

HOUSE BILL No. 2410

By Committee on Appropriations

3-22

1 AN ACT concerning education; relating to the instruction and financing
2 thereof; making and concerning appropriations for the fiscal years
3 ending June 30, 2018, and June 30, 2019, for the department of
4 education; creating the Kansas school equity and enhancement act;
5 amending K.S.A. 2016 Supp. 10-1116a, 12-1677, 12-1770a, 12-1775a,
6 12-1776a, 72-978, 72-1046b, 72-1398, 72-1414, 72-1923, 72-3712, 72-
7 3715, 72-5333b, 72-64601, 72-64c03, 72-64c05, 72-6622, 72-6624, 72-
8 6625, 72-6757, 72-67,115, 72-7535, 72-8187, 72-8190, 72-8230, 72-
9 8233, 72-8236, 72-8249, 72-8250, 72-8251, 72-8302, 72-8309, 72-
10 8316, 72-8415b, 72-8801, 72-8804, 72-8908, 72-9509, 72-9609, 72-
11 99a02, 72-99a02, as amended by section 87 of this act, 74-4939a, 74-
12 8925, 74-99b43, 75-2319, 79-201x, 79-213, 79-2001 and 79-2925b and
13 repealing the existing sections; also repealing K.S.A. 2016 Supp. 46-
14 1133 and 72-6482.
15

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

DEPARTMENT OF EDUCATION

18
19 (a) There is appropriated for the above agency from the state general
20 fund for the fiscal year ending June 30, 2018, the following:

21 Operating expenditures (including official
22 hospitality) (652-00-1000-0053).....\$12,515,606
23 *Provided*, That any unencumbered balance in the operating expenditures
24 (including official hospitality) account in excess of \$100 as of June 30,
25 2017, is hereby reapportioned for fiscal year 2018.
26 Special education services
27 aid (652-00-1000-0700).....\$437,680,455

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

Proposed Amendments for HB 2410
House Committee on K-12 Education Budget
Office of Revisor of Statutes
March 27, 2017
Amendments to and expiration of the Tax Credit
Scholarship Program

1 the age of six years.

2 (e) "Parent" includes a guardian, custodian or other person with
3 authority to act on behalf of the child.

4 (f) "Program" means the tax credit for low income students
5 scholarship program established in K.S.A. 2016 Supp. 72-99a01 through
6 72-99a07, and amendments thereto.

7 (g) "Public school" means a school that would qualify as either a title
8 I focus school or a title I priority school as described by the state board
9 under the elementary and secondary education act flexibility waiver as
10 amended in January 2013 and is operated by a school district.

11 (h) "Qualified school" means any nonpublic school that provides
12 education to elementary or secondary students, has notified the state board
13 of its intention to participate in the program and complies with the
14 requirements of the program.

15 (i) "Scholarship granting organization" means an organization that
16 complies with the requirements of this program and provides educational
17 scholarships to eligible students or to qualified schools in which parents
18 have enrolled eligible students.

19 (j) "School district" or "district" means any unified school district
20 organized and operating under the laws of this state.

21 (k) "School year" shall have the meaning ascribed thereto in ~~K.S.A.~~
22 ~~2016 Supp. 72-6464 section 4~~, and amendments thereto.

23 (l) "Secretary" means the secretary of revenue.

24 (m) "State board" means the state board of education.

25 Sec. 88. On and after July 1, 2018, K.S.A. 2016 Supp. 72-99a02, as
26 amended by section 87 of this act, is hereby amended to read as follows:
27 72-99a02. As used in the tax credit for low income students scholarship
28 program act:

29 (a) "Contributions" means monetary gifts or donations and in-kind
30 contributions, gifts or donations that have an established market value.

31 (b) "Department" means the Kansas department of revenue.

32 (c) "Educational scholarship" means an amount not to exceed \$8,000
33 per school year provided to an eligible student, or to a qualified school
34 with respect to an eligible student, to cover all or a portion of the costs of
35 education including tuition, fees and expenses of a qualified school and, if
36 applicable, the costs of transportation to a qualified school if provided by
37 such qualified school.

38 (d) "Eligible student" means a child who:

39 (1) (A) ~~Qualifies as an at-risk pupil as defined in K.S.A. 72-6407,~~
40 ~~prior to its repeal student, as defined in section 4, and amendments thereto,~~
41 ~~and who either: (i) is attending a public school; or (ii) is enrolled in a~~
42 ~~school district that qualifies for high-density at-risk student weighting~~
43 ~~under section 27(b), and amendments thereto;~~ or (B) has been eligible to

Striking changes to definition of eligible student

1 receive an educational scholarship under this program and has not
2 graduated from high school or reached 21 years of age;

3 (2) resides in Kansas while eligible for an educational scholarship;
4 and

5 (3) (A) was enrolled in any public school in the previous school year
6 in which an educational scholarship is first sought for the child; or (B) is
7 eligible to be enrolled in any public school in the school year in which an
8 educational scholarship is first sought for the child and the child is under
9 the age of six years.

10 (e) "Parent" includes a guardian, custodian or other person with
11 authority to act on behalf of the child.

12 (f) "Program" means the tax credit for low income students
13 scholarship program established in K.S.A. 2016 Supp. 72-99a01 through
14 72-99a07, and amendments thereto.

15 (g) "Public school" means a school that would qualify as either a title
16 I focus school or a title I priority school as described by the state board
17 under the elementary and secondary education act flexibility waiver as
18 amended in January 2013 and is operated by a school district.

19 (h) "Qualified school" means ~~any nonpublic school that provides~~
20 ~~education to elementary or secondary students, has notified the state board~~
21 ~~of its intention to participate in the program and complies with the~~
22 ~~requirements of the program: (1) A nonpublic school accredited by the~~
23 ~~state board whose postsecondary effective rate exceeds the trend line for~~
24 ~~such rate among all school districts and accredited nonpublic schools as~~
25 ~~determined by the state board; (2) a nonpublic school whose composite~~
26 ~~ACT score exceeds the statewide average composite ACT score for all~~
27 ~~school districts and accredited nonpublic schools; or (3) a nonpublic~~
28 ~~school that was a participating qualified school prior to July 1, 2018, or~~
29 ~~that has been a qualified school participating in the program in any~~
30 ~~preceding school year. Each qualified school shall provide education to~~
31 ~~elementary or secondary students, notify the state board of its intention to~~
32 ~~participate in the program and comply with the requirements of the~~
33 ~~program.~~

34 (i) "Scholarship granting organization" means an organization that
35 complies with the requirements of this program and provides educational
36 scholarships to eligible students or to qualified schools in which parents
37 have enrolled eligible students.

38 (j) "School district" or "district" means any unified school district
39 organized and operating under the laws of this state.

40 (k) "School year" shall have the meaning ascribed thereto in section
41 4, and amendments thereto.

42 (l) "Secretary" means the secretary of revenue.

43 (m) "State board" means the state board of education.

1 Sec. 89. K.S.A. 2016 Supp. 74-4939a is hereby amended to read as
 2 follows: 74-4939a. On and after the effective date of this act for each fiscal
 3 year commencing with fiscal year 2005, notwithstanding the provisions of
 4 K.S.A. 74-4939, and amendments thereto, or any other statute, all moneys
 5 appropriated for the department of education from the state general fund
 6 commencing with fiscal year 2005, and each ensuing fiscal year thereafter,
 7 by appropriation act of the legislature, in the KPEERS — employer
 8 contributions account and all moneys appropriated for the department of
 9 education from the state general fund or any special revenue fund for each
 10 fiscal year commencing with fiscal year 2005, and each ensuing fiscal year
 11 thereafter, by any such appropriation act in that account or any other
 12 account for payment of employer contributions for school districts, shall
 13 be distributed by the department of education to school districts in
 14 accordance with this section. Notwithstanding the provisions of K.S.A. 74-
 15 4939, and amendments thereto, ~~for school year 2015-2016, the department~~
 16 ~~of education shall disburse to each school district that is an eligible~~
 17 ~~employer as specified in K.S.A. 74-4931(1), and amendments thereto, an~~
 18 ~~amount in accordance with K.S.A. 2016 Supp. 72-6465(a)(6), and~~
 19 ~~amendments thereto, which shall be disbursed pursuant to K.S.A. 2016~~
 20 ~~Supp. 72-6465, and amendments thereto. Notwithstanding the provisions~~
 21 ~~of K.S.A. 74-4939, and amendments thereto, for school year 2016-2017,~~
 22 ~~the department of education shall disburse to each school district that is an~~
 23 ~~eligible employer as specified in K.S.A. 74-4931(1), and amendments~~
 24 ~~thereto, an amount in accordance with K.S.A. 2016 Supp. 72-6465(b)(4),~~
 25 ~~and amendments thereto, which shall be disbursed pursuant to K.S.A.~~
 26 ~~2016 Supp. 72-6465, and amendments thereto certified by the board of~~
 27 ~~trustees of the Kansas public employees retirement system that is equal to~~
 28 ~~the participating employer's obligation of such school district to the~~
 29 ~~system in accordance with policies and procedures that are hereby~~
 30 ~~authorized and directed to be adopted by the state board of education for~~
 31 ~~the purposes of this section and in accordance with any requirements~~
 32 ~~prescribed by the board of trustees of the Kansas public employees~~
 33 ~~retirement system. Upon receipt of each such disbursement of moneys, the~~
 34 ~~school district shall deposit the entire amount thereof into a special~~
 35 ~~retirement contributions fund of the school district, which shall be~~
 36 ~~established by the school district in accordance with such policies and~~
 37 ~~procedures and which shall be used for the sole purpose of receiving such~~
 38 ~~disbursements from the department of education and making the~~
 39 ~~remittances to the system in accordance with this section and such policies~~
 40 ~~and procedures. Upon receipt of each such disbursement of moneys from~~
 41 ~~the department of education, the school district shall remit, in accordance~~
 42 ~~with the provisions of such policies and procedures and in the manner and~~
 43 ~~on the date or dates prescribed by the board of trustees of the Kansas~~

New Sec. 89. The provisions of K.S.A. 2016 Supp.
 72-99a01 through 72-99a07, and amendments
 thereto, shall expire on July 1, 2022.

Renumber Sections Accordingly