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

WHEREAS, The legislature affirms that a quality, individualized education provides an essential pathway to success, not only for each student but for the prosperity and stability of the state; and
WHEREAS, Every child in Kansas is unique with diverse learning needs and thus shall be granted educational freedom. Educational freedom provides parental choice that considers the unique learning needs of each student and the learning environment that best aligns with the student's academic, socio-emotional and spiritual needs that direct and encourage life success; and
WHEREAS, The sunflower education equity act affirms that equity in education means that all children shall receive what they need educationally regardless of their socioeconomic, racial or cultural status. The act affirms and promotes that all children, without preference or bias, are uniquely capable and worthy of meeting and exceeding the highest caliber of expectations in an environment that best promotes their unique qualities, abilities, needs and goals; and
WHEREAS, The sunflower education equity act provides meaningful educational freedom while simultaneously protecting the freedom of parents to direct the education of their children.

Now, therefore:
Be it enacted by the Legislature of the State of Kansas:

New Section 1.

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2024, the following:
Special education services aid (652-00-1000-0700)..............$592,740,238

Provided, That any unencumbered balance in the special education services aid account in excess of $100 as of June 30, 2023, is hereby reappropriated for fiscal year 2024: Provided further, That expenditures shall not be made from the special education services aid account for the provision of instruction for any homebound or hospitalized child unless the categorization of such child as exceptional is conjoined with the categorization of the child within one or more of the other categories of exceptionality: And provided further, That expenditures shall be made from this account for grants to school districts in amounts determined pursuant to and in accordance with the provisions of K.S.A. 72-3425, and amendments thereto: And provided further, That expenditures shall be made from the amount remaining in this account, after deduction of the expenditures specified in the foregoing provisos, for payments to school districts in amounts determined pursuant to and in accordance with the provisions of K.S.A. 72-3422, and amendments thereto.

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

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

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

"Treasurer" means the state treasurer or the state treasurer's designee.

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

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

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

(d) If the board or treasurer determine it is necessary, the state department of education shall cooperate and collaborate with the board or treasurer in the implementation or administration of the program.

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

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

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

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

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

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

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

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

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

(F) the chairperson of the house of representatives committee on education or the committee on K-12 education budget as determined by:
the speaker of the house of representatives;
(G) the chairperson of the senate committee on education;
(H) a parent with a qualified student in the program appointed by the
governor, except that the initial appointment shall be a parent of a qualified
student who intends to participate in the program; and
(I) a representative of a qualified school appointed by the governor,
except that the initial appointment shall be a representative of a school that
intends to apply and participate in the program as a qualified school.
(3) The non-voting member shall be a representative from the state
department of education.
(e) All members of the board shall be residents of Kansas.
(d) (1) The members appointed by the governor shall serve an initial
term of one year. The members appointed by the minority leader of the
senate and the minority leader of the house of representatives shall serve
an initial term of two years. The members appointed by the president of
the senate and the speaker of the house of representatives shall serve an
initial term of three years.
(2) After the initial terms established by paragraph (1), appointed
board members shall serve for four-year terms and are eligible for
reappointment at the expiration of such member's initial term.
(e) Any vacancy occurring on the board shall be filled in the same
manner as the initial appointment for the unexpired term being filled.
(f) The board shall meet upon the call of the chairperson at least twice
per year. A majority of the voting members of the board constitutes a
quorum.
(g) Members of the board attending meetings of such board or
attending a subcommittee meeting thereof authorized by such board shall
be paid compensation, subsistence allowance, mileage and other expenses
as provided in K.S.A. 75-3223, and amendments thereto.
New Sec. 5. (a) The board {treasurer} shall have the following
powers and duties:
(1) Oversee and manage the program;
(2) advise the treasurer on the implementation and administration of
the program;
(3) determine the manner and form of the application to enroll in the
program and establish an account;
(4){(3)} pursuant to section 12 {11}, and amendments thereto,
determine the manner and form of the application for approval as a
qualified school or tutor to receive payments from an account;
(5){(4)} execute contracts or authorize the treasurer to execute
contracts as necessary to carry out the requirements of the sunflower
education equity act;
(6){(5)} hear and review appeals pursuant to section 10 {10}, and
amendments thereto;
(6) work with the state department of education as necessary for the program;
(7) establish an appeals process in accordance with section 11, and amendments thereto;
(8) conduct or contract to conduct financial audits of the use of account moneys;
(9) establish or contract for the establishment of a telephone or online fraud reporting service;
(10) establish or contract with a private entity for the establishment of a commercially viable and user-friendly website, native application or mobile application that will establish digital spending accounts on behalf of qualified students and provide at least the following:
(A) Account management by the treasurer and parent of a qualified student;
(B) payment processing by electronic funds transfer to a qualified school or other entity approved by the board;
(C) reimbursement by electronic funds transfer to a qualified school, tutor or other entity approved by the board;
(D) the ability for the treasurer to monitor and create reports of transaction activity in real time;
(E) the ability for the treasurer to put an account on a temporary hold status;
(F) a design that reduces the possibility of fraud, waste and abuse; and
(G) compliance with best standards as determined by the board for data privacy and cyber security; and
(11) require a surety bond or insurance of at least $100,000 for education service providers serving more than five students annually. Such requirements shall not apply to an education service provider who is an immediate family member of the qualified students such provider is serving;
(12) develop and update as necessary a handbook for program applicants and participants that includes, but is not limited to, information relating to policies and process of sunflower education equity scholarship accounts; and
(13) exercise such other powers and perform such other functions and duties provided in the sunflower education equity act.
(b) The board shall not disclose a qualified student's identification or distribute or release any personally identifiable data of a qualified student to a third party without the written consent of such student's parent. Written consent shall be obtained for each instance of such disclosure, distribution or release.
New Sec. 6. (a) The treasurer shall maintain an explanation of at least the following information on the treasurer's website and provide an electronic or hard copy of such information to any parent whose child is a qualified student participating in the program prior to any expenditure from an account:

(1) The allowable uses of money in an education equity scholarship account provided in section 2, and amendments thereto;

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

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

(4) the appeals process established pursuant to section 11, and amendments thereto;

(5) the handbook developed pursuant to section 5, and amendments thereto; and

(6) the duties of the treasurer and the duties of the board.

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

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

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

(B) attends or is eligible to attend preschool and satisfies any requirement of section 2(b)(8)(B), and amendments thereto; or

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

(2) the student is eligible to enroll in kindergarten or any of the grades one through 12 and does not meet the requirements of paragraph (1) but has an annual family income that is less than or equal to 300% of the federal poverty guidelines as determined annually in the federal register by the United States department of health and human services under 42 U.S.C. § 9902(2), except that the number of students eligible to participate in the program pursuant to this paragraph shall not exceed
2,000 students.

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

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

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

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

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

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

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

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

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

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

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

(2) the student is eligible to enroll in kindergarten or any of the grades one through 12 and does not meet the requirements of paragraph (1) but has an annual family income that is less than or equal to 400% of
the federal poverty guidelines as determined annually in the federal
register by the United States department of health and human services
under 42 U.S.C. § 9902(2), except that the number of students
participating pursuant to this paragraph shall not exceed 8,000.

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

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

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

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

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

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

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

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

(4) provide parents the program information required by section 6,
and amendments thereto.

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

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

(e) The written agreement shall provide the following:
(1) Except as provided in section{12}, and amendments thereto, a portion of moneys in the account shall be used to provide an education for the qualified student in at least the subjects of reading, grammar, mathematics, social studies and science;
(2) after receiving the scholarship, the qualified student shall not enroll full-time in a school of a school district;
(3) no immediate family member of a qualified student may charge or collect payment, tuition or fees for any of the following if provided to such qualified student:
  (A) Educational therapies or services; or
  (B) tutoring;
(4) the money in a qualified student's account shall only be expended as authorized by the sunflower education equity act;
(5) any payments from an account for tuition shall only be made to a qualified school or a postsecondary educational institution;
(6) the qualified student may accept a scholarship from a scholarship granting organization pursuant to the tax credit for low income students scholarship program act, K.S.A. 72-4351 et seq., and amendments thereto, if the qualified student and the qualified student's parent meets the requirements of both programs; and
(7) the parent of a qualified student shall comply with all requirements of the sunflower education equity act and any rules and regulations adopted hereunder.

(f) Upon execution of an initial written agreement, the treasurer shall notify the board, who shall provide final approval of such agreement.

Upon approval {of a written agreement}, the treasurer shall authorize an account in the name of the qualified student.

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

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

(i) (1) The treasurer may suspend a written agreement upon a determination that:
  (A) Money in an account has been used for purposes other than those allowed by the sunflower education equity act;
  (B) the student is no longer a resident of Kansas; or
  (C) the qualified student enrolls in a school district on a full-time
basis.

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

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

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

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

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

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

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

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

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

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

(5) curriculum materials;

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

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

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

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

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

(11) textbooks required by a postsecondary educational institution;

(12) fees or costs required to apply for or acquire occupational licenses, certificates, apprenticeships or other professional qualifications;
(13) fees for transportation services approved by the board that are used for transportation to and from a qualified school; 
(14) computer hardware and technological devices primarily used for educational purposes, including personal computers, laptops, tablet devices, microscopes, telescopes and printers; and 
(15) any other education expenses approved by the board.

(b) Money in a qualified student's account shall not be expended for the following:
  (1) Athletic training or coaching; or
  (2) for qualified students schooled at home, instruction or tutoring provided by an immediate family member.

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

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

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

New Sec. 10. (a) (1) There is hereby established in the state treasury the sunflower education equity scholarship fund to be administered by the state treasurer. Moneys in the sunflower education equity scholarship fund shall be expended only for the purposes established in the sunflower education equity act. All moneys received pursuant to subsection (b) 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 sunflower education equity scholarship fund.

(2) On or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the sunflower education equity scholarship fund interest earnings based on:
  (A) The average daily balance of moneys in the sunflower education equity scholarship fund; and
  (B) the net earnings rate of the pooled money investment portfolio for the preceding month.

(b) On or before August 1, 2024, and on August 1 each year thereafter, the treasurer shall determine the amount to be transferred to the
sunflower education equity scholarship fund by multiplying an amount
equal to the BASE aid by the total number of qualified students
participating in the program. The treasurer shall certify the resulting
amount to the director of accounts and reports. Upon receipt of such
certification, the director of accounts and reports shall transfer the certified
amount from the state general fund to the sunflower education equity
scholarship fund.

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

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

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

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

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

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

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

(h) (1) Each account shall remain active until:
(A) A written agreement is terminated pursuant to section 8 {7}, and
amendments thereto;
(B) a parent does not renew the qualified student's written agreement
for a period of three years and fails to timely respond to the notice sent by
the treasurer that the account will close in 60 calendar days if the written
agreement is not renewed;
(C) upon the student's graduation from a postsecondary educational
institution; or
(D) four consecutive years have passed after a student's graduation
from high school or award of a high school equivalency certificate in
which the student is not enrolled in a postsecondary educational
institution.
(2) When the treasurer determines that an account is no longer active, the treasurer shall close the account and certify the amount of moneys remaining in the account to the director of accounts of reports. Such certified amount shall be transferred from the closed account to the state general fund.

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

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

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

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

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

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

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

(b) A school seeking approval as a qualified school that will accept and serve qualified students shall apply to the board {treasurer} on a form and in a manner determined by the board {treasurer}. Such application
shall include the name of the school, the name and title of the primary
contact of such school and the school's address, phone number and email
address. The primary contact of such school shall attest in writing to the
school's intent to provide instruction to all qualified students enrolled at
such school in the subjects of reading, grammar, mathematics, social
studies and science.

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

(b) This section does not apply to the following:
(1) Any postsecondary educational institution with qualified students
enrolled in such institution;
(2) a qualified student with a disability, including, but not limited to,
a student:
  (A) Eligible to receive services pursuant to article 34 of chapter 72 of
the Kansas Statutes Annotated, and amendments thereto;
  (B) identified as having a disability under section 504 of the
rehabilitation act of 1973; or
  (C) whose parent states in writing such student has a disability and
provides one form of documentation to verify the student's disability that
may include, but is not limited to, one of the following:
    (i) A notarized affidavit that describes the student's disability and
attests that the student is a student with a disability;
    (ii) a prior individualized education program or 504 plan;
    (iii) a diagnosis of a disability signed by an appropriate healthcare
provider or psychologist; or
    (iv) a form showing the student's eligibility for vocational
rehabilitation services or pre-employment transitional services; or
(3) any qualified student attending school at home if such school is
provided by an immediate family member.
(c) This section shall not be construed to require any qualified school
to provide instruction in any subject or course that is not reading,
grammar, mathematics, social studies and science.

New Sec. 14. (a) A qualified school with 50 or more qualified
students enrolled shall annually make available to parents of a qualified
student enrolled or seeking to be enrolled at such school the aggregate test
scores of either all students enrolled or all qualified students enrolled in
the qualified school the following examinations and assessments by school
building and grade level:
(1) Any nationally standardized norm-referenced achievement examination or state assessment; and
(2) any examination related to college or university admissions that assesses reading and mathematics.

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

(c) (1) No information provided to the board or made available shall include any data on a qualified student's personal feelings, attitudes, beliefs or practices.
(2) The qualified school shall not disclose a qualified student's identification or distribute or release any personally identifiable data of a qualified student to a third party without the written consent of such student's parent. Written consent shall be obtained for each instance of such disclosure, distribution or release.

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

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

(b) The state department of education shall determine the individual teacher salary increase that each school district shall provide to each licensed teacher employed by the district as follows:
(1) Subtract the BASE aid amount for school year 2022-2023 from the inflation-adjusted BASE aid amount for school year 2023-2024;
(2) multiply the difference determined in paragraph (1) by the total adjusted enrollment of all school districts, excluding the school facilities weighting, ancillary school facilities weighting, cost-of-living weighting
and special education and related services weighting;
(3) multiply the product determined in paragraph (2) by 0.50; and
(4) divide the product determined in paragraph (3) by the full-time equivalent number of licensed teachers employed by all school districts in school year 2023-2024. Such amount shall be the amount of the individual teacher salary increase that each school district shall provide as a salary increase to each licensed teacher employed by the school district.

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

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

Sec. 17. {16} K.S.A. 2022 Supp. 72-3120 is hereby amended to read as follows: 72-3120. (a) Subject to the other provisions of this section, every parent or person acting as parent in the state of Kansas, who has control over or charge of any child who has reached the age of seven years and is under the age of 18 years and has not attained a high school diploma, a general educational development credential or a high school equivalency credential, shall require such child to be regularly enrolled in and attend continuously each school year:
(1) A public school for the duration of the school term provided for in K.S.A. 72-3115, and amendments thereto;
(2) a private, denominational or parochial school taught by a competent instructor for a period of time which is substantially equivalent to the period of time public school is maintained in the school district in which the private, denominational or parochial school is located; or
(3) a combination of a public school and a private, denominational or parochial school for the periods of time referred to in paragraphs (1) and (2).

(b) If the child is 16 or 17 years of age, the child shall be exempt from the compulsory attendance requirements of this section if:
(1) The child is regularly enrolled in and attending a program recognized by the local board of education as an approved alternative educational program;
(2) the parent or person acting as parent provides written consent to allow the child to be exempt from the compulsory attendance requirements of this section and the child and the parent or person acting as parent attend a final counseling session conducted by the school during which a disclaimer to encourage the child to remain in school or to pursue
educational alternatives is presented to and signed by the child and the
parent or person acting as parent. The disclaimer shall include information
regarding the academic skills that the child has not yet achieved, the
difference in future earning power between a high school graduate and a
high school drop out and a listing of educational alternatives that are
available for the child;

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

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

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

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

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

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

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

(g)(h) When a recognized church or religious denomination that
objects to a regular public high school education provides, offers and
teaches, either individually or in cooperation with another recognized
church or religious denomination, a regularly supervised program of
instruction that is approved by the state board of education, for children of
compulsory school attendance age who have successfully completed the
eighth grade, participation in such a program of instruction by any such
children whose parents or persons acting as parents are members of the 
sponsoring church or religious denomination shall be regarded as 
acceptable school attendance within the meaning of this act. Approval of 
such programs shall be granted by the state board of education, for two-
year periods, upon application from recognized churches and religious 
denominations, under the following conditions:

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

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

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

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

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

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

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

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

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

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

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

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

(ii) (j) As used in this section:

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

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

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

(4) "Regularly enrolled" means enrolled in five or more hours of instruction each school day. For the purposes of subsection (b)(3), hours of instruction received at a postsecondary educational institution shall be counted.
Sec. 18. K.S.A. 2022 Supp. 72-5132 is hereby amended to read as follows: 72-5132. As used in the Kansas school equity and enhancement act, K.S.A. 72-5131 et seq., and amendments thereto:

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

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

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

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

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

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

(1) For school year 2018-2019, $4,165;
(2) for school year 2019-2020, $4,436;
(3) for school year 2020-2021, $4,569;
(4) for school year 2021-2022, $4,706;
(5) for school year 2022-2023, $4,846; and
(6) for school year 2023-2024, and each school year thereafter, the BASE aid shall be the BASE aid amount for the immediately preceding school year plus an amount equal to the average percentage increase in the consumer price index for all urban consumers in the midwest region as published by the bureau of labor statistics of the United States department of labor during the three immediately preceding school years rounded to the nearest whole dollar amount.
(f) "Bilingual weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 72-5150, and amendments thereto, on the basis of costs attributable to the maintenance of bilingual educational programs by such school districts.

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

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

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

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

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

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

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

2. If the enrollment in a school district in the preceding school year has decreased from enrollment in the second preceding school year, the enrollment of the school district in the current school year means the sum of:

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

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

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

(A) The enrollment determined under paragraph (2); or
(B) the sum of the enrollment in the preceding school year of preschool-aged at-risk students, if any, and the arithmetic mean of the sum of:

(i) The enrollment of the school district in the preceding school year minus the enrollment in such school year of preschool-aged at-risk students, if any;
(ii) the enrollment in the second preceding school year minus the enrollment in such school year of preschool-aged at-risk students, if any; and
(iii) the enrollment in the third preceding school year minus the enrollment in such school year of preschool-aged at-risk students, if any.

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

(A) The number of students regularly enrolled in kindergarten and grades one through 12 in the school district on September 20 of the preceding school year;
(B) the number of students regularly enrolled in kindergarten and grades one through 12 in the school district on September 20 of the second preceding school year;
(C) the number of students regularly enrolled in kindergarten and grades one through 12 in the school district on September 20 of the third preceding school year; or
(D) the number of students regularly enrolled in kindergarten and grades one through 12 in the school district on September 20 of the fourth preceding school year.
The enrollment determined under paragraph (1), (2) or (3) or (4), except if the school district begins to offer kindergarten on a full-time basis in such school year, students regularly enrolled in kindergarten in the school district in the preceding school year shall be counted as one student regardless of actual attendance during such preceding school year.

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

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

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

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

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

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

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

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

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

2. an amount equal to any remaining proceeds from taxes levied
under authority of K.S.A. 72-7056 and 72-7072, prior to their repeal;

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

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

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

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

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

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

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

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

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

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

(z) "Psychiatric residential treatment facility" means the same as such term is defined in K.S.A. 72-1173, and amendments thereto.
(aa) (1) "Remote enrollment" means the number of students regularly enrolled in kindergarten and grades one through 12 in the school district who attended school through remote learning in excess of the remote learning limitations provided in K.S.A. 2022 Supp. 72-5180, and amendments thereto.

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

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

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

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

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

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

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

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

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

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

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

(2) (A) Except as otherwise provided in this subsection, the following
shall be counted as one student:
(i) A student in attendance full-time; and
(ii) a student enrolled in a school district and attending special
education and related services, provided for by the school district.

(B) The following shall be counted as 1/2 student:
(i) A student enrolled in a school district and attending special
education and related services for preschool-aged exceptional children
provided for by the school district; and
(ii) a preschool-aged at-risk student enrolled in a school district and
receiving services under an approved at-risk student assistance plan
maintained by the school district.

(C) A student in attendance part-time shall be counted as that
proportion of one student, to the nearest 1/10, that the student's attendance
bears to full-time attendance.

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

(E) A student enrolled in and attending a technical college, a career
technical education program of a community college or other approved
career technical education program shall be counted as one student, if the
student's career technical education attendance together with the student's
attendance in any of grades nine through 12 is at least 5/6 time, otherwise
the student shall be counted as that proportion of one student, to the
nearest 1/10, that the total time of the student's career technical education
attendance and attendance in any of grades nine through 12 bears to full-
time attendance.

(F) A student enrolled in a school district and attending a non-virtual
school and also attending a virtual school shall be counted as that
proportion of one student, to the nearest 1/10, that the student's attendance at
the non-virtual school bears to full-time attendance.

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

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

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

This subparagraph shall not apply to:

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 20. {19.} This act shall take effect and be in force from and after
its publication in the statute book.