representatives who is a parent of a student who receives
35 special education services: *Provided further*, That the speaker of the house
36 of representatives shall designate one member appointed by the speaker as
37 chairperson of the task force: *And provided further*, That members of the
38 task force attending meetings authorized by the task force shall be paid
39 compensation, subsistence allowances, mileage and other expenses as
40 provided in K.S.A. 75-3223, and amendments thereto.

41 New Sec. 2. (a) Section 2 et seq., and amendments thereto, shall be
42 known and may be cited as the sunflower education equity act.

43 (b) As used in the sunflower education equity act:

- 1 (1) "Account" means a sunflower education equity scholarship
2 account.
- 3 (2) "BASE aid" means the same as defined in K.S.A. 72-5132, and
4 amendments thereto, for the current school year.
- 5 ~~(3) "Board" means the sunflower education equity board established~~
6 ~~in section 4, and amendments thereto.~~
- 7 ~~(4)~~ (4) "Immediate family member" means a parent, sibling or any other
8 relative of a qualified student who lives in the same residence as the
9 qualified student.
- 10 ~~(5)~~ (4) "Parent" means a Kansas resident who is the parent,
11 stepparent, legal guardian, custodian or other person with authority to act
12 on behalf of a qualified student.
- 13 ~~(6)~~ (5) "Postsecondary educational institution" means the same as
14 defined in K.S.A. 74-3201b, and amendments thereto, and includes any
15 private postsecondary educational institution as defined in K.S.A. 74-
16 32,163, and amendments thereto.
- 17 ~~(7)~~ (6) "Program" means the sunflower education equity scholarship
18 program established pursuant to this act.
- 19 ~~(8)~~ (7) "Qualified school" means any school located in Kansas that
20 is a nonpublic preschool, elementary or secondary school that has made
21 application and received approval pursuant to the sunflower education
22 equity act.
- 23 ~~(9)~~ (8) "Qualified student" means a resident of Kansas who is:
- 24 (A) Eligible to enroll in a public elementary or secondary school in
25 this state; or
- 26 (B) a preschool student three or four years of age whose parent has
27 verified on a form and in a manner determined by the ~~board~~ {**treasurer**}
28 that such student:
- 29 (i) Qualifies for free meals under the national school lunch program;
30 (ii) has a custodial parent who is unmarried on the first day of school;
31 (iii) has at least one parent who was a teenager when such student
32 was born;
- 33 (iv) has at least one parent lacking a high school diploma, general
34 education development credential or high school equivalency credential on
35 the first day of school;
- 36 (v) has limited English proficiency;
- 37 (vi) has lower than expected developmental progress, as determined
38 by a trained professional, in cognitive development, physical development,
39 communication, literacy, social-emotional or behavioral development,
40 adaptive behavior or self-help skills but such student's developmental
41 progress is not low enough to be eligible for special education services;
- 42 (vii) qualifies for migrant status; or
- 43 (viii) is experiencing homelessness.

1 ~~(10)~~**(9)** "School district" means a school district organized under
2 the laws of this state.

3 ~~(11)~~**(10)** "Treasurer" means the state treasurer or the state treasurer's
4 designee.

5 New Sec. 3. (a) Beginning in school year 2024-2025, the sunflower
6 education equity program is hereby established to recognize the right of
7 parents to choose the educational environment that best serves their
8 children. The program shall be administered pursuant to the sunflower
9 education equity act by the treasurer ~~on the advice of the board~~.

10 ~~(b) The board shall provide general management and oversight of the
11 program, administer the appeals process pursuant to section 11, and
12 amendments thereto, and perform other duties as provided in the sunflower
13 education equity act.~~

14 ~~(c)~~ The treasurer shall implement and administer the program ~~at the
15 direction of the board~~, accept applications, retain program data, establish
16 and administer accounts, administer the sunflower education equity
17 scholarship fund established by section ~~10~~ **(9)**, and amendments thereto,
18 establish and administer any technical processes and procedures required
19 by the sunflower education equity act, and perform any other duties
20 required by the sunflower education equity act.

21 ~~(d)~~**(c)** If the ~~board or~~ treasurer ~~determine~~ **{determines}** it is
22 necessary, the state department of education shall cooperate and
23 collaborate with the ~~board or~~ treasurer in the implementation or
24 administration of the program.

25 ~~(e)~~**(d)** Any qualified student who participates in the program and
26 such student's parent shall be subject to the requirements of the sunflower
27 education equity act and any rules and regulations adopted hereunder. A
28 student who does not participate in the program shall not be subject to
29 such requirements.

30 ~~New Sec. 4. (a) There is hereby established the sunflower education
31 equity board.~~

32 ~~(b) (1) The board shall consist of nine voting members and one non-
33 voting member.~~

34 ~~(2) The voting members of the board include the following:~~

35 ~~(A) The treasurer, who shall serve as the chairperson of the board;~~

36 ~~(B) one member appointed by the president of the senate;~~

37 ~~(C) one member appointed by the speaker of the house of
38 representatives;~~

39 ~~(D) one member appointed by the minority leader of the senate;~~

40 ~~(E) one member appointed by the minority leader of the house of
41 representatives;~~

42 ~~(F) the chairperson of the house of representatives committee on
43 education or the committee on K-12 education budget as determined by~~

1 ~~the speaker of the house of representatives;~~

2 ~~(G) the chairperson of the senate committee on education;~~

3 ~~(H) a parent with a qualified student in the program appointed by the~~
 4 ~~governor, except that the initial appointment shall be a parent of a qualified~~
 5 ~~student who intends to participate in the program; and~~

6 ~~(I) a representative of a qualified school appointed by the governor,~~
 7 ~~except that the initial appointment shall be a representative of a school that~~
 8 ~~intends to apply and participate in the program as a qualified school.~~

9 ~~(3) The non-voting member shall be a representative from the state~~
 10 ~~department of education.~~

11 ~~(e) All members of the board shall be residents of Kansas.~~

12 ~~(d) (1) The members appointed by the governor shall serve an initial~~
 13 ~~term of one year. The members appointed by the minority leader of the~~
 14 ~~senate and the minority leader of the house of representatives shall serve~~
 15 ~~an initial term of two years. The members appointed by the president of~~
 16 ~~the senate and the speaker of the house of representatives shall serve an~~
 17 ~~initial term of three years.~~

18 ~~(2) After the initial terms established by paragraph (1), appointed~~
 19 ~~board members shall serve for four-year terms and are eligible for~~
 20 ~~reappointment at the expiration of such member's initial term.~~

21 ~~(e) Any vacancy occurring on the board shall be filled in the same~~
 22 ~~manner as the initial appointment for the unexpired term being filled.~~

23 ~~(f) The board shall meet upon the call of the chairperson at least twice~~
 24 ~~per year. A majority of the voting members of the board constitutes a~~
 25 ~~quorum.~~

26 ~~(g) Members of the board attending meetings of such board or~~
 27 ~~attending a subcommittee meeting thereof authorized by such board shall~~
 28 ~~be paid compensation, subsistence allowance, mileage and other expenses~~
 29 ~~as provided in K.S.A. 75-3223, and amendments thereto.~~

30 ~~New Sec. ~~5~~ {4.}~~ (a) ~~The board {**treasurer**}~~ shall have the following
 31 powers and duties:

32 (1) ~~Oversee and manage the program;~~

33 ~~(2) advise the treasurer on the implementation and administration of~~
 34 ~~the program;~~

35 ~~(3) determine the manner and form of the application to enroll in the~~
 36 ~~program and establish an account;~~

37 ~~(4){(3)} pursuant to section ~~12~~ {11}, and amendments thereto,~~
 38 ~~determine the manner and form of the application for approval as a~~
 39 ~~qualified school or tutor to receive payments from an account;~~

40 ~~(5){(4)} execute contracts or authorize the treasurer to execute~~
 41 ~~contracts as necessary to carry out the requirements of the sunflower~~
 42 ~~education equity act;~~

43 ~~(6){(5)} hear and review appeals pursuant to section ~~11~~ {10}, and~~

- 1 amendments thereto;
- 2 ~~(7)~~{(6)} work with the state department of education as necessary for
3 the program;
- 4 ~~(8)~~{(7)} establish an appeals process in accordance with section ~~11~~
5 {10}, and amendments thereto;
- 6 ~~(9)~~{(8)} conduct or contract to conduct financial audits of the use of
7 account moneys;
- 8 ~~(10)~~{(9)} establish or contract for the establishment of a telephone or
9 online fraud reporting service;
- 10 ~~(11)~~{(10)} establish or contract with a private entity for the
11 establishment of a commercially viable and user-friendly website, native
12 application or mobile application that will establish digital spending
13 accounts on behalf of qualified students and provide at least the following:
- 14 (A) Account management by the treasurer and parent of a qualified
15 student;
- 16 (B) payment processing by electronic funds transfer to a qualified
17 school or other entity approved by the ~~board~~ {treasurer};
- 18 (C) reimbursement by electronic funds transfer to a qualified school,
19 tutor or other entity approved by the ~~board~~ {treasurer};
- 20 (D) the ability for the treasurer to monitor and create reports of
21 transaction activity in real time;
- 22 (E) the ability for the treasurer to put an account on a temporary hold
23 status;
- 24 (F) a design that reduces the possibility of fraud, waste and abuse;
25 and
- 26 (G) compliance with best standards ~~as determined by the board~~ for
27 data privacy and cyber security; and
- 28 ~~(12)~~{(11)} require a surety bond or insurance of at least \$100,000 for
29 education service providers serving more than five students annually. Such
30 requirements shall not apply to an education service provider who is an
31 immediate family member of the qualified students such provider is
32 serving;
- 33 ~~(13)~~{(12)} develop and update as necessary a handbook for program
34 applicants and participants that includes, but is not limited to, information
35 relating to policies and process of sunflower education equity scholarship
36 accounts; and
- 37 ~~(14)~~{(13)} exercise such other powers and perform such other
38 functions and duties provided in the sunflower education equity act.
- 39 (b) The ~~board~~ {treasurer} shall not disclose a qualified student's
40 identification or distribute or release any personally identifiable data of a
41 qualified student to a third party without the written consent of such
42 student's parent. Written consent shall be obtained for each instance of
43 such disclosure, distribution or release.

1 New Sec. ~~6~~ {5.} (a) The treasurer shall maintain an explanation of at
2 least the following information on the treasurer's website and provide an
3 electronic or hard copy of such information to any parent whose child is a
4 qualified student participating in the program prior to any expenditure
5 from an account:

6 (1) The allowable uses of money in an education equity scholarship
7 account provided in section ~~9~~ {8}, and amendments thereto;

8 (2) the responsibilities of a parent of a qualified student participating
9 in the program;

10 (3) the effect of participation in the program by qualified students
11 with an individualized education program (IEP) or an education plan under
12 section 504 of the rehabilitation act of 1973, 29 U.S.C. § 794 (section 504
13 plan);

14 (4) the appeals process established pursuant to section ~~11~~ {10}, and
15 amendments thereto;

16 (5) the handbook developed pursuant to section ~~5~~ {4}, and
17 amendments thereto; **and**

18 (6) the duties of the treasurer; ~~and~~

19 ~~(7) the duties of the board.~~

20 (b) The state department of education shall include information about
21 the program on the department's homepage and provide a link on such
22 homepage to the treasurer's webpage about the program.

23 New Sec. ~~7~~ {6.} (a) For school year 2024-2025, a qualified student
24 may participate in the program if such student meets the requirements of
25 the sunflower education equity act and:

26 (1) (A) Was enrolled in and attending public school in school year
27 2023-2024 for kindergarten or any of the grades one through 12 and either
28 is eligible for free or reduced-priced meals under the national school lunch
29 act or scored at performance level 1 on the English language arts state
30 assessment or mathematics state assessment;

31 (B) attends or is eligible to attend preschool and satisfies any
32 requirement of section ~~2(b)(9)(B)~~ {2(b)(8)(B)}, and amendments thereto;
33 or

34 (C) is eligible to enroll in kindergarten in school year 2024-2025 and
35 is eligible for free or reduced-priced meals under the national school lunch
36 act; or

37 (2) the student is eligible to enroll in kindergarten or any of the
38 grades one through 12 and does not meet the requirements of paragraph
39 (1) but has an annual family income that is less than or equal to 300% of
40 the federal poverty guidelines as determined annually in the federal
41 register by the United States department of health and human services
42 under 42 U.S.C. § 9902(2), except that the number of students eligible to
43 participate in the program pursuant to this paragraph shall not exceed

1 2,000 students.

2 (b) For school year 2025-2026, a qualified student may participate in
3 the program if such student meets the requirements of the sunflower
4 education equity act and:

5 (1) (A) Participated in the program in the immediately preceding
6 school year;

7 (B) was enrolled in and attending public school in school year 2024-
8 2025 for kindergarten or any of the grades one through 12 and either is
9 eligible for free or reduced-priced meals under the national school lunch
10 act or scored at performance level 1 on the English language arts state
11 assessment or mathematics state assessment;

12 (C) attends or is eligible to attend preschool and satisfies any
13 requirement of section ~~2(b)(9)(B)~~ **{2(b)(8)(B)}**, and amendments thereto;
14 or

15 (D) is eligible to enroll in kindergarten in school year 2025-2026 and
16 is eligible for free or reduced-priced meals under the national school lunch
17 act; or

18 (2) the student is eligible to enroll in kindergarten or any of the
19 grades one through 12 and does not meet the requirements of paragraph
20 (1) but has an annual family income that is less than or equal to 400% of
21 the federal poverty guidelines as determined annually in the federal
22 register by the United States department of health and human services
23 under 42 U.S.C. § 9902(2), except that the number of students eligible to
24 participate in the program pursuant to this paragraph shall not exceed
25 4,000 students.

26 (c) For school year 2026-2027, a qualified student may participate in
27 the program if such student meets the requirements of the sunflower
28 education equity act and:

29 (1) (A) Participated in the program in a preceding year;

30 (B) was enrolled in and attending public school in school year 2025-
31 2026 for kindergarten or any of the grades one through 12 and either is
32 eligible for free or reduced-priced meals under the national school lunch
33 act or scored at performance level 1 on the English language arts state
34 assessment or mathematics state assessment;

35 (C) attends or is eligible to attend preschool and satisfies any
36 requirement of section ~~2(b)(9)(B)~~ **{2(b)(8)(B)}**, and amendments thereto;
37 or

38 (D) is eligible to enroll in kindergarten in school year 2026-2027 and
39 is eligible for free or reduced-priced meals under the national school lunch
40 act; or

41 (2) the student is eligible to enroll in kindergarten or any of the
42 grades one through 12 and does not meet the requirements of paragraph
43 (1) but has an annual family income that is less than or equal to 400% of

1 the federal poverty guidelines as determined annually in the federal
2 register by the United States department of health and human services
3 under 42 U.S.C. § 9902(2), except that the number of students
4 participating pursuant to this paragraph shall not exceed 8,000.

5 (d) Beginning in school year 2027-2028, any qualified student may
6 participate in the program if such student meets the requirements of the
7 sunflower education equity act and has an annual family income that is
8 less than or equal to 600% of the federal poverty guidelines as determined
9 annually in the federal register by the United States department of health
10 and human services under 42 U.S.C. § 9902(2).

11 (e) If the number of applicants exceeds the number of qualified
12 students allowed to participate in the program in a particular school year,
13 the treasurer shall accept such students into the program on a first-come,
14 first-served basis.

15 New Sec. ~~8~~ {7.} (a) (1) To enroll in the program for the purpose of
16 establishing an account, the parent of a qualified student shall submit an
17 application on a form and in a manner determined by the ~~board~~
18 {treasurer}.

19 (2) If the parent of a qualified student who is schooled at home makes
20 application to enroll in this program, such application does not constitute
21 registration pursuant to K.S.A. 72-4346, and amendments thereto, and
22 nothing in the sunflower education equity act shall be construed to require
23 a parent to register with the state department of education pursuant to
24 K.S.A. 72-4346, and amendments thereto.

25 (b) Beginning in school year 2024-2025, the treasurer shall:

26 (1) Accept sunflower education equity applications throughout the
27 school year;

28 (2) enroll a qualified student in the program after receipt of a
29 completed application and any other required documentation;

30 (3) notify parents of the student's enrollment in the program within 30
31 calendar days after receipt of completed application forms and other
32 required documentation; and

33 (4) provide parents the program information required by section ~~6~~
34 {5}, and amendments thereto.

35 (c) The treasurer and parents may provide any notifications,
36 applications or documents required by this act electronically. The treasurer
37 shall confirm receipt of all such notifications whether provided by hard
38 copy or electronically.

39 (d) After enrollment in the program, the parent of a qualified student
40 shall enter into a written agreement with the treasurer, in a manner and on
41 a form provided by the ~~board~~ {treasurer}, to establish an account. ~~Each~~
42 ~~such written agreement shall be approved by the board.~~

43 (e) The written agreement shall provide the following:

1 (1) Except as provided in section ~~13~~ {12}, and amendments thereto, a
2 portion of moneys in the account shall be used to provide an education for
3 the qualified student in at least the subjects of reading, grammar,
4 mathematics, social studies and science;

5 (2) after receiving the scholarship, the qualified student shall not
6 enroll full-time in a school of a school district;

7 (3) no immediate family member of a qualified student may charge or
8 collect payment, tuition or fees for any of the following if provided to such
9 qualified student:

10 (A) Educational therapies or services; or

11 (B) tutoring;

12 (4) the money in a qualified student's account shall only be expended
13 as authorized by the sunflower education equity act;

14 (5) any payments from an account for tuition shall only be made to a
15 qualified school or a postsecondary educational institution;

16 (6) the qualified student may accept a scholarship from a scholarship
17 granting organization pursuant to the tax credit for low income students
18 scholarship program act, K.S.A. 72-4351 et seq., and amendments thereto,
19 if the qualified student and the qualified student's parent meets the
20 requirements of both programs; and

21 (7) the parent of a qualified student shall comply with all
22 requirements of the sunflower education equity act and any rules and
23 regulations adopted hereunder.

24 ~~(f) Upon execution of an initial written agreement, the treasurer shall~~
25 ~~notify the board, who shall provide final approval of such agreement.~~
26 Upon approval {of a written agreement}, the treasurer shall authorize an
27 account in the name of the qualified student.

28 (g) One account shall be established for each qualified student. A
29 parent acting on behalf of more than one qualified student shall have a
30 separate account and separate written agreement for each qualified student.

31 (h) A written agreement entered into pursuant to this section shall
32 have a term of one year, but may be suspended or terminated at any time
33 pursuant to subsection (i). To continue receiving a scholarship, the parent
34 of a qualified student shall renew the qualified student's account on an
35 annual basis. The treasurer shall notify the parent of the renewal
36 requirements at least 30 calendar days prior to the end of the written
37 agreement's term.

38 (i) (1) The treasurer may suspend a written agreement upon a
39 determination that:

40 (A) Money in an account has been used for purposes other than those
41 allowed by the sunflower education equity act;

42 (B) the student is no longer a resident of Kansas; or

43 (C) the qualified student enrolls in a school district on a full-time

1 basis.

2 (2) When a written agreement is suspended by the treasurer, the
3 treasurer shall notify the parent of the qualified student that the written
4 agreement has been suspended and that no transactions or disbursements
5 from the qualified student's account may be made during the suspension.
6 The notification shall specify the reason for the suspension and state that
7 the parent has 15 business days to respond and take corrective action. The
8 treasurer may terminate the written agreement if the parent refuses or fails
9 to:

10 (A) Respond, furnish any additional information or make any report
11 required for reinstatement within the 15-day period; or

12 (B) comply with section ~~9(d)~~ {8(d)}, and amendments thereto, after
13 making an unauthorized expenditure.

14 (3) A parent may terminate a written agreement at any time. To
15 terminate a written agreement, the parent shall notify the treasurer in
16 writing of such termination.

17 (4) When a written agreement is terminated, the account associated
18 with such agreement shall be deemed no longer active and the treasurer
19 shall close the account in accordance with section ~~10~~ {9}, and amendments
20 thereto.

21 New Sec. ~~9~~ {8.} (a) A parent shall only expend moneys in a
22 qualified student's account for the following expenses of the qualified
23 student:

24 (1) Tuition or fees charged by a qualified school;

25 (2) textbooks and other supplies required by a qualified school;

26 (3) educational therapies or services provided by a licensed or
27 accredited education provider;

28 (4) tutoring services provided by a tutor, who shall not be an
29 immediate family member of the qualified student;

30 (5) curriculum materials;

31 (6) uniforms purchased as required for attendance at a qualified
32 school;

33 (7) tuition or fees charged by an online learning program;

34 (8) contracted services from a public school district, including
35 individual classes;

36 (9) fees for any nationally standardized norm-referenced achievement
37 test, advanced placement examination or examination related to admission
38 to a postsecondary institution;

39 (10) tuition and fees charged by a postsecondary educational
40 institution;

41 (11) textbooks required by a postsecondary educational institution;

42 (12) fees or costs required to apply for or acquire occupational
43 licenses, certificates, apprenticeships or other professional qualifications;

1 (13) fees for transportation services approved by the ~~board~~
2 **{treasurer}** that are used for transportation to and from a qualified school;

3 (14) computer hardware and technological devices primarily used for
4 educational purposes, including personal computers, laptops, tablet
5 devices, microscopes, telescopes and printers; and

6 (15) any other education expenses approved by the ~~board~~
7 **{treasurer}**.

8 (b) Money in a qualified student's account shall not be expended for
9 the following:

10 (1) Athletic training or coaching; or

11 (2) for qualified students schooled at home, instruction or tutoring
12 provided by an immediate family member.

13 (c) The content or religious nature of a product or service may not be
14 considered when determining whether payment for such product or service
15 is an allowable expenditure from an account.

16 (d) The treasurer shall notify the parent of any expenditures from a
17 qualified student's account that do not meet the requirements of subsection
18 (a). Such parent shall repay the cost of any such expenditures within 30
19 calendar days after notification by the treasurer. Any such expenditure that
20 is subsequently repaid shall be credited back to the account balance within
21 30 calendar days after the receipt of payment.

22 (e) ~~The board or~~ treasurer may refer cases of substantial misuse of
23 moneys to the attorney general for purposes of collection or criminal
24 investigation if ~~the board or~~ treasurer obtains evidence of fraudulent use of
25 an account.

26 New Sec. ~~10. 9.~~ (a) (1) There is hereby established in the state
27 treasury the sunflower education equity scholarship fund to be
28 administered by the state treasurer. Moneys in the sunflower education
29 equity scholarship fund shall be expended only for the purposes
30 established in the sunflower education equity act. All moneys received
31 pursuant to subsection (b) shall be deposited in the state treasury in
32 accordance with the provisions of K.S.A. 75-4215, and amendments
33 thereto, and shall be credited to the sunflower education equity scholarship
34 fund.

35 (2) On or before the 10th day of each month, the director of accounts
36 and reports shall transfer from the state general fund to the sunflower
37 education equity scholarship fund interest earnings based on:

38 (A) The average daily balance of moneys in the sunflower education
39 equity scholarship fund; and

40 (B) the net earnings rate of the pooled money investment portfolio for
41 the preceding month.

42 (b) On or before August 1, 2024, and on August 1 each year
43 thereafter, the treasurer shall determine the amount to be transferred to the

1 sunflower education equity scholarship fund by multiplying an amount
2 equal to the BASE aid by the total number of qualified students
3 participating in the program. The treasurer shall certify the resulting
4 amount to the director of accounts and reports. Upon receipt of such
5 certification, the director of accounts and reports shall transfer the certified
6 amount from the state general fund to the sunflower education equity
7 scholarship fund.

8 (c) (1) Except as provided in paragraph (2), if an account is active,
9 the treasurer shall transfer annually to a qualified student's account in the
10 sunflower education equity scholarship fund an amount equal to 95% of
11 the BASE aid. The treasurer shall make such transfers in two installments
12 per school year: One installment in August and one installment in January.

13 (2) If a qualified student enrolls in a school district on a part-time
14 basis, such qualified student or such student's parent shall notify the
15 treasurer, who shall prorate the amount to be transferred under paragraph
16 (1).

17 (3) The treasurer shall deduct 5% of the BASE aid per qualified
18 student participating in the program as reimbursement for the
19 administrative costs of administering the program.

20 (d) During each regular legislative session, the treasurer shall provide
21 an estimate of the amount required to fund sunflower education equity
22 scholarship accounts for the next succeeding fiscal year.

23 (e) Unless an account has been closed pursuant to subsection (h),
24 moneys remaining in an account at the end of a school year shall roll over
25 in such account to the next succeeding school year.

26 (f) A qualified school or other entity providing education services
27 purchased with moneys from an account shall not share, refund or rebate
28 any portion of such moneys to the parent or qualified student. Any such
29 refund or rebate shall be made directly into the qualified student's account.

30 (g) No personal deposits may be made into an account.

31 (h) (1) Each account shall remain active until:

32 (A) A written agreement is terminated pursuant to section ~~8~~ {7}, and
33 amendments thereto;

34 (B) a parent does not renew the qualified student's written agreement
35 for a period of three years and fails to timely respond to the notice sent by
36 the treasurer that the account will close in 60 calendar days if the written
37 agreement is not renewed;

38 (C) upon the student's graduation from a postsecondary educational
39 institution; or

40 (D) four consecutive years have passed after a student's graduation
41 from high school or award of a high school equivalency certificate in
42 which the student is not enrolled in a postsecondary educational
43 institution.

1 (2) When the treasurer determines that an account is no longer active,
2 the treasurer shall close the account and certify the amount of moneys
3 remaining in the account to the director of accounts of reports. Such
4 certified amount shall be transferred from the closed account to the state
5 general fund.

6 (i) The ~~board~~ {**treasurer**} may contract with private financial
7 management firms to manage scholarship accounts.

8 (j) Moneys in an account do not constitute taxable income to the
9 parent of the qualified student.

10 (k) The ~~board~~ {**treasurer**} shall conduct or contract to conduct annual
11 financial audits and random quarterly financial audits of sunflower
12 education equity scholarship accounts to ensure compliance with the
13 sunflower education equity act. The ~~board~~ {**treasurer**} shall determine the
14 scope of such audit and shall oversee such audit.

15 New Sec. ~~11~~ {**10**.} (a) A parent may appeal to the ~~board~~ {**treasurer**}
16 any administrative decision made by the ~~board or~~ treasurer pursuant to the
17 sunflower education equity act, including, but not limited to,
18 determinations of allowable expenses, removal from the program or
19 enrollment eligibility. The treasurer shall notify parents that each parent
20 may appeal any administrative decision and the process by which the
21 parent may appeal. The ~~board~~ {**treasurer**} shall establish an appeals
22 process.

23 (b) Parents may represent themselves or designate a representative
24 before any appeals hearing. Any designated representative who is not an
25 attorney may not charge for any service rendered in connection with such
26 hearing. The fact that a representative participated in the hearing or
27 assisted a parent is not grounds for reversing any administrative decision
28 or order if the evidence supporting the decision or order is substantial,
29 reliable and probative.

30 ~~(c) If the board issues a stay of an account suspension in response to~~
31 ~~an appeal of an administrative decision made by the board or the treasurer,~~
32 ~~the board or treasurer shall not withhold funding or refuse to enter into an~~
33 ~~agreement with the parent pursuant to section 8, and amendments thereto,~~
34 ~~unless otherwise directed by the board.~~

35 New Sec. ~~12~~ {**11**.} (a) A tutor seeking to provide tutoring services to
36 qualified students shall apply to the ~~board~~ {**treasurer**} on a form and in a
37 manner determined by the ~~board~~ {**treasurer**}. Such application shall
38 include the name, address and phone number of the tutor. If the tutor has a
39 website or email address, such website or email address shall also be
40 provided to the ~~board~~ {**treasurer**}.

41 (b) A school seeking approval as a qualified school that will accept
42 and serve qualified students shall apply to the ~~board~~ {**treasurer**} on a form
43 and in a manner determined by the ~~board~~ {**treasurer**}. Such application

1 shall include the name of the school, the name and title of the primary
2 contact of such school and the school's address, phone number and email
3 address. The primary contact of such school shall attest in writing to the
4 school's intent to provide instruction to all qualified students enrolled at
5 such school in the subjects of reading, grammar, mathematics, social
6 studies and science.

7 New Sec. ~~13~~ {12.} (a) A qualified school shall provide qualified
8 students enrolled full-time in such school instruction in reading, grammar,
9 mathematics, social studies and science. If any qualified students are
10 enrolled in the qualified school part-time, the qualified school shall
11 provide a statement to the ~~board~~ {treasurer} declaring which of the above
12 required subjects and courses of instruction it is providing to part-time
13 enrolled qualified students.

14 (b) This section does not apply to the following:

15 (1) Any postsecondary educational institution with qualified students
16 enrolled in such institution;

17 (2) a qualified student with a disability, including, but not limited to,
18 a student:

19 (A) Eligible to receive services pursuant to article 34 of chapter 72 of
20 the Kansas Statutes Annotated, and amendments thereto;

21 (B) identified as having a disability under section 504 of the
22 rehabilitation act of 1973; or

23 (C) whose parent states in writing such student has a disability and
24 provides one form of documentation to verify the student's disability that
25 may include, but is not limited to, one of the following:

26 (i) A notarized affidavit that describes the student's disability and
27 attests that the student is a student with a disability;

28 (ii) a prior individualized education program or 504 plan;

29 (iii) a diagnosis of a disability signed by an appropriate healthcare
30 provider or psychologist; or

31 (iv) a form showing the student's eligibility for vocational
32 rehabilitation services or pre-employment transitional services; or

33 (3) any qualified student attending school at home if such school is
34 provided by an immediate family member.

35 (c) This section shall not be construed to require any qualified school
36 to provide instruction in any subject or course that is not reading,
37 grammar, mathematics, social studies and science.

38 New Sec. ~~14~~ {13.} (a) A qualified school with 50 or more qualified
39 students enrolled shall annually make available to parents of a qualified
40 student enrolled or seeking to be enrolled at such school the aggregate test
41 scores of either all students enrolled or all qualified students enrolled in
42 the qualified school the following examinations and assessments by school
43 building and grade level:

1 (1) Any nationally standardized norm-referenced achievement
2 examination or state assessment; and

3 (2) any examination related to college or university admissions that
4 assesses reading and mathematics.

5 (b) The parent of a qualified student may request such student take
6 the state assessment at the school district where such student resides. Such
7 state assessment shall be provided by such school district upon request and
8 at no charge. The qualified student may take the state assessment at the
9 same time and date when such assessment is given to students attending a
10 school of the school district where such student resides. The school district
11 may allow a qualified student to take such assessment at an alternative
12 date and time if requested by the qualified student's parent.

13 (c) (1) No information provided to the ~~board~~ {**treasurer**} or made
14 available shall include any data on a qualified student's personal feelings,
15 attitudes, beliefs or practices.

16 (2) The qualified school shall not disclose a qualified student's
17 identification or distribute or release any personally identifiable data of a
18 qualified student to a third party without the written consent of such
19 student's parent. Written consent shall be obtained for each instance of
20 such disclosure, distribution or release.

21 New Sec. ~~15~~. {**14.**} Nothing in the sunflower education equity act
22 shall be construed to permit any governmental agency to exercise control
23 or supervision over any nonpublic school or home school. Any qualified
24 school or tutor that accepts a payment from a parent of a qualified student
25 participating in the program is not an agent of this state.

26 New Sec. ~~16~~. {**15.**} (a) In school year 2023-2024, each school district
27 in the state shall increase the salary of each licensed teacher employed by
28 the school district in an amount that equals or exceeds the individual
29 teacher salary increase determined by the state department of education in
30 accordance with this section. The individual teacher salary increase
31 required by this section is intended to provide all Kansas teachers with a
32 pay increase based on the amount of increased state foundation aid that
33 school districts are entitled to receive through the statutory inflation
34 adjustment to the BASE aid amount pursuant to K.S.A. 72-5132(e)(6), and
35 amendments thereto.

36 (b) The state department of education shall determine the individual
37 teacher salary increase that each school district shall provide to each
38 licensed teacher employed by the district as follows:

39 (1) Subtract the BASE aid amount for school year 2022-2023 from
40 the inflation-adjusted BASE aid amount for school year 2023-2024;

41 (2) multiply the difference determined in paragraph (1) by the total
42 adjusted enrollment of all school districts, excluding the school facilities
43 weighting, ancillary school facilities weighting, cost-of-living weighting

1 and special education and related services weighting;

2 (3) multiply the product determined in paragraph (2) by 0.50; and

3 (4) divide the product determined in paragraph (3) by the full-time
4 equivalent number of licensed teachers employed by all school districts in
5 school year 2023-2024. Such amount shall be the amount of the individual
6 teacher salary increase that each school district shall provide as a salary
7 increase to each licensed teacher employed by the school district.

8 (c) Each school district shall provide the individual teacher salary
9 increase to each licensed teacher in addition to any other salary increases
10 that were approved by the board of education of the school district prior to
11 July 1, 2023. A school district shall not use the individual teacher salary
12 increase required by this section to supplant any salary increase previously
13 approved by the board of education of a school district for any licensed
14 teacher for the 2023-2024 school year.

15 (d) This section shall be a part of and supplemental to the Kansas
16 school equity and enhancement act.

17 Sec. ~~17~~ {16.} K.S.A. 2022 Supp. 72-3120 is hereby amended to read
18 as follows: 72-3120. (a) Subject to the other provisions of this section,
19 every parent or person acting as parent in the state of Kansas, who has
20 control over or charge of any child who has reached the age of seven years
21 and is under the age of 18 years and has not attained a high school
22 diploma, a general educational development credential or a high school
23 equivalency credential, shall require such child to be regularly enrolled in
24 and attend continuously each school year:

25 (1) A public school for the duration of the school term provided for in
26 K.S.A. 72-3115, and amendments thereto;

27 (2) a private, denominational or parochial school taught by a
28 competent instructor for a period of time which is substantially equivalent
29 to the period of time public school is maintained in the school district in
30 which the private, denominational or parochial school is located; or

31 (3) a combination of a public school and a private, denominational or
32 parochial school for the periods of time referred to in paragraphs (1) and
33 (2).

34 (b) If the child is 16 or 17 years of age, the child shall be exempt
35 from the compulsory attendance requirements of this section if:

36 (1) The child is regularly enrolled in and attending a program
37 recognized by the local board of education as an approved alternative
38 educational program;

39 (2) the parent or person acting as parent provides written consent to
40 allow the child to be exempt from the compulsory attendance requirements
41 of this section and the child and the parent or person acting as parent
42 attend a final counseling session conducted by the school during which a
43 disclaimer to encourage the child to remain in school or to pursue

1 educational alternatives is presented to and signed by the child and the
2 parent or person acting as parent. The disclaimer shall include information
3 regarding the academic skills that the child has not yet achieved, the
4 difference in future earning power between a high school graduate and a
5 high school drop out and a listing of educational alternatives that are
6 available for the child;

7 (3) the child is regularly enrolled in a school as required by
8 subsection (a) and is concurrently enrolled in a postsecondary educational
9 institution, as defined by K.S.A. 74-3201b, and amendments thereto; or

10 (4) the child is subject to a court order that allows or requires the
11 child to be exempt from the compulsory attendance requirements.

12 (c) *A child that is a qualified student participating in the sunflower
13 education equity program pursuant to section 2 et seq., and amendments
14 thereto, shall be deemed to meet the requirements of this section.*

15 (d) Any child who is under the age of seven years, but who is
16 enrolled in school, shall be subject to the compulsory attendance
17 requirements of this section. Any such child may be withdrawn from
18 enrollment in school at any time by a parent or person acting as parent of
19 the child and thereupon the child shall be exempt from the compulsory
20 attendance requirements of this section until the child reaches the age of
21 seven years or is re-enrolled in school.

22 ~~(d)~~(e) Any child who is determined to be an exceptional child, except
23 for an exceptional child who is determined to be a gifted child, under the
24 provisions of the special education for exceptional children act shall be
25 subject to the compulsory attendance requirements of such act and exempt
26 from the compulsory attendance requirements of this section.

27 ~~(e)~~(f) Any child who has been admitted to, and is attending, the
28 Kansas academy of mathematics and science, as provided in K.S.A. 72-
29 3903 et seq., and amendments thereto, shall be exempt from the
30 compulsory attendance requirements of this section.

31 ~~(f)~~(g) No child attending public school in this state shall be required
32 to participate in any activity which is contrary to the religious teachings of
33 the child if a written statement signed by one of the parents or a person
34 acting as parent of the child is filed with the proper authorities of the
35 school attended requesting that the child not be required to participate in
36 such activities and stating the reason for the request.

37 ~~(g)~~(h) When a recognized church or religious denomination that
38 objects to a regular public high school education provides, offers and
39 teaches, either individually or in cooperation with another recognized
40 church or religious denomination, a regularly supervised program of
41 instruction that is approved by the state board of education, for children of
42 compulsory school attendance age who have successfully completed the
43 eighth grade, participation in such a program of instruction by any such

1 children whose parents or persons acting as parents are members of the
2 sponsoring church or religious denomination shall be regarded as
3 acceptable school attendance within the meaning of this act. Approval of
4 such programs shall be granted by the state board of education, for two-
5 year periods, upon application from recognized churches and religious
6 denominations, under the following conditions:

7 (1) Each participating child shall be engaged, during each day on
8 which attendance is legally required in the public schools in the school
9 district in which the child resides, in at least five hours of learning
10 activities appropriate to the adult occupation that the child is likely to
11 assume in later years;

12 (2) acceptable learning activities, for the purposes of this subsection,
13 shall include projects supervised by a parent or person acting as parent in
14 agriculture and homemaking, work-study programs in cooperation with
15 local business and industry and correspondence courses from schools
16 accredited by the national home study council, recognized by the United
17 States office of education as the competent accrediting agency for private
18 home study schools;

19 (3) at least 15 hours per week of classroom work under the
20 supervision of an instructor shall be provided, at which time students shall
21 be required to file written reports of the learning activities they have
22 pursued since the time of the last class meeting, indicating the length of
23 time spent on each one, and the instructor shall examine and evaluate such
24 reports, approve plans for further learning activities and provide necessary
25 assignments and instruction;

26 (4) regular attendance reports shall be filed as required by law and
27 students shall be reported as absent for each school day on which they
28 have not completed the prescribed minimum of five hours of learning
29 activities;

30 (5) the instructor shall keep complete records concerning instruction
31 provided, assignments made and work pursued by the students, and these
32 records shall be filed on the first day of each month with the state board of
33 education and the board of education of the school district in which the
34 child resides;

35 (6) the instructor shall be capable of performing competently the
36 functions entrusted thereto; and

37 (7) in applying for approval under this subsection a recognized
38 church or religious denomination shall certify its objection to a regular
39 public high school education and shall specify, in such detail as the state
40 board of education may reasonably require, the program of instruction that
41 it intends to provide and no such program shall be approved unless it fully
42 complies with standards specified by the state board of education.

43 If the sponsors of an instructional program approved under this

1 subsection fail to comply at any time with the provisions of this
2 subsection, the state board of education shall rescind, after a written
3 warning has been served and a period of three weeks allowed for
4 compliance, approval of the programs, even though the two-year approval
5 period has not elapsed, and thereupon children attending such program
6 shall be admitted to a high school of the school district.

7 ~~(h)~~(i) (1) Each board of education of a school district shall allow any
8 child to enroll part-time in the school district to allow the student to attend
9 any courses, programs or services offered by the school district if the
10 child:

11 (A) Is also enrolled in a nonaccredited private elementary or
12 secondary school pursuant to K.S.A. 72-4345, and amendments thereto, or
13 in any other private, denominational or parochial school pursuant to the
14 provisions of subsection (a);

15 (B) requests to enroll part-time in the school district; and

16 (C) meets the age of eligibility requirements for school attendance
17 pursuant to K.S.A. 72-3118, and amendments thereto.

18 (2) Each board of education of a school district shall adopt a policy
19 regarding the part-time enrollment of students pursuant to this subsection
20 and shall publish such policy on the school district's website. The board of
21 education of a school district shall make a good faith attempt to
22 accommodate scheduling requests of students enrolling in the school
23 district pursuant to this subsection but shall not be required to make
24 adjustments to accommodate every such request.

25 ~~(i)~~(j) As used in this section:

26 (1) "Educational alternatives" means an alternative learning plan for
27 the student that identifies educational programs that are located in the area
28 where the student resides and are designed to aid the student in obtaining a
29 high school diploma, general educational development credential or other
30 certification of completion, such as a career technical education industry
31 certification. Such alternative learning plans may include extended
32 learning opportunities such as independent study, private instruction,
33 performing groups, internships, community service, apprenticeships and
34 online coursework.

35 (2) "Parent" and "person acting as parent" mean the same as such
36 terms are defined in K.S.A. 72-3122, and amendments thereto.

37 (3) "*Private school*" includes *competent, private instruction of a child*
38 *directed by a parent or person acting as parent. "Private school" does not*
39 *include instruction provided pursuant to subsection (c).*

40 (4) "Regularly enrolled" means enrolled in five or more hours of
41 instruction each school day. For the purposes of subsection (b)(3), hours of
42 instruction received at a postsecondary educational institution shall be
43 counted.

1 Sec. ~~18~~ {17.} K.S.A. 2022 Supp. 72-5132 is hereby amended to read
2 as follows: 72-5132. As used in the Kansas school equity and enhancement
3 act, K.S.A. 72-5131 et seq., and amendments thereto:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 (i) "Categorical fund" means and includes the following funds of a
9 school district: Adult education fund; adult supplementary education fund;
10 at-risk education fund; bilingual education fund; career and postsecondary
11 education fund; driver training fund; educational excellence grant program
12 fund; extraordinary school program fund; food service fund; parent
13 education program fund; preschool-aged at-risk education fund;
14 professional development fund; special education fund; and summer
15 program fund.

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

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

23 (l) "Enrollment" means, except as provided in K.S.A. 2022 Supp. 72-
24 5180, and amendments thereto:

25 (1) The number of students regularly enrolled in kindergarten and
26 grades one through 12 in the school district on September 20 of the
27 preceding school year plus the number of preschool-aged at-risk students
28 regularly enrolled in the school district on September 20 of the current
29 school year, except a student who is a foreign exchange student shall not
30 be counted unless such student is regularly enrolled in the school district
31 on September 20 and attending kindergarten or any of the grades one
32 through 12 maintained by the school district for at least one semester or
33 two quarters, or the equivalent thereof.

34 (2) If the enrollment in a school district in the preceding school year
35 has decreased from enrollment in the second preceding school year, the
36 enrollment of the school district in the current school year means the sum
37 of:

38 (A) The enrollment in the second preceding school year, excluding
39 students under paragraph (2)(B), minus enrollment in the preceding school
40 year of preschool-aged at-risk students, if any, plus enrollment in the
41 current school year of preschool-aged at-risk students, if any; and

42 (B) the adjusted enrollment in the second preceding school year of
43 any students participating in the tax credit for low income students

1 scholarship program pursuant to K.S.A. 72-4351 et seq., and amendments
2 thereto, in the preceding school year, if any, plus the adjusted enrollment in
3 the preceding school year of preschool-aged at-risk students who are
4 participating in the tax credit for low income students scholarship program
5 pursuant to K.S.A. 72-4351 et seq., and amendments thereto, in the current
6 school year, if any.

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

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

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

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

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

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

26 (4) For any school district that has a high school classified as a
27 ~~1A2A~~{1A or 2A} member school by the activities association described in
28 K.S.A. 72-7114, and amendments thereto, the enrollment of the school
29 district shall be the sum of the number of preschool-aged at-risk students
30 regularly enrolled in the school district on September 20 of the current
31 school year plus whichever is the greater of:

32 (A) The number of students regularly enrolled in kindergarten and
33 grades one through 12 in the school district on September 20 of the
34 preceding school year;

35 (B) the number of students regularly enrolled in kindergarten and
36 grades one through 12 in the school district on September 20 of the second
37 preceding school year;

38 (C) the number of students regularly enrolled in kindergarten and
39 grades one through 12 in the school district on September 20 of the third
40 preceding school year; or

41 (D) the number of students regularly enrolled in kindergarten and
42 grades one through 12 in the school district on September 20 of the fourth
43 preceding school year.

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

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

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

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

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

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

32 (r) "High enrollment weighting" means an addend component
33 assigned to the enrollment of school districts pursuant to K.S.A. 72-
34 5149(b), and amendments thereto, on the basis of costs attributable to
35 maintenance of educational programs by such school districts.

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

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

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

43 (2) an amount equal to any remaining proceeds from taxes levied

1 under authority of K.S.A. 72-7056 and 72-7072, prior to their repeal;

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

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

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

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

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

22 (u) "Low enrollment weighting" means an addend component
23 assigned to the enrollment of school districts pursuant to K.S.A. 72-
24 5149(a), and amendments thereto, on the basis of costs attributable to
25 maintenance of educational programs by such school districts.

26 (v) "Operating expenses" means the total expenditures and lawful
27 transfers from the general fund of a school district during a school year for
28 all purposes, except expenditures for the purposes specified in K.S.A. 72-
29 5168, and amendments thereto.

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

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

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

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

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

6 (2) This subsection shall not apply in any school year prior to the
7 2021-2022 school year.

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

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

17 (3) This subsection shall not apply in any school year prior to the
18 2021-2022 school year.

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

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

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

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

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

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

37 (ii) "State foundation aid" means the amount of aid distributed to a
38 school district as determined by the state board pursuant to K.S.A. 72-
39 5134, and amendments thereto.

40 (jj) (1) "Student" means any person who is regularly enrolled in a
41 school district and attending kindergarten or any of the grades one through
42 12 maintained by the school district or who is regularly enrolled in a
43 school district and attending kindergarten or any of the grades one through

1 12 in another school district in accordance with an agreement entered into
2 under authority of K.S.A. 72-13,101, and amendments thereto, or who is
3 regularly enrolled in a school district and attending special education
4 services provided for preschool-aged exceptional children by the school
5 district.

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

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

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

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

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

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

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

21 (D) A student enrolled in and attending an institution of
22 postsecondary education that is authorized under the laws of this state to
23 award academic degrees shall be counted as one student if the student's
24 postsecondary education enrollment and attendance together with the
25 student's attendance in either of the grades 11 or 12 is at least $\frac{5}{6}$ time,
26 otherwise the student shall be counted as that proportion of one student, to
27 the nearest $\frac{1}{10}$, that the total time of the student's postsecondary education
28 attendance and attendance in grades 11 or 12, as applicable, bears to full-
29 time attendance.

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

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

43 (G) A student enrolled in a school district and attending special

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

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

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

12 This subparagraph shall not apply to:

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

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

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

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

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

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

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

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

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

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

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

41 Sec. ~~19~~. {18.} K.S.A. 2022 Supp. 72-3120 and 72-5132 are hereby
42 repealed.

43 Sec. ~~20~~. {19.} This act shall take effect and be in force from and after

- 1 its publication in the statute book.