Senate Substitute for HOUSE BILL No. 2506

By Committee on Ways and Means

4-2

AN ACT concerning education; relating to postsecondary education; enacting the SUCCESS act; creating the Johnson county community college go pro now program; relating to real property of certain state universities; relating to school districts; relating to the provision for school finance; relating to teacher licensure and administrative due process; enacting the education fairness property tax relief act; creating the K-12 school finance study commission; enacting the corporate education tax credit scholarship program act; making and concerning appropriations for fiscal years ending June 30, 2014, June 30, 2015, and June 30, 2016, for certain state agencies; amending K.S.A. 71-204, 71-617, {72-1412, 72-5439, 72-5446}, 72-6411, 72-6415 and 72-8809 and K.S.A. 2013 Supp. 72-3712, 72-3714, 72-3715, 72-3716, {72-5436, 72-5437, 72-5438, 72-5445}, 72-6407, 72-6415b, 72-6433, 72-6433d, 72-6441, 72-6455 and,} 72-6460 {and 79-32,138} and repealing the existing sections; also repealing K.S.A. 72-60b03 and K.S.A. 2013 Supp. 72-6454.

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

Section 1.

KANSAS DEPARTMENT FOR CHILDREN AND FAMILIES

(a) During the fiscal year ending June 30, 2015, expenditures shall be made by the children's cabinet from the Kansas reads to succeed account of the children's initiatives fund for fiscal year 2015 to establish a pilot program for improved reading skills for the children in Kansas: Provided, That such expenditures shall not exceed $6,000,000: Provided further, That the program used shall provide academic support to students and teachers in urban and rural communities to help ensure on grade level achievement in reading: And provided further, That such program shall at a minimum be made available to grades preK through 8: And provided further, That the program shall be research-based, and shall be able to identify the area or areas where the student is proficient and is not proficient: And provided further, That the teacher, after reviewing the initial program assessment and other classroom parameters, shall be able to place students into individualized levels of curriculum and instruction within the reading program: And provided further, That the program shall
have an adaptive, interactive and simultaneous reading/assessment portion:

And provided further, That the program shall be an online-delivered, interactive reading assessment and research-based intervention program for use both at school and at home: And provided further, That the program shall provide immediate reporting to the teacher and provide recommendations regarding the student's instruction and if necessary, the student's intervention: And provided further, That the program shall provide immediate reporting to the teacher and supervisors, in both aggregate and uniquely identified form on the status of the student: And provided further, That the provisions of the proviso for the Kansas reads to succeed account of the children's initiatives fund for fiscal year 2015 requiring the children's cabinet to expend moneys from the Kansas reads to succeed account of the children's initiatives fund for fiscal year 2015 to establish a pilot program for improved reading outcomes using the Lexia Reading Core5 program are hereby declared null and void and shall have no force and effect.

Sec. 2.

DEPARTMENT OF COMMERCE

(a) On July 1, 2014, of the $5,000,000 appropriated for the above agency for the fiscal year ending June 30, 2015, by section 124(a) of chapter 136 of the 2013 Session Laws of Kansas from the state general fund in the animal health research grant account, the sum of $5,000,000 is hereby lapsed.

(b) On July 1, 2014, of the $5,000,000 appropriated for the above agency for the fiscal year ending June 30, 2015, by section 124(a) of chapter 136 of the 2013 Session Laws of Kansas from the state general fund in the aviation research grant account, the sum of $5,000,000 is hereby lapsed.

(c) On July 1, 2014, of the $5,000,000 appropriated for the above agency for the fiscal year ending June 30, 2015, by section 124(a) of chapter 136 of the 2013 Session Laws of Kansas from the state general fund in the cancer center research grant account, the sum of $5,000,000 is hereby lapsed.

Sec. 3.

DEPARTMENT OF EDUCATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2014, the following:

Special education services aid...........................................$1,029,612
General state aid............................................................$17,836,773

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2014, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law and
transfers to other state agencies shall not exceed the following:

State assessment fund: No limit

(c) On the effective date of this act, of the $328,245,211 appropriated for the above agency for the fiscal year ending June 30, 2014, by section 143(a) of chapter 136 of the 2013 Session Laws of Kansas from the state general fund in the KPERS – employer contributions account, the sum of $7,447,869 is hereby lapsed.

d) On the effective date of this act, the $25,000 appropriated for the above agency for the fiscal year ending June 30, 2014, by section 143(a) of chapter 136 of the 2013 Session Laws of Kansas from the state general fund in the technical education promotion account, is hereby lapsed.

e) On March 30, 2014, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 8-267 or 8-272, and amendments thereto, or any other statute, the director of accounts and reports shall transfer $550,000 from the state safety fund of the department of education to the state assessment fund of the department of education.

(f) On June 30, 2014, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 8-267 or 8-272, and amendments thereto, or any other statute, the director of accounts and reports shall transfer $550,000 from the state safety fund of the department of education to the state assessment fund of the department of education.

g) The director of accounts and reports shall not make the transfer of $550,000 from the state safety fund of the department of education to the state general fund which was directed to be made on March 30, 2014, by section 143(e) of chapter 136 of the 2013 Session Laws of Kansas, and, on the effective date of this act, the provisions of section 143(e) of chapter 136 of the 2013 Session Laws of Kansas are hereby declared to be null and void and shall have no force and effect.

(h) The director of accounts and reports shall not make the transfer of $550,000 from the state safety fund of the department of education to the state general fund which was directed to be made on June 30, 2014, by section 143(f) of chapter 136 of the 2013 Session Laws of Kansas, and, on the effective date of this act, the provisions of section 143(f) of chapter 136 of the 2013 Session Laws of Kansas are hereby declared to be null and void and shall have no force and effect.

Sec. 4.

DEPARTMENT OF EDUCATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2015, the following:

Operating expenditures (including official hospitality): $47,500

Provided, That the above agency shall make expenditures from the operating expenditures (including official hospitality) account during the fiscal year 2015, in the amount not less than $47,500 for the KIDS data...
system of the department of education.

Special education services aid...........................................................$578,363

Governor's teaching excellence scholarships and awards.............$327,500

Supplemental general state aid..................................................$105,665,000

Information technology education opportunities......................$500,000

Provided, That the above agency shall make expenditures from the
information technology education opportunities account during the fiscal
year 2015, to provide information technology education opportunities to
high schools through a public-private partnership designed to secure
broad-based information technology certification: Provided further, That
the department of education shall utilize a request for proposals process for
contracts: And provided further, That such contract shall include the
following components: (1) A research-based curriculum; (2) online access
to the curriculum; (3) instructional software for classroom and student use;
(4) certification of skills and competencies in a broad base of information
technology-related skill areas; (5) professional development for teachers;
and (6) deployment and program support, including but not limited to
integration with current curriculum standards: And provided further, That
the department of education, in cooperation with the board of
regents, shall select schools for the information technology education
opportunities program through a statewide application process: And
provided further, That the department of education, in cooperation with the
state board of regents, shall select schools that represent a diverse cross-
section of Kansas schools to include: (A) Urban, suburban and rural
schools; (B) small, medium and large school districts; and (C) ethnic
diversity among schools.

Ag in the classroom.................................................................$35,000

(b) On July 1, 2014, of the $1,875,932,270 appropriated for the above
agency for the fiscal year ending June 30, 2015, by section 144(a) of
chapter 136 of the 2013 Session Laws of Kansas from the state general
fund in the general state aid account, the sum of $13,038,775 is hereby
lapsed.

(c) On July 1, 2014, of the $363,284,462 appropriated for the above
agency for the fiscal year ending June 30, 2015, by section 144(a) of
chapter 136 of the 2013 Session Laws of Kansas from the state general
fund in the KPERS – employer contributions account, the sum of
$4,582,820 is hereby lapsed.

(d) On July 1, 2014, the $50,000 appropriated for the above agency
for the fiscal year ending June 30, 2015, by section 144(a) of chapter 136
of the 2013 Session Laws of Kansas from the state general fund in the
technical education promotion account, is hereby lapsed.

(e) On July 1, 2014, any unencumbered balance in the school district
juvenile detention facilities and Flint Hills job corps center grants account
in excess of $100 as of June 30, 2014, is hereby reappropriated to the
operating expenditures (including official hospitality) account of the above
agency for fiscal year 2015: Provided, however, That expenditures from
such reappropriated balance shall be expended to assist in funding the
KIDS data system of the department of education: Provided further, That
on July 1, 2014, the provisions of section 144(a) of chapter 136 of the
2013 Session Laws of Kansas, reappropriating any unencumbered balance
in the school district juvenile detention facilities and Flint Hills job corps
center grants account in excess of $100 as of June 30, 2014, for fiscal year
2015 is hereby declared to be null and void and shall have no force and
effect.

(f) On July 1, 2014, or as soon after as moneys are available,
notwithstanding the provisions of K.S.A. 68-416, and amendments thereto,
or any other statute, the director of accounts and reports shall transfer
$16,468,518 from the general state aid transportation weighting –
state highway fund of the department of education to the state general
fund.

(g) On July 1, 2014, the expenditure limitation established for the
fiscal year ending June 30, 2015, by section 144(b) of chapter 136 of the
2013 Session Laws of Kansas on the school district capital outlay state aid
fund of the department of education is hereby increased from $0 to no
limit.

Sec. 5.

FORT HAYS STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general
fund for the fiscal year ending June 30, 2015, the following:
Operating expenditures (including official hospitality).........$1,024,913

(b) In addition to the other purposes for which expenditures may be
made by Fort Hays state university from the moneys appropriated from the
state general fund or from any special revenue fund or funds for fiscal year
2015 authorized by chapter 136 of the 2013 Session Laws of Kansas, this
act or other appropriation act of the 2014 regular session of the legislature,
expenditures shall be made by Fort Hays state university from moneys
 appropriated from the state general fund or from any special revenue fund
 or funds for fiscal year 2015 to provide for the issuance of bonds by the
 Kansas development finance authority in accordance with K.S.A. 74-8905,
 and amendments thereto, for a capital improvement project for the Weist
 hall replacement project: Provided, That such capital improvement project
 is hereby approved for Fort Hays state university for the purpose of
subsection (b) of K.S.A. 74-8405, and amendments thereto, and the
authorization of the issuance of bonds by the Kansas development finance
authority in accordance with that statute: Provided further, That Fort Hays
state university may make expenditures from the money received from the
issuance of any such bonds for such capital improvement project: 

Provided, however; That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed $25,000,000, plus all amounts required for costs of bonds issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project, credit enhancement costs and any required reserves for payment of principal interest on the bonds: And provided further, That expenditures from the moneys received from the issuance of any such bonds shall not exceed $25,000,000, plus all amounts required for costs of bonds issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project, credit enhancement costs and any required reserves for payment of principal interest on the bonds: And provided further, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: And provided further, That debt service for any such bonds for such capital improvement projects shall be financed by appropriations for any appropriate special revenue fund or funds: And provided further, That Fort Hays state university may make provisions for the maintenance of the Weist hall.

Sec. 6.

KANSAS STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2014, the following:

Operating expenditures (including official hospitality) $949,829

Sec. 7.

KANSAS STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2015, the following:

Operating expenditures (including official hospitality) $6,065,180

Provided, That, during fiscal year 2015, in addition to the other purposes for which expenditures may be made by the above agency from the operating expenditures (including official hospitality) account for fiscal year 2015 as authorized by chapter 136 of the 2013 Session Laws of Kansas, this act or other appropriation act of the 2014 regular session of the legislature, expenditures shall be made by the above agency from the operating expenditures (including official hospitality) account for fiscal year 2015 for animal health research: Provided further, That all amounts expended for animal health research from the operating expenditures (including official hospitality) account for fiscal year 2015 shall be matched by Kansas state university on a $1 for $1 basis from other moneys of Kansas state university for the animal health research for which the money is expended: And provided further, That Kansas state university shall submit a plan to the house committee on appropriations and the senate committee on ways and means as to how the animal health research activities create additional jobs for the state for fiscal year 2015: And provided further, That, such expenditures for animal health research shall be in an amount not less than $5,000,000.

(b) There is appropriated for the above agency from the state general
fund for the fiscal year ending June 30, 2015, for the capital improvement
project or projects specified, the following:

School of architecture..............................................................$1,500,000

(c) In addition to the other purposes for which expenditures may be
made by Kansas state university from the moneys appropriated from the
state general fund or from any special revenue fund or funds for fiscal year
2015 authorized by chapter 136 of the 2013 Session Laws of Kansas, this
act or other appropriation act of the 2014 regular session of the legislature,
expenditures shall be made by Kansas state university from moneys
appropriated from the state general fund or from any special revenue fund
or funds for fiscal year 2015 to provide for the issuance of bonds by the
Kansas development finance authority in accordance with K.S.A. 74-8905,
and amendments thereto, for a capital improvement project to expand the
chilled water plant: Provided, That such capital improvement project is
hereby approved for Kansas state university for the purpose of subsection
(b) of K.S.A. 74-8405, and amendments thereto, and the authorization of
the issuance of bonds by the Kansas development finance authority in
accordance with that statute: Provided further, That Kansas state university
may make expenditures from the money received from the issuance of any
such bonds for such capital improvement project: Provided, however, That
expenditures from the moneys received from the issuance of any such
bonds for such capital improvement project shall not exceed $56,000,000,
plus all amounts required for costs of bonds issuance, costs of interest on
the bonds issued for such capital improvement project during the
construction of such project, credit enhancement costs and any required
reserves for payment of principal interest on the bonds: And provided
further, That all moneys received from the issuance of any such bonds
shall be deposited and accounted for as prescribed by applicable bond
covenants: And provided further, That debt service for any such bonds for
such capital improvement projects shall be financed by appropriations for
any appropriate special revenue fund or funds: And provided further, That
Kansas state university may make provisions for the maintenance of the
chilled water plant.

Sec. 8.

KANSAS STATE UNIVERSITY – EXTENSION SYSTEMS
AND AGRICULTURE RESEARCH PROGRAMS

(a) There is appropriated for the above agency from the state general
fund for the fiscal year ending June 30, 2014, the following:
Cooperative extension service (including official hospitality)........$540,202
Agricultural experiment stations (including official hospitality)....$960,360

Sec. 9.

KANSAS STATE UNIVERSITY – EXTENSION SYSTEMS
AND AGRICULTURE RESEARCH PROGRAMS
(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2015, the following:
Cooperative extension service (including official hospitality)........$491,177
Agricultural experiment stations (including official hospitality)....$873,205

Sec. 10.

KANSAS STATE UNIVERSITY
VETERINARY MEDICAL CENTER

(a) On July 1, 2014, of the $9,623,280 appropriated for the above agency for the fiscal year ending June 30, 2015, by section 160(a) of chapter 136 of the 2013 Session Laws of Kansas from the state general fund in the operating expenditures account, the sum of $14,742 is hereby lapsed.

Sec. 11.

EMPORIA STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2014, the following:

Operating expenditures (including official hospitality).................$672,320

(b) In addition to the other purposes for which expenditures may be made by Emporia state university from the restricted fees fund for fiscal year 2014 as authorized by section 161(b) of chapter 136 of the 2013 Session Laws of Kansas, expenditures may be made by the above agency from the restricted fees fund for fiscal year 2014 for official hospitality.

(c) In addition to the other purposes for which expenditures may be made by Emporia state university from the reading recovery program account for fiscal year 2014 as authorized by section 161(a) of chapter 136 of the 2013 Session Laws of Kansas, expenditures may be made by the above agency from the reading recovery program account for fiscal year 2014 for official hospitality.

(d) In addition to the other purposes for which expenditures may be made by Emporia state university from the nat'l board cert/future teacher academy account for fiscal year 2014 as authorized by section 161(a) of chapter 136 of the 2013 Session Laws of Kansas, expenditures may be made by the above agency from the nat'l board cert/future teacher academy account for fiscal year 2014 for official hospitality.

Sec. 12.

EMPORIA STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2015, the following:

Operating expenditures (including official hospitality)..............$1,811,386

(b) In addition to the other purposes for which expenditures may be made by Emporia state university from the restricted fees fund for fiscal year 2015 as authorized by section 162(b) of chapter 136 of the 2013 Session Laws of Kansas, expenditures may be made by the above agency
from the restricted fees fund for fiscal year 2015 for official hospitality.

(c) In addition to the other purposes for which expenditures may be made by Emporia state university from the reading recovery program account for fiscal year 2015 as authorized by section 162(a) of chapter 136 of the 2013 Session Laws of Kansas, expenditures may be made by the above agency from the reading recovery program account for fiscal year 2015 for official hospitality.

(d) In addition to the other purposes for which expenditures may be made by Emporia state university from the nat'l board cert/future teacher academy account for fiscal year 2015 as authorized by section 162(a) of chapter 136 of the 2013 Session Laws of Kansas, expenditures may be made by the above agency from the nat'l board cert/future teacher academy account for fiscal year 2015 for official hospitality.

Sec. 13.

PITTSBURG STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2015, the following:
Operating expenditures (including official hospitality).............$1,011,858

Sec. 14.

UNIVERSITY OF KANSAS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2014, the following:
Operating expenditures (including official hospitality).............$77,935

Sec. 15.

UNIVERSITY OF KANSAS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2015, the following:
Operating expenditures (including official hospitality).............$85,768

(b) In addition to the other purposes for which expenditures may be made by the university ofKansas from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2015 authorized by chapter 136 of the 2013 Session Laws of Kansas, this act or other appropriation act of the 2014 regular session of the legislature, expenditures shall be made by the university of Kansas from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2015 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, for a capital improvement project for the earth energy environment center: Provided, That such capital improvement project is hereby approved for the university of Kansas for the purpose of subsection (b) of K.S.A. 74-8405, and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: Provided further, That the
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1 university of Kansas may make expenditures from the money received
2 from the issuance of any such bonds for such capital improvement project:
3 Provided, however: That expenditures from the moneys received from the
4 issuance of any such bonds for such capital improvement project shall not
5 exceed $25,000,000, plus all amounts required for costs of bonds issuance,
6 costs of interest on the bonds issued for such capital improvement project
7 during the construction of such project, credit enhancement costs and any
8 required reserves for payment of principal interest on the bonds: And
9 provided further: That all moneys received from the issuance of any such
10 bonds shall be deposited and accounted for as prescribed by applicable
11 bond covenants: And provided further: That debt service for any such
12 bonds for such capital improvement projects shall be financed by
13 appropriations for any appropriate special revenue fund or funds: And
14 provided further: That the university of Kansas may make provisions for
15 the maintenance of the earth energy environment center.
16 Sec. 16.

UNIVERSITY OF KANSAS MEDICAL CENTER
18 (a) There is appropriated for the above agency from the state general
19 fund for the fiscal year ending June 30, 2014, the following:
20 Operating expenditures (including official hospitality).................$1,730,679
21 Sec. 17.

UNIVERSITY OF KANSAS MEDICAL CENTER
23 (a) There is appropriated for the above agency from the state general
24 fund for the fiscal year ending June 30, 2015, the following:
25 Operating expenditures (including official hospitality).................$7,328,224
26 Provided, That, during fiscal year 2015, in addition to the other purposes
27 for which expenditures may be made by the above agency from the
28 operating expenditures (including official hospitality) account for fiscal
29 year 2015 as authorized by chapter 136 of the 2013 Session Laws of
30 Kansas, this act or other appropriation act of the 2014 regular session of
31 the legislature, expenditures shall be made by the above agency from the
32 operating expenditures (including official hospitality) account for fiscal
33 year 2015 for cancer center research: Provided further, That all amounts
34 expended for cancer center research from the operating expenditures
35 (including official hospitality) account for fiscal year 2015 shall be
36 matched by university of Kansas medical center on a $1 for $1 basis from
37 other moneys of university of Kansas medical center for the cancer center
38 research for which the money is expended: And provided further, That
39 university of Kansas medical center shall submit a plan to the house
40 committee on appropriations and the senate committee on ways and means
41 as to how the cancer center research activities create additional jobs for the
42 state for fiscal year 2015: And provided further, That, such expenditures for
43 cancer center research shall be in an amount not less than $5,000,000.
Rural health bridging…………………………………………………………………………………$70,000

Provided, That expenditures from the rural health bridging account shall not be used to supplant or replace funds already budgeted for the rural health bridging program of the university of Kansas medical center.

Midwest stem cell therapy center…………………………………………………………………$9,000

Sec. 18.

WICHITA STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2014, the following:

Operating expenditures (including official hospitality).................$281,267

Sec. 19.

WICHITA STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2015, the following:

Operating expenditures (including official hospitality)..............$10,514,755

Provided, That, during fiscal year 2015, in addition to the other purposes for which expenditures may be made by the above agency from the operating expenditures (including official hospitality) account for fiscal year 2015 as authorized by chapter 136 of the 2013 Session Laws of Kansas, this act or other appropriation act of the 2014 regular session of the legislature, expenditures shall be made by the above agency from the operating expenditures (including official hospitality) account for fiscal year 2015 for aviation research: Provided further, That all amounts expended for aviation research from the operating expenditures (including official hospitality) account for fiscal year 2015 shall be matched by Wichita state university on a $1 for $1 basis from other moneys of Wichita state university for the aviation research for which the money is expended: And provided further, That Wichita state university shall submit a plan to the house committee on appropriations and the senate committee on ways and means as to how the aviation research activities create additional jobs for the state for fiscal year 2015: And provided further, That, such expenditures for aviation research shall be in an amount not less than $5,000,000: And provided further, That, during fiscal year 2015, in addition to the other purposes for which expenditures may be made by the above agency from the operating expenditures (including official hospitality) account for fiscal year 2015 as authorized by chapter 136 of the 2013 Session Laws of Kansas, this act or other appropriation act of the 2014 regular session of the legislature, expenditures shall be made by the above agency from the operating expenditures (including official hospitality) account for fiscal year 2015 for training and equipment expenditures of the national center for aviation training: And provided further, That, such expenditures for such training and equipment expenditures shall be in an amount not less than $3,500,000.
(b) On July 1, 2014, of the $2,981,537 appropriated for the above agency for the fiscal year ending June 30, 2015, by section 170(c) of chapter 136 of the 2013 Session Laws of Kansas from the state economic development initiatives fund in the aviation infrastructure account, the sum of $2,981,537 is hereby lapsed.

(c) On July 1, 2014, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer $2,981,537 from the state economic development initiatives fund to the state general fund.

Sec. 20.

STATE BOARD OF REGENTS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2014, the following:

- Tuition for technical education: $9,250,000
- Municipal university operating grant: $169,698
- Johnson county community college go pro now: $500,000

Provided, That, during fiscal year 2014, notwithstanding the provisions of any other statute, expenditures shall be made from the Johnson county community college go pro now account of the state general fund for fiscal year 2014 by the state board of regents to establish a pilot program called the Johnson county community college go pro now program, that directly benefits students and Kansas employers by helping students attain their educational goals and employers meet their workforce needs: Provided further, That development and implementation of the pilot program seeks to provide high school students with a: (1) Two-year opportunity to receive a high school diploma from the school district in which the student is enrolled, and an associate degree from Johnson county community college, in the relevant field that addresses employers' needs; or (2) accelerated, four-year opportunity to receive a high school diploma from the school district in which the student is enrolled, associate degree from Johnson county community college, and bachelor's degree from a state educational institution, as defined in K.S.A. 76-711, and amendments thereto, in the relevant field that addresses employers' needs: And provided further, That the objectives of the program are for students to graduate from the program after achieving the competency objectives, identified collaboratively by the employers and the educational institutions, with an opportunity, upon successful performance, of a high-paying job in the workplace and no program-related tuition debt, and the employer benefits from hiring an employee already prepared to succeed in the respective workplace who can be productive on the first day of the job: And provided further, That the state board of regents, the administration of Johnson county community college, the administration of the university of Kansas Edwards campus, the administration of the Kansas state university Olathe campus, the state board of education and any interested unified school
district shall collaborate to implement such program: And provided further, that the course of study for students admitted into such program shall be subject to the approval of the state board of education and shall be designed to meet the high school graduation requirements for such students: And provided further, That students admitted to the Johnson county community college go pro now program may be charged fees by Johnson county community college and the participating universities which are no higher than those fees regularly charged to high school, community college or university students, but shall not be charged tuition by Johnson county community college or a state educational institution: And provided further, That it is anticipated that for fiscal year 2016, the tuition for the students in this program shall be paid by the private sector employers: And provided further, That the state board of regents shall review the credit hours of course work in the program to determine compliance with K.S.A. 71-601, and amendments thereto: And provided further, That solely for the purpose of admission to the Johnson county community college go pro now program, a student shall not be required to comply with the requirements of K.S.A. 76-717, and amendments thereto. 

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2014, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following: 
Temporary assistance for needy families federal fund.........................No limit 
Workforce data quality initiative......................................................No limit 

Sec. 21.

STATE BOARD OF REGENTS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2015, the following: 
Comprehensive grant program.........................................................$1,500,000

Provided, That, during fiscal year 2015, in addition to the other purposes for which expenditures may be made by the above agency from the comprehensive grant program account for fiscal year 2015 as authorized by chapter 136 of the 2013 Session Laws of Kansas, this act or other appropriation act of the 2014 regular session of the legislature, expenditures shall be made by the above agency from the comprehensive grant program account for fiscal year 2015 for grants to independent and private colleges: Provided further, That, the state board of regents shall submit a report to the house committee on appropriations and the senate committee on ways and means on the total dollars distributed to each college, and how many students received scholarships: And provided further, That, such expenditures for such grants to independent and private colleges shall be in an amount not less than $8,629,129.
Tuition for technical education.................................................. $12,000,000

Provided, That, notwithstanding the provisions of any other statute, in addition to the other purposes for which expenditures may be made by the above agency from the tuition for technical education account of the state general fund for fiscal year 2015, expenditures shall be made by the above agency from the tuition for technical education account of the state general fund for fiscal year 2015 for the payment of technical education tuition for adult students who are enrolled in technical education classes while obtaining a GED using the Accelerating Opportunity program: Provided further, That, such expenditures shall be in an amount not less than $500,000.

Postsecondary tiered technical education state aid.......................... $900,752

Non-tiered course credit hour grant........................................... $1,194,020

Municipal university operating grant............................................ $169,698

SUCCESS program............................................................... $5,300,000

Provided, That, during fiscal year 2015, expenditures shall be made from the SUCCESS program account of the state general fund for fiscal year 2015 by the state board of regents to fund the operating expenses for those community colleges selected as participants in the SUCCESS program pursuant to section 23, and amendments thereto, in such amounts as certified by the SUCCESS selection committee in accordance with section 23, and amendments thereto: Provided further, That, during fiscal year 2015, expenditures shall be made from the SUCCESS program account of the state general fund by the state board of regents to distribute moneys in such amounts and to such postsecondary educational institutions as certified by the SUCCESS selection committee in accordance with subsection (c)(2) of section 23, and amendments thereto: And provided further, That, during fiscal year 2015, expenditures shall be made from the SUCCESS program account of the state general fund to implement and administer the SUCCESS program: And provided further, That the board of trustees for such community colleges shall work in conjunction with the state board of regents, one or more four-year postsecondary educational institutions, one or more technical colleges, if a technical college is located within the same region as such community college, and one or more school districts to develop a detailed plan to provide educational programs that will integrate career technical education from the secondary education level through attainment of a postsecondary industry certification or advanced degree in accordance with the provisions of section 24, and amendments thereto.

Johnson county community college go pro now............................ $1,500,000

Provided, That any unencumbered balance in the Johnson county community college go pro now account in excess of $100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015: Provided further, That,
during fiscal year 2015, notwithstanding the provisions of any other statute, expenditures shall be made from the Johnson county community college go pro now account of the state general fund for fiscal year 2015 by the state board of regents to establish a pilot program called the Johnson county community college go pro now program, that directly benefits students and Kansas employers by helping students attain their educational goals and employers meet their workforce needs: Provided further, That development and implementation of the pilot program seeks to provide high school students with a: (1) Two-year opportunity to receive a high school diploma from the school district in which the student is enrolled, and an associate degree from Johnson county community college, in the relevant field that addresses employers' needs; or (2) accelerated, four-year opportunity to receive a high school diploma from the school district in which the student is enrolled, associate degree from Johnson county community college, and bachelor's degree from a state educational institution, as defined in K.S.A. 76-711, and amendments thereto, in the relevant field that addresses employers' needs: And provided further, That the objectives of the program are for students to graduate from the program after achieving the competency objectives, identified collaboratively by the employers and the educational institutions, with an opportunity, upon successful performance, of a high-paying job in the workplace and no program-related tuition debt, and the employer benefits from hiring an employee already prepared to succeed in the respective workplace who can be productive on the first day of the job: And provided further, That the state board of regents, the administration of Johnson county community college, the administration of the university of Kansas Edwards campus, the administration of the Kansas state university Olathe campus, the state board of education and any interested unified school district shall collaborate to implement such program: And provided further, That the course of study for students admitted into such program shall be subject to the approval of the state board of education and shall be designed to meet the high school graduation requirements for such students: And provided further, That students admitted to the Johnson county community college go pro now program may be charged fees by Johnson county community college and the participating universities which are no higher than those fees regularly charged to high school, community college or university students, but shall not be charged tuition by Johnson county community college or a state educational institution: And provided further, That it is anticipated that for fiscal year 2016, the tuition for the students in this program shall be paid by the private sector employers: And provided further, That the state board of regents shall review the credit hours of course work in the program to determine compliance with K.S.A. 71-601, and amendments thereto: And provided
further, That solely for the purpose of admission to the Johnson county community college go pro now program, a student shall not be required to comply with the requirements of K.S.A. 76-717, and amendments thereto.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2015, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Temporary assistance for needy families federal fund...........................No limit
Workforce data quality initiative............................................................No limit
Postsecondary education performance-based incentives fund..............$1,905,228

(c) On July 1, 2014, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer $1,905,228 from the state general fund to the postsecondary education performance-based incentives fund of the state board of regents.

Sec. 22.

STATE BOARD OF REGENTS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2016, the following:

SUCCESS program.................................................................................$5,300,000

Provided, That, during fiscal year 2016, expenditures shall be made from the SUCCESS program account of the state general fund for fiscal year 2016 by the state board of regents to fund the operating expenses for those community colleges selected as participants in the SUCCESS program pursuant to section 23, and amendments thereto, in such amounts as certified by the SUCCESS selection committee in accordance with section 23, and amendments thereto: Provided further, That, during fiscal year 2016, expenditures shall be made from the SUCCESS program account of the state general fund by the state board of regents to distribute moneys in such amounts and to such postsecondary educational institutions as certified by the SUCCESS selection committee in accordance with subsection (c)(2) of section 23, and amendments thereto: And provided further, That, during fiscal year 2016, expenditures shall be made from the SUCCESS program account of the state general fund to implement and administer the SUCCESS program: And provided further, That the board of trustees for such community colleges shall work in conjunction with the state board of regents, one or more four-year postsecondary educational institutions, one or more technical colleges, if a technical college is located within the same region as such community college, and one or more school districts to develop a detailed plan to provide educational programs that will integrate career technical education from the secondary education level through attainment of a postsecondary industry certification or advanced degree in accordance with the provisions of section 24, and
amendments thereto.

New Sec. 23. (a) There is hereby established the SUCCESS program. Any community college may apply to be selected as a participant in the SUCCESS program. Applications for selection as a participant shall be submitted to the SUCCESS selection committee in such form and manner as prescribed by the committee. Applications shall be submitted to the committee on or before June 15, 2014. Upon receipt of all applications submitted in accordance with this section, the committee shall review such applications and determine which applicants shall be selected as participants in the program. On or before June 30, 2014, the committee shall make a final determination as to which community colleges shall participate in the program and shall notify each applicant in writing of its decision with respect to such applicant.

(b) The SUCCESS selection committee shall select at least one, but not more than two applicants as participants in the program. In determining the total number of community colleges to select as participants, the committee shall consider the aggregate amount of appropriations made for the SUCCESS program account of the state general fund.

(c) (1) Upon selection of the participants in the SUCCESS program, the SUCCESS selection committee shall determine the amount of moneys to be distributed to each participant from the SUCCESS program account of the state general fund. In making its determination, the committee shall consider the general operating budget of each participant for the immediately succeeding fiscal year, and any other revenue sources available to the participant. The committee shall certify the amount of moneys to be distributed to each participant from the SUCCESS program account of the state general fund and submit such certification to the board of regents.

(2) The committee may authorize moneys be distributed from the SUCCESS program account of the state general fund to any other postsecondary educational institution if such moneys are requested as part of the application of an applicant selected to be a participant in the SUCCESS program. The committee shall certify the amount of moneys to be distributed to such other postsecondary educational institutions and submit such certification to the board of regents.

(d) The SUCCESS selection committee shall be composed of nine members as follows:

(1) The chairperson and ranking minority member of the senate committee on ways and means;

(2) the chairperson and ranking minority member of the house of representatives committee on appropriations;

(3) the chairperson of the senate committee on education;
(4) the chairperson of the house of representatives committee on education; and
(5) three members who shall be appointed by a majority vote of the six members identified in paragraphs (1) through (4), provided that at least one such member shall:
(A) Represent the board of regents;
(B) represent community colleges; and
(C) represent the business community that is seeking to employ individuals with technical certifications.

(e) The first meeting shall be called by the president of the board of regents on or before June 1, 2014, at which time the members shall choose a chairperson and vice-chairperson of the committee. The committee may meet at any time and at any place within the state upon the call of the chairperson. All actions by the committee shall be by motion adopted by a majority of the members of the committee.

(f) Subject to the provisions of appropriation acts, the board of regents shall provide staff, facilities and other assistance as may be requested by the committee.

(g) If approved by the legislative coordinating council, members of the committee attending regular or special meetings authorized by the committee shall be paid amounts for expenses, mileage and subsistence as provided in subsection (e) of K.S.A. 75-3223, and amendments thereto.

New Sec. 24. (a) The board of trustees for any community college selected to be a participant in the SUCCESS program pursuant to section 23, and amendments thereto, shall work in conjunction with the state board of regents, one or more four-year postsecondary educational institutions, one or more technical colleges, if a technical college is located within the same region as such community college, and one or more school districts to develop a detailed plan to provide educational programs that will integrate career technical education from the secondary education level through attainment of a postsecondary industry certification or advanced degree, including a bachelor’s degree. Such plans shall be designed to expedite the learning process to directly benefit students and Kansas technology-driven employers by helping students attain their educational goals as soon as possible and helping employers meet their technical workforce needs.

(b) The primary objectives of such plans shall be to:
(1) Develop single source management of all career technical education in the region, including career technical education provided through school districts;
(2) develop full articulation between programs at postsecondary educational institutions;
(3) develop full plans for dual admission in high school, technical
training programs and postsecondary courses;
(4) develop cooperation and integration of entities, identifying and implementing improved efficiency and utilization of resources, including personnel, facilities and equipment, in the delivery of educational programs at postsecondary educational institutions;
(5) develop full transferability and reverse transfer of credit hours among postsecondary educational institutions; and
(6) develop a structure for governance of the new integrated system capable of oversight, yet able to meet the needs of rapidly changing industries and to remain focused on locally accessible higher education success paths from the secondary level through full completion of postsecondary education.
(c) On January 15, 2015, and January 15, 2016, the board of trustees for any community college selected to be a participant in the SUCCESS program pursuant to section 23, and amendments thereto, shall prepare and submit a report to the governor and the legislature on the detailed plan developed pursuant to subsection (a). Such report shall describe the progress made in the immediately preceding year on developing the plan and the implementation of any portion of such plan. Such report shall also include, but is not limited to, the following:
(1) A description of any cost savings, either actual or proposed, by any school district or postsecondary educational institution as a result of implementation of the plan or any portion thereof;
(2) a description of any financial benefits, either actual or proposed, achieved as a result of economies of scale being utilized by any school district or postsecondary educational institution as a result of implementation of the plan or any portion thereof; and
(3) a description of any changes in governance structure for postsecondary educational institutions that would provide for better implementation of the plan.
(d) A community college selected to be a participant in the SUCCESS program pursuant to section 23, and amendments thereto, may provide educational programs and services outside of such community college's service area. A service area agreement entered into by a community college selected to be a participant in the SUCCESS program pursuant to section 23, and amendments thereto, shall not be binding on such community college to the extent such community college elects to offer educational programs and services outside of such community college's service area.
New Sec. 25. (a) During the time period of January 1, 2016 through June 30, 2016, the board of county commissioners of any county in which is located a community college selected as a participant in the SUCCESS program pursuant to section 23, and amendments thereto, by resolution
shall submit to the qualified voters of their respective counties a proposition to continue funding the community college located in such county as provided by this act. The proposition shall be submitted to the voters at a special election of the county.

(b) Upon the adoption of a resolution calling for an election pursuant to subsection (a), the county election officer shall cause the following proposition to be placed on the ballot at the special election: "Shall ______________ Community College continue to be funded as provided by the SUCCESS Act?"

(c) The election provided for by subsection (a) shall be conducted, and the votes counted and canvassed in the manner provided by law for question submitted elections of the county.

(d) If a majority of the votes cast and counted at an election under subsection (a) is in favor of continuing to fund the community college located in such county as provided by this act, then on and after July 1, 2016, the community college located in such county shall continue to be funded as provided by this act.

(e) If a majority of the votes cast and counted at an election under subsection (a) is against continuing to fund the community college located in such county as provided by this act, then on and after July 1, 2016, the community college located in such county may be funded from other sources of revenue as provided by law.

(f) The clerk of the county in which an election is held pursuant to this section shall certify the results of such election and send a copy of such certification to the director of the budget and the director of legislative research.

New Sec. 26. For purposes of sections 23 through 25, and amendments thereto:

(a) "Community college" means any community college organized and operating under the laws of this state.

(b) "Postsecondary educational institution" shall have the same meaning as that term is defined in K.S.A. 74-3201b, and amendments thereto.

(c) "School district" means a unified school district organized and operating under the laws of this state.

(d) "Service area" means a designated geographic area of the state established pursuant to agreement of the presidents of the community colleges and adopted in policy by the state board of regents.

(e) "State educational institution" shall have the same meaning as that term is defined in K.S.A. 74-3201b, and amendments thereto.

(f) "Technical college" shall have the same meaning as that term is defined in K.S.A. 74-3201b, and amendments thereto.

New Sec. 27. The provisions of sections 23 through 26, and
amendments thereto, shall be known and may be cited as the SUCCESS act.

New Sec. 28. (a) For fiscal year 2015 and fiscal year 2016, the board of trustees for any community college selected as a participant in the SUCCESS program pursuant to section 23, and amendments thereto, shall only be authorized to levy a tax on the taxable tangible property of the community college district pursuant to K.S.A. 71-204 and 71-617, and amendments thereto, in an amount that shall not exceed the difference, if any, between the aggregate amount of taxes levied by such board of trustees for fiscal year 2014 pursuant to K.S.A. 71-204 and 71-617, and amendments thereto, and the amount of funds distributed to such community college pursuant to the SUCCESS act.

(b) The provisions of this section shall expire on:

(1) June 30, 2015, if appropriations made from the state general fund to the SUCCESS program account are rescinded either in whole, or in part, by any appropriation act for fiscal year 2015 or fiscal year 2016; or

(2) June 30, 2016, if a majority of the votes cast and counted at an election held under section 25, and amendments thereto, is against the question submitted at such election.

New Sec. 29. (a) (1) Any eligible postsecondary educational institution may certify to the board of regents:

(A) The number of individuals who received a general educational development (GED) credential from such institution while enrolled in an eligible career technical education program;

(B) the number of individuals who received a career technical education credential from such institution; and

(C) the number of individuals who were enrolled in an eligible career technical education program at such institution and who are pursuing a general educational development (GED) credential.

(2) Certifications submitted pursuant to this subsection shall be submitted in such form and manner as prescribed by the board of regents, and shall include such other information as required by the board of regents.

(b) Each fiscal year, upon receipt of a certification submitted under subsection (a), the board of regents shall authorize payment to such eligible postsecondary educational institution from the postsecondary education performance-based incentives fund. The amount of any such payment shall be calculated based on the following:

(1) For each individual who has received a general educational development (GED) credential, $500;

(2) for each individual who has received a career technical education credential, $1,000; and

(3) for each individual enrolled in an eligible career technical
education program who are pursuing a general educational development (GED) credential, $170.

(c) That portion of any payment from the postsecondary education performance-based incentives fund that is made based on subsection (b)(2) shall be expended for scholarships for individuals enrolled in an eligible career technical education program and operating costs of eligible career technical education programs. Each eligible postsecondary educational institution shall prepare and submit a report to the board of regents which shall include the number of individuals who received scholarships, the aggregate amount of moneys expended for such scholarships and the number of those individuals who received a scholarship that also received a career technical education credential.

(d) (1) Of that portion of any payment from the postsecondary education performance-based incentives fund that is made based on subsection (b)(3), an amount equal to $150 for each individual shall be expended by the eligible postsecondary educational institution for the general educational development (GED) test.

(2) If any individual enrolled in an eligible career technical education program for which an eligible postsecondary educational institution has received a payment under this section fails to take the general educational development (GED) test, then such institution shall notify the board of regents in writing that no such test was administered to the individual. For each such notification received, the board of regents shall deduct an amount equal to $150 from such institution's subsequent incentive payment.

(e) All payments authorized by the board of regents pursuant to this section shall be subject to the limits of appropriations made for such purposes. If there are insufficient appropriations for the board of regents to authorize payments in accordance with the amounts set forth in subsection (b), the board of regents shall prorate such amounts in accordance with appropriations made therefor.

(f) There is hereby created the postsecondary education performance-based incentives fund. Expenditures from the postsecondary education performance-based incentives fund shall be for the sole purpose of paying payments to eligible postsecondary educational institutions as authorized by the board of regents. All expenditures from the postsecondary education performance-based incentives 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 president of the board of regents, or the president's designee.

(g) As used in this section:

(1) "Board of regents" means the state board of regents provided for in the constitution of this state and established by K.S.A. 74-3202a, and
amendments thereto.

(2) "Career technical education credential" means any industry-recognized technical certification or credential, other than a general educational development (GED) credential, or any technical certification or credential authorized by a state agency.

(3) "Eligible career technical education program" means a program operated by one or more eligible postsecondary educational institutions that is identified by the board of regents as a program that allows an enrollee to obtain a general educational development (GED) credential while pursuing a career technical education credential.

(4) "Eligible postsecondary educational institution" means any community college, technical college or the institute of technology at Washburn university, except such term shall not include Johnson county community college.

(5) "State agency" means any state office, department, board, commission, institution, bureau or any other state authority.

New Sec. 30. (a) As used in this section:

(1) "Applicant" means a person who:

(A) Is seeking licensure as a teacher at the secondary level in the state of Kansas; and

(B) has provided documentation to the state board verifying that the applicant has secured a commitment from the board of education of a school district to be hired as a teacher in such school district subject to receiving such licensure as a teacher.

(2) "Career technical education" shall have the same meaning as such term is defined in K.S.A. 72-4412, and amendments thereto.

(3) "Teacher preparation program" means professional education pedagogy coursework provided at an accredited college or university engaged in teacher preparation.

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

(b) Notwithstanding any other provision of law, an applicant shall not be required to complete a teacher preparation program prior to licensure as a teacher if such applicant satisfies one of the following:

(1) The applicant holds a valid teaching license from another jurisdiction and has obtained the required scores on the Praxis series tests as required by the state board for a licensure;

(2) the applicant has obtained an industry-recognized certificate in a technical profession; has at least five years of work experience in such technical profession; and has secured a commitment from the board of education of a school district to be hired as a teacher to teach a career technical education course related to such technical profession; or

(3) the applicant has obtained at least a bachelor's degree in one of the subject matter areas of science, technology, engineering, mathematics,
finance or accounting; has at least five years of work experience in such
subject matter area; and has secured a commitment from the board of
education of a school district to be hired as a teacher to teach in such
subject matter area.
   (c) An applicant shall only be authorized to teach in the subject or
subjects specified on the face of the license.
   (d) The state board shall adopt rules and regulations necessary to
carry out the provisions of this section.
   (e) This section shall be part of and supplemental to the provisions of
article 13 of chapter 72 of the Kansas Statutes Annotated, and amendments
thereto.

New Sec. 31. A school district shall utilize the same personnel
evaluation process for any teacher who is issued a teaching license
pursuant to section 30, and amendments thereto, as other teachers holding
the same or substantially similar licensure.

New Sec. 32. (a) The state board of regents is hereby authorized for
and on behalf of Emporia state university, to sell and convey, or exchange
with the Emporia state university foundation for property of equal or
greater value, all of the rights, title and interest in the following tract of
real estate and any improvements thereon, located in the city of Emporia in
Lyon county, Kansas, commonly known as Emporia State University
Apartments at 1201 Triplett Drive, Emporia, Kansas 66801, and described
as follows: Even lots 2 through 34 and all of now vacated alleys lying
adjacent to said lots, lying south of the south right of way line of Interstate
35, all in Kellogg's addition to the City of Emporia, Lyon County, Kansas,
according to the recorded plat thereof.

Also: Lots 1 through 24 in Norton's addition to the City of Emporia,
Lyon County, Kansas, according to the recorded plat thereof, all of now
vacated alleys lying adjacent to said lots, all of that part of now vacated
Eskridge street and all of that part of now vacated Union Pacific railroad,
lying west and south of East Street and south of the south right of way line
of Interstate 35.

(b) Conveyance of such rights, title and interest in such tract of real
estate, and any improvements thereon, shall be executed in the name of the
state board of regents by its chairperson and chief executive officer. If a
sale is made, not an exchange, the proceeds from sale of such tract of real
estate, and any improvements thereon, shall be deposited in the state
treasury to the credit of an appropriate account of the restricted fees fund
of Emporia state university. The deed for such conveyance may be by
warranty deed or by quitclaim deed as determined to be in the best
interests of the state by the state board of regents in consultation with the
attorney general.

(c) In the event that the state board of regents determines that the
legal description of such tract of real estate described by this section is 
incorrect, the state board of regents may convey the property utilizing the 
correct legal description but the deed conveying the property shall be 
subject to the approval of the attorney general.

(d) No exchange and conveyance of real estate and improvements 
thereon as authorized by this section shall be made by the state board of 
regents until the deeds and conveyances have been reviewed and approved 
by the attorney general and, if warranty deeds are to be the instruments of 
conveyance, title reviews have been performed or title insurance has been 
obtained and the title opinion or the certificates of title insurance, as the 
case may be, have been approved by the attorney general.

(e) The conveyance authorized by this section shall not be subject to 
the provisions of K.S.A. 75-3043a or K.S.A. 2013 Supp. 75-6609, and 
new amendments thereto.

New Sec. 33. (a) The state board of regents, for and on behalf of the 
university of Kansas, is hereby authorized to exchange and convey the real 
property described in subsection (b) to the Kansas university endowment 
association in consideration for the Kansas university endowment 
association exchanging and conveying the real property described in 
subsection (c) to the university of Kansas. The exchange and conveyance 
of real property by the state board of regents under this section shall be 
executed in the name of the state board of regents by its chairperson and 
its chief executive officer. The deed for such conveyance may be by 
warranty deed or by quitclaim deed as determined to be in the best 
interests of the state by the state board of regents in consultation with the 
attorney general. No exchange and conveyance of real estate and 
improvements thereon as authorized by this section shall be made by the 
state board of regents until the deeds and conveyances have been reviewed 
and approved by the attorney general and, if warranty deeds are to be the 
instruments of conveyance, title reviews have been performed or title 
insurance has been obtained and the title opinion or the certificates of title 
insurance, as the case may be, have been approved by the attorney general. 
The conveyance authorized by this section shall not be subject to the 
provisions of K.S.A. 75-3043a or K.S.A. 2013 Supp. 75-6609, and 
new amendments thereto.

(b) In accordance with the provisions of this section, the state board 
of regents is hereby authorized to exchange and convey the following 
described real property to the Kansas university endowment association:

Part of Lots 2, 3 and 10, Block 8 Oread Addition, a subdivision in the 
City of Lawrence, Douglas County, Kansas, being more particularly 
described as follows:

Commencing at the Northwest corner of said Block 8 Oread Addition; 
thence South 01 degrees 50 minutes 57 seconds East along the West line of
said Block 8 a distance of 250.07 feet to the Northwest corner of the South One-Half of Lot 10 Block 8 Oread Addition said point being the Point of Beginning; thence North 88 degrees 11 minutes 58 seconds East along the North line of the South One-Half of said Lot 10 a distance of 125.00 feet to a point said point being the Northeast corner of the South One-Half of said Lot 10; thence North 01 degrees 50 minutes 57 seconds West a distance of 100.00 feet to a point said point being the Northwest corner of the South One-Half of Lot 2 Oread Addition; thence North 88 degrees 11 minutes 58 seconds East along the North line of said South One-Half of Lot 2 a distance of 213.77 feet to a point on the Westerly right of way of Oread Avenue, said point also being the Northeast corner of the South One-Half of said Lot 2; thence South 08 degrees 59 minutes 36 seconds West along said Westerly right of way a distance of 120.26 feet to a point; thence South 88 degrees 11 minutes 58 seconds West a distance of 316.15 feet to a point on the West line of said Block 8 Oread Addition; thence North 01 degrees 50 minutes 57 seconds West along said West line a distance of 18.13 feet to the Point of Beginning, and containing 26,183.02 square feet, more or less. Excepting easements, rights of way or restrictions of record.

(c) In accordance with the provisions of this section, the university of Kansas is hereby authorized to accept title to the following described real property conveyed to the university by the Kansas university endowment association:

A Tract of land in the Southwest One-Quarter of Section 31, Township 12 South, Range 20 East of the 6th Principal Meridian, in the City of Lawrence, Douglas County, Kansas, more particularly described as follows:

Beginning at point on the West line of the Southwest One-Quarter of Section 31, Township 12, Range 20 and 186.53 feet North of the Southwest corner thereof; thence North 01 degrees 49 minutes 01 seconds West along the West line of said Southwest One-Quarter a distance of 190.00 feet to a point on the South right of way of West 14th street as described in the deed recorded in Book 261 at Page 558; thence North 88 degrees 25 minutes 51 seconds East along the said South right of way a distance of 62.94 feet to a point; thence South 01 degrees 49 minutes 01 seconds East a distance of 76.15 feet to a point; thence North 88 degrees 25 minutes 51 seconds East a distance of 128.06 feet to a point; thence North 01 degrees 49 minutes 01 seconds West a distance of 28.65 feet to a point, said point being the Southwest corner of a tract of land described in the deed recorded in Book 304 at Page 626; thence North 88 degrees 25 minutes 51 seconds East along the South line of said tract, a distance of 120.00 feet to a point on the West right of way of Ohio Street; thence South 01 degrees 49 minutes 01 seconds East along the said West right of way.
way a distance of 142.50 feet to a point, said point being the Northeast
corner of a tract of land described in the deed recorded in Book 400 at
Page 674; thence South 88 degrees 25 minutes 51 seconds West along the
North line of said tract recorded in Book 400 at Page 674 and continuing
along the North line of a tract of land described in the deed recorded in
Book 347 at Page 1276 a distance of 311.00 feet to a point, said point
being the Northwest corner of the said tract of land described in the deed
recorded in Book 347 at Page 1276, said point also being the Point of
Beginning, and containing 43,628.53 square feet, more or less. Excepting
easements, rights of way or restrictions of record.

New Sec. 34. (a) The provisions of sections 34 through 42, and
amendments thereto, shall be known and may be cited as the education
fairness property tax relief act.
(b) The legislature hereby finds that the current system of taxing and
financing education incorporates a significant element of unfairness in that
parents who are incurring educational expenses because they are
exercising their right to educate their children solely outside the public
education system, while simultaneously being obligated to pay for the
operation of a system of which they are not taking advantage, and that
reducing unfairness in the field of education and taxation is a public
purpose which promotes the general welfare. To this end, the purpose of
this act shall be to provide ad valorem tax relief to qualifying persons who
educate a qualifying child at such person's own expense.

New Sec. 35. As used in sections 34 through 42, and amendments
thereto:
(a) "Allowable education expenses" means expenses paid for tuition,
fees, books, equipment and supplies used for or related to a qualifying
child's education, which are substantiated with appropriate documentation
that is submitted to the county treasurer for the county in which the
qualifying person's real property is located.
(b) "Department" means the department of revenue.
(c) "Property tax accrued" means property taxes, exclusive of special
assessments, delinquent interest and charges for service, levied on a
qualifying person's real property by a unified school district. When real
property is owned by two or more persons or entities as joint tenants or
tenants in common and one or more of the persons or entities is not a
qualifying person, the term "property taxes accrued" means that portion of
property taxes levied on the real property that reflects the ownership
percentage of the qualifying persons. For purposes of this act, property
taxes are deemed levied when the tax roll is delivered to the county
treasurer with the treasurer's warrant for collection. When a qualifying
person owns the real property for a portion of a calendar year, the term
"property taxes accrued" means that portion of property taxes levied on the
real property that reflects the portion of the year the real property was
owned by the qualifying person.
(d) "Qualifying child" means the natural or adoptive child of a
qualifying person who:
(1) Is between the ages of six and 18, inclusive, at the time the semi-
annual installment of property taxes is due;
(2) was educated in a private elementary or secondary school
registered pursuant to K.S.A. 72-53,101, and amendments thereto; and
(3) was not enrolled in a public school during the calendar year for
which the qualifying person is claiming the property tax exemption under
section 36, and amendments thereto.
(e) "Qualifying person" means a person:
(1) None of whose children were enrolled in a Kansas public school
during the calendar year for which the qualifying person is claiming the
property tax exemption under section 36, and amendments thereto; and
(2) who is the parent of a qualifying child.
(f) "School district" means a unified school district organized and
operating under the laws of this state.
(g) "Semi-annual installment" means the payment of $1/2 of the
qualifying persons' real property taxes as provided by K.S.A. 79-2004, and
amendments thereto.

New Sec. 36. Commencing January 1, 2015, and each year thereafter,
the property tax accrued with respect to real property owned by a
qualifying person shall be reduced by the amount of allowable education
expenses a qualifying person incurs with respect to a qualifying child
during such calendar year. The amount of allowable education expenses
shall not exceed $1,000 per calendar year per qualifying child or $2,500
per calendar year per family, whichever is greater, and shall not exceed the
amount of property tax accrued. In no event shall the property tax accrued
be reduced to less than zero.

New Sec. 37. Not later than 30 days prior to the due date for paying
the property tax accrued, any qualifying person claiming allowable
education expenses shall submit appropriate documentation to substantiate
such allowable education expenses to the department in such form and
manner as prescribed by the department, and shall submit a copy of such
documentation to the county treasurer for the county in which the subject
property is located. Upon receipt of such documentation by the county
treasurer, the property tax accrued shall be provisionally reduced by the
amount of the allowable education expenses.

New Sec. 38. A qualifying person may claim all or any portion of
such person's allowable education expenses at the time the first semi-
annual installment of taxes is due. The remaining allowable education
expenses, if any, may be claimed at the time the second semi-annual
installment is due. The requirements of section 37, and amendments thereto, shall apply to each claim submitted by the qualifying person.

New Sec. 39. A provisional reduction in property tax accrued shall become final at such time as the immediately succeeding semi-annual installment of tax is due, unless the department disallows the claimed allowable education expenses prior to such date. The department shall disallow claimed allowable education expenses if the requirements of this act have not been met. Upon any such disallowance, the unpaid and unabated property tax accrued shall be immediately due and payable with interest as provided by law. Notice of any such disallowance shall be provided in writing to the qualifying person and to the county treasurer for the county in which the subject property is located. Such notice shall be sent by certified mail, return receipt requested. A qualifying person may appeal a decision to disallow all or any portion of allowable education expenses in accordance with the Kansas administrative procedure act and the Kansas judicial review act.

New Sec. 40. (a) Notwithstanding any other law to the contrary, a school district shall respond within five business days to any request from the department inquiring as to a student's enrollment in a public school within such school district when such request is made for the purpose of determining whether such student is a qualifying child.

(b) The state board of education shall respond within five business days to any request from the department inquiring as to whether a private elementary or secondary school is registered pursuant to K.S.A. 72-53,101, and amendments thereto.

New Sec. 41. Any claim to a reduction in property tax accrued under the provisions of sections 34 through 42, and amendments thereto, may be exercised on behalf of a qualifying person by such person's legal guardian, conservator or attorney-in-fact, or if deceased, by such person's executor or administrator.

New Sec. 42. The secretary of the department of revenue shall adopt rules and regulations necessary to implement and administer the provisions of sections 34 through 41, and amendments thereto.

New Sec. 43. (a) There is hereby established the K-12 school finance study commission. The commission shall study and analyze the current K-12 school finance system and district spending, and develop recommendations regarding the legislature's constitutional funding obligations relative to the Rose capacities as adopted by the Kansas supreme court in Gannon v. State of Kansas. The commission shall particularly study and review:

(1) Opportunities to get school districts organized and operating in a cost-effective manner;

(2) per-pupil spending variances among districts with similar
enrollment, demographics and outcomes on the state assessment;

(3) opportunities for further implementation of recommendations made by the governor's school efficiency task force;

(4) outside-the-classroom functions that could be consolidated across district boundaries;

(5) spending that may not be directly or sufficiently related to the goal of providing each and every child with the seven Rose capacities;

(6) the formulas, methodologies and rationale associated with the equalization of aid; and

(7) the formulas, methodologies and rationale associated with the determination of eligibility for and allocation of at-risk state aid.

(b) (1) The K-12 school finance study commission shall consist of {10} voting members appointed as follows:

(A) Eight members of the legislature appointed as follows: Two shall be appointed by the president of the senate, one of which shall be a member of the senate committee on ways and means, one/two shall be appointed by the minority leader of the senate, one of which shall be a member of the senate committee on ways and means, two shall be appointed by the speaker of the house of representatives, one of which shall be a member of the house of representatives committee on appropriations, one/two shall be appointed by the minority leader of the house of representatives, one of which shall be a member of the house of representatives committee on appropriations, one shall be appointed by the chair of the senate education committee and one shall be appointed by the chair of the education committee in the house of representatives; and

(B) eight at-large members appointed as follows: Two shall be appointed by the president of the senate, one shall be appointed by the minority leader of the senate, two shall be appointed by the speaker of the house of representatives, one shall be appointed by the minority leader of the house of representatives, one shall be appointed by the chair of the senate education committee and one shall be appointed by the chair of the education committee in the house of representatives; and

(C) three at-large members shall be appointed by the governor.

(2) The deputy commissioner for fiscal and administrative services of the department of education, the director of the budget, the revisor of statutes and the director of legislative research shall be non-voting, ex officio members of the commission.

(c) The commission shall elect from among its voting members a chairperson. Any vacancy in the membership of the commission shall be filled by appointment in the manner prescribed by this section for the original appointment.

(d) A quorum of the commission shall be {10} voting members. All actions of the commission shall be taken by a majority of all voting
members of the commission.

(e) Members of the commission shall receive expenses, mileage and
subsistence as provided in subsection (e) of K.S.A. 75-3223, and
amendments thereto.

(f) The staff of the office of revisor of statutes, the Kansas legislative
research department and other central legislative staff service agencies
shall provide such assistance as may be requested by the commission.

(g) The commission shall submit a report to the legislature before
January 12, 2015, with any findings and recommendations which the
commission deems necessary including the recommendation of any
legislation.

{New Sec. 44. The provisions of sections 44 through 50, and
amendments thereto, shall be known and may be cited as the corporate
education tax credit scholarship program act.

New Sec. 45. As used in the corporate education tax credit
scholarship program act:
(a) "Contributions" means monetary gifts or donations and in-kind
contributions, gifts or donations that have an established market value;
(b) "department" means the Kansas department of revenue;
(c) "educational scholarship" means an amount not to exceed
$8,000 provided to eligible students to cover all or a portion of the costs
of tuition, fees and expenses of a qualified school and, if applicable, the
costs of transportation to a qualified school if provided by such qualified
school;
(d) "eligible student" means a child who:
(1) (A) Is a member of a household whose total annual income
during the year prior to receiving an educational scholarship under this
program does not exceed 185% of the most recent federal poverty
income guidelines published in the calendar year by the United States
department of health and human services, (B) has an individualized
education program and is considered a child with a disability, as defined
by K.S.A. 72-962(z), and amendments thereto, or (C) has received an
educational scholarship under this program and has not graduated from
high school or reached 21 years of age;
(2) resides in Kansas while receiving an educational scholarship;
and
(3) (A) was enrolled in any public school in the previous school
year in which an educational scholarship was first sought for the child,
or (B) is eligible to be enrolled in any public school in the school year in
which an educational scholarship is first sought for the child and the
child is under the age of six years;
(e) "individualized education program" shall have the meaning
ascribed thereto in K.S.A. 72-962, and amendments thereto;
(f) "parent" includes a guardian, custodian or other person with authority to act on behalf of the child;

(g) "program" means the corporate education tax credit scholarship program established in sections 44 through 50, and amendments thereto;

(h) "public school" means a school operated by a school district;

(i) "qualified school" means any nonpublic school that provides education to elementary and secondary students, has notified the state board of its intention to participate in the program and complies with the requirements of the program;

(j) "scholarship granting organization" means an organization that complies with the requirements of this program and provides educational scholarships to students attending qualified schools of their parents' choice;

(k) "school district" or "district" means any unified school district organized and operating under the laws of this state;

(l) "school year" shall have the meaning ascribed thereto in K.S.A. 72-6408, and amendments thereto;

(m) "secretary" means the secretary of revenue; and

(n) "state board" means the state board of education.

New Sec. 46. (a) There is hereby established the corporate education tax credit scholarship program. The program shall provide eligible students with an opportunity to attend schools of their parents' choice.

(b) Each scholarship granting organization shall issue a receipt, in a form prescribed by the secretary, to each contributing taxpayer indicating the value of the contribution received. Each taxpayer shall provide a copy of such receipt when claiming the tax credit established in section 50, and amendments thereto.

(c) Prior to awarding an educational scholarship to an eligible student, unless such student is under the age of six years, the scholarship granting organization shall receive written verification from the state board that such student is an eligible student under this program, provided the state board and the board of education of the school district in which the eligible student was enrolled the previous school year have received written consent from such eligible student's parent authorizing the release of such information.

(d) Upon receipt of information in accordance with subsection (a) (2) of section 47, and amendments thereto, the state board shall inform the scholarship granting organization if such student has already been designated to receive an educational scholarship by another scholarship granting organization.

(e) In each school year, each eligible student under this program
shall not receive more than one educational scholarship under this
program.

(f) An eligible student's participation in this program by receiving
an educational scholarship constitutes a waiver to special education
services provided by any school district, unless such school district
agrees to provide such services to the qualified school.

New Sec. 47. (a) To be eligible to participate in the program, a
scholarship granting organization shall comply with the following:

(1) The scholarship granting organization shall notify the secretary
and the state board of the scholarship granting organization's intent to
provide educational scholarships to students attending qualified schools;

(2) upon granting an educational scholarship to an eligible student,
the scholarship granting organization shall report such information to
the state board;

(3) the scholarship granting organization shall provide verification
to the secretary that the scholarship granting organization is exempt
from federal income taxation pursuant to section 501(c)(3) of the federal
internal revenue code of 1986;

(4) upon receipt of contributions in an aggregate amount or value
in excess of $50,000 during a school year, a scholarship granting
organization shall file with the state board either:

(A) A surety bond payable to the state in an amount equal to the
aggregate amount of contributions expected to be received during the
school year; or

(B) financial information demonstrating the scholarship granting
organization's ability to pay an aggregate amount equal to the amount
of the contributions expected to be received during the school year,
which must be reviewed and approved of in writing by the state board;

(5) scholarship granting organizations that provide other nonprofit
services in addition to providing educational scholarships shall not
commingle contributions made under the program with other
contributions made to such organization. A scholarship granting
organization under this subsection shall also file with the state board,
prior to the commencement of each school year, either:

(A) A surety bond payable to the state in an amount equal to the
aggregate amount of contributions expected to be received during the
school year; or

(B) financial information demonstrating the nonprofit
organization's ability to pay an aggregate amount equal to the amount
of the contributions expected to be received during the school year,
which must be reviewed and approved of in writing by the state board;

(6) the scholarship granting organization shall ensure that each
qualified school receiving educational scholarships from the scholarship
granting organization is in compliance with the requirements of the program;

(7) at the end of the calendar year, the scholarship granting organization shall have its accounts examined and audited by a certified public accountant. Such audit shall include, but not be limited to, information verifying that the educational scholarships awarded by the scholarship granting organization were distributed to the eligible students determined by the state board under subsection (c) of section 46, and amendments thereto, and information specified in section 47, and amendments thereto. Prior to filing a copy of the audit with the state board, such audit shall be duly verified and certified by a certified public accountant; and

(8) if a scholarship granting organization decides to limit the number or type of qualified schools who will receive educational scholarships, the scholarship granting organization shall provide, in writing, the name or names of those qualified schools to any contributor and the state board.

(b) No scholarship granting organization shall provide an educational scholarship for any eligible student to attend any qualified school with paid staff or paid board members, or relatives thereof, in common with the scholarship granting organization.

c) The scholarship granting organization shall disburse not less than 90% of contributions received pursuant to the program to eligible students in the form of educational scholarships within 36 months of receipt of such contributions. If such contributions have not been disbursed within the applicable 36-month time period, then the scholarship granting organization shall not accept new contributions until 90% of the received contributions have been disbursed in the form of educational scholarships. Any income earned from contributions must be disbursed in the form of educational scholarships.

(d) A scholarship granting organization may continue to provide an educational scholarship to an eligible student who received an educational scholarship under this program in the year immediately preceding the current school year.

(e) A scholarship granting organization shall direct payments of an educational scholarship to the qualified school on behalf of the eligible student. Payment shall be made by check made payable to both the parent and the qualified school. If an eligible student transfers to a new qualified school during a school year, the scholarship granting organization shall direct payment in a prorated amount to the original qualified school and the new qualified school based on the eligible student's attendance. If the eligible student transfers to a public school and enrolls in such public school after September 20 of the current
school year, the scholarship granting organization shall direct payment
in a prorated amount to the original qualified school and the public
school based on the eligible student's attendance. The prorated amount
to the public school shall be considered a donation and shall be paid to
the school district of such public school in accordance with K.S.A. 72-
8210, and amendments thereto, to provide for the education of such
eligible student.

(f) By June 1 of each year, a scholarship granting organization
shall submit a report to the state board for the educational scholarships
provided in the immediately preceding 12 months. Such report shall be
in a form and manner as prescribed by the state board, approved and
signed by a certified public accountant, and shall contain the following
information:

(1) The name and address of the scholarship granting
organization;

(2) the name and address of each eligible student receiving an
educational scholarship by the scholarship granting organization;

(3) the total number and total dollar amount of contributions
received during the 12-month reporting period; and

(4) the total number and total dollar amount of educational
scholarships awarded during the 12-month reporting period, the total
number and total dollar amount of educational scholarships awarded
during the 12-month reporting period to eligible students who qualified
under subsection (d)(1)(A) of section 45, and amendments thereto, and
total number and total dollar amount of educational scholarships
awarded during the 12-month reporting period to eligible students who
qualified under subsection (d)(1)(B) of section 45, and amendments
thereto.

(g) No scholarship granting organization shall:

(1) Provide an eligible student with an educational scholarship
established by funding from any contributions made by any relative of
such eligible student; or

(2) accept a contribution from any source with the express or
implied condition that such contribution be directed toward an
educational scholarship for a particular eligible student.

New Sec. 48. On or before the first day of the legislative session in
2015, and each year thereafter, the state board shall prepare and submit
a report to the legislature on the program. Annual reports shall include
information reported to the state board under subsection (f) of section
47, and amendments thereto, and a summary of such information.

New Sec. 49. (a) (1) To qualify for the tax credit allowed by this act,
the scholarship granting organization shall apply each tax year to the
state board for a certification that the scholarship granting organization
is in substantial compliance with the program based on information
received in the annual audit and yearly report filed by the scholarship
granting organization with the state board.

(2) The state board shall prescribe the form of the application,
which shall include, but not be limited to, the information set forth in
subsection (a)(1).

(b) If the state board determines that the requirements under this
section were met by the scholarship granting organization, the state
board shall issue a certificate of compliance to the director of taxation.

(c) The state board shall adopt rules and regulations to implement
the provisions of this section.

New Sec. 50. (a) There shall be allowed a credit against the
corporate income tax liability imposed upon a taxpayer pursuant to the
Kansas income tax act, the privilege tax liability imposed upon a
taxpayer pursuant to the privilege tax imposed upon any national
banking association, state bank, trust company or savings and loan
association pursuant to article 11 of chapter 79 of the Kansas Statutes
Annotated, and amendments thereto, and the premium tax liability
imposed upon a taxpayer pursuant to the premiums tax and privilege
fees imposed upon an insurance company pursuant to K.S.A. 40-252,
and amendments thereto, for tax years commencing after December 31,
2013, an amount equal to 70% of the amount contributed to a
scholarship granting organization authorized pursuant to section 44 et
seq., and amendments thereto.

(b) The credit shall be claimed and deducted from the taxpayer's
tax liability during the tax year which immediately follows the tax year
in which the contribution was made to any such scholarship granting
organization.

(c) For each tax year, in no event shall the total amount of credits
allowed under this section exceed $10,000,000 for any one tax year.
Except as otherwise provided, the allocation of such tax credits for each
scholarship granting organization shall be determined by the
scholarship granting organization in consultation with the secretary,
and such determination shall be completed prior to the issuance of any
tax credits pursuant to this section.

(d) If the amount of any such tax credit claimed by a taxpayer
exceeds the taxpayer's income, privilege or premium tax liability, such
excess amount may be carried over for deduction from the taxpayer's
income, privilege or premium tax liability in the next succeeding year or
years until the total amount of the credit has been deducted from tax
liability.

(e) The secretary shall adopt rules and regulations regarding filing
of documents that support the amount of credit claimed pursuant to this
section.

New Sec. 51. (a) No state agency named in chapter 136 of the 2013 Session Laws of Kansas, this act or any other appropriation act of the 2014 regular session of the legislature or any school district shall expend moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal years ending June 30, 2015, June 30, 2016, or June 30, 2017, to implement the common core standards or any portion of such standards, including any assessments affiliated with common core standards unless the legislature expressly consents to the use of the common core standards.

(b) As used in this section, "common core standards" means the set of uniform educational curriculum standards for grades kindergarten through 12 established by the common core state standards initiative.

Sec. 44. {52.} K.S.A. 71-204 is hereby amended to read as follows:

71-204. (a) For the purpose of community college maintenance and operation, the board of trustees is authorized to levy a tax on the taxable tangible property of the community college district.

Such tax levy shall be the amount determined by the board of trustees to be sufficient to finance that part of the budget of the community college which is not financed from any other source provided by law. The budget of the community college shall be prepared and adopted as provided by law, and the tax levy therefor shall be certified to the county clerk of every county a part of the territory of which is in the community college district.

(b) The tax levy authorized by subsection (a) shall be reduced (1) in the 2001 fiscal year by an amount equal to 80% of the amount of the difference between the amount of state aid received by the community college in the 2000 fiscal year less an amount equal to 25% of the amount of out-district tuition received by the community college in such fiscal year and the amount of the state grant to which the community college is entitled in the 2001 fiscal year and (2) in fiscal years 2002, 2003 and 2004 by an amount equal to 80% of the amount of the difference between the amount of the state grant received by the community college in the preceding fiscal year less an amount equal to 25% of the amount of out-district tuition received by the community college in the 2000 fiscal year and the amount of the state grant to which the community college is entitled in the current fiscal year and (3) in each fiscal year after the 2004 fiscal year by an amount equal to 80% of the amount of the difference between the amount of the state grant received by the community college in the preceding fiscal year and the amount of the state grant to which the community college is entitled in the current fiscal year.

(c) The provisions of this section shall be subject to section 28, and amendments thereto.

Sec. 45. {53.} K.S.A. 71-617 is hereby amended to read as follows:
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71-617. (a) The board of trustees of any community college may levy a tax in each year for a period of not to exceed five (5) years of not to exceed one-fourth (\(\frac{1}{4}\)) mill on all taxable tangible property within the district to maintain and operate an adult basic education program at a level approved by the state board. In no event shall the tax levy authorized hereunder be at a rate which will produce an amount in excess of fifty thousand dollars ($50,000). Such tax levy shall be in addition to all other tax levies authorized or limited by law. Proceeds from such tax levy shall be deposited in the adult education fund of the community college which fund is hereby established. All moneys received by a community college for adult basic education shall be deposited in the adult education fund. The expenses of a community college attributable to adult basic education shall be paid from the adult education fund.

(b) No tax levy shall be made under authority of this section until a resolution authorizing such a levy is passed by the board of trustees and published once a week for three (3) consecutive weeks in a newspaper having general circulation in the community college district, and such resolution shall specify the millage rate of such tax levy and the period of time for which such tax levy shall be made under authority thereof. After the adoption of such resolution such levy may be made unless, within ninety (90) days following the last publication of the resolution, a petition in opposition to such levy, signed by not less than five percent (5%) of the qualified electors of such community college district, is filed with the county election officer of the county in which the main campus of the community college is located. In the event such a petition is filed, such levy shall not be made without the question of levying the same having been submitted to and been approved by a majority of the qualified electors of the district voting at an election which shall be called for that purpose or at the next general election.

(c) The provisions of this section shall be subject to section 28, and amendments thereto.

Sec. 46. (54.) On and after July 1, 2014, K.S.A. 2013 Supp. 72-3712 is hereby amended to read as follows: 72-3712. (a) As used in the virtual school act:

(1) "Virtual program pupil" means a pupil in attendance at a virtual school less than \(\frac{5}{6}\) time.

(2) "Virtual school" means any school or educational program that:

(A) Is offered for credit;
(B) uses distance-learning online-learning technologies which predominately use internet-based methods to deliver instruction;
(C) involves instruction that occurs asynchronously with the teacher and pupil in separate locations;
(D) requires the pupil to make academic progress toward the next grade level and matriculation from kindergarten through high school graduation;
(E) requires the
pupil to demonstrate competence in subject matter for each class or subject
in which the pupil is enrolled as part of the virtual school; and (6) (F)
requires age-appropriate pupils to complete state assessment tests.
(3) "Virtual school pupil" means a pupil in attendance at a virtual
school at least 7/8 time.
(b) (4) "School district" means any school district which offers a
virtual school.
(e) (b) Except as provided by the virtual school act, words and
phrases shall have the meanings ascribed thereto in the school district
finance and quality performance act.
Sec. 47. {55.} On and after July 1, 2014, K.S.A. 2013 Supp. 72-3714
is hereby amended to read as follows: 72-3714. In order to provide for the
proper delivery of instruction through distance-learning online-learning
technologies, school districts shall provide adequate training to teachers
who teach in virtual schools. Each year, school districts shall submit a
report relating to training programs provided by the district to teachers
who teach in virtual schools. Such reports shall be submitted in the manner
and form required by the state board.
Sec. 48. {56.} On and after July 1, 2014, K.S.A. 2013 Supp. 72-3715
is hereby amended to read as follows: 72-3715. (a) In order to be included
in the full-time equivalent enrollment of a virtual school, a pupil shall be
in attendance at the virtual school on: (1) A single school day on or before
September 19 of each school year; and (2) on a single school day on or
after September 20, but before October 4 of each school year.
(b) A school district which offers a virtual school shall determine the
full-time equivalent enrollment of each pupil enrolled in the virtual
school on September 20 of each school year as follows:
(1) Determine the number of virtual school pupils enrolled in such
virtual school; and
(2) determine the full-time equivalent enrollment of each virtual
program pupil as follows:
(A) Determine the number of hours the pupil was in attendance on a
single school day on or before September 19 of each school year;
(B) determine the number of hours the pupil was in attendance on
a single school day on or after September 20, but before October 4 of each
school year;
(C) add the numbers obtained under paragraphs (1) and (2)
subparagraphs (A) and (B);
(D) divide the sum obtained under paragraph (3) subparagraph
(C) by 12. The quotient is the full-time equivalent enrollment of the pupil.
(c) The school days on which a district determines the full-time
equivalent enrollment of a pupil under paragraphs (1) and paragraph (2)
of subsection (b) shall be the school days on which the pupil has the
highest number of hours of attendance at the virtual school. No more than six hours of attendance may be counted in a single school day. Attendance may be shown by a pupil's on-line activity or entries in the pupil's virtual school journal or log of activities.

(d) (1) Subject to the availability of appropriations for virtual school state aid and within the limits of any such appropriations, each school year a school district which offers a virtual school shall be entitled to virtual school state aid.

(2) The state board of education shall determine the amount of virtual school state aid a school district is entitled to receive as follows:

(A) Multiply the full-time equivalent enrollment of the virtual school pupils by an amount equal to 405% of the amount of base state aid per pupil;

(B) multiply the full-time equivalent enrollment of virtual program pupils by an amount equal to 70% of the amount of base state aid per pupil;

(C) multiply the full-time equivalent enrollment of nonproficient at-risk pupils enrolled in an approved at-risk program offered by the virtual school, if any, by an amount equal to 25% of the amount of base state aid per pupil;

(E) (D) add any amount determined under K.S.A. 2013 Supp. 72-3716, and amendments thereto; and

(D) (E) add the amounts obtained under subparagraphs (A) through (C) (D). The sum is the amount of the virtual school state aid to which the school district is entitled.

(3) There is hereby established in every school district a fund which shall be called the virtual school fund, which fund shall consist of all moneys deposited therein or transferred thereto according to law. Moneys received as virtual school state aid shall be deposited in the general fund of the school district and transferred to the virtual school fund of the district. The expenses of a district directly attributable to virtual schools offered by a school district shall be paid from the virtual school fund. The cost of an advance placement course provided to a pupil described in subsection (d) (2)(D) shall be paid by the virtual school.

Any balance remaining in the virtual school fund at the end of the budget year shall be carried forward into the virtual school fund for succeeding budget years. Such fund shall not be subject to the provisions of K.S.A. 79-2925 through 79-2937, and amendments thereto.

Any unencumbered balance of moneys remaining in the virtual school fund of a school district on June 30 of the current school year, may be expended in the school year that immediately succeeds such date by the school district for general operating expenses of the school district as approved by the board of education.
In preparing the budget of such school district, the amounts credited to and the amount on hand in the virtual school fund, and the amount expended therefrom shall be included in the annual budget for the information of the residents of the school district. Interest earned on the investment of moneys in any such fund shall be credited to that fund.

(e) For the purposes of this section, a pupil enrolled in a virtual school who is not a resident of the state of Kansas the following pupils shall not be counted in the full-time equivalent enrollment of the virtual school:

(1) A pupil who is not a resident of the state of Kansas; and
(2) a virtual program pupil enrolled in a nonpublic school that is not a private homeschool registered with the state board of education pursuant to K.S.A. 72-53,101, and amendments thereto.

Sec. 49. On and after July 1, 2014, K.S.A. 2013 Supp. 72-3716 is hereby amended to read as follows: 72-3716. (a) As used in this section:

(1), the term "pupil" means a pupil who is a resident of and enrolled, on a full-time basis, in a school district:
(2) "School district" means a school district which does not offer advanced placement courses and which is either more than 200 square miles in area or has an enrollment of at least 260 pupils and does not offer advanced placement courses.

(b) If a pupil is enrolled in at least one advanced placement course provided by a virtual school, the school district offering the virtual school shall be paid an amount equal to 8% of the amount of base state aid per pupil for such pupil multiplied by the full-time equivalent enrollment of such pupil in advanced placement courses provided by such virtual school as additional virtual school state aid. Such state aid shall be paid in each semester in which a pupil is enrolled in at least one advanced placement course provided by a virtual school.

Sec. 50. On and after July 1, 2014, K.S.A. 2013 Supp. 72-6407 is hereby amended to read as follows: 72-6407. (a) (1) "Pupil" means any person who is regularly enrolled in a district and attending kindergarten or any of the grades one through 12 maintained by the district or who is regularly enrolled in a district and attending kindergarten or any of the grades one through 12 in another district in accordance with an agreement entered into under authority of K.S.A. 72-8233, and amendments thereto, or who is regularly enrolled in a district and attending special education services provided for preschool-aged exceptional children by the district.

(2) Except as otherwise provided in paragraph (3) of this subsection, a pupil in attendance full time shall be counted as one pupil. A pupil in attendance part time shall be counted as that proportion of one pupil (to the nearest 1/10) that the pupil's attendance bears to full-time attendance. A
pupil attending kindergarten shall be counted as \( \frac{1}{2} \) pupil. A pupil enrolled
in and attending an institution of postsecondary education which is
authorized under the laws of this state to award academic degrees shall be
counted as one pupil if the pupil's postsecondary education enrollment and
attendance together with the pupil's attendance in either of the grades 11 or
12 is at least \( \frac{5}{6} \) time, otherwise the pupil shall be counted as that
proportion of one pupil (to the nearest \( \frac{1}{10} \)) that the total time of the pupil's
postsecondary education attendance and attendance in grade 11 or 12, as
applicable, bears to full-time attendance. A pupil enrolled in and attending
an area vocational school, area vocational-technical school or approved
vocational education program shall be counted as one pupil if the pupil's
vocational education enrollment and attendance together with the pupil's
attendance in any of grades nine through 12 is at least \( \frac{5}{6} \) time, otherwise
the pupil shall be counted as that proportion of one pupil (to the nearest
\( \frac{1}{10} \)) that the total time of the pupil's vocational education attendance and
attendance in any of grades nine through 12 bears to full-time attendance.
A pupil enrolled in a district and attending a non-virtual school and also
attending a virtual school shall be counted as that proportion of one pupil
(to the nearest \( \frac{1}{10} \)) that the pupil's attendance at the non-virtual school
bears to full-time attendance. Except as provided by this section for
preschool-aged exceptional children and virtual school pupils, a pupil
enrolled in a district and attending special education and related services,
provided for by the district shall be counted as one pupil. A pupil enrolled
in a district and attending special education and related services provided
for by the district and also attending a virtual school shall be counted as
that proportion of one pupil (to the nearest \( \frac{1}{10} \)) that the pupil's attendance
at the non-virtual school bears to full-time attendance. A pupil enrolled in a
district and attending special education and related services for preschool-
aged exceptional children provided for by the district shall be counted as
\( \frac{1}{2} \) pupil. A preschool-aged at-risk pupil enrolled in a district and receiving
services under an approved at-risk pupil assistance plan maintained by the
district shall be counted as \( \frac{1}{2} \) pupil. A pupil in the custody of the secretary
of social and rehabilitation services for children and families or in the
custody of the commissioner of juvenile justice and enrolled in unified
school district No. 259, Sedgwick county, Kansas, but housed, maintained,
and receiving educational services at the Judge James V. Riddle Boys
Ranch, shall be counted as two pupils. Except as provided in section 1 of
chapter 76 of the 2009 Session Laws of the state of Kansas, and
amendments thereto, a pupil in the custody of the secretary of social and
rehabilitation services for children and families or in the custody of the
commissioner of juvenile justice and enrolled in unified school district No.
409, Atchison, Kansas, but housed, maintained and receiving educational
services at the youth residential center located on the grounds of the
former Atchison juvenile correctional facility, shall be counted as two pupils.

(3) A pupil residing at the Flint Hills job corps center shall not be counted. A pupil confined in and receiving educational services provided for by a district at a juvenile detention facility shall not be counted. A pupil enrolled in a district but housed, maintained, and receiving educational services at a state institution or a psychiatric residential treatment facility shall not be counted.

(b) "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.

(c) (1) "At-risk pupils" means pupils who are eligible for free meals under the national school lunch act and who are enrolled in a district which maintains an approved at-risk pupil assistance plan.

(2) The term "at-risk pupils" shall not include any pupil: (A) Enrolled in any of the grades one through 12 who is in attendance less than full time; or (B) who is over 19 years of age. The provisions of this paragraph shall not apply to any pupil who has an individualized education program.

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

(e) "Enrollment" means: (1) (A) Subject to the provisions of paragraph (1)(B), for districts scheduling the school days or school hours of the school term on a trimestral or quarterly basis, the number of pupils regularly enrolled in the district on September 20 plus the number of pupils regularly enrolled in the district on February 20 less the number of pupils regularly enrolled on February 20 who were counted in the enrollment of the district on September 20; and for districts not specified in this paragraph (1), the number of pupils regularly enrolled in the district on September 20; (B) a pupil who is a foreign exchange student shall not be counted unless such student is regularly enrolled in the district on September 20 and attending kindergarten or any of the grades one through 12 maintained by the district for at least one semester or two quarters or the equivalent thereof;

(2) if enrollment in a district in any school year has decreased from enrollment in the preceding school year, enrollment of the district in the current school year means whichever is the greater of: (A) {The sum of: (i) Enrollment in the preceding school year, excluding pupils described in clause (A)(ii),} minus enrollment in such school year of preschool-aged at-risk pupils, if any such pupils were enrolled, plus enrollment in the current school year of preschool-aged at-risk pupils, if any such pupils are
enrolled; and (ii) adjusted enrollment in the preceding school year of any pupils participating in the corporate education tax credit scholarship program pursuant to section 44 et seq., and amendments thereto, in the current school year, if any, plus adjusted enrollment in the preceding school year of preschool-aged at-risk pupils participating in the corporate education tax credit scholarship program pursuant to section 44 et seq., and amendments thereto, in the current school year, if any; or (B) the sum of enrollment in the current school year of preschool-aged at-risk pupils, if any such pupils are enrolled and the average (mean) of the sum of: (i) Enrollment of the district in the current school year minus enrollment in such school year of preschool-aged at-risk pupils, if any such pupils are enrolled and; (ii) enrollment in the preceding school year minus enrollment in such school year of preschool-aged at-risk pupils, if any such pupils were enrolled; and (iii) enrollment in the school year next preceding the preceding school year minus enrollment in such school year of preschool-aged at-risk pupils, if any such pupils were enrolled; or

(3) the number of pupils as determined under K.S.A. 72-6447 or K.S.A. 2013 Supp. 72-6448, and amendments thereto.

(f) "Adjusted enrollment" means: (1) Enrollment adjusted by adding at-risk pupil weighting, program weighting, low enrollment weighting, if any, high density at-risk pupil weighting, if any, medium density at-risk pupil weighting, if any, nonproficient pupil weighting, if any, high enrollment weighting, if any, declining enrollment weighting, if any, school facilities weighting, if any, ancillary school facilities weighting, if any, cost of living weighting, if any, special education and related services weighting, and transportation weighting to enrollment; or (2) adjusted enrollment as determined under K.S.A. 2013 Supp. 72-6457 or 72-6458, and amendments thereto.

(g) "At-risk pupil weighting" means an addend component assigned to enrollment of districts on the basis of enrollment of at-risk pupils.

(h) "Program weighting" means an addend component assigned to enrollment of districts on the basis of pupil attendance in educational programs which differ in cost from regular educational programs.

(i) "Low enrollment weighting" means an addend component assigned to enrollment of districts pursuant to K.S.A. 72-6412, and amendments thereto, on the basis of costs attributable to maintenance of educational programs by such districts in comparison with costs attributable to maintenance of educational programs by districts having to which high enrollment weighting is assigned pursuant to K.S.A. 2013 Supp. 72-6442b, and amendments thereto.

(j) "School facilities weighting" means an addend component assigned to enrollment of districts on the basis of costs attributable to
commencing operation of new school facilities.

(k) "Transportation weighting" means an addend component assigned to enrollment of districts on the basis of costs attributable to the provision or furnishing of transportation.

(l) "Cost of living weighting" means an addend component assigned to enrollment of districts to which the provisions of K.S.A. 2013 Supp. 72-6449, and amendments thereto, apply on the basis of costs attributable to the cost of living in the district.

(m) "Ancillary school facilities weighting" means an addend component assigned to enrollment of districts to which the provisions of K.S.A. 72-6441, and amendments thereto, apply on the basis of costs attributable to commencing operation of new school facilities. Ancillary school facilities weighting may be assigned to enrollment of a district only if the district has levied a tax under authority of K.S.A. 72-6441, and amendments thereto, and remitted the proceeds from such tax to the state treasurer. Ancillary school facilities weighting is in addition to assignment of school facilities weighting to enrollment of any district eligible for such weighting.

(n) "Juvenile detention facility" has the meaning ascribed thereto by 72-8187, and amendments thereto.

(o) "Special education and related services weighting" means an addend component assigned to enrollment of districts on the basis of costs attributable to provision of special education and related services for pupils determined to be exceptional children.

(p) "Virtual school" means any school or educational program that:

1. Is offered for credit;
2. Uses distance-learning technologies which predominately use internet-based methods to deliver instruction;
3. Involves instruction that occurs asynchronously with the teacher and pupil in separate locations;
4. Requires the pupil to make academic progress toward the next grade level and matriculation from kindergarten through high school graduation;
5. Requires the pupil to demonstrate competence in subject matter for each class or subject in which the pupil is enrolled as part of the virtual school; and
6. Requires age-appropriate pupils to complete state assessment tests.

(q) "Declining enrollment weighting" means an addend component assigned to enrollment of districts to which the provisions of K.S.A. 2013 Supp. 72-6451, and amendments thereto, apply on the basis of reduced revenues attributable to the declining enrollment of the district.

(r) "High enrollment weighting" means an addend component assigned to enrollment of districts pursuant to K.S.A. 2013 Supp. 72-6442b, and amendments thereto, on the basis of costs attributable to maintenance of educational programs by such districts as a correlate to low enrollment weighting assigned to enrollment of districts pursuant to
K.S.A. 72-6412, and amendments thereto.

(s) "High density at-risk pupil weighting" means an addend component assigned to enrollment of districts to which the provisions of K.S.A. 2013 Supp. 72-6455, and amendments thereto, apply.

(t) "Nonproficient pupil" means a pupil who is not eligible for free meals under the national school lunch act and who has scored less than proficient on the mathematics or reading state assessment during the preceding school year and who is enrolled in a district which maintains an approved proficiency assistance plan.

(u) "Nonproficient pupil weighting" means an addend component assigned to enrollment of districts on the basis of enrollment of nonproficient pupils pursuant to K.S.A. 2013 Supp. 72-6454, and amendments thereto.

(v) "Psychiatric residential treatment facility" has the meaning ascribed thereto by K.S.A. 72-8187, and amendments thereto.

(w) "Medium density at-risk pupil weighting" means an addend component assigned to enrollment of districts to which the provisions of K.S.A. 2013 Supp. 72-6459, and amendments thereto, apply.

Sec. 51. On and after July 1, 2014, K.S.A. 72-6411 is hereby amended to read as follows: 72-6411. (a) The transportation weighting of each district shall be determined by the state board as follows:

(1) Determine the total expenditures of the district during the preceding school year from all funds for transporting pupils of public and nonpublic schools on regular school routes;

(2) divide the amount determined under (1) by the total number of pupils who were included in the enrollment of the district in the preceding school year and for whom transportation was made available by the district;

(3) multiply the quotient obtained under (2) by the total number of pupils who were included in the enrollment of the district in the preceding school year, were residing less than 2 1/2 miles by the usually traveled road from the school building they attended, and for whom transportation was made available by the district;

(4) multiply the product obtained under (3) by 50%;

(5) subtract the product obtained under (4) from the amount determined under (1);

(6) divide the remainder obtained under (5) by the total number of pupils who were included in the enrollment of the district in the preceding school year, were residing 2 1/2 miles or more by the usually traveled road from the school building they attended and for whom transportation was made available by the district. The quotient is the per pupil cost of transportation; determine the sum of: (A) The number of pupils who were included in the enrollment of the district in the preceding school year who
resided less than 2\(\frac{1}{2}\) miles by the usually traveled road from the school building such pupils attended and for whom transportation was made available by the district; and (B) the number of nonresident pupils who were included in the enrollment of the district for the preceding school year and for whom transportation was made available by the district;

(3) determine the number of pupils who were included in the enrollment of the district in the preceding school year who resided 2\(\frac{1}{2}\) miles or more by the usually traveled road from the school building such pupils attended and for whom transportation was made available by the district;

(4) multiply the number of pupils determined under paragraph (3) by two;

(5) divide the amount determined under paragraph (2) by the product obtained under paragraph (4);

(6) add one to the quotient obtained under paragraph (5);

(7) multiply the sum obtained under paragraph (6) by the amount determined under paragraph (3);

(8) divide the amount determined under paragraph (1) by the product obtained under paragraph (7). The resulting quotient is the per pupil cost of transportation;

(7) (9) on a density-cost graph plot the per-pupil cost of transportation for each district;

(8) (10) construct a curve of best fit for the points so plotted;

(9) (11) locate the index of density for the district on the base line of the density-cost graph and from the point on the curve of best fit directly above this point of index of density follow a line parallel to the base line to the point of intersection with the vertical line, which point is the formula per-pupil cost of transportation of the district;

(10) (12) divide the formula per-pupil cost of transportation of the district by base state aid per pupil; and

(11) (13) multiply the quotient obtained under (10) paragraph (12) by the number of pupils who are included in the enrollment of the district, are residing 2\(\frac{1}{2}\) miles or more by the usually traveled road to the school building they attend, and for whom transportation is being made available by, and at the expense of, the district. The product is the transportation weighting of the district.

(b) For the purpose of providing accurate and reliable data on pupil transportation, the state board is authorized to adopt rules and regulations prescribing procedures which districts shall follow in reporting pertinent information relative thereto, including uniform reporting of expenditures for transportation.

(c) "Index of density" means the number of pupils who are included in the enrollment of a district in the current school year, are residing 2\(\frac{1}{2}\)
miles or more by the usually traveled road from the school building they
attend, and for whom transportation is being made available on regular
school routes by the district, divided by the number of square miles of
territory in the district.

(d) "Density-cost graph" means a drawing having: (1) A horizontal or
base line divided into equal intervals of density, beginning with zero on the
left; and (2) a scale for per-pupil cost of transportation to be shown on a
line perpendicular to the base line at the left end thereof, such scale to
begin with zero dollars at the base line ascending by equal per-pupil cost
intervals.

(e) "Curve of best fit" means the curve on a density-cost graph drawn
so the sum of the distances squared from such line to each of the points
plotted on the graph is the least possible.

(f) The provisions of this section shall take effect and be in force
from and after July 1, 1992.

Sec. 52. {60.} On and after July 1, 2014, K.S.A. 72-6415 is hereby
amended to read as follows: 72-6415. (a) The school facilities weighting of
each district shall be determined in each school year in which such
weighting may be assigned to enrollment of the district as follows:

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

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

(b) The provisions of this section shall take effect and be in force
from and after July 1, 1992 expire on June 30, 2015.

Sec. 53. {61.} On and after July 1, 2014, K.S.A. 2013 Supp. 72-6415b
is hereby amended to read as follows: 72-6415b. (a) School facilities
weighting may be assigned to enrollment of a district only if the district
has adopted a local option budget in an amount equal to at least 25% of the
amount of the state financial aid determined for the district in the current
school year. School facilities weighting may be assigned to enrollment of
the district only in the school year in which operation of a new school
facility is commenced and in the next succeeding school year may only be
assigned to enrollment of those districts that commenced operation of a
new school facility in school year 2013-2014 and whose enrollment was
adjusted by the assignment of school facilities weighting for such new
school facility for school year 2013-2014.

(b) The provisions of this section shall expire on June 30, 2015.

Sec. 54. {62.} K.S.A. 2013 Supp. 72-6433 is hereby amended to read
as follows: 72-6433. (a) As used in this section:

(1) "State prescribed percentage" means 34% 33% of state financial
aid of the district in the current school year.

(2) "Authorized to adopt a local option budget" means that a district
has adopted a resolution under this section, has published the same, and
either the resolution was not protested or it was protested and an election
was held by which the adoption of a local option budget was approved.

(b) In each school year, the board of any district may adopt a local
option budget which does not exceed the state prescribed percentage.

(c) Subject to the limitation of subsection (b), in each school year, the
board of any district may adopt, by resolution, a local option budget in an
amount not to exceed:

(1) (A) The amount which the board was authorized to adopt in
accordance with the provisions of this section in effect prior to its
amendment by this act; plus
(B) the amount which the board was authorized to adopt pursuant to
any resolution currently in effect; plus
(C) the amount which the board was authorized to adopt pursuant to
K.S.A. 72-6444, and amendments thereto, if applicable to the district; or
(2) the state-wide average for the preceding school year as
determined by the state board pursuant to subsection (j) (l).

Except as provided by subsection (e) subsections (e) and (f), the
adoption of a resolution pursuant to this subsection shall require a majority
vote of the members of the board. Such resolution shall be effective upon
adoption and shall require no other procedure, authorization or approval.

(d) If the board of a district desires to increase its local option budget
authority above the amount authorized under subsection (c) or if the board
was not authorized to adopt a local option budget in 2006-2007, the board
may adopt, by resolution, such budget in an amount not to exceed the state
prescribed percentage. The adoption of a resolution pursuant to this
subsection shall require a majority vote of the members of the board. The
resolution shall be published at least once in a newspaper having general
circulation in the district. The resolution shall be published in substantial
compliance with the following form:

Unified School District No. ____________,
_________________ County, Kansas.

RESOLUTION

Be It Resolved that:

The board of education of the above-named school district shall be
authorized to adopt a local option budget in each school year in an amount
not to exceed ____% of the amount of state financial aid. The local option
budget authorized by this resolution may be adopted, unless a petition in
opposition to the same, signed by not less than 5% of the qualified electors
of the school district, is filed with the county election officer of the home
county of the school district within 30 days after publication of this
resolution. If a petition is filed, the county election officer shall submit the
question of whether adoption of the local option budget shall be authorized
to the electors of the school district at an election called for the purpose or
at the next general election, as is specified by the board of education of the
school district.

CERTIFICATE

This is to certify that the above resolution was duly adopted by the
board of education of unified School District
No.____, _____________ County, Kansas, on the ___ day of_______,
______.

Clerk of the board of education.

All of the blanks in the resolution shall be filled as is appropriate. If a
sufficient petition is not filed, the board may adopt a local option budget.
If a sufficient petition is filed, the board may notify the county election
officer of the date of an election to be held to submit the question of
whether adoption of a local option budget shall be authorized. Any such
election shall be noticed, called and held in the manner provided by K.S.A.
10-120, and amendments thereto. If the board fails to notify the county
election officer within 30 days after a sufficient petition is filed, the
resolution shall be deemed abandoned and no like resolution shall be
adopted by the board within the nine months following publication of the
resolution.

(e) Except as otherwise provided in subsection (f), any resolution
authorizing the adoption of a local option budget in excess of 30% of the
state financial aid of the district in the current school year shall not become
effective unless such resolution has been submitted to and approved by a
majority of the qualified electors of the school district voting at an election
called and held thereon. The election shall be called and held in the
manner provided by K.S.A. 10-120, and amendments thereto.

(f)(1) Any resolution authorizing the adoption of a local option
budget in excess of 31% of the state financial aid of the district in the
current school year shall not become effective unless such resolution has
been submitted to and approved by a majority of the qualified electors of
the school district voting at an election called and held thereon. The
election shall be called and held in the manner provided by K.S.A. 10-120,
and amendments thereto, except that such election shall be a mail ballot
election conducted in accordance with K.S.A. 25-431 et seq., and
amendments thereto. Any such election shall be held on or before August 1
of the initial school year for which such resolution was adopted. [The
provisions of this subsection shall not apply to unified school district no.
207, and the board of such district may adopt a local option budget in
excess of 31% of the state financial aid of the district in the current
school year in accordance with subsection (d).]

(2) The provisions of paragraph (1) shall not apply to any school
district that, on or before June 30, 2014, had adopted a local option.
budget in excess of 30% of the state financial aid of the district in the current school year. The board of any such district may adopt a local option budget in excess of 31% of the state financial aid of the district in the current school year in accordance with subsection (d).

(g) Unless specifically stated otherwise in the resolution, the authority to adopt a local option budget shall be continuous and permanent. The board of any district which is authorized to adopt a local option budget may choose not to adopt such a budget or may adopt a budget in an amount less than the amount authorized. If the board of any district whose authority to adopt a local option budget is not continuous and permanent refrains from adopting a local option budget, the authority of such district to adopt a local option budget shall not be extended by such refrainment beyond the period specified in the resolution authorizing adoption of such budget.

(h) The board of any district may initiate procedures to renew or increase the authority to adopt a local option budget at any time during a school year after the tax levied pursuant to K.S.A. 72-6435, and amendments thereto, is certified to the county clerk under any existing authorization.

(i) The board of any district that is authorized to adopt a local option budget prior to the effective date of this act under a resolution which authorized the adoption of such budget in accordance with the provisions of this section in effect prior to its amendment by this act may continue to operate under such resolution for the period of time specified in the resolution or may abandon the resolution and operate under the provisions of this section as amended by this act. Any such district shall operate under the provisions of this section as amended by this act after the period of time specified in the resolution has expired.

(j) Any resolution adopted pursuant to this section may revoke or repeal any resolution previously adopted by the board. If the resolution does not revoke or repeal previously adopted resolutions, all resolutions which are in effect shall expire on the same date. The maximum amount of the local option budget of a school district under all resolutions in effect shall not exceed the state prescribed percentage in any school year.

(k) There is hereby established in every district that adopts a local option budget a fund which shall be called the supplemental general fund. The fund shall consist of all amounts deposited therein or credited thereto according to law.

(1) Subject to the limitation imposed under paragraph (3) and subsection (e) of K.S.A. 72-6434, and amendments thereto, amounts in the supplemental general fund may be expended for any purpose for which expenditures from the general fund are authorized or may be transferred to any program weighted fund or categorical fund of the district. Amounts in
the supplemental general fund attributable to any percentage over 25% of
state financial aid determined for the current school year may be
transferred to the capital improvements fund of the district and the capital
outlay fund of the district if such transfers are specified in the resolution
authorizing the adoption of a local option budget in excess of 25%.

(3) Amounts in the supplemental general fund may not be expended
for the purpose of making payments under any lease-purchase agreement
involving the acquisition of land or buildings which is entered into
pursuant to the provisions of K.S.A. 72-8225, and amendments thereto.

(4) (A) Except as provided in paragraph (B), any unexpended budget
remaining in the supplemental general fund of a district at the conclusion
of any school year in which a local option budget is adopted shall be
maintained in such fund.

(B) If the district received supplemental general state aid in the
school year, the state board shall determine the ratio of the amount of
supplemental general state aid received to the amount of the local option
budget of the district for the school year and multiply the total amount of
the unexpended budget remaining by such ratio. An amount equal to the
amount of the product shall be transferred to the general fund of the
district or remitted to the state treasurer. Upon receipt of any such
remittance, the state treasurer shall deposit the same in the state treasury to
the credit of the state school district finance fund.

(k) (l) Each year the state board of education shall determine the
statewide average percentage of local option budgets legally adopted by
school districts for the preceding school year.

(‡) (m) The provisions of this section shall be subject to the provisions

Sec. 55. K.S.A. 2013 Supp. 72-6433d is hereby amended to read
as follows: 72-6433d. (a) (1) The provisions of this subsection shall apply
in any school year in which the amount of base state aid per pupil is
$4,433 or less.

(2) The board of any school district may adopt a local option budget
which does not exceed the local option budget calculated as if the base
state aid per pupil was $4,433, or which does not exceed the local option
budget as calculated pursuant to K.S.A. 72-6433, and amendments thereto,
whichever is greater.

(b) The board of education of any school district may adopt a local
option budget which does not exceed the local option budget calculated as
if the district received state aid for special education and related services
equal to the amount of state aid for special education and related services
received in school year 2008-2009, or which does not exceed the local
option budget as calculated pursuant to K.S.A. 72-6433, and amendments
thereto, whichever is greater.
(c) The board of education of any school district may exercise the authority granted under subsection (a) or (b) or both subsections (a) and (b).

(d) To the extent that the provisions of K.S.A. 72-6433, and amendments thereto, conflict with this section, this section shall control.

(e) The provisions of this section shall expire on June 30, 2017.

Sec. 56. On and after July 1, 2014, K.S.A. 2013 Supp. 72-6441 is hereby amended to read as follows: 72-6441. (a) (1) The board of any district to which the provisions of this subsection apply may levy an ad valorem tax on the taxable tangible property of the district each year for a period of time not to exceed two years in an amount not to exceed the amount authorized by the state court of tax appeals under this subsection for the purpose of financing the costs incurred by the state that are directly attributable to assignment of ancillary school facilities weighting to enrollment of the district. The state court of tax appeals may authorize the district to make a levy which will produce an amount that is not greater than the difference between the amount of costs directly attributable to commencing operation of one or more new school facilities and the amount that is financed from any other source provided by law for such purpose, including any amount attributable to assignment of school facilities weighting to enrollment of the district for each school year in which the district is eligible for such weighting. If the district is not eligible, or will be ineligible, for school facilities weighting, or such levy will be imposed on or after July 1, 2015, then in any one or more years during the two-year period for which the district is authorized to levy a tax under this subsection, the state court of tax appeals may authorize the district to make a levy, in such year or years of ineligibility, which will produce an amount that is not greater than the actual amount of costs attributable to commencing operation of the facility or facilities.

(2) The state court of tax appeals shall certify to the state board of education the amount authorized to be produced by the levy of a tax under subsection (a).

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

(4) The provisions of this subsection apply to any district that: (A) Commenced operation of one or more new school facilities in the school year preceding the current school year or has commenced or will commence operation of one or more new school facilities in the current school year or any or all of the foregoing; (B) is authorized to adopt and
has adopted a local option budget which is at least equal to that amount required to qualify for school facilities weighting under K.S.A. 2012 Supp. 72-6415b, and amendments thereto 25% of the amount of state financial aid determined for the district in the current school year; and (C) is experiencing extraordinary enrollment growth as determined by the state board of education.

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

(1) Determine the amount produced by the tax levied by the district under authority of subsection (a) in the second year for which such tax was levied and add to such amount the amount of general state aid directly attributable to school facilities weighting that was received by the district in the same year;

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

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

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

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

(6) compute 30% of the amount of the sum obtained under paragraph (1), which computed amount is the amount the district may levy in the fifth year of the six-year period for which the district may levy a tax under
authority of this subsection; and
(7) compute 15% of the amount of the sum obtained under paragraph (1), which computed amount is the amount the district may levy in the sixth year of the six-year period for which the district may levy a tax under authority of this subsection.

In determining the amount produced by the tax levied by the district under authority of subsection (a), the state board shall include any moneys which have been apportioned to the ancillary facilities fund of the district from taxes levied under the provisions of K.S.A. 79-5101 et seq. and 79-5118 et seq., and amendments thereto.

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

Sec. 57. On and after July 1, 2014, K.S.A. 2013 Supp. 72-6455 is hereby amended to read as follows: 72-6455.

(a) The high density at-risk pupil weighting of each school district shall be determined by the state board as follows:

(A) (a) Except as provided in subparagraph (C), if the district has an enrollment of at least 35% 45%, but less than 50% 55% at-risk pupils, the state board shall:

(i) subtract 35% 45% from the percentage of at-risk enrollment in the district;

(ii) multiply the amount determined under clause (i) paragraph (1) by .7 1.05; and

(iii) multiply the number of at-risk pupils enrolled in the district by the product determined under clause (ii) paragraph (2). The resulting product is the high density at-risk pupil weighting of the district.

(B) (b) If the district has an enrollment of 50% 55% or more at-risk pupils, the state board shall multiply the number of at-risk pupils by 0.105. The resulting product is the high density at-risk pupil weighting of the district.

(C) If the district has an enrollment of at least 35.1% at-risk pupils and an enrollment density of at least 212.1 pupils per square mile, the state board shall multiply the number of at-risk pupils by .105. The resulting product is the high density at-risk pupil weighting of the district.

Sec. 58. On and after July 1, 2014, K.S.A. 2013 Supp. 72-6460 is hereby amended to read as follows: 72-6460.

(a) For school year 2013-2014, and each school year thereafter, subject to any limitations as provided in this act, any school district may expend the unencumbered balance of the moneys held in the at-risk education fund, as provided in K.S.A. 76-6414a, and amendments thereto, bilingual education fund, as
provided in K.S.A. 72-9509, and amendments thereto, contingency reserve
fund, as provided in K.S.A. 72-6426, and amendments thereto, driver
training fund, as provided in K.S.A. 72-6423, and amendments thereto,
parent education program fund, as provided in K.S.A. 72-3607, and
amendments thereto, preschool-aged at-risk education fund, as provided in
K.S.A. 72-6414b, and amendments thereto, professional development
fund, as provided in K.S.A. 72-9609, and amendments thereto, summer
program fund, as provided in K.S.A. 72-8237, and amendments thereto,
textbook and student materials revolving fund, as provided in K.S.A. 72-
8250, and amendments thereto, special education fund, as provided in
K.S.A. 72-965 and 72-6420, and amendments thereto, virtual school fund,
as provided in K.S.A. 72-3715, and amendments thereto, and vocational
education fund, as provided in K.S.A. 72-6421, and amendments thereto,
to pay for general operating expenses of the district out of the general fund
as approved by the board of education of such district.

The board of education of a school district shall consider the use of
such funds in the following order of priority:

(1) At-risk education fund, bilingual education fund, contingency
reserve fund, driver training fund, parent education program fund,
preschool-aged at-risk education fund, professional development fund,
summer program fund, virtual school fund, and vocational education fund;

(2) textbook and student materials revolving fund; and

(3) special education fund.

The board of education of a school district shall not be limited to the
order of priority as listed in this subsection if the board so chooses. The
board of education of a school district shall not be required to use the total
amount of the unencumbered balance of moneys in a fund before using the
unencumbered balance of moneys in another fund.

(b) The amount of money expended by a school district in school
year 2013-2014, and each school year thereafter, from the unencumbered
balance of moneys in the funds under subsection (a) of this section shall
not exceed, in the aggregate, an amount determined by the state board of
education. Such amount shall be determined by the state board as follows:

(1) Determine the adjusted enrollment of the district, excluding
special education and related services weighting, for the current school
year;

(2) multiply the adjusted enrollment determined under paragraph (1)
by $250. The product is the aggregate amount of moneys that may be
expended by a school district in the current school year from the
unencumbered balance of moneys in the funds under subsection (a) of this
section.

(c) It is the public policy goal of the state of Kansas that at least 65%
of the aggregate of all unencumbered balances authorized to be expended
for general operating expenses pursuant to subsection (a) shall be expended in the classroom or for instruction, as provided in K.S.A. 2013 Supp. 72-64c01, and amendments thereto.

(d) The superintendent appointed by the board of education of each school district under K.S.A. 72-8202b, and amendments thereto, shall report the unencumbered balance of moneys in each fund listed in subsection (a) to the board of education in July of each year at the meeting described in K.S.A. 72-8205, and amendments thereto, and to the state board of education on or before July 15 of such year.

Sec. 59. On and after July 1, 2014, K.S.A. 72-8809 is hereby amended to read as follows: 72-8809. The board of education of any school district which has made a tax levy under K.S.A. 72-8801, and amendments thereto, may at any time after the final levy is certified to the county clerk under any current authorization, initiate procedures to renew its authority to make a like an annual tax levy in the amount and upon the conditions and in the manner specified in said K.S.A. 72-8801, and at five-year intervals thereafter may in like manner and on like conditions renew such levy for successive five-year periods and amendments thereto. Except as otherwise provided by its terms, any initial resolution adopted pursuant to K.S.A. 72-8801, and amendments thereto, shall remain in full force and effect until such time as a second resolution becomes effective, at which time the initial resolution shall become null and void.

Sec. 68. On and after July 1, 2014, K.S.A. 2013 Supp. 79-32,138 is hereby amended to read as follows: 79-32,138. (a) Kansas taxable income of a corporation taxable under this act shall be the corporation's federal taxable income for the taxable year with the modifications specified in this section.

(b) There shall be added to federal taxable income: (i) The same modifications as are set forth in subsection (b) of K.S.A. 79-32,117, and amendments thereto, with respect to resident individuals, except subsections (b)(xix), (b)(xx), (b)(xxi), (b)(xxii) and (b)(xxiii).


(iii) The amount of any charitable contribution deduction claimed for any contribution or gift to or for the use of any racially segregated educational institution.

(iv) For taxable years commencing December 31, 2013, that portion of the amount of any expenditure deduction claimed in determining federal adjusted gross income for expenses paid by a taxpayer for health care when such expenses were paid or incurred for abortion coverage, a health benefit plan, as defined in K.S.A. 2013 Supp. 65-6731, and
amendments thereto, when such expenses were paid or incurred for
abortion coverage or amounts contributed to health savings accounts for
such taxpayer's employees for the purchase of an optional rider for
coverage of abortion in accordance with K.S.A. 2013 Supp. 40-2,190,
and amendments thereto.

(v) The amount of any charitable contribution deduction claimed for
any contribution or gift made to a scholarship granting organization to the
extent the same is claimed as the basis for the credit allowed pursuant to
section 50, and amendments thereto.

(c) There shall be subtracted from federal taxable income: (i) The
same modifications as are set forth in subsection (c) of K.S.A. 79-32,117,
and amendments thereto, with respect to resident individuals, except
subsection (c)(xx).

(ii) The federal income tax liability for any taxable year
commencing prior to December 31, 1971, for which a Kansas return was
filed after reduction for all credits thereon, except credits for payments
on estimates of federal income tax, credits for gasoline and lubricating
oil tax, and for foreign tax credits if, on the Kansas income tax return
for such prior year, the federal income tax deduction was computed on
the basis of the federal income tax paid in such prior year, rather than
as accrued. Notwithstanding the foregoing, the deduction for federal
income tax liability for any year shall not exceed that portion of the total
federal income tax liability for such year which bears the same ratio to
the total federal income tax liability for such year as the Kansas taxable
income, as computed before any deductions for federal income taxes and
after application of subsections (d) and (e) of this section as existing for
such year, bears to the federal taxable income for the same year.

(iii) An amount for the amortization deduction allowed pursuant to

(iv) For all taxable years commencing after December 31, 1987, the
amount included in federal taxable income pursuant to the provisions of
section 78 of the internal revenue code.

(v) For all taxable years commencing after December 31, 1987,80% of dividends from corporations incorporated outside of the United
States or the District of Columbia which are included in federal taxable
income.

(d) If any corporation derives all of its income from sources within
Kansas in any taxable year commencing after December 31, 1979, its
Kansas taxable income shall be the sum resulting after application of
subsections (a) through (c) hereof. Otherwise, such corporation's
Kansas taxable income in any such taxable year, after excluding any
refunds of federal income tax and before the deduction of federal
income taxes provided by subsection (c)(ii) shall be allocated as provided in K.S.A. 79-3271 to K.S.A. 79-3293, inclusive, and amendments thereto, plus any refund of federal income tax as determined under paragraph (iv) of subsection (b) of K.S.A. 79-32,117, and amendments thereto, and minus the deduction for federal income taxes as provided by subsection (c)(ii) shall be such corporation's Kansas taxable income.

(e) A corporation may make an election with respect to its first taxable year commencing after December 31, 1982, whereby no addition modifications as provided for in subsection (b)(ii) of K.S.A. 79-32,138, and amendments thereto, and subtraction modifications as provided for in subsection (c)(iii) of K.S.A. 79-32,138, and amendments thereto, as those subsections existed prior to their amendment by this act, shall be required to be made for such taxable year.

Sec. 69. On and after July 1, 2014, K.S.A. 72-1412 is hereby amended to read as follows: 72-1412. As used in K.S.A. 72-1412 through 72-1415 and amendments thereto:

(a) "Mentor teacher program" means a program established and maintained by the board of education of a school district for the purpose of providing probationary teachers with professional support and the continuous assistance of an on-site mentor teacher.

(b) "Mentor teacher" means a certificated teacher who has completed at least three consecutive school years of employment in the school district, has been selected by the board of education of the school district on the basis of having demonstrated exemplary teaching ability as indicated by criteria established by the state board of education, and has participated in and successfully completed a training program for mentor teachers provided for by the board of education of the school district in accordance with guidelines prescribed by the state board of education. The primary function of a mentor teacher shall be to provide probationary teachers with professional support and assistance. A mentor teacher may provide assistance and guidance to not more than two probationary teachers.

(c) "Probationary teacher" means a certificated teacher to whom the provisions of K.S.A. 72-5438 through 72-5443, and amendments thereto, do not apply who has completed less than three consecutive school years of employment in the school district.

Sec. 70. On and after July 1, 2014, K.S.A. 2013 Supp. 72-5436 is hereby amended to read as follows: 72-5436. As used in this act: (a) "Teacher" means any professional employee who is required to hold a certificate to teach in any school district, and any teacher or instructor in any area vocational-technical school, technical college, the institute of technology or community college. The term "teacher" does not include within its meaning any supervisors, principals or superintendents or any
persons employed under the authority of K.S.A. 72-8202b, and any persons employed in an administrative capacity by any area vocational-technical school, technical college, the institute of technology or community college, or commencing in the 2006-2007 school year, any person who is a retirant from school employment of the Kansas public employees retirement system.

(b) "Board" means the board of education of any school district, the board of control of any area vocational-technical school, technical college or the institute of technology, and the board of trustees of any community college.

Sec. 71. On and after July 1, 2014, K.S.A. 2013 Supp. 72-5437 is hereby amended to read as follows: 72-5437. (a) All contracts of employment of teachers, as defined in K.S.A. 72-5436, and amendments thereto, except contracts entered into under the provisions of K.S.A. 72-5412a, and amendments thereto, shall be deemed to continue for the next succeeding school year unless written notice of termination or nonrenewal is served as provided in this subsection. Written notice to terminate a contract may be served by a board upon any teacher prior to the time the contract has been completed, and written notice of intention to nonrenew a contract shall be served by a board upon any teacher on or before the third Friday in May. A teacher shall give written notice to a board that the teacher does not desire continuation of a contract on or before the 14th calendar day following the third Friday in May or, if applicable, not later than 15 days after the issuance of a unilateral contract as authorized by K.S.A. 72-5428a, and amendments thereto, whichever is the later date.

(b) Terms of a contract may be changed at any time by mutual consent of both a teacher and a board.

(c) As used in this section:

(1) "Board of education" or "board" means the board of education of any school district, the board of control of any technical college or the institute of technology, and the board of trustees of any community college.

(2) "Professional employee" means any person employed by a board of education in a position which requires a certificate issued by the state board of education or employed by a board of education in a professional, educational or instructional capacity.

(3) (A) "Teacher" means (1) a teacher as defined by K.S.A. 72-5436, and amendments thereto, and (2) any professional employee who is required to hold a certificate to teach in any school district, and any teacher or instructor in any technical college, the institute of technology or any community college, including any professional employee who is a retirant from school employment of the Kansas public employees
retirement system.

(B) The term "teacher" does not include any supervisors, principals or superintendents or any persons employed under the authority of K.S.A. 72-8202b, and amendments thereto, or any persons employed in any administrative capacity by any technical college, the institute of technology or any community college.

Sec. 72. On and after July 1, 2014, K.S.A. 2013 Supp. 72-5438 is hereby amended to read as follows: 72-5438. (a) Whenever a teacher is given written notice of intention by a board to not renew or to terminate the contract of the teacher as provided in K.S.A. 72-5437, and amendments thereto, the written notice of the proposed nonrenewal or termination shall include: (1) A statement of the reasons for the proposed nonrenewal or termination; and (2) a statement that the teacher may have the matter heard by a hearing officer upon written request filed with the clerk of the board of education or the board of control or the secretary of the board of trustees within 15 calendar days from the date of such notice of nonrenewal or termination.

(b) Within 10 calendar days after the filing of any written request of a teacher to be heard as provided in subsection (a), the board shall notify the commissioner of education that a list of qualified hearing officers is required. Such notice shall contain the mailing address of the teacher. Within 10 days after receipt of notification from the board, the commissioner shall provide to the board and to the teacher, a list of five randomly selected, qualified hearing officers.

(c) Within five days after receiving the list from the commissioner, each party shall eliminate two names from the list, and the remaining individual on the list shall serve as hearing officer. In the process of elimination, each party shall eliminate no more than one name at a time, the parties alternating after each name has been eliminated. The first name to be eliminated shall be chosen by the teacher within five days after the teacher receives the list. The process of elimination shall be completed within five days thereafter.

(d) Either party may request that one new list be provided within five days after receiving the list. If such a request is made, the party making the request shall notify the commissioner and the other party, and the commissioner shall generate a new list and distribute it to the parties in the same manner as the original list.

(e) In lieu of using the process provided in subsections (b) and (c), if the parties agree, they may make a request to the American Arbitration Association for an arbitrator to serve as the hearing officer. Any party desiring to use this alternative procedure shall so notify the other party in the notice required under subsection (a). If the parties agree to use this procedure, the parties shall make a joint request to the
The American Arbitration Association for a hearing officer within 10 days after the teacher files a request for a hearing. If the parties choose to use this procedure, the parties shall each pay one-half of the cost of the arbitrator and of the arbitrator’s expenses.

(f) The commissioner of education shall compile and maintain a list of hearing officers comprised of residents of this state who are attorneys at law. Such list shall include a statement of the qualifications of each hearing officer.

(g) Attorneys interested in serving as hearing officers under the provisions of this act shall submit an application to the commissioner of education. The commissioner shall determine if the applicant is eligible to serve as a hearing officer pursuant to the provisions of subsection (h).

(h) An attorney shall be eligible for appointment to the list if the attorney has: (1) Completed a minimum of 10 hours of continuing legal education credit in the area of education law, due process, administrative law or employment law within the past five years; or (2) previously served as the chairperson of a due process hearing committee prior to the effective date of this act. An attorney shall not be eligible for appointment to the list if the attorney has been employed to represent a board or a teacher in a due process hearing within the past five years.

Sec. 73. On and after July 1, 2014, K.S.A. 72-5439 is hereby amended to read as follows: 72-5439. The hearing provided for under K.S.A. 72-5438, and amendments thereto, shall commence within 45 calendar days after the hearing officer is selected unless the hearing officer grants an extension of time. The hearing shall afford procedural due process, including the following:

(a) The right of each party to have counsel of such party's own choice present and to receive the advice of such counsel or other person whom such party may select;

(b) the right of each party or such party's counsel to cross-examine any person who provides information for the consideration of the hearing officer, except those persons whose testimony is presented by affidavit;

(c) the right of each party to present such party's own witnesses in person, or their testimony by affidavit or deposition, except that testimony of a witness by affidavit may be presented only if such witness lives more than 100 miles from the location of the unified school district office, area vocational-technical school, technical college, institute of technology or community college, or is absent from the state, or is unable to appear because of age, illness, infirmity or imprisonment. When testimony is presented by affidavit the same shall be served upon the clerk of the board of education or the board of control, or the secretary of the board of trustees; or the agent of the board and upon the
teacher in person or by first-class mail to the address of the teacher which is on file with the board not less than 10 calendar days prior to presentation to the hearing officer;

(d) the right of the teacher to testify in the teacher's own behalf and give reasons for the teacher's conduct, and the right of the board to present its testimony through such persons as the board may call to testify in its behalf and to give reasons for its actions, rulings or policies;

(e) the right of the parties to have an orderly hearing; and

(f) the right of the teacher to a fair and impartial decision based on substantial evidence.

Sec. 74. On and after July 1, 2014, K.S.A. 2013 Supp. 72-5445 is hereby amended to read as follows: 72-5445. (a)–(1) Subject to the provisions of subsections (b) and (c), The provisions of K.S.A. 72-5438 through 72-5443, and amendments thereto, apply only to:–(A) (1) Teachers who have completed not less than three consecutive years of employment, and been offered a fourth contract, in the school district, technical college, institute of technology or community college by which any such teacher is currently employed; and–(B) (2) teachers who have completed not less than two consecutive years of employment, and been offered a third contract, in the school district, technical college, institute of technology or community college by which any such teacher is currently employed if at any time prior to the current employment the teacher has completed the years of employment requirement of subpart (A) paragraph (1) in any school district, technical college, institute of technology or community college in this state.

(2) (b) Any board may waive, at any time, the years of employment requirements of provision (1) for any teacher employed by it.

(2) (c) The provisions of this subsection are subject to the provisions of K.S.A. 72-5446, and amendments thereto.

(b) The provisions of K.S.A. 72-5438 through 72-5443, and amendments thereto, do not apply to any teacher whose license has been nonrenewed or revoked by the state board of education for the reason that the teacher: (1) Has been convicted of a felony under K.S.A. 2010 Supp. 21-36a01 through 21-36a17, prior to their transfer, or article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, or an act described in K.S.A. 21-3412, prior to its repeal, or article 54 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 2013 Supp. 21-6104, 21-6325, 21-6326 or 21-6418, and amendments thereto, or any act described in K.S.A. 21-3412, prior to its
repeal, or subsection (a) of K.S.A. 2013 Supp. 21-5413, or K.S.A. 21-3412a, prior to its repeal, or K.S.A. 2013 Supp. 21-5414, and amendments thereto, if the victim is a minor or student; (3) has been convicted of a felony described in any section of article 35 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 55 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 2013 Supp. 21-6419 through 21-6421, and amendments thereto, or has been convicted of an act described in K.S.A. 21-3517, prior to its repeal, or subsection (a) of K.S.A. 2013 Supp. 21-5505, and amendments thereto, if the victim is a minor or student; (4) has been convicted of any act described in any section of article 36 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 56 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto; (5) has been convicted of a felony described in article 37 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 58 of chapter 21 of the Kansas Statutes Annotated or subsection (a) (6) of K.S.A. 2013 Supp. 21-6412, and amendments thereto; (6) has been convicted of an attempt under K.S.A. 21-3301, prior to its repeal, or K.S.A. 2013 Supp. 21-5301, and amendments thereto, to commit any act specified in this subsection; (7) has been convicted of any act which is described in K.S.A. 21-4301, 21-4301a or 21-4301c, prior to their repeal, or K.S.A. 2013 Supp. 21-6401 or 21-6402, and amendments thereto; (8) has been convicted in another state or by the federal government of an act similar to any act described in this subsection; or (9) has entered into a criminal diversion agreement after having been charged with any offense described in this subsection.

(c) (1) The provisions of this subsection shall apply to a teacher described in subsection (a)(1)(A) of this section. After a teacher has completed not less than three consecutive years of employment and if the requirements of paragraph (2) have been satisfied, the board of education of the school district and the teacher may enter into an agreement under which the school district may offer the teacher a contract of employment for a fourth year or a fourth and fifth year and the teacher agrees that the provisions of K.S.A. 72-5438 through 72-5443, and amendments thereto, shall not apply to such teacher unless a sixth contract is offered to the teacher.

(2) A school district offering a contract pursuant to this subsection shall prepare a written plan of assistance for the teacher being offered such contract and shall submit such plan of assistance to the teacher at the time such contract is offered. Prior to signing or rejecting a contract, the teacher shall have not less than 48 hours from the time the contract is offered to review and consider the contract and the plan of assistance. The plan of assistance shall be written to address those areas of teacher performance where the school district believes the teacher's performance is less than-
satisfactory.

(3) If an agreement under this subsection is reached by the teacher and the school district, then the school district shall file annually a report with the state board of education which shall contain the following information in subparagraphs (A) through (D):

(A) The number of teachers that were offered by the school district a contract under subsection (a)(1)(A) of this section;

(B) the number of teachers that were offered by the school district an agreement under this subsection;

(C) the number of teachers that accepted the agreement under this subsection;

(D) the number of teachers that were not offered by the school district either a contract under subsection (a)(1)(A) of this section or an agreement under this subsection.

(4) In addition to the reports required under paragraph (3), each school district shall report annually to the state board of education, the committee on education of the senate and the committee on education of the house of representatives the number of contracts issued under subsection (a) which result in the application of K.S.A. 72-5438 through 72-5443, and amendments thereto, to the teachers who receive such contracts and the year of employment for which the contract is issued.

(5) The provisions of this subsection shall expire on July 1, 2016.

Sec. 75. On and after July 1, 2014, K.S.A. 72-5446 is hereby amended to read as follows: 72-5446. In the event any teacher, as defined in K.S.A. 72-5436, and amendments thereto, alleges that the teacher's contract has been nonrenewed by reason of the teacher having exercised a constitutional right, the following procedure shall be implemented:

(a) The teacher alleging an abridgment by the board of a constitutionally protected right shall notify the board of the allegation within 15 days after receiving the notice of intent to not renew or terminate the teacher's contract. Such notice shall specify the nature of the activity protected, and the times, dates, and places of such activity;

(b) the hearing officer provided for by K.S.A. 72-5438, and amendments thereto, shall thereupon be selected and shall decide if there is substantial evidence to support the teacher's claim that the teacher's exercise of a constitutionally protected right was the reason for the nonrenewal;

(c) if the hearing officer determines that there is no substantial evidence to substantiate the teacher's claim of a violation of a constitutionally protected right, the board's decision to not renew the contract shall stand;

(d) if the hearing officer determines that there is substantial evidence to support the teacher's claim, the board shall be required to
submit to the hearing officer any reasons which may have been involved in the nonrenewal;

(e) if the board presents any substantial evidence to support its reasons, the board's decision not to renew the contract shall be upheld.

Sec. 60. {76.} K.S.A. 71-204 and 71-617 and K.S.A. 2013 Supp. 72-6433 and 72-6433d are hereby repealed.

Sec. 61. {77.} On and after July 1, 2014, K.S.A. {72-1412, 72-5439, 72-5446,} 72-60b03, 72-6411, 72-6415 and 72-8809 and K.S.A. 2013 Supp. 72-3712, 72-3714, 72-3715, 72-3716, {72-5436, 72-5437, 72-5438, 72-5445,} 72-6407, 72-6415b, 72-6441, 72-6454, 72-6455 and {and 79-32,138} are hereby repealed.

Sec. 62. {78.} This act shall take effect and be in force from and after its publication in the Kansas register.