

SENATE BILL No. 509

By Committee on Assessment and Taxation

2-13

1 AN ACT concerning income taxation; relating to tax credits for education
2 expenses; providing an education opportunity tax credit for taxpayers
3 with eligible dependent children not enrolled in public school.
4

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

6 Section 1. (a) For tax year 2024, and all tax years thereafter, there
7 shall be allowed as a credit against the tax liability of a resident individual
8 imposed under the Kansas income tax act an education opportunity tax
9 credit. The education opportunity tax credit shall be an amount equal to
10 either 75% of the amount of BASE aid as determined in K.S.A. 72-5132,
11 and amendments thereto, for each dependent child enrolled during the tax
12 year in a private school accredited by the state board of education or a
13 regional or national accrediting agency or 50% of the amount of BASE aid
14 as determined in K.S.A. 72-5132, and amendments thereto, for each
15 dependent child enrolled during the tax year in a nonaccredited private
16 school if such dependent child was eligible to enroll in kindergarten or any
17 of the grades one through 12 in a Kansas public school but was not so
18 enrolled.

19 (b) If the amount of the tax credit allowed by this section exceeds the
20 taxpayer's income tax liability imposed under the Kansas income tax act
21 for such tax year, the excess amount shall be refunded to the taxpayer.

22 (c) A taxpayer shall not receive the education opportunity tax credit if
23 such taxpayer fails to provide a valid social security number issued by the
24 social security administration for each dependent child of the taxpayer for
25 which the taxpayer is seeking such tax credit.

26 (d) The department of revenue shall provide an eligible taxpayer the
27 opportunity to either claim and receive the education opportunity tax credit
28 in advance during the tax year or to claim the tax credit on their annual
29 income tax forms. If the taxpayer chooses to claim the tax credit in
30 advance during the tax year, the taxpayer may file an application at any
31 time during the tax year on a form prescribed by the department of
32 revenue.

33 (e) (1) The department of revenue shall consult with the state
34 department of education for the purpose of determining whether or not a
35 dependent child of a taxpayer claiming an education opportunity tax credit
36 is enrolled in a public school during the tax year for which the credit is

1 claimed.

2 (2) By making a claim for the education opportunity tax credit, the
3 taxpayer acknowledges that the department of revenue may consult with
4 and receive information from the state department of education regarding
5 the enrollment status of any dependent child for which the tax credit is
6 being claimed.

7 (f) On or before January 15 of each year, the department of revenue
8 shall prepare and submit to the legislature a report on the education
9 opportunity tax credit for the immediately preceding tax year. Such report
10 shall include, but not be limited to, the total amount of credits claimed and
11 any information on known fraudulent claims for the credit.

12 (g) Any person who intentionally files a false claim for the education
13 opportunity tax credit shall be subject to a civil penalty in an amount
14 computed in the manner prescribed in K.S.A. 79-3228, and amendments
15 thereto.

16 (h) The amount of BASE aid as determined in K.S.A. 72-5132, and
17 amendments thereto, used to calculate the tax credit amount each year
18 shall be the BASE aid for the school year in effect on January 1 of the tax
19 year.

20 (i) This section shall be a part of and supplemental to the Kansas
21 income tax act.

22 Sec. 2. This act shall take effect and be in force from and after its
23 publication in the Kansas register.