

HOUSE BILL No. 2445

By Representative Rooker

1-5

Proposed Amendments to
House Bill No. 2445 # 15
K-12 Education Budget Committee
Prepared by: Jason Long
Office of Revisor of Statutes

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.

72-5170, 72-5171,

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

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

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

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

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

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

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

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~~

Insert Attachment A

And by redesignating sections accordingly

1 ~~essentially in arrears~~ and (19) 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.

CERTIFICATE

16
 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,~~

72-5170, 72-5171,

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.

Sec. 10. K.S.A. 2017 Supp. 72-5170 is hereby amended to read as follows: 72-5170. (a) (1) In order to accomplish the mission for Kansas education, the state board shall design and adopt a school district accreditation system based upon improvement in performance that equals or exceeds the educational goal set forth in K.S.A. 2017 Supp. 72-3218(c), and amendments thereto, and is measurable. The state board shall hold all school districts accountable to the Kansas can outcomes, or any successor outcomes established by the state board, through the Kansas education systems accreditation rules and regulations, or any successor accreditation system adopted by the state board. The state board shall establish rigorous accreditation measures in the areas of social emotional learning, kindergarten readiness, individual plans of study, graduation and postsecondary success. The state board also shall ensure that all school districts and the public schools operated by such districts have programs and initiatives in place for providing those educational capacities set forth in K.S.A. 2017 Supp. 72-3218(c), and amendments thereto. On or before January 15, 2018, and each January 15 thereafter, the state board shall prepare and submit a report on the school district accreditation system to the governor and the legislature.

(2) The accountability measures established pursuant to paragraph (1) shall be applied both at the district level and at the school level. Such accountability measures shall be reported by the state board for each school district and each school by publication on the internet website of the state department of education. Each school district also shall report such accountability measures for such school district and each school operated by such district by publication on such school district's internet website.

(3) If a school district is not fully accredited and a corrective action plan is required by the state board, such corrective action plan, and any subsequent reports prepared by the state board regarding the progress of such school district in implementing and executing such corrective action plan, shall be published on the state department of education's internet website and such school district's internet website.

(4) If a school district is not fully accredited, the superintendent, or the superintendent's designee, shall appear before the committee on education of the house of representatives and the committee on education of the senate during the regular legislative session that occurs during the same school year in which such school district is not fully accredited. Such school district shall provide a report to such committees on the challenges and obstacles that are preventing such school district from becoming fully accredited.

(b) The state board shall establish curriculum standards that reflect high academic standards for the core academic areas of mathematics, science, reading, writing and social studies. The curriculum standards shall be reviewed at least every seven years. Nothing in this subsection shall be construed in any manner so as to impinge upon any school district's authority to determine its own curriculum.

(c) The state board shall provide for statewide assessments in the core academic areas of mathematics, science, reading, writing and social studies. The board shall ensure compatibility between the statewide assessments and the curriculum standards established pursuant to subsection (b). Such assessments shall be administered at three grade levels, as determined by the state board. The state board shall determine performance levels on the statewide assessments, the achievement of which represents high academic standards in the academic area at the grade level to which the assessment applies. The state board should specify high academic standards both for individual performance and school performance on the assessments.

(d) Each school year, on such date as specified by the state board, each school district shall submit the Kansas education system accreditation report to the state board in such form and manner as prescribed by the state board.

(e) Whenever the state board determines that a school district has failed either to meet the accreditation requirements established by rules and regulations or standards adopted by the state board or provide curriculum based on state standards and courses required by state law, the state board shall so notify the school district. Such notice shall specify the accreditation requirements that the school district has failed to meet and the curriculum that it has failed to provide. Upon receipt of such notice, the board of education of such school district is encouraged to reallocate the resources of the school district to remedy all deficiencies identified by the state board.

(f) Each school in every school district shall establish a school site council composed of the principal and representatives of teachers and other school personnel, parents of students attending the school, the business community and other community groups. School site councils shall be responsible for providing advice and counsel in evaluating state, school district, and school site performance goals and objectives and in determining the methods that should be employed at the school site to meet these goals and objectives. Site councils may make recommendations and proposals to the school board regarding budgetary items and school district matters, including, but not limited to, identifying and implementing the best practices for developing efficient and effective administrative and management functions. Site councils also may help school boards analyze the unique environment of schools, enhance the efficiency and maximize limited resources, including outsourcing arrangements and cooperative opportunities as a means to address limited budgets.

- Sec. 11. K.S.A. 2017 Supp. 72-5171 is hereby amended to read as follows: 72-5171. (a) On or before January 15 of each year, the state department of education shall prepare and submit reports on school district funding for each school district to the governor and the legislature.
- (b) Each report shall contain the information described in subsection (c) for the school district in terms of actual dollar amounts for the second and immediately preceding school years and budgeted dollar amounts for the current school year.
- (c) Each report shall contain the following information for the school district:
- (1) Full-time equivalent enrollment;
 - (2) demographic information, including, but not limited to, gender, race, ethnicity, students who are economically disadvantaged, migrants, English language learners and students with disabilities;
 - (3) total general and supplemental general funds, including a showing of funding provided by federal sources, state sources and local sources, and total funds per student;
 - (4) total capital outlay funds, including a showing of such funding provided by federal sources, state sources and local sources, and capital outlay funds per student;
 - (5) total bond and interest funds, including a showing of such funding provided by federal sources, state sources and local sources, and bond and interest funds per student;
 - (6) total of all other funds not described in paragraphs (3), (4) and (5), excluding fund transfers, including a showing of such funding provided by federal sources, state sources and local sources, and total funds per student;
 - (7) total funds per student of all funds described in paragraphs (3) through (6);
 - (8) general fund moneys attributable to the following:
 - (A) BASE aid;
 - (B) high enrollment weighting;
 - (C) low enrollment weighting;
 - (D) school facilities weighting;
 - (E) transportation weighting;
 - (F) at-risk student weighting;
 - (G) preschool-aged at-risk student weighting;
 - (H) high-density at-risk student weighting;
 - (I) career technical education weighting;
 - (J) special education and related services weighting;
 - (K) bilingual weighting;
 - (L) ancillary school facilities weighting;
 - (M) cost-of-living weighting;
 - (N) declining enrollment weighting; and
 - (O) virtual school state aid;
 - (9) total expenditures on the following:
 - (A) At-risk education programs and services;
 - (B) preschool-aged at-risk education programs and services;
 - (C) bilingual education programs and services;
 - (D) career and technical education programs and services;
 - (E) special education and related services; and
 - (F) virtual school programs and services; and
 - (10) total expenditures from the special retirement contributions fund; and
 - (11) expenditures and fund transfers from the supplemental general fund for those programs and services set forth in paragraph (9) and any other accounting category for which there is an expenditure or transfer from such fund.
- (d) The state board shall provide uniform guidelines for what constitutes total expenditures for the programs and services listed under subsection (c)(9).

