

HOUSE BILL No. 2445

By Representative Rooker

1-5

1 AN ACT concerning education; relating to the financing thereof; relating
2 to the Kansas school equity and enhancement act; amending K.S.A.
3 2017 Supp. 72-5132, 72-5133, 72-5143, 72-5145, 72-5148, 72-5149,
4 72-5150, 72-5151, 72-5155, 72-53,113 and 72-53,116 and repealing the
5 existing sections; also repealing K.S.A. 2017 Supp. 72-1171, 72-6463,
6 72-6464, 72-6465, 72-6466, 72-6467, 72-6468, 72-6469, 72-6470, 72-
7 6471, 72-6472, 72-6473, 72-6474, 72-6475, 72-6477, 72-6478, 72-
8 6479, 72-6480 and 72-6481.

9
10 *Be it enacted by the Legislature of the State of Kansas:*

11 Section 1. K.S.A. 2017 Supp. 72-5132 is hereby amended to read as
12 follows: 72-5132. As used in the Kansas school equity and enhancement
13 act, K.S.A. 2017 Supp. 72-5131 et seq., and amendments thereto:

14 (a) "Adjusted enrollment" means the enrollment of a school district
15 adjusted by adding the following weightings, if any, to the enrollment of a
16 school district: At-risk student weighting; bilingual weighting; career
17 technical education weighting; ~~declining enrollment weighting~~; high-
18 density at-risk student weighting; high enrollment weighting; low
19 enrollment weighting; school facilities weighting; ancillary school
20 facilities weighting; cost-of-living weighting; special education and related
21 services weighting; and transportation weighting.

22 (b) "Ancillary school facilities weighting" means an addend
23 component assigned to the enrollment of school districts pursuant to
24 K.S.A. 2017 Supp. 72-5158, and amendments thereto, on the basis of costs
25 attributable to commencing operation of one or more new school facilities
26 by such school districts.

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

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

35 (d) "At-risk student weighting" means an addend component assigned
36 to the enrollment of school districts pursuant to K.S.A. 2017 Supp. 72-

1 5151(a), and amendments thereto, on the basis of costs attributable to the
2 maintenance of at-risk educational programs by such school districts.

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

6 (1) For school year 2017-2018, \$4,006;

7 (2) for school year 2018-2019, \$4,128; and

8 (3) for school year 2019-2020, and each school year thereafter, the
9 BASE aid shall be the BASE aid amount for the immediately preceding
10 school year plus an amount equal to the average percentage increase in the
11 consumer price index for all urban consumers in the midwest region as
12 published by the bureau of labor statistics of the United States department
13 of labor during the three immediately preceding school years.

14 (f) "Bilingual weighting" means an addend component assigned to
15 the enrollment of school districts pursuant to K.S.A. 2017 Supp. 72-5150,
16 and amendments thereto, on the basis of costs attributable to the
17 maintenance of bilingual educational programs by such school districts.

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

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

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

29 (j) "Cost-of-living weighting" means an addend component assigned
30 to the enrollment of school districts pursuant to K.S.A. 2017 Supp. 72-
31 5159, and amendments thereto, on the basis of costs attributable to the cost
32 of living in such school districts.

33 (k) "Current school year" means the school year during which state
34 foundation aid is determined by the state board under K.S.A. 2017 Supp.
35 72-5134, and amendments thereto.

36 ~~(l) "Declining enrollment weighting" means an addend component~~
37 ~~assigned to the enrollment of school districts pursuant to K.S.A. 2017~~
38 ~~Supp. 72-5160, and amendments thereto, on the basis of costs attributable~~
39 ~~to the declining enrollment of such school districts.~~

40 ~~(m)~~ (l) "Enrollment" means:

41 (1) The number of students regularly enrolled in kindergarten and
42 grades one through 12 in the school district on September 20 of the
43 preceding school year plus the number of preschool-aged at-risk students

1 regularly enrolled in the school district on September 20 of the current
2 school year, except a student who is a foreign exchange student shall not
3 be counted unless such student is regularly enrolled in the school district
4 on September 20 and attending kindergarten or any of the grades one
5 through 12 maintained by the school district for at least one semester or
6 two quarters, or the equivalent thereof.

7 (2) If the enrollment in a school district in the preceding school year
8 has decreased from enrollment in the second preceding school year, the
9 enrollment of the school district in the current school year means the sum
10 of:

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

15 (B) the adjusted enrollment in the second preceding school year of
16 any students participating in the tax credit for low income students
17 scholarship program pursuant to K.S.A. 2017 Supp. 72-4351 et seq., and
18 amendments thereto, in the preceding school year, if any, plus the adjusted
19 enrollment in the preceding school year of preschool-aged at-risk students
20 who are participating in the tax credit for low income students scholarship
21 program pursuant to K.S.A. 2017 Supp. 72-4351 et seq., and amendments
22 thereto, in the current school year, if any.

23 (3) For any school district that has a military student, as that term is
24 defined in K.S.A. 2017 Supp. 72-5139, and amendments thereto, enrolled
25 in such district, and that received federal impact aid for the preceding
26 school year, if the enrollment in such school district in the preceding
27 school year has decreased from enrollment in the second preceding school
28 year, the enrollment of the school district in the current school year means
29 whichever is the greater of:

30 (A) The enrollment determined under subsection (m)(2); or

31 (B) the sum of the enrollment in the preceding school year of
32 preschool-aged at-risk students, if any, and the arithmetic mean of the sum
33 of:

34 (i) The enrollment of the school district in the preceding school year
35 minus the enrollment in such school year of preschool-aged at-risk
36 students, if any;

37 (ii) the enrollment in the second preceding school year minus the
38 enrollment in such school year of preschool-aged at-risk students, if any;
39 and

40 (iii) the enrollment in the third preceding school year minus the
41 enrollment in such school year of preschool-aged at-risk students, if any.

42 (4) ~~(A) For school year 2017-2018, the enrollment determined under~~
43 ~~paragraph (1), (2) or (3), except if the school district offers kindergarten on~~

1 ~~a full-time basis in such school year, students regularly enrolled in~~
2 ~~kindergarten in the school district in the preceding school year shall be~~
3 ~~counted as one student regardless of actual attendance during such~~
4 ~~preceding school year.~~

5 ~~(B) For school year 2018-2019 and each school year thereafter, The~~
6 ~~enrollment determined under paragraph (1), (2) or (3), except if the school~~
7 ~~district begins to offer kindergarten on a full-time basis in such school~~
8 ~~year, students regularly enrolled in kindergarten in the school district in the~~
9 ~~preceding school year shall be counted as one student regardless of actual~~
10 ~~attendance during such preceding school year.~~

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

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

23 ~~(o)~~ (o) "General fund" means the fund of a school district from which
24 operating expenses are paid and in which is deposited all amounts of state
25 foundation aid provided under this act, payments under K.S.A. 2017 Supp.
26 72-528, and amendments thereto, payments of federal funds made
27 available under the provisions of title I of public law 874, except amounts
28 received for assistance in cases of major disaster and amounts received
29 under the low-rent housing program and such other moneys as are
30 provided by law.

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

33 ~~(q)~~ (q) "High-density at-risk student weighting" means an addend
34 component assigned to the enrollment of school districts pursuant to
35 K.S.A. 2017 Supp. 72-5151(b), and amendments thereto, on the basis of
36 costs attributable to the maintenance of at-risk educational programs by
37 such school districts.

38 ~~(r)~~ (r) "High enrollment weighting" means an addend component
39 assigned to the enrollment of school districts pursuant to K.S.A. 2017
40 Supp. 72-5149(b), and amendments thereto, on the basis of costs
41 attributable to maintenance of educational programs by such school
42 districts.

43 ~~(s)~~ (s) "Juvenile detention facility" means the same as such term is

- 1 defined in K.S.A. 2017 Supp. 72-1173, and amendments thereto.
- 2 ~~(t)~~ (t) "Local foundation aid" means the sum of the following
 3 amounts:
- 4 (1) An amount equal to any unexpended and unencumbered balance
 5 remaining in the general fund of the school district, except moneys
 6 received by the school district and authorized to be expended for the
 7 purposes specified in K.S.A. 2017 Supp. 72-5168, and amendments
 8 thereto;
- 9 (2) an amount equal to any remaining proceeds from taxes levied
 10 under authority of K.S.A. 72-7056 and 72-7072, and amendments thereto,
 11 prior to their repeal;
- 12 (3) an amount equal to the amount deposited in the general fund in
 13 the current school year from moneys received in such school year by the
 14 school district under the provisions of K.S.A. 2017 Supp. 72-3123(a), and
 15 amendments thereto;
- 16 (4) an amount equal to the amount deposited in the general fund in
 17 the current school year from moneys received in such school year by the
 18 school district pursuant to contracts made and entered into under authority
 19 of K.S.A. 2017 Supp. 72-3125, and amendments thereto;
- 20 (5) an amount equal to the amount credited to the general fund in the
 21 current school year from moneys distributed in such school year to the
 22 school district under the provisions of articles 17 and 34 of chapter 12 of
 23 the Kansas Statutes Annotated, and amendments thereto, and under the
 24 provisions of articles 42 and 51 of chapter 79 of the Kansas Statutes
 25 Annotated, and amendments thereto;
- 26 (6) an amount equal to the amount of payments received by the
 27 school district under the provisions of K.S.A. 2017 Supp. 72-3423, and
 28 amendments thereto;
- 29 (7) an amount equal to the amount of any grant received by the
 30 school district under the provisions of K.S.A. 2017 Supp. 72-3425, and
 31 amendments thereto; and
- 32 (8) an amount equal to 70% of the federal impact aid of the school
 33 district.
- 34 ~~(u)~~ (u) "Low enrollment weighting" means an addend component
 35 assigned to the enrollment of school districts pursuant to K.S.A. 2017
 36 Supp. 72-5149(a), and amendments thereto, on the basis of costs
 37 attributable to maintenance of educational programs by such school
 38 districts.
- 39 ~~(v)~~ (v) "Operating expenses" means the total expenditures and lawful
 40 transfers from the general fund of a school district during a school year for
 41 all purposes, except expenditures for the purposes specified in K.S.A.
 42 2017 Supp. 72-5168, and amendments thereto.
- 43 ~~(w)~~ (w) "Preceding school year" means the school year immediately

1 before the current school year.

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

7 (~~z~~) (y) "Preschool-aged exceptional children" means exceptional
8 children, except gifted children, who have attained the age of three years
9 but are under the age of eligibility for attendance at kindergarten. The
10 terms "exceptional children" and "gifted children" have the same meaning
11 as those terms are defined in K.S.A. 2017 Supp. 72-3404, and amendments
12 thereto.

13 (~~aa~~) (z) "Psychiatric residential treatment facility" means the same as
14 such term is defined in K.S.A. 2017 Supp. 72-1173, and amendments
15 thereto.

16 (~~bb~~) (aa) "School district" means a school district organized under the
17 laws of this state that is maintaining public school for a school term in
18 accordance with the provisions of K.S.A. 2017 Supp. 72-3115, and
19 amendments thereto.

20 (~~ee~~) (bb) "School facilities weighting" means an added component
21 assigned to the enrollment of school districts pursuant to K.S.A. 2017
22 Supp. 72-5156, and amendments thereto, on the basis of costs attributable
23 to commencing operation of one or more new school facilities by such
24 school districts.

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

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

29 (~~ff~~) (ee) "Special education and related services weighting" means an
30 addend component assigned to the enrollment of school districts pursuant
31 to K.S.A. 2017 Supp. 72-5157, and amendments thereto, on the basis of
32 costs attributable to the maintenance of special education and related
33 services by such school districts.

34 (~~gg~~) (ff) "State board" means the state board of education.

35 (~~hh~~) (gg) "State foundation aid" means the amount of aid distributed
36 to a school district as determined by the state board pursuant to K.S.A.
37 2017 Supp. 72-5134, and amendments thereto.

38 (~~ii~~) (hh) (1) "Student" means any person who is regularly enrolled in
39 a school district and attending kindergarten or any of the grades one
40 through 12 maintained by the school district or who is regularly enrolled in
41 a school district and attending kindergarten or any of the grades one
42 through 12 in another school district in accordance with an agreement
43 entered into under authority of K.S.A. 2017 Supp. 72-13,101, and

1 amendments thereto, or who is regularly enrolled in a school district and
2 attending special education services provided for preschool-aged
3 exceptional children by the school district.

4 (2) (A) Except as otherwise provided in this subsection, the following
5 shall be counted as one student:

6 (i) A student in attendance full-time; and

7 (ii) a student enrolled in a school district and attending special
8 education and related services, provided for by the school district.

9 (B) The following shall be counted as $\frac{1}{2}$ student:

10 (i) A student enrolled in a school district and attending special
11 education and related services for preschool-aged exceptional children
12 provided for by the school district; and

13 (ii) a preschool-aged at-risk student enrolled in a school district and
14 receiving services under an approved at-risk student assistance plan
15 maintained by the school district.

16 (C) A student in attendance part-time shall be counted as that
17 proportion of one student (to the nearest $\frac{1}{10}$) that the student's attendance
18 bears to full-time attendance.

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

28 (E) A student enrolled in and attending a technical college, a career
29 technical education program of a community college or other approved
30 career technical education program shall be counted as one student, if the
31 student's career technical education attendance together with the student's
32 attendance in any of grades nine through 12 is at least $\frac{5}{6}$ time, otherwise
33 the student shall be counted as that proportion of one student (to the
34 nearest $\frac{1}{10}$) that the total time of the student's career technical education
35 attendance and attendance in any of grades nine through 12 bears to full-
36 time attendance.

37 (F) A student enrolled in a school district and attending a non-virtual
38 school and also attending a virtual school shall be counted as that
39 proportion of one student (to the nearest $\frac{1}{10}$) that the student's attendance
40 at the non-virtual school bears to full-time attendance.

41 (G) A student enrolled in a school district and attending special
42 education and related services provided for by the school district and also
43 attending a virtual school shall be counted as that proportion of one

1 student (to the nearest $\frac{1}{10}$) that the student's attendance at the non-virtual
2 school bears to full-time attendance.

3 (H) (i) Except as provided in clause (ii), a student enrolled in a school
4 district who is not a resident of Kansas shall be counted as follows:

- 5 (a) For school years 2017-2018 and 2018-2019, one student;
- 6 (b) for school year 2019-2020 and 2020-2021, $\frac{3}{4}$ of a student; and
- 7 (c) for school year 2021-2022 and each school year thereafter, $\frac{1}{2}$ of a
8 student.

9 (ii) This subparagraph (H) shall not apply to:

- 10 (a) A student whose parent or legal guardian is an employee of the
11 school district where such student is enrolled; or
- 12 (b) a student who attended public school in Kansas during school
13 year 2016-2017 and who attended public school in Kansas during the
14 immediately preceding school year.

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

- 16 (A) An individual residing at the Flint Hills job corps center;
- 17 (B) except as provided in subsection (ii)(2), an individual confined in
18 and receiving educational services provided for by a school district at a
19 juvenile detention facility; and
- 20 (C) an individual enrolled in a school district but housed, maintained
21 and receiving educational services at a state institution or a psychiatric
22 residential treatment facility.

23 (4) A student enrolled in virtual school pursuant to K.S.A. 72-3711 et
24 seq., and amendments thereto, shall be counted in accordance with the
25 provisions of K.S.A. 2017 Supp. 72-3715, and amendments thereto.

26 ~~(jj)~~ (ii) "Total foundation aid" means an amount equal to the product
27 obtained by multiplying the BASE aid by the adjusted enrollment of a
28 school district.

29 ~~(kk)~~ (jj) "Transportation weighting" means an addend component
30 assigned to the enrollment of school districts pursuant to K.S.A. 2017
31 Supp. 72-5148, and amendments thereto, on the basis of costs attributable
32 to the provision or furnishing of transportation.

33 ~~(ll)~~ (kk) "Virtual school" means the same as such term is defined in
34 K.S.A. 2017 Supp. 72-3712, and amendments thereto.

35 Sec. 2. K.S.A. 2017 Supp. 72-5133 is hereby amended to read as
36 follows: 72-5133. (a) The state school district finance fund, established by
37 K.S.A. 1991 Supp. 72-7081, prior to its repeal, is hereby continued in
38 existence and shall consist of: (1) All moneys credited to such fund under
39 K.S.A. 2017 Supp. 72-6463 through 72-6481, prior to their expiration July
40 1, 2017; and (2) all amounts transferred to such fund under K.S.A. 2017
41 Supp. 72-5136, 72-5142, 72-5143, 72-5158, 72-5159 and 72-5160, and
42 amendments thereto.

43 (b) The state school district finance fund shall be used for the purpose

1 of school district finance and for no other governmental purpose. It is the
2 intent of the legislature that the fund shall remain intact and inviolate for
3 such purpose, and moneys in the fund shall not be subject to the provisions
4 of K.S.A. 75-3722, 75-3725a and 75-3726a, and amendments thereto.

5 (c) Amounts in the state school district finance fund shall be allocated
6 and distributed to school districts as a portion of state foundation aid
7 provided for under this act.

8 Sec. 3. K.S.A. 2017 Supp. 72-5143 is hereby amended to read as
9 follows: 72-5143. (a) In each school year, the board of education of a
10 school district may adopt, by resolution, a local option budget that does
11 not exceed the state prescribed percentage.

12 (b) Subject to the limitations of subsection (a), in each school year,
13 the board of education of a school district may adopt, by resolution, a local
14 option budget in an amount that does not exceed:

15 ~~(1) The amount that the board was authorized to adopt under any~~
16 ~~resolution adopted pursuant to K.S.A. 2017 Supp. 72-6471, prior to its~~
17 ~~expiration, or~~

18 ~~(2) the state-wide statewide average for the preceding school year as~~
19 ~~determined by the state board pursuant to subsection (i) (j).~~ The adoption
20 of a resolution pursuant to this section shall require a majority vote of the
21 members of the board. Such resolution shall be effective upon adoption
22 and shall require no other procedure, authorization or approval.

23 (c) If the board of a school district desires ~~to increase its~~ local option
24 budget authority above the amount authorized under subsection (b), the
25 board may adopt, by resolution, such budget in an amount not to exceed
26 the state prescribed percentage. The adoption of a resolution pursuant to
27 this subsection shall require a majority vote of the members of the board.
28 The resolution shall be published at least once in a newspaper having
29 general circulation in the school district. The resolution shall be published
30 in substantial compliance with the following form:

31 Unified School District No. _____,
32 _____ County, Kansas.

33 RESOLUTION

34 Be It Resolved that:

35 The board of education of the above-named school district shall be
36 authorized to adopt a local option budget in each school year in an amount
37 not to exceed ____% of the amount of total foundation aid. The local
38 option budget authorized by this resolution may be adopted, unless a
39 petition in opposition to the same, signed by not less than 5% 10% of the
40 qualified electors of the school district, is filed with the county election
41 officer of the home county of the school district within 30 40 days after
42 publication of this resolution. If a petition is filed, the county election
43 officer shall submit the question of whether adoption of the local option

1 budget shall be authorized to the electors of the school district at an
2 election called for the purpose or at the next general election, as is
3 specified by the board of education of the school district.

4 CERTIFICATE

5 This is to certify that the above resolution was duly adopted by the
6 board of education of unified school district No. _____, _____ County,
7 Kansas, on the _____ day of _____, _____.

8 _____
9 Clerk of the board of education.

10 All of the blanks in the resolution shall be filled appropriately. If a
11 sufficient petition is not filed, the board may adopt a local option budget.
12 If a sufficient petition is filed, the board may notify the county election
13 officer of the date of an election to be held to submit the question of
14 whether adoption of a local option budget shall be authorized. Any such
15 election shall be noticed, called and held in the manner provided by K.S.A.
16 10-120, and amendments thereto. If the board fails to notify the county
17 election officer within 30 days after a sufficient petition is filed, the
18 resolution shall be deemed abandoned and no like resolution shall be
19 adopted by the board within the nine months following publication of the
20 resolution.

21 (d) Unless specifically stated otherwise in the resolution, the authority
22 to adopt a local option budget shall be continuous and permanent. The
23 board of any school district that is authorized to adopt a local option
24 budget may choose not to adopt such a budget or may adopt a budget in an
25 amount less than the amount authorized. If the board of any school district
26 whose authority to adopt a local option budget is not continuous and
27 permanent refrains from adopting a local option budget, the authority of
28 such school district to adopt a local option budget shall not be extended by
29 such refrainment beyond the period specified in the resolution authorizing
30 adoption of such budget.

31 (e) The board of any school district may initiate procedures to renew
32 or increase the authority to adopt a local option budget at any time during
33 a school year after the tax levied pursuant to K.S.A. 2017 Supp. 72-5147,
34 and amendments thereto, is certified to the county clerk under any existing
35 authorization.

36 (f) (1) *Except as provided in paragraph (2)*, the board of any school
37 district authorized to adopt a local option budget prior to July 1, 2017,
38 under a resolution that authorized the adoption of such budget in
39 accordance with the provisions of K.S.A. 2017 Supp. 72-6471, prior to ~~its~~
40 ~~expiration~~ July 1, 2017, may continue to operate under such resolution for
41 the period of time specified in the resolution or may abandon the
42 resolution and operate under the provisions of this section. Any such
43 school district shall operate under the provisions of this section after the

1 period of time specified in any previously adopted resolution has expired.

2 (2) *Any resolution adopted prior to July 1, 2017, pursuant to K.S.A.*
 3 *72-6433(e)(2), prior to its repeal, that authorized the adoption of a local*
 4 *option budget and that was not subsequently submitted to and approved by*
 5 *a majority of the qualified electors of the school district voting at an*
 6 *election called and held thereon shall expire on June 30, 2018, and shall*
 7 *have no force and effect during school year 2018-2019 or any subsequent*
 8 *school year.*

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

15 (h) *The board of any school district that desires to increase its local*
 16 *option budget authority for the immediately succeeding school year shall*
 17 *submit written notice of such intent to the state board by April 1 of the*
 18 *current school year.*

19 ~~(h)~~ (i) (1) There is hereby established in each school district that
 20 adopts a local option budget a supplemental general fund, which shall
 21 consist of all amounts deposited therein or credited thereto according to
 22 law.

23 (2) Subject to the limitations imposed under subsection ~~(h)(3)~~ (i)(3),
 24 amounts in the supplemental general fund may be expended for any
 25 purpose for which expenditures from the general fund are authorized or
 26 may be transferred to any categorical fund of the school district. Amounts
 27 in the supplemental general fund attributable to any percentage over 25%
 28 of total foundation aid determined for the current school year may be
 29 transferred to the capital improvements fund of the school district and the
 30 capital outlay fund of the school district if such transfers are specified in
 31 the resolution authorizing the adoption of a local option budget in excess
 32 of 25%.

33 (3) Amounts in the supplemental general fund may not be expended
 34 for the purpose of making payments under any lease-purchase agreement
 35 involving the acquisition of land or buildings that is entered into pursuant
 36 to the provisions of K.S.A. 2017 Supp. 72-1149, and amendments thereto.

37 (4) (A) Except as provided in subsection ~~(h)(4)(B)~~ (i)(4)(B), any
 38 unexpended moneys remaining in the supplemental general fund of a
 39 school district at the conclusion of any school year in which a local option
 40 budget is adopted shall be maintained in such fund.

41 (B) If the school district received supplemental state aid in the school
 42 year, the state board shall determine the ratio of the amount of
 43 supplemental general state aid received to the amount of the local option

1 budget of the school district for the school year and multiply the total
 2 amount of the unexpended moneys remaining by such ratio. An amount
 3 equal to the amount of the product shall be transferred to the general fund
 4 of the school district or remitted to the state treasurer in accordance with
 5 the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt
 6 of any such remittance, the state treasurer shall deposit the same in the
 7 state treasury to the credit of the state school district finance fund.

8 ~~(i)~~ (j) Each year, the state board shall determine the statewide average
 9 percentage of local option budgets legally adopted by school districts for
 10 the preceding school year.

11 ~~(j)~~ (k) The provisions of this section shall be subject to the provisions
 12 of K.S.A. 2017 Supp. 72-5144, and amendments thereto.

13 ~~(k)~~ (l) As used in this section:

14 (1) "Authorized to adopt a local option budget" means that a school
 15 district has adopted a resolution pursuant to subsection (c).

16 (2) "State prescribed percentage" means 33% of the total foundation
 17 aid of the school district in the current school year.

18 (3) "Total foundation aid" means the same as such term is defined in
 19 K.S.A. 2017 Supp. 72-5132, and amendments thereto.

20 Sec. 4. K.S.A. 2017 Supp. 72-5145 is hereby amended to read as
 21 follows: 72-5145. (a) In each school year, each school district that has
 22 adopted a local option budget is eligible to receive supplemental state aid.
 23 Except as provided by K.S.A. 2017 Supp. 72-5146, and amendments
 24 thereto, supplemental state aid shall be determined by the state board as
 25 provided in subsection (b).

26 (b) The state board shall:

27 ~~(1) (A) For school year 2017-2018, determine the amount of the~~
 28 ~~assessed valuation per student in the preceding school year of each school~~
 29 ~~district; and~~

30 ~~(B) for school year 2018-2019 and each school year thereafter,~~
 31 Determine the average assessed valuation per student of each school
 32 district by adding the assessed valuation per student for each of the three
 33 immediately preceding school years and dividing the resulting sum by
 34 three;

35 (2) rank the school districts from low to high on the basis of the
 36 amounts of assessed valuation per student determined under subsection (b)
 37 (1);

38 (3) identify the amount of the assessed valuation per student located
 39 at the 81.2 percentile of the amounts ranked under subsection (b)(2);

40 (4) divide the assessed valuation per student of the school district as
 41 determined under subsection (b)(1) by the amount identified under
 42 subsection (b)(3); and

43 (5) (A) if the quotient obtained under subsection (b)(4) equals or

1 exceeds one, the school district shall not receive supplemental state aid; or
 2 (B) if the quotient obtained under subsection (b)(4) is less than one,
 3 subtract the quotient obtained under subsection (b)(4) from one, and
 4 multiply the difference by the amount of the local option budget of the
 5 school district ~~for the immediately preceding school year~~. The resulting
 6 product is the amount of supplemental state aid the school district is to
 7 receive for the school year.

8 (c) Payments of supplemental state aid shall be distributed to school
 9 districts on the dates prescribed by the state board. The state board shall
 10 certify to the director of accounts and reports the amount due each school
 11 district, and the director of accounts and reports shall draw a warrant on
 12 the state treasurer payable to the treasurer of the school district. Upon
 13 receipt of the warrant, the treasurer of the school district shall credit the
 14 amount thereof to the supplemental general fund of the school district to
 15 be used for the purposes of such fund.

16 (d) For the purposes of determining the total amount of state moneys
 17 paid to school districts, all moneys appropriated as supplemental state aid
 18 shall be deemed to be state moneys for educational and support services
 19 for school districts.

20 Sec. 5. K.S.A. 2017 Supp. 72-5148 is hereby amended to read as
 21 follows: 72-5148. (a) The transportation weighting of each school district
 22 shall be determined by the state board as follows:

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

26 (2) determine the sum of: (A) The number of students who were
 27 included in the enrollment of the school district in the preceding school
 28 year who resided less than 2½ miles by the usually traveled road from the
 29 school building such students attended and for whom transportation was
 30 made available by the school district; and (B) the number of nonresident
 31 students who were included in the enrollment of the school district for the
 32 preceding school year and for whom transportation was made available by
 33 the school district;

34 (3) determine the number of students who were included in the
 35 enrollment of the district in the preceding school year who resided 2½
 36 miles or more by the usually traveled road from the school building such
 37 students attended and for whom transportation was made available by the
 38 school district;

39 (4) multiply the number of students determined under subsection (a)
 40 (3) by 2.8;

41 (5) divide the amount determined under subsection (a)(2) by the
 42 product obtained under subsection (a)(4);

43 (6) add one to the quotient obtained under subsection (a)(5);

1 (7) multiply the sum obtained under subsection (a)(6) by the amount
2 determined under subsection (a)(3);

3 (8) divide the amount determined under subsection (a)(1) by the
4 product obtained under subsection (a)(7). The resulting quotient is the per-
5 student cost of transportation;

6 (9) on a density-cost graph, plot the per-student cost of transportation
7 for each school district;

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

9 (11) *adjust the curve of best fit as follows:*

10 (A) *Identify the 10 school districts on the density-cost graph with the*
11 *highest indices of density;*

12 (B) *determine the median per-student cost of transportation for those*
13 *10 school districts, excluding the highest per-student cost of*
14 *transportation and the lowest per-student cost of transportation for the*
15 *school districts identified under subsection (a)(11)(A); and*

16 (C) *beginning at the point on the curve of best fit that corresponds to*
17 *the median per-student cost of transportation determined under subsection*
18 *(a)(11)(B), the curve of best fit shall be adjusted such that it presents a*
19 *horizontal line with a value on the vertical axis equal to such median per-*
20 *student cost of transportation;*

21 ~~(11)~~ (12) locate the index of density for the school district on the base
22 line of the density-cost graph and from the point on the *adjusted* curve of
23 best fit directly above this point of index of density follow a line parallel to
24 the base line to the point of intersection with the vertical line, which point
25 is the formula per-student cost of transportation of the school district;

26 ~~(12)~~ (13) divide the formula per-student cost of transportation of the
27 school district by the BASE aid; and

28 ~~(13)~~ (14) multiply the quotient obtained under subsection ~~(a)(12)~~ (a)
29 (13) by the number of students who are included in the enrollment of the
30 school district, are residing $2\frac{1}{2}$ miles or more by the usually traveled road
31 to the school building they attend, and for whom transportation is being
32 made available by, and at the expense of, the district.

33 (b) (1) For school years 2017-2018 through 2020-2021, the
34 transportation weighting of the school district shall be either the product
35 determined under subsection ~~(a)(13)~~ (a)(14), or that portion of such school
36 district's general state aid for school year 2016-2017 that was attributable
37 to the school district's transportation weighting, whichever is greater.

38 (2) For school year 2021-2022, and each school year thereafter, the
39 transportation weighting of the school district shall be the product
40 determined under subsection ~~(a)(13)~~ (a)(14).

41 (c) For the purpose of providing accurate and reliable data on student
42 transportation, the state board is authorized to adopt rules and regulations
43 prescribing procedures that school districts shall follow in reporting

1 pertinent information, including uniform reporting of expenditures for
2 transportation.

3 (d) As used in this section:

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

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

13 (3) "Index of density" means the number of students who are
14 included in the enrollment of a school district in the current school year,
15 are residing the designated distance or more by the usually traveled road
16 from the school building they attend, and for whom transportation is being
17 made available on regular school routes by the school district, divided by
18 the number of square miles of territory in the school district.

19 Sec. 6. K.S.A. 2017 Supp. 72-5149 is hereby amended to read as
20 follows: 72-5149. (a) The low enrollment weighting of each school district
21 shall be determined by the state board as follows:

22 (1) For school districts with an enrollment of fewer than 100 students,
23 multiply the enrollment of the school district by 1.014331. The resulting
24 product is the low enrollment weighting of the school district;

25 (2) for school districts with an enrollment of at least 100 students, but
26 fewer than 300 students:

27 (A) Subtract 100 from the enrollment of the school district;

28 (B) multiply the difference obtained under subsection (a)(2)(A) by
29 9.655;

30 (C) subtract the product obtained under subsection (a)(2)(B) from
31 7,337;

32 (D) divide the difference obtained under subsection (a)(2)(C) by
33 3,642.4;

34 (E) subtract one from the quotient obtained under subsection (a)(2)
35 (D); and

36 (F) multiply the difference obtained under subsection (a)(2)(E) by the
37 enrollment of the school district. The resulting product is the low
38 enrollment weighting of the school district;

39 (3) for school districts with an enrollment of at least 300 students, but
40 fewer than 1,622 students:

41 (A) Subtract 300 from the enrollment of the school district;

42 (B) multiply the difference obtained under subsection (a)(3)(A) by
43 1.2375;

1 (C) subtract the product obtained under subsection (a)(3)(B) from
 2 5,406;

3 (D) divide the difference obtained under subsection (a)(3)(C) by
 4 3,642.4;

5 (E) subtract one from the quotient obtained under subsection ~~(c)(D)~~
 6 ~~(a)(3)(D)~~; and

7 (F) multiply the difference obtained under subsection (a)(3)(E) by the
 8 enrollment of the school district. The resulting product is the low
 9 enrollment weighting of the school district.

10 (b) For school districts with an enrollment of at least 1,622 students,
 11 multiply the enrollment of the school district by 0.03504. The resulting
 12 product is the high enrollment weighting of the school district.

13 Sec. 7. K.S.A. 2017 Supp. 72-5150 is hereby amended to read as
 14 follows: 72-5150. The bilingual weighting of each school district shall be
 15 determined by the state board as follows:

16 (a) Determine the full-time equivalent enrollment in approved
 17 programs of bilingual education ~~during the preceding school year~~ and
 18 multiply such enrollment by 0.395;

19 (b) determine the number of students enrolled in approved programs
 20 of bilingual education ~~during the preceding school year~~ and multiply such
 21 enrollment by 0.185; and

22 (c) the bilingual weighting shall be either the amount determined
 23 under subsection (a) or (b), whichever is greater.

24 Sec. 8. K.S.A. 2017 Supp. 72-5151 is hereby amended to read as
 25 follows: 72-5151. (a) The at-risk student weighting of each school district
 26 shall be determined by the state board as follows:

27 (1) Determine the number of at-risk students included in the
 28 enrollment of the school district; and

29 ~~(2) for a school district with an enrollment that consists of 10% or~~
 30 ~~more at-risk students, multiply the number determined under subsection~~
 31 (a)(1) by 0.484. The resulting sum is the at-risk student weighting of the
 32 school district; ~~or~~

33 ~~(3) for a school district with an enrollment that consists of less than~~
 34 ~~10% at-risk students, multiply the number of students equal to 10% of~~
 35 ~~such school district's enrollment by 0.484. The resulting sum is the at-risk~~
 36 ~~student weighting of the school district. A school district whose at-risk~~
 37 ~~student weighting is determined pursuant to this paragraph shall submit a~~
 38 ~~report to the state board in such form and manner as required by the state~~
 39 ~~board that identifies those students enrolled in such school district who are~~
 40 ~~receiving at-risk program services and the criteria each such student~~
 41 ~~satisfies in order to receive at-risk program services. The state board shall~~
 42 ~~adopt rules and regulations that establish the criteria for eligibility for at-~~
 43 ~~risk program services. The provisions of this paragraph shall only apply to~~

1 ~~those school districts that offer instruction in kindergarten and grades one~~
2 ~~through 12.~~

3 (b) Except as provided in subsection (b)(4), the high-density at-risk
4 student weighting of each school district shall be determined by the state
5 board as follows:

6 (1) (A) If the enrollment of the school district is at least 35% at-risk
7 students, but less than 50% at-risk students:

8 (i) Subtract 35% from the percentage of at-risk students included in
9 the enrollment of the school district;

10 (ii) multiply the difference determined under subsection (b)(1)(A)(i)
11 by 0.7; and

12 (iii) multiply the product determined under subsection (b)(1)(A)(ii)
13 by the number of at-risk students included in the enrollment of the school
14 district; or

15 (B) if the enrollment of the school district is 50% or more at-risk
16 students, multiply the number of at-risk students included in the
17 enrollment of the school district by 0.105; or

18 (2) (A) if the enrollment of a school in the school district is at least
19 35% at-risk students, but less than 50% at-risk students:

20 (i) Subtract 35% from the percentage of at-risk students included in
21 the enrollment of such school;

22 (ii) multiply the difference determined under subsection (b)(2)(A)(i)
23 by 0.7; and

24 (iii) multiply the product determined under subsection (b)(2)(A)(ii)
25 by the number of at-risk students included in the enrollment of such
26 school; or

27 (B) if the enrollment of a school in the school district is 50% or more
28 at-risk students, multiply the number of at-risk students included in the
29 enrollment of such school by 0.105; and

30 (C) add the products determined under subsections (b)(2)(A)(iii) and
31 (b)(2)(B) for each such school in the school district, respectively.

32 (3) The high-density at-risk weighting of the school district shall be
33 the greater of the product determined under subsection (b)(1) or the sum
34 determined under subsection (b)(2)(C).

35 (4) Commencing in school year 2018-2019, school districts that
36 qualify to receive the high-density at-risk weighting pursuant to this
37 section shall spend any money attributable to the school district's high-
38 density at-risk weighting on the at-risk best practices developed by the
39 state board pursuant to K.S.A. 2017 Supp. 72-5153(d), and amendments
40 thereto. If a school district that qualifies for the high-density at-risk
41 weighting does not spend such money on such best practices, the state
42 board shall notify the school district that it shall either spend such money
43 on such best practices or shall show improvement within five years of

1 notification. Improvement shall include, but not be limited to, the
2 following: (A) The percentage of students at grade level on state math and
3 English language arts assessments; (B) the percentage of students that are
4 college and career ready on state math and English language arts
5 assessments; (C) the average composite ACT score; or (D) the four-year
6 graduation rate. If a school district does not spend such money on such
7 best practices and does not show improvement within five years, the
8 school district shall not qualify to receive the high-density at-risk
9 weighting in the succeeding school year.

10 (5) The provisions of this subsection shall expire on July 1, 2019.

11 Sec. 9. K.S.A. 2017 Supp. 72-5155 is hereby amended to read as
12 follows: 72-5155. (a) The career technical education weighting of each
13 school district shall be determined by the state board by multiplying the
14 full-time equivalent enrollment in approved career technical education
15 programs during the preceding school year by 0.5. The resulting product is
16 the career technical education weighting of the school district.

17 (b) The provisions of this section shall expire on July 1, 2019.

18 Sec. 10. K.S.A. 2017 Supp. 72-53,113 is hereby amended to read as
19 follows: 72-53,113. (a) The board of education of any school district may
20 make an annual tax levy at a mill rate not to exceed the statutorily
21 prescribed mill rate upon the taxable tangible property in the school
22 district for the purposes specified in this act and, with respect to any
23 redevelopment district established prior to July 1, 2017, pursuant to K.S.A.
24 12-1771, and amendments thereto, for the purpose of paying a portion of
25 the principal and interest on bonds issued by cities under the authority of
26 K.S.A. 12-1774, and amendments thereto, for the financing of
27 redevelopment projects upon property located within the school district.
28 No levy shall be made under this act until a resolution is adopted by the
29 board of education in the following form:

30 Unified School District No. _____,
31 _____ County, Kansas.

32 RESOLUTION

33 Be It Resolved that:

34 The above-named school board shall be authorized to make an annual
35 tax levy in an amount not to exceed _____ mills upon the taxable tangible
36 property in the school district for the purpose of acquisition, construction,
37 reconstruction, repair, remodeling, additions to, furnishing, maintaining
38 and equipping of school district property and equipment necessary for
39 school district purposes, including: (1) Computer software; (2)
40 performance uniforms; (3) housing and boarding pupils enrolled in an area
41 vocational school operated under the board; (4) architectural expenses; (5)
42 building sites; (6) undertaking and maintenance of asbestos control
43 projects; (7) school buses; and (8) utility expenses; (9) property and

1 ~~casualty insurance; and (10)~~ other fixed assets, and with respect to any
 2 redevelopment district established prior to July 1, 2017, pursuant to K.S.A.
 3 12-1771, and amendments thereto, for the purpose of paying a portion of
 4 the principal and interest on bonds issued by cities under the authority of
 5 K.S.A. 12-1774, and amendments thereto, for the financing of
 6 redevelopment projects upon property located within the school district.
 7 The tax levy authorized by this resolution may be made, unless a petition
 8 in opposition to the same, signed by not less than 10% of the qualified
 9 electors of the school district, is filed with the county election officer of
 10 the home county of the school district within 40 calendar days after the last
 11 publication of this resolution. In the event a petition is filed, the county
 12 election officer shall submit the question of whether the tax levy shall be
 13 authorized to the electors in the school district at an election called for that
 14 purpose or at the next general election, as is specified by the board of
 15 education of the above school district.

16 CERTIFICATE

17 This is to certify that the above resolution was duly adopted by the
 18 board of education of Unified School District No. _____,
 19 County, Kansas, on the ____ day of _____, ____.

20 _____
 21 Clerk of the board of education.

22 All of the blanks in the above resolution shall be appropriately filled.
 23 The blank preceding the word "mills" shall be filled with a specific
 24 number. The resolution shall be published once a week for two consecutive
 25 weeks in a newspaper having general circulation in the school district. If
 26 no petition as specified above is filed in accordance with the provisions of
 27 the resolution, the board of education may make the tax levy specified in
 28 the resolution. If a petition is filed as provided in the resolution, the board
 29 of education may notify the county election officer of the date of an
 30 election to be held to submit the question of whether the tax levy shall be
 31 authorized. If the board of education fails to notify the county election
 32 officer within 60 calendar days after a petition is filed, the resolution shall
 33 be deemed abandoned and no like resolution shall be adopted by the board
 34 of education within the nine months following the first publication of the
 35 resolution.

36 (b) As used in this act:

37 (1) "Unconditionally authorized to make a capital outlay tax levy"
 38 means that the school district has adopted a resolution under this section,
 39 has published the same, and either that the resolution was not protested or
 40 that it was protested and an election has been held by which the tax levy
 41 specified in the resolution was approved;

42 (2) "statutorily prescribed mill rate" means: (A) Eight mills; (B) the
 43 mill levy rate in excess of eight mills if the resolution fixing such rate was

1 approved at an election prior to the effective date of this act; or (C) the
2 mill levy rate in excess of eight mills if no petition or no sufficient petition
3 was filed in protest to a resolution fixing such rate in excess of eight mills
4 and the protest period for filing such petition has expired;

5 (3) "asbestos control project" means any activity which is necessary
6 or incidental to the control of asbestos-containing material in buildings of
7 school districts and includes, but not by way of limitation, any activity
8 undertaken for the removal or encapsulation of asbestos-containing
9 material, for any remodeling, renovation, replacement, rehabilitation or
10 other restoration necessitated by such removal or encapsulation, for
11 conducting inspections, reinspections and periodic surveillance of
12 buildings, performing response actions, and developing, implementing and
13 updating operations and maintenance programs and management plans;

14 (4) "asbestos" means the asbestiform varieties of chrysotile
15 (serpentine), crocidolite (riebeckite), amosite (cummingtonitegrunerite),
16 anthophyllite, tremolite, and actinolite; and

17 (5) "asbestos-containing material" means any material or product
18 which contains more than 1% asbestos.

19 Sec. 11. K.S.A. 2017 Supp. 72-53,116 is hereby amended to read as
20 follows: 72-53,116. (a) Any moneys in the capital outlay fund of any
21 school district and any moneys received from issuance of bonds under
22 K.S.A. 2017 Supp. 72-53,117 or 72-53,122, and amendments thereto, may
23 be used for the purpose of the acquisition, construction, reconstruction,
24 repair, remodeling, additions to, furnishing, maintaining and equipping of
25 school district property and equipment necessary for school district
26 purposes, including: (1) Computer software; (2) performance uniforms; (3)
27 housing and boarding pupils enrolled in an area vocational school operated
28 under the board of education; (4) architectural expenses; (5) building sites;
29 (6) undertaking and maintenance of asbestos control projects; (7) school
30 buses; *and* (8) utility expenses; ~~(9) property and casualty insurance; and~~
31 ~~(10) other fixed assets.~~

32 (b) The board of education of any school district is hereby authorized
33 to invest any portion of the capital outlay fund of the school district which
34 is not currently needed in investments authorized by K.S.A. 12-1675, and
35 amendments thereto, in the manner prescribed therein, or may invest the
36 same in direct obligations of the United States government maturing or
37 redeemable at par and accrued interest within three years from date of
38 purchase, the principal and interest whereof is guaranteed by the
39 government of the United States. All interest received on any such
40 investment shall upon receipt thereof be credited to the capital outlay fund.

41 Sec. 12. K.S.A. 2017 Supp. 72-1171, 72-5132, 72-5133, 72-5143, 72-
42 5145, 72-5148, 72-5149, 72-5150, 72-5151, 72-5155, 72-53,113, 72-
43 53,116, 72-6463, 72-6464, 72-6465, 72-6466, 72-6467, 72-6468, 72-6469,

1 72-6470, 72-6471, 72-6472, 72-6473, 72-6474, 72-6475, 72-6477, 72-
2 6478, 72-6479, 72-6480 and 72-6481 are hereby repealed.

3 Sec. 13. This act shall take effect and be in force from and after its
4 publication in the statute book.