

SENATE BILL No. 251

By Committee on Ways and Means

5-18

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. 12-17,115 and 72-8803 and K.S.A. 2016 Supp. 10-
6 1116a, 12-1677, 12-1770a, 12-1775a, 12-1776a, 72-978, 72-1046b, 72-
7 1398, 72-1414, 72-1923, 72-3712, 72-3715, 72-5333b, 72-64b01, 72-
8 64c03, 72-64c05, 72-6622, 72-6624, 72-6625, 72-6757, 72-67,115, 72-
9 7535, 72-8187, 72-8190, 72-8230, 72-8233, 72-8236, 72-8249, 72-
10 8250, 72-8251, 72-8302, 72-8309, 72-8316, 72-8415b, 72-8801, 72-
11 8804, 72-8908, 72-9509, 72-9609, 72-99a02, 72-99a02, as amended by
12 section 92 of this act, 72-99a04, 74-4939a, 74-8925, 74-99b43, 75-
13 2319, 79-201x, 79-213, 79-2001 and 79-2925b and repealing the
14 existing sections; also repealing K.S.A. 2016 Supp. 46-1133, 72-6482
15 and 75-2319, as amended by section 46 of Senate Substitute for
16 Substitute for House Bill No. 2052.

17

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

19 Section 1.

20

DEPARTMENT OF EDUCATION

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

23 Operating expenditures (including official
24 hospitality) (652-00-1000-0053).....\$12,515,606

25 *Provided*, That any unencumbered balance in the operating expenditures
26 (including official hospitality) account in excess of \$100 as of June 30,
27 2017, is hereby reappropriated for fiscal year 2018.

28 Special education services
29 aid (652-00-1000-0700).....\$435,980,455

30 *Provided*, That any unencumbered balance in the special education
31 services aid account in excess of \$100 as of June 30, 2017, is hereby
32 reappropriated for fiscal year 2018: *Provided further*; That expenditures
33 shall not be made from the special education services aid account for the
34 provision of instruction for any homebound or hospitalized child unless
35 the categorization of such child as exceptional is conjoined with the
36 categorization of the child within one or more of the other categories of

1 (c) The school funding fee imposed pursuant to this section shall not
2 be deemed to be a rate increase for purposes of K.S.A. 66-117, and
3 amendments thereto.

4 (d) The school funding fee imposed pursuant to this section shall not
5 be subject to the provisions of K.S.A. 79-3606(a), and amendments
6 thereto.

7 (e) The state treasurer is hereby authorized to adopt rules and
8 regulations to effectuate the collection and remittance of the school
9 funding fees, establish any forms necessary for the remittance of such fees
10 and assess any penalties for the failure to remit such fees.

11 (f) As used in this section:

12 (1) "Person" means any individual, firm, partnership, co-partnership,
13 joint venture, association, cooperative organization, corporation, municipal
14 or private, and whether organized for profit or not, state, county, political
15 subdivision, state department, commission, board, bureau or fraternal
16 organization, nonprofit organization, estate, trust, business or common law
17 trust, receiver, assignee for the benefit of creditors, trustee or trustee in
18 bankruptcy or any other legal entity.

19 (2) "Customer" means the person identified, for the purposes of
20 billing for the provision of retail service, as receiving utility services from
21 a utility. "Customer" does not include the government of the United States
22 or its agencies or instrumentalities.

23 (3) "Utility" means any person that furnishes electricity, water or
24 natural gas at retail to a person in this state.

See attached insert

25 Sec. 52. K.S.A. 2016 Supp. 10-1116a is hereby amended to read as
26 follows: 10-1116a. The limitations on expenditures imposed under the
27 cash-basis law shall not apply to:

28 (a) Expenditures in excess of current revenues made for municipally
29 owned and operated utilities out of the fund of such utilities caused by, or
30 resulting from the meeting of, extraordinary emergencies including
31 drought emergencies. In such cases expenditures in excess of current
32 revenues may be made by declaring an extraordinary emergency by
33 resolution adopted by the governing body and such resolution shall be
34 published at least once in a newspaper of general circulation in such city.
35 Thereupon, such governing body may issue interest bearing no-fund
36 warrants on such utility fund in an amount, including outstanding
37 previously issued no-fund warrants, not to exceed 25% of the revenues
38 from sales of service of such utility for the preceding year. Such warrants
39 shall be redeemed within three years from date of issuance and shall bear
40 interest at a rate of not to exceed the maximum rate of interest prescribed
41 by K.S.A. 10-1009, and amendments thereto. Upon the declaration of a
42 drought emergency, the governing body may issue such warrants for water
43 system improvement purposes in an amount not to exceed 50% of the

And by renumbering remaining sections accordingly

New Sec. 52. (a) There is hereby established the student opportunity scholarship program, which shall be administered by the state board of education. On and after July 1, 2018, a student may be eligible to receive a student opportunity scholarship if such student: (1) Attended an accredited Kansas high school for at least three consecutive years; (2) graduated from a Kansas high school prior to September 20 of the year in which such student would have been enrolled in grade 12; and (3) is enrolled in or plans to attend a postsecondary educational institution in Kansas.

(b) To receive a student opportunity scholarship, an eligible student shall provide the state board: (1) Proof of enrollment in a postsecondary educational institution within one year of graduation from high school; and (2) any other information deemed necessary by the state board.

(c) There is hereby established in the state treasury the student opportunity scholarship fund, which shall be administered by the state board of education. All expenditures from the student opportunity scholarship fund shall be for student opportunity scholarships and the administration of the student opportunity scholarship program. All expenditures from the student opportunity scholarship fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the state board or its designee. All moneys received for the purposes of this section shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the student opportunity scholarship fund.

(d) The state board shall provide a student opportunity scholarship to any student who meets the requirements of subsections (a) and (b). A student opportunity scholarship shall be paid directly to the postsecondary educational institution that the eligible student attends. If the annual cost of the student's tuition at such postsecondary educational institution is less than the scholarship amount, the remaining money shall remain in the student opportunity scholarship fund and the state board shall continue to pay an amount equal to the annual cost of tuition to the postsecondary educational institution for each year that the student attends a postsecondary educational institution until the scholarship amount has been fully expended.

(e) (1) The amount of the scholarship shall be equal to 95% of the amount of BASE aid.

(2) The school district from which the student graduated shall receive an amount equal to 5% of the BASE aid.

(3) The state board may retain up to 2% of the amount of scholarships for the cost of administering the student opportunity scholarship program.

(f) The state board shall adopt rules and regulations to carry out the provisions of this section by July 1, 2018.

(g) As used in this section:

(1) "BASE aid" means the same as such term is defined in section 4, and amendments thereto.

(2) "Postsecondary educational institution" means any state educational institution, municipal university, community college, technical college and institute of technology located in Kansas or any private postsecondary educational institution that operates on a not-for-profit basis, has a physical presence within the state of Kansas, is regionally accredited by the higher learning commission and is exempt from the provisions of K.S.A. 74-32,162, et seq., and amendments thereto.

(3) "School district" means any public school district organized and operating under the laws of this state.

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