

HOUSE BILL No. 2410

By Committee on Appropriations

3-22

1 AN ACT concerning education; relating to the instruction and financing
 2 thereof; making and concerning appropriations for the fiscal years
 3 ending June 30, 2018, and June 30, 2019, for the department of
 4 education; creating the Kansas school equity and enhancement act;
 5 amending K.S.A. 2016 Supp. 10-1116a, 12-1677, 12-1770a, 12-1775a,
 6 12-1776a, 72-978, 72-1046b, 72-1398, 72-1414, 72-1923, 72-3712, 72-
 7 3715, 72-5333b, 72-64b01, 72-64c03, 72-64c05, 72-6622, 72-6624, 72-
 8 6625, 72-6757, 72-67115, 72-7535, 72-8187, 72-8190, 72-8230, 72-
 9 8233, 72-8236, 72-8249, 72-8250, 72-8251, 72-8302, 72-8309, 72-
 10 8316, 72-8415b, 72-8801, 72-8804, 72-8908, 72-9509, 72-9609, 72-
 11 99a02, 72-99a02, as amended by section 87 of this act, 74-4939a, 74-
 12 8925, 74-99b43, 75-2319, 79-201x, 79-213, 79-2001 and 79-2925b and
 13 repealing the existing sections; also repealing K.S.A. 2016 Supp. 46-
 14 1133 and 72-6482.
 15

16 *Be it enacted by the Legislature of the State of Kansas:*
 17 Section 1.

18 DEPARTMENT OF EDUCATION

19 (a) There is appropriated for the above agency from the state general
 20 fund for the fiscal year ending June 30, 2018, the following:

21 Operating expenditures (including official
 22 hospitality) (652-00-1000-0053).....\$12,515,606
 23 *Provided*, That any unencumbered balance in the operating expenditures
 24 (including official hospitality) account in excess of \$100 as of June 30,
 25 2017, is hereby reappropriated for fiscal year 2018.

26 Special education services
 27 aid (652-00-1000-0700).....\$437,680,455

28 *Provided*, That any unencumbered balance in the special education
 29 services aid account in excess of \$100 as of June 30, 2017, is hereby
 30 reappropriated for fiscal year 2018. *Provided further*, That expenditures
 31 shall not be made from the special education services aid account for the
 32 provision of instruction for any homebound or hospitalized child unless
 33 the categorization of such child as exceptional is conjoined with the
 34 categorization of the child within one or more of the other categories of
 35 exceptionality. *And provided further*, That expenditures shall be made from
 36 this account for grants to school districts in amounts determined pursuant

Proposed Amendments to HB 2410 #26
 House Committee on K-12 Budget
 Prepared by Jason Long
 Office of Revisor of Statutes

1 New Sec. 4. As used in the Kansas school equity and enhancement
2 act, section 3 et seq., and amendments thereto:

3 (a) "Adjusted enrollment" means the foundation enrollment of a
4 school district adjusted by adding the following weightings, if any, to the
5 enrollment of the school district: At-risk student weighting; cost-of-living
6 weighting; declining enrollment weighting; high-density at-risk student
7 weighting; bilingual weighting; low enrollment weighting; ~~new~~ school
8 facilities ~~fee~~ weighting; special education and related services weighting;
9 and transportation weighting.

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

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

18 (c) "At-risk student weighting" means an addend component assigned
19 to the foundation enrollment of school districts pursuant to section 27(a),
20 and amendments thereto, on the basis of costs attributable to the
21 maintenance of at-risk educational programs by such school districts.

22 (d) (1) Except as otherwise provided in this subsection, "base aid for
23 student excellence" or "BASE aid" means an amount appropriated by the
24 legislature in a fiscal year for the designated year. For school year 2017-
25 2018, the amount of BASE aid shall be \$5,212.

26 (2) Commencing in school year 2018-2019, and each school year
27 thereafter, the BASE aid shall increase by an amount equal to the
28 percentage increase in the consumer price index for all urban consumers in
29 the midwest region as published by the bureau of labor statistics of the
30 United States department of labor during the second preceding school year.

31 (3) For any school year in which the local foundation budget for each
32 school district is determined pursuant to section 14(b), and amendments
33 thereto, the BASE aid for such school year shall be \$5,320.

34 (4) The amount of BASE aid is subject to reduction commensurate
35 with any reduction under K.S.A. 75-6704, and amendments thereto, in the
36 amount of the appropriation from the state general fund for state
37 foundation aid. If the amount of appropriations for state foundation aid is
38 insufficient to pay in full the amount each school district is entitled to
39 receive for any school year, the amount of BASE aid for such school year
40 is subject to reduction commensurate with the amount of the insufficiency.

41 (e) "Bilingual weighting" means an addend component assigned to
42 the foundation enrollment of school districts pursuant to section 26, and
43 amendments thereto, on the basis of costs attributable to the maintenance

school facilities weighting; ancillary
(b) "Ancillary school facilities weighting" means an addend component
assigned to the foundation enrollment of school districts pursuant to section
33, and amendments thereto, on the basis of costs attributable to
commencing operation of one or more new school facilities by such school
districts.

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly

1 school district under the provisions of K.S.A. 72-983, and amendments
2 thereto; and

3 (9) an amount equal to 70% of the federal impact aid of the school
4 district.

5 (u) "Low enrollment weighting" means an addend component
6 assigned to the foundation enrollment of school districts pursuant to
7 section 25, and amendments thereto, on the basis of costs attributable to
8 maintenance of educational programs by such school districts.

9 ~~[(v) "New school facilities cost weighting" means an addend-~~
10 ~~component assigned to the foundation enrollment of school districts~~
11 ~~pursuant to section 31, and amendments thereto, on the basis of costs~~
12 ~~attributable to commencing operation of one or more new school facilities~~
13 ~~by such school districts]~~

14 (w) "Operating expenses" means the total expenditures and lawful
15 transfers from the general fund of a school district during a school year for
16 all purposes, except expenditures for the purposes specified in section 37,
17 and amendments thereto.

18 (x) "Preceding school year" means the school year immediately
19 before the current school year.

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

25 (z) "Preschool-aged exceptional children" means exceptional
26 children, except gifted children, who have attained the age of three years
27 but are under the age of eligibility for attendance at kindergarten. The
28 terms "exceptional children" and "gifted children" have the same meaning
29 as those terms are defined in K.S.A. 72-962, and amendments thereto.

30 (aa) "Psychiatric residential treatment facility" means the same as
31 such term is defined in K.S.A. 72-8187, and amendments thereto.

32 (bb) "School district" means a school district organized under the
33 laws of this state that is maintaining public school for a school term in
34 accordance with the provisions of K.S.A. 72-1106, and amendments
35 thereto.

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

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

40 (ee) "Special education and related services weighting" means an
41 addend component assigned to the foundation enrollment of school
42 districts pursuant to section 30, and amendments thereto, on the basis of
43 costs attributable to the maintenance of special education and related

(bb) "School facilities weighting" means an added component assigned to
the foundation enrollment of school districts pursuant to section 31, and
amendments thereto, on the basis of costs attributable to commencing
operation of one or more new school facilities by such school districts.

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly

1 educational programs.

2 (d) Each year the board of education of each school district shall
3 prepare and submit to the state board a report on the at-risk student
4 assistance or programs provided by the school district. Such report shall
5 include the number of students who were served or provided assistance,
6 the type of service provided, the research upon which the school district
7 relied in determining that a need for service or assistance existed, the
8 results of providing such service or assistance and any other information
9 required by the state board.

10 (e) In order to achieve uniform reporting of the number of students
11 provided service or assistance by school districts in at-risk student
12 programs, school districts shall report the number of students served or
13 assisted in the manner required by the state board.

14 New Sec. 30. The special education and related services weighting of
15 each school district shall be determined by the state board as follows:

16 (a) Add the amount of payments received by the school district under
17 the provisions of K.S.A. 72-979, and amendments thereto, to the amount
18 of any grants received by the school district under the provisions of K.S.A.
19 72-983, and amendments thereto; and

20 (2) divide the sum obtained under subsection (a) by the BASE aid.
21 The resulting quotient is the special education and related services
22 weighting of the school district.

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

43 (2) The state board of tax appeals shall certify to the state board the

New. Sec. 31. (a) For each school year in which such weighting may be assigned to the foundation enrollment of the school district, the school facilities weighting of such school district shall be determined by the state board as follows:

(1) Determine the number of students included in the enrollment of the school district who are attending a new school facility;

(2) multiply the number of students determined under subsection (a)(1) by 0.25. The resulting product is the school facilities weighting of the school district.

(b) The school facilities weighting may be assigned to the enrollment of a school district only if:

(1) The school district adopted a local option budget for school year 2014-2015 in an amount equal to at least 25% of the amount of the state financial aid determined for the school district in such school year pursuant to K.S.A. 72-6433, prior to its repeal;

(2) the contractual bond obligations incurred by the school district were approved by the electors of the school district at an election held on or before July 1, 2015; and

(3) (A) the school district commences operation of a new school facility and the construction of such facility was financed primarily with such contractual bond obligations; or

(B) the school district commences operation of a new school facility and the construction of such facility was financed primarily with federal funds and such facility is located on a military reservation.

(c) The school facilities weighting may be assigned to the foundation enrollment of the school district only in the school year in which operation of a new school facility is commenced and in the next succeeding school year.

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1 amount authorized to be produced by the levy of a tax under this
2 subsection.

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

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

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

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

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

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

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

43 (6) compute 30% of the amount of the sum obtained under subsection

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1 (b)(1), which computed amount is the amount the school district may levy
2 in the fifth year of the six-year period for which the school district may
3 levy a tax under authority of this subsection; and

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

8 In determining the amount produced by the tax levied by the school
9 district under authority of subsection (a), the state board shall include any
10 moneys apportioned to the ~~new~~ school facilities fund of the school district
11 from taxes levied under the provisions of K.S.A. 79-5101 et seq. and 79-
12 5118 et seq., and amendments thereto.

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

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

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

30 (2) divide the sum obtained under subsection (d)(1) by the BASE aid
31 The resulting quotient is the ~~new~~ school facilities ~~fees~~ weighting of the
32 school district.

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

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

38 (2) adopted a local enhancement budget; and

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

41 New Sec. 32. (a) Subject to subsection (b), the board of education of
42 a 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

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