

Corrected
{As Amended by Senate Committee of the Whole}

Session of 2014

Senate Substitute for HOUSE BILL No. 2506

By Committee on Ways and Means

4-2

1 AN ACT concerning education; relating to postsecondary education;
2 enacting the SUCCESS act; creating the Johnson county community
3 college go pro now program; relating to real property of certain state
4 universities; relating to school districts; relating to the provision for
5 school finance; relating to teacher licensure *{and administrative due*
6 *process}*; enacting the education fairness property tax relief act;
7 creating the K-12 school finance study commission; *{enacting the*
8 *corporate education tax credit scholarship program act;}* making and
9 concerning appropriations for fiscal years ending June 30, 2014, June
10 30, 2015, and June 30, 2016, for certain state agencies; amending
11 K.S.A. 71-204, 71-617, *{72-1412, 72-5439, 72-5446,}* 72-6411, 72-
12 6415 and 72-8809 and K.S.A. 2013 Supp. 72-3712, 72-3714, 72-3715,
13 72-3716, *{72-5436, 72-5437, 72-5438, 72-5445,}* 72-6407, 72-6415b,
14 72-6433, 72-6433d, 72-6441, 72-6455-~~and~~*},* 72-6460 *{and 79-32,138}*
15 and repealing the existing sections; also repealing K.S.A. 72-60b03 and
16 K.S.A. 2013 Supp. 72-6454.

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

19

Section 1.

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KANSAS DEPARTMENT FOR CHILDREN AND FAMILIES

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(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

1 have an adaptive, interactive and simultaneous reading/assessment portion:
 2 *And provided further*, That the program shall be an online-delivered,
 3 interactive reading assessment and research-based intervention program
 4 for use both at school and at home: *And provided further*, That the program
 5 shall provide immediate reporting to the teacher and provide
 6 recommendations regarding the student's instruction and if necessary, the
 7 student's intervention: *And provided further*, That the program shall
 8 provide immediate reporting to the teacher and supervisors, in both
 9 aggregate and uniquely identified form on the status of the student: *And*
 10 *provided further*; ~~the~~ *{That the}* provisions of the proviso for the Kansas
 11 reads to succeed account of the children's initiatives fund for fiscal year
 12 2015 requiring the children's cabinet to expend moneys from the Kansas
 13 reads to succeed account of the children's initiatives fund for fiscal year
 14 2015 to establish a pilot program for improved reading outcomes using the
 15 Lexia Reading Core5 program are hereby declared null and void and shall
 16 have no force and effect.

17 Sec. 2.

18 DEPARTMENT OF COMMERCE

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

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

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

34 Sec. 3.

35 DEPARTMENT OF EDUCATION

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

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

40 (b) There is appropriated for the above agency from the following
 41 special revenue fund or funds for the fiscal year ending June 30, 2014, all
 42 moneys now or hereafter lawfully credited to and available in such fund or
 43 funds, except that expenditures other than refunds authorized by law and

1 transfers to other state agencies shall not exceed the following:
2 State assessment fund.....No limit

3 (c) On the effective date of this act, of the \$328,245,211 appropriated
4 for the above agency for the fiscal year ending June 30, 2014, by section
5 143(a) of chapter 136 of the 2013 Session Laws of Kansas from the state
6 general fund in the KPERS – employer contributions account, the sum of
7 \$7,447,869 is hereby lapsed.

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

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

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

22 (g) The director of accounts and reports shall not make the transfer of
23 \$550,000 from the state safety fund of the department of education to the
24 state general fund which was directed to be made on March 30, 2014, by
25 section 143(e) of chapter 136 of the 2013 Session Laws of Kansas, and, on
26 the effective date of this act, the provisions of section 143(e) of chapter
27 136 of the 2013 Session Laws of Kansas are hereby declared to be null and
28 void and shall have no force and effect.

29 (h) The director of accounts and reports shall not make the transfer of
30 \$550,000 from the state safety fund of the department of education to the
31 state general fund which was directed to be made on June 30, 2014, by
32 section 143(f) of chapter 136 of the 2013 Session Laws of Kansas, and, on
33 the effective date of this act, the provisions of section 143(f) of chapter
34 136 of the 2013 Session Laws of Kansas are hereby declared to be null and
35 void and shall have no force and effect.

36 Sec. 4.

37 DEPARTMENT OF EDUCATION

38 (a) There is appropriated for the above agency from the state general
39 fund for the fiscal year ending June 30, 2015, the following:
40 Operating expenditures (including official hospitality).....\$47,500
41 *Provided*, That the above agency shall make expenditures from the
42 operating expenditures (including official hospitality) account during the
43 fiscal year 2015, in the amount not less than \$47,500 for the KIDS data

1 system of the department of education.

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

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

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

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

6 *Provided*, That the above agency shall make expenditures from the

7 information technology education opportunities account during the fiscal

8 year 2015, to provide information technology education opportunities to

9 high schools through a public-private partnership designed to secure

10 broad-based information technology certification: *Provided further*, That

11 the department of education shall utilize a request for proposals process for

12 contracts: *And provided further*, That such contract shall include the

13 following components: (1) A research-based curriculum; (2) online access

14 to the curriculum; (3) instructional software for classroom and student use;

15 (4) certification of skills and competencies in a broad base of information

16 technology-related skill areas; (5) professional development for teachers;

17 and (6) deployment and program support, including but not limited to

18 integration with current curriculum standards: *And provided further*, That

19 the department of education, in cooperation with the board of

20 regents, shall select schools for the information technology education

21 opportunities program through a statewide application process: *And*

22 *provided further*, That the department of education, in cooperation with the

23 state board of regents, shall select schools that represent a diverse cross-

24 section of Kansas schools to include: (A) Urban, suburban and rural

25 schools; (B) small, medium and large school districts; and (C) ethnic

26 diversity among schools.

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

28 (b) On July 1, 2014, of the \$1,875,932,270 appropriated for the above

29 agency for the fiscal year ending June 30, 2015, by section 144(a) of

30 chapter 136 of the 2013 Session Laws of Kansas from the state general

31 fund in the general state aid account, the sum of \$13,038,775 is hereby

32 lapsed.

33 (c) On July 1, 2014, of the \$363,284,462 appropriated for the above

34 agency for the fiscal year ending June 30, 2015, by section 144(a) of

35 chapter 136 of the 2013 Session Laws of Kansas from the state general

36 fund in the KPERS – employer contributions account, the sum of

37 \$4,582,820 is hereby lapsed.

38 (d) On July 1, 2014, the \$50,000 appropriated for the above agency

39 for the fiscal year ending June 30, 2015, by section 144(a) of chapter 136

40 of the 2013 Session Laws of Kansas from the state general fund in the

41 technical education promotion account, is hereby lapsed.

42 (e) On July 1, 2014, any unencumbered balance in the school district

43 juvenile detention facilities and Flint Hills job corps center grants account

1 in excess of \$100 as of June 30, 2014, is hereby reappropriated to the
 2 operating expenditures (including official hospitality) account of the above
 3 agency for fiscal year 2015: *Provided, however*, That expenditures from
 4 such reappropriated balance shall be expended to assist in funding the
 5 KIDS data system of the department of education: *Provided further*, That
 6 on July 1, 2014, the provisions of section 144(a) of chapter 136 of the
 7 2013 Session Laws of Kansas, reappropriating any unencumbered balance
 8 in the school district juvenile detention facilities and Flint Hills job corps
 9 center grants account in excess of \$100 as of June 30, 2014, for fiscal year
 10 2015 is hereby declared to be null and void and shall have no force and
 11 effect.

12 (f) On July 1, 2014, or as soon after as moneys are available,
 13 notwithstanding the provisions of K.S.A. 68-416, and amendments thereto,
 14 or any other statute, the director of accounts and reports shall transfer
 15 \$16,468,518 from the general state aid transportation weighting –
 16 state highway fund of the department of education to the state general
 17 fund.

18 (g) On July 1, 2014, the expenditure limitation established for the
 19 fiscal year ending June 30, 2015, by section 144(b) of chapter 136 of the
 20 2013 Session Laws of Kansas on the school district capital outlay state aid
 21 fund of the department of education is hereby increased from \$0 to no
 22 limit.

23 Sec. 5.

24 FORT HAYS STATE UNIVERSITY

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

27 Operating expenditures (including official hospitality).....\$1,024,913

28 (b) In addition to the other purposes for which expenditures may be
 29 made by Fort Hays state university from the moneys appropriated from the
 30 state general fund or from any special revenue fund or funds for fiscal year
 31 2015 authorized by chapter 136 of the 2013 Session Laws of Kansas, this
 32 act or other appropriation act of the 2014 regular session of the legislature,
 33 expenditures shall be made by Fort Hays state university from moneys
 34 appropriated from the state general fund or from any special revenue fund
 35 or funds for fiscal year 2015 to provide for the issuance of bonds by the
 36 Kansas development finance authority in accordance with K.S.A. 74-8905,
 37 and amendments thereto, for a capital improvement project for the Weist
 38 hall replacement project: *Provided*, That such capital improvement project
 39 is hereby approved for Fort Hays state university for the purpose of
 40 subsection (b) of K.S.A. 74-8405, and amendments thereto, and the
 41 authorization of the issuance of bonds by the Kansas development finance
 42 authority in accordance with that statute: *Provided further*, That Fort Hays
 43 state university may make expenditures from the money received from the

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

15 Sec. 6.

16 KANSAS STATE UNIVERSITY

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

19 Operating expenditures (including official hospitality).....\$949,829

20 Sec. 7.

21 KANSAS STATE UNIVERSITY

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

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

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

43 (b) There is appropriated for the above agency from the state general

1 fund for the fiscal year ending June 30, 2015, for the capital improvement
2 project or projects specified, the following:

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

4 (c) In addition to the other purposes for which expenditures may be
5 made by Kansas state university from the moneys appropriated from the
6 state general fund or from any special revenue fund or funds for fiscal year
7 2015 authorized by chapter 136 of the 2013 Session Laws of Kansas, this
8 act or other appropriation act of the 2014 regular session of the legislature,
9 expenditures shall be made by Kansas state university from moneys
10 appropriated from the state general fund or from any special revenue fund
11 or funds for fiscal year 2015 to provide for the issuance of bonds by the
12 Kansas development finance authority in accordance with K.S.A. 74-8905,
13 and amendments thereto, for a capital improvement project to expand the
14 chilled water plant: *Provided*, That such capital improvement project is
15 hereby approved for Kansas state university for the purpose of subsection
16 (b) of K.S.A. 74-8405, and amendments thereto, and the authorization of
17 the issuance of bonds by the Kansas development finance authority in
18 accordance with that statute: *Provided further*, That Kansas state university
19 may make expenditures from the money received from the issuance of any
20 such bonds for such capital improvement project: *Provided, however*, That
21 expenditures from the moneys received from the issuance of any such
22 bonds for such capital improvement project shall not exceed \$56,000,000,
23 plus all amounts required for costs of bonds issuance, costs of interest on
24 the bonds issued for such capital improvement project during the
25 construction of such project, credit enhancement costs and any required
26 reserves for payment of principal interest on the bonds: *And provided*
27 *further*, That all moneys received from the issuance of any such bonds
28 shall be deposited and accounted for as prescribed by applicable bond
29 covenants: *And provided further*, That debt service for any such bonds for
30 such capital improvement projects shall be financed by appropriations for
31 any appropriate special revenue fund or funds: *And provided further*, That
32 Kansas state university may make provisions for the maintenance of the
33 chilled water plant.

34 Sec. 8.

35 KANSAS STATE UNIVERSITY – EXTENSION SYSTEMS
36 AND AGRICULTURE RESEARCH PROGRAMS

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

39 Cooperative extension service (including official hospitality).....\$540,202

40 Agricultural experiment stations (including official hospitality)....\$960,360

41 Sec. 9.

42 KANSAS STATE UNIVERSITY – EXTENSION SYSTEMS
43 AND AGRICULTURE RESEARCH PROGRAMS

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

3 Cooperative extension service (including official hospitality).....\$491,177
4 Agricultural experiment stations (including official hospitality)....\$873,205

5 Sec. 10.

6 KANSAS STATE UNIVERSITY
7 VETERINARY MEDICAL CENTER

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

13 Sec. 11.

14 EMPORIA STATE UNIVERSITY

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

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

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

23 (c) In addition to the other purposes for which expenditures may be
24 made by Emporia state university from the reading recovery program
25 account for fiscal year 2014 as authorized by section 161(a) of chapter 136
26 of the 2013 Session Laws of Kansas, expenditures may be made by the
27 above agency from the reading recovery program account for fiscal year
28 2014 for official hospitality.

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

35 Sec. 12.

36 EMPORIA STATE UNIVERSITY

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

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

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

1 from the restricted fees fund for fiscal year 2015 for official hospitality.

2 (c) In addition to the other purposes for which expenditures may be
3 made by Emporia state university from the reading recovery program
4 account for fiscal year 2015 as authorized by section 162(a) of chapter 136
5 of the 2013 Session Laws of Kansas, expenditures may be made by the
6 above agency from the reading recovery program account for fiscal year
7 2015 for official hospitality.

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

14 Sec. 13.

15 PITTSBURG STATE UNIVERSITY

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

18 Operating expenditures (including official hospitality).....\$1,011,858

19 Sec. 14.

20 UNIVERSITY OF KANSAS

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

23 Operating expenditures (including official hospitality).....\$77,935

24 Sec. 15.

25 UNIVERSITY OF KANSAS

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

28 Operating expenditures (including official hospitality).....\$85,768

29 (b) In addition to the other purposes for which expenditures may be
30 made by the university of Kansas from the moneys appropriated from the
31 state general fund or from any special revenue fund or funds for fiscal year
32 2015 authorized by chapter 136 of the 2013 Session Laws of Kansas, this
33 act or other appropriation act of the 2014 regular session of the legislature,
34 expenditures shall be made by the university of Kansas from moneys
35 appropriated from the state general fund or from any special revenue fund
36 or funds for fiscal year 2015 to provide for the issuance of bonds by the
37 Kansas development finance authority in accordance with K.S.A. 74-8905,
38 and amendments thereto, for a capital improvement project for the earth
39 energy environment center: *Provided*, That such capital improvement
40 project is hereby approved for the university of Kansas for the purpose of
41 subsection (b) of K.S.A. 74-8405, and amendments thereto, and the
42 authorization of the issuance of bonds by the Kansas development finance
43 authority in accordance with that statute: *Provided further*, That the

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.

17 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.

22 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.

1 Rural health bridging.....\$70,000
 2 *Provided*, That expenditures from the rural health bridging account shall
 3 not be used to supplant or replace funds already budgeted for the rural
 4 health bridging program of the university of Kansas medical center.
 5 Midwest stem cell therapy center.....\$9,000

6 Sec. 18.

7 WICHITA STATE UNIVERSITY

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

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

11 Sec. 19.

12 WICHITA STATE UNIVERSITY

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

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

16 *Provided*, That, during fiscal year 2015, in addition to the other purposes
 17 for which expenditures may be made by the above agency from the
 18 operating expenditures (including official hospitality) account for fiscal
 19 year 2015 as authorized by chapter 136 of the 2013 Session Laws of
 20 Kansas, this act or other appropriation act of the 2014 regular session of
 21 the legislature, expenditures shall be made by the above agency from the
 22 operating expenditures (including official hospitality) account for fiscal
 23 year 2015 for aviation research: *Provided further*; That all amounts
 24 expended for aviation research from the operating expenditures (including
 25 official hospitality) account for fiscal year 2015 shall be matched by
 26 Wichita state university on a \$1 for \$1 basis from other moneys of Wichita
 27 state university for the aviation research for which the money is expended:
 28 *And provided further*; That Wichita state university shall submit a plan to
 29 the house committee on appropriations and the senate committee on ways
 30 and means as to how the aviation research activities create additional jobs
 31 for the state for fiscal year 2015: *And provided further*; That, such
 32 expenditures for aviation research shall be in an amount not less than
 33 \$5,000,000: *And provided further*; That, during fiscal year 2015, in
 34 addition to the other purposes for which expenditures may be made by the
 35 above agency from the operating expenditures (including official
 36 hospitality) account for fiscal year 2015 as authorized by chapter 136 of
 37 the 2013 Session Laws of Kansas, this act or other appropriation act of the
 38 2014 regular session of the legislature, expenditures shall be made by the
 39 above agency from the operating expenditures (including official
 40 hospitality) account for fiscal year 2015 for training and equipment
 41 expenditures of the national center for aviation training: *And provided*
 42 *further*; That, such expenditures for such training and equipment
 43 expenditures shall be in an amount not less than \$3,500,000.

1 (b) On July 1, 2014, of the \$2,981,537 appropriated for the above
2 agency for the fiscal year ending June 30, 2015, by section 170(c) of
3 chapter 136 of the 2013 Session Laws of Kansas from the state economic
4 development initiatives fund in the aviation infrastructure account, the sum
5 of \$2,981,537 is hereby lapsed.

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

9 Sec. 20.

10 STATE BOARD OF REGENTS

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

13 Tuition for technical education.....	\$9,250,000
14 Municipal university operating grant.....	\$169,698
15 Johnson county community college go pro now.....	\$500,000

16 *Provided*, That, during fiscal year 2014, notwithstanding the provisions of
17 any other statute, expenditures shall be made from the Johnson county
18 community college go pro now account of the state general fund for fiscal
19 year 2014 by the state board of regents to establish a pilot program called
20 the Johnson county community college go pro now program, that directly
21 benefits students and Kansas employers by helping students attain their
22 educational goals and employers meet their workforce needs: *Provided*
23 *further*, That development and implementation of the pilot program seeks
24 to provide high school students with a: (1) Two-year opportunity to receive
25 a high school diploma from the school district in which the student is
26 enrolled, and an associate degree from Johnson county community college,
27 in the relevant field that addresses employers' needs; or (2) accelerated,
28 four-year opportunity to receive a high school diploma from the school
29 district in which the student is enrolled, associate degree from Johnson
30 county community college, and bachelor's degree from a state educational
31 institution, as defined in K.S.A. 76-711, and amendments thereto, in the
32 relevant field that addresses employers' needs: *And provided further*, That
33 the objectives of the program are for students to graduate from the
34 program after achieving the competency objectives, identified
35 collaboratively by the employers and the educational institutions, with an
36 opportunity, upon successful performance, of a high-paying job in the
37 workplace and no program-related tuition debt, and the employer benefits
38 from hiring an employee already prepared to succeed in the respective
39 workplace who can be productive on the first day of the job: *And provided*
40 *further*, That the state board of regents, the administration of Johnson
41 county community college, the administration of the university of Kansas
42 Edwards campus, the administration of the Kansas state university Olathe
43 campus, the state board of education and any interested unified school

1 district shall collaborate to implement such program: *And provided further,*
 2 That the course of study for students admitted into such program shall be
 3 subject to the approval of the state board of education and shall be
 4 designed to meet the high school graduation requirements for such
 5 students: *And provided further,* That students admitted to the Johnson
 6 county community college go pro now program may be charged fees by
 7 Johnson county community college and the participating universities
 8 which are no higher than those fees regularly charged to high school,
 9 community college or university students, but shall not be charged tuition
 10 by Johnson county community college or a state educational institution:
 11 *And provided further,* That it is anticipated that for fiscal year 2016, the
 12 tuition for the students in this program shall be paid by the private sector
 13 employers: *And provided further,* That the state board of regents shall
 14 review the credit hours of course work in the program to determine
 15 compliance with K.S.A. 71-601, and amendments thereto: *And provided*
 16 *further,* That solely for the purpose of admission to the Johnson county
 17 community college go pro now program, a student shall not be required to
 18 comply with the requirements of K.S.A. 76-717, and amendments thereto.

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

24 Temporary assistance for needy families federal fund.....No limit
 25 Workforce data quality initiative.....No limit
 26 Sec. 21.

27 STATE BOARD OF REGENTS

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

30 Comprehensive grant program.....\$1,500,000

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

1 Tuition for technical education.....\$12,000,000
 2 *Provided*, That, notwithstanding the provisions of any other statute, in
 3 addition to the other purposes for which expenditures may be made by the
 4 above agency from the tuition for technical education account of the state
 5 general fund for fiscal year 2015, expenditures shall be made by the above
 6 agency from the tuition for technical education account of the state general
 7 fund for fiscal year 2015 for the payment of technical education tuition for
 8 adult students who are enrolled in technical education classes while
 9 obtaining a GED using the Accelerating Opportunity program: *Provided*
 10 *further*, That, such expenditures shall be in an amount not less than
 11 \$500,000.
 12 Postsecondary tiered technical education state aid.....\$900,752
 13 Non-tiered course credit hour grant.....\$1,194,020
 14 Municipal university operating grant.....\$169,698
 15 SUCCESS program.....\$5,300,000
 16 *Provided*, That, during fiscal year 2015, expenditures shall be made from
 17 the SUCCESS program account of the state general fund for fiscal year
 18 2015 by the state board of regents to fund the operating expenses for those
 19 community colleges selected as participants in the SUCCESS program
 20 pursuant to section 23, and amendments thereto, in such amounts as
 21 certified by the SUCCESS selection committee in accordance with section
 22 23, and amendments thereto: *Provided further*, That, during fiscal year
 23 2015, expenditures shall be made from the SUCCESS program account of
 24 the state general fund by the state board of regents to distribute moneys in
 25 such amounts and to such postsecondary educational institutions as
 26 certified by the SUCCESS selection committee in accordance with
 27 subsection (c)(2) of section 23, and amendments thereto: *And provided*
 28 *further*, That, during fiscal year 2015, expenditures shall be made from the
 29 SUCCESS program account of the state general fund to implement and
 30 administer the SUCCESS program: *And provided further*, That the board
 31 of trustees for such community colleges shall work in conjunction with the
 32 state board of regents, one or more four-year postsecondary educational
 33 institutions, one or more technical colleges, if a technical college is located
 34 within the same region as such community college, and one or more
 35 school districts to develop a detailed plan to provide educational programs
 36 that will integrate career technical education from the secondary education
 37 level through attainment of a postsecondary industry certification or
 38 advanced degree in accordance with the provisions of section 24, and
 39 amendments thereto.
 40 Johnson county community college go pro now.....\$1,500,000
 41 *Provided*, That any unencumbered balance in the Johnson county
 42 community college go pro now account in excess of \$100 as of June 30,
 43 2014, is hereby reappropriated for fiscal year 2015: *Provided further*, That,

1 during fiscal year 2015, notwithstanding the provisions of any other
2 statute, expenditures shall be made from the Johnson county community
3 college go pro now account of the state general fund for fiscal year 2015
4 by the state board of regents to establish a pilot program called the
5 Johnson county community college go pro now program, that directly
6 benefits students and Kansas employers by helping students attain their
7 educational goals and employers meet their workforce needs: *Provided*
8 *further*, That development and implementation of the pilot program seeks
9 to provide high school students with a: (1) Two-year opportunity to receive
10 a high school diploma from the school district in which the student is
11 enrolled, and an associate degree from Johnson county community college,
12 in the relevant field that addresses employers' needs; or (2) accelerated,
13 four-year opportunity to receive a high school diploma from the school
14 district in which the student is enrolled, associate degree from Johnson
15 county community college, and bachelor's degree from a state educational
16 institution, as defined in K.S.A. 76-711, and amendments thereto, in the
17 relevant field that addresses employers' needs: *And provided further*, That
18 the objectives of the program are for students to graduate from the
19 program after achieving the competency objectives, identified
20 collaboratively by the employers and the educational institutions, with an
21 opportunity, upon successful performance, of a high-paying job in the
22 workplace and no program-related tuition debt, and the employer benefits
23 from hiring an employee already prepared to succeed in the respective
24 workplace who can be productive on the first day of the job: *And provided*
25 *further*, That the state board of regents, the administration of Johnson
26 county community college, the administration of the university of Kansas
27 Edwards campus, the administration of the Kansas state university Olathe
28 campus, the state board of education and any interested unified school
29 district shall collaborate to implement such program: *And provided further*,
30 That the course of study for students admitted into such program shall be
31 subject to the approval of the state board of education and shall be
32 designed to meet the high school graduation requirements for such
33 students: *And provided further*, That students admitted to the Johnson
34 county community college go pro now program may be charged fees by
35 Johnson county community college and the participating universities
36 which are no higher than those fees regularly charged to high school,
37 community college or university students, but shall not be charged tuition
38 by Johnson county community college or a state educational institution:
39 *And provided further*, That it is anticipated that for fiscal year 2016, the
40 tuition for the students in this program shall be paid by the private sector
41 employers: *And provided further*, That the state board of regents shall
42 review the credit hours of course work in the program to determine
43 compliance with K.S.A. 71-601, and amendments thereto: *And provided*

1 *further*; That solely for the purpose of admission to the Johnson county
2 community college go pro now program, a student shall not be required to
3 comply with the requirements of K.S.A. 76-717, and amendments thereto.

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

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

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

16 Sec. 22.

17 STATE BOARD OF REGENTS

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

- 20 SUCCESS program.....\$5,300,000

21 *Provided*, That, during fiscal year 2016, expenditures shall be made from
22 the SUCCESS program account of the state general fund for fiscal year
23 2016 by the state board of regents to fund the operating expenses for those
24 community colleges selected as participants in the SUCCESS program
25 pursuant to section 23, and amendments thereto, in such amounts as
26 certified by the SUCCESS selection committee in accordance with section
27 23, and amendments thereto: *Provided further*; That, during fiscal year
28 2016, expenditures shall be made from the SUCCESS program account of
29 the state general fund by the state board of regents to distribute moneys in
30 such amounts and to such postsecondary educational institutions as
31 certified by the SUCCESS selection committee in accordance with
32 subsection (c)(2) of section 23, and amendments thereto: *And provided*
33 *further*; That, during fiscal year 2016, expenditures shall be made from the
34 SUCCESS program account of the state general fund to implement and
35 administer the SUCCESS program: *And provided further*; That the board of
36 trustees for such community colleges shall work in conjunction with the
37 state board of regents, one or more four-year postsecondary educational
38 institutions, one or more technical colleges, if a technical college is located
39 within the same region as such community college, and one or more
40 school districts to develop a detailed plan to provide educational programs
41 that will integrate career technical education from the secondary education
42 level through attainment of a postsecondary industry certification or
43 advanced degree in accordance with the provisions of section 24, and

1 amendments thereto.

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

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

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

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

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

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

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

43 (3) the chairperson of the senate committee on education;

1 (4) the chairperson of the house of representatives committee on
2 education; and

3 (5) three members who shall be appointed by a majority vote of the
4 six members identified in paragraphs (1) through (4), provided that at least
5 one such member shall:

6 (A) Represent the board of regents;

7 (B) represent community colleges; and

8 (C) represent the business community that is seeking to employ
9 individuals with technical certifications.

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

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

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

23 New Sec. 24. (a) The board of trustees for any community college
24 selected to be a participant in the SUCCESS program pursuant to section
25 23, and amendments thereto, shall work in conjunction with the state board
26 of regents, one or more four-year postsecondary educational institutions,
27 one or more technical colleges, if a technical college is located within the
28 same region as such community college, and one or more school districts
29 to develop a detailed plan to provide educational programs that will
30 integrate career technical education from the secondary education level
31 through attainment of a postsecondary industry certification or advanced
32 degree, including a bachelor's degree. Such plans shall be designed to
33 expedite the learning process to directly benefit students and Kansas
34 technology-driven employers by helping students attain their educational
35 goals as soon as possible and helping employers meet their technical
36 workforce needs.

37 (b) The primary objectives of such plans shall be to:

38 (1) Develop single source management of all career technical
39 education in the region, including career technical education provided
40 through school districts;

41 (2) develop full articulation between programs at postsecondary
42 educational institutions;

43 (3) develop full plans for dual admission in high school, technical

1 training programs and postsecondary courses;

2 (4) develop cooperation and integration of entities, identifying and
3 implementing improved efficiency and utilization of resources, including
4 personnel, facilities and equipment, in the delivery of educational
5 programs at postsecondary educational institutions;

6 (5) develop full transferability and reverse transfer of credit hours
7 among postsecondary educational institutions; and

8 (6) develop a structure for governance of the new integrated system
9 capable of oversight, yet able to meet the needs of rapidly changing
10 industries and to remain focused on locally accessible higher education
11 success paths from the secondary level through full completion of
12 postsecondary education.

13 (c) On January 15, 2015, and January 15, 2016, the board of trustees
14 for any community college selected to be a participant in the SUCCESS
15 program pursuant to section 23, and amendments thereto, shall prepare and
16 submit a report to the governor and the legislature on the detailed plan
17 developed pursuant to subsection (a). Such report shall describe the
18 progress made in the immediately preceding year on developing the plan
19 and the implementation of any portion of such plan. Such report shall also
20 include, but is not limited to, the following:

21 (1) A description of any cost savings, either actual or proposed, by
22 any school district or postsecondary educational institution as a result of
23 implementation of the plan or any portion thereof;

24 (2) a description of any financial benefits, either actual or proposed,
25 achieved as a result of economies of scale being utilized by any school
26 district or postsecondary educational institution as a result of
27 implementation of the plan or any portion thereof; and

28 (3) a description of any changes in governance structure for
29 postsecondary educational institutions that would provide for better
30 implementation of the plan.

31 (d) A community college selected to be a participant in the SUCCESS
32 program pursuant to section 23, and amendments thereto, may provide
33 educational programs and services outside of such community college's
34 service area. A service area agreement entered into by a community
35 college selected to be a participant in the SUCCESS program pursuant to
36 section 23, and amendments thereto, shall not be binding on such
37 community college to the extent such community college elects to offer
38 educational programs and services outside of such community college's
39 service area.

40 New Sec. 25. (a) During the time period of January 1, 2016 through
41 June 30, 2016, the board of county commissioners of any county in which
42 is located a community college selected as a participant in the SUCCESS
43 program pursuant to section 23, and amendments thereto, by resolution

1 shall submit to the qualified voters of their respective counties a
2 proposition to continue funding the community college located in such
3 county as provided by this act. The proposition shall be submitted to the
4 voters at a special election of the county.

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

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

13 (d) If a majority of the votes cast and counted at an election under
14 subsection (a) is in favor of continuing to fund the community college
15 located in such county as provided by this act, then on and after July 1,
16 2016, the community college located in such county shall continue to be
17 funded as provided by this act.

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

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

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

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

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

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

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

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

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

43 New Sec. 27. The provisions of sections 23 through 26, and

1 amendments thereto, shall be known and may be cited as the SUCCESS
2 act.

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

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

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

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

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

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

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

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

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

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

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

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

43 (3) for each individual enrolled in an eligible career technical

1 education program who are pursuing a general educational development
2 (GED) credential, \$170.

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

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

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

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

32 (f) There is hereby created the postsecondary education performance-
33 based incentives fund. Expenditures from the postsecondary education
34 performance-based incentives fund shall be for the sole purpose of paying
35 payments to eligible postsecondary educational institutions as authorized
36 by the board of regents. All expenditures from the postsecondary education
37 performance-based incentives fund shall be made in accordance with
38 appropriation acts upon warrants of the director of accounts and reports
39 issued pursuant to vouchers approved by the president of the board of
40 regents, or the president's designee.

41 (g) As used in this section:

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

1 amendments thereto.

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

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

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

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

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

18 (1) "Applicant" means a person who:

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

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

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

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

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

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

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

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

42 (3) the applicant has obtained at least a bachelor's degree in one of the
43 subject matter areas of science, technology, engineering, mathematics,

1 finance or accounting; has at least five years of work experience in such
2 subject matter area; and has secured a commitment from the board of
3 education of a school district to be hired as a teacher to teach in such
4 subject matter area.

5 (c) An applicant shall only be authorized to teach in the subject or
6 subjects specified on the face of the license.

7 (d) The state board shall adopt rules and regulations necessary to
8 carry out the provisions of this section.

9 (e) This section shall be part of and supplemental to the provisions of
10 article 13 of chapter 72 of the Kansas Statutes Annotated, and amendments
11 thereto.

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

16 New Sec. 32. (a) The state board of regents is hereby authorized for
17 and on behalf of Emporia state university, to sell and convey, or exchange
18 with the Emporia state university foundation for property of equal or
19 greater value, all of the rights, title and interest in the following tract of
20 real estate and any improvements thereon, located in the city of Emporia in
21 Lyon county, Kansas, commonly known as Emporia State University
22 Apartments at 1201 Triplett Drive, Emporia, Kansas 66801, and described
23 as follows: Even lots 2 through 34 and all of now vacated alleys lying
24 adjacent to said lots, lying south of the south right of way line of Interstate
25 35, all in Kellogg's addition to the City of Emporia, Lyon County, Kansas,
26 according to the recorded plat thereof.

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

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

43 (c) In the event that the state board of regents determines that the

1 legal description of such tract of real estate described by this section is
2 incorrect, the state board of regents may convey the property utilizing the
3 correct legal description but the deed conveying the property shall be
4 subject to the approval of the attorney general.

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

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

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

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

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

42 Commencing at the Northwest corner of said Block 8 Oread Addition;
43 thence South 01 degrees 50 minutes 57 seconds East along the West line of

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

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

24 A Tract of land in the Southwest One-Quarter of Section 31, Township
25 12 South, Range 20 East of the 6th Principal Meridian, in the City of
26 Lawrence, Douglas County, Kansas, more particularly described as
27 follows:

28 Beginning at point on the West line of the Southwest One-Quarter of
29 Section 31, Township 12, Range 20 and 186.53 feet North of the
30 Southwest corner thereof; thence North 01 degrees 49 minutes 01 seconds
31 West along the West line of said Southwest One-Quarter a distance of
32 190.00 feet to a point on the South right of way of West 14th street as
33 described in the deed recorded in Book 261 at Page 558; thence North 88
34 degrees 25 minutes 51 seconds East along the said South right of way a
35 distance of 62.94 feet to a point; thence South 01 degrees 49 minutes 01
36 seconds East a distance of 76.15 feet to a point; thence North 88 degrees
37 25 minutes 51 seconds East a distance of 128.06 feet to a point; thence
38 North 01 degrees 49 minutes 01 seconds West a distance of 28.65 feet to a
39 point, said point being the Southwest corner of a tract of land described in
40 the deed recorded in Book 304 at Page 626; thence North 88 degrees 25
41 minutes 51 seconds East along the South line of said tract, a distance of
42 120.00 feet to a point on the West right of way of Ohio Street; thence
43 South 01 degrees 49 minutes 01 seconds East along the said West right of

1 way a distance of 142.50 feet to a point, said point being the Northeast
2 corner of a tract of land described in the deed recorded in Book 400 at
3 Page 674; thence South 88 degrees 25 minutes 51 seconds West along the
4 North line of said tract recorded in Book 400 at Page 674 and continuing
5 along the North line of a tract of land described in the deed recorded in
6 Book 347 at Page 1276 a distance of 311.00 feet to a point, said point
7 being the Northwest corner of the said tract of land described in the deed
8 recorded in Book 347 at Page 1276, said point also being the Point of
9 Beginning, and containing 43,628.53 square feet, more or less. Excepting
10 easements, rights of way or restrictions of record.

11 New Sec. 34. (a) The provisions of sections 34 through 42, and
12 amendments thereto, shall be known and may be cited as the education
13 fairness property tax relief act.

14 (b) The legislature hereby finds that the current system of taxing and
15 financing education incorporates a significant element of unfairness in that
16 parents who are incurring educational expenses because they are
17 exercising their right to educate their children solely outside the public
18 education system, while simultaneously being obligated to pay for the
19 operation of a system of which they are not taking advantage, and that
20 reducing unfairness in the field of education and taxation is a public
21 purpose which promotes the general welfare. To this end, the purpose of
22 this act shall be to provide ad valorem tax relief to qualifying persons who
23 educate a qualifying child at such person's own expense.

24 New Sec. 35. As used in sections 34 through 42, and amendments
25 thereto:

26 (a) "Allowable education expenses" means expenses paid for tuition,
27 fees, books, equipment and supplies used for or related to a qualifying
28 child's education, which are substantiated with appropriate documentation
29 that is submitted to the county treasurer for the county in which the
30 qualifying person's real property is located.

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

32 (c) "Property tax accrued" means property taxes, exclusive of special
33 assessments, delinquent interest and charges for service, levied on a
34 qualifying person's real property by a unified school district. When real
35 property is owned by two or more persons or entities as joint tenants or
36 tenants in common and one or more of the persons or entities is not a
37 qualifying person, the term "property taxes accrued" means that portion of
38 property taxes levied on the real property that reflects the ownership
39 percentage of the qualifying persons. For purposes of this act, property
40 taxes are deemed levied when the tax roll is delivered to the county
41 treasurer with the treasurer's warrant for collection. When a qualifying
42 person owns the real property for a portion of a calendar year, the term
43 "property taxes accrued" means that portion of property taxes levied on the

1 real property that reflects the portion of the year the real property was
2 owned by the qualifying person.

3 (d) "Qualifying child" means the natural or adoptive child of a
4 qualifying person who:

5 (1) Is between the ages of six and 18, inclusive, at the time the semi-
6 annual installment of property taxes is due;

7 (2) was educated in a private elementary or secondary school
8 registered pursuant to K.S.A. 72-53,101, and amendments thereto; and

9 (3) was not enrolled in a public school during the calendar year for
10 which the qualifying person is claiming the property tax exemption under
11 section 36, and amendments thereto.

12 (e) "Qualifying person" means a person:

13 (1) None of whose children were enrolled in a Kansas public school
14 during the calendar year for which the qualifying person is claiming the
15 property tax exemption under section 36, and amendments thereto; and

16 (2) who is the parent of a qualifying child.

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

19 (g) "Semi-annual installment" means the payment of $\frac{1}{2}$ of the
20 qualifying persons' real property taxes as provided by K.S.A. 79-2004, and
21 amendments thereto.

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

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

40 New Sec. 38. A qualifying person may claim all or any portion of
41 such person's allowable education expenses at the time the first semi-
42 annual installment of taxes is due. The remaining allowable education
43 expenses, if any, may be claimed at the time the second semi-annual

1 installment is due. The requirements of section 37, and amendments
2 thereto, shall apply to each claim submitted by the qualifying person.

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

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

22 (b) The state board of education shall respond within five business
23 days to any request from the department inquiring as to whether a private
24 elementary or secondary school is registered pursuant to K.S.A. 72-
25 53,101, and amendments thereto.

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

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

34 New Sec. 43. (a) There is hereby established the K-12 school finance
35 study commission. The commission shall study and analyze the current K-
36 12 school finance system and district spending, and develop
37 recommendations regarding the legislature's constitutional funding
38 obligations relative to the Rose capacities as adopted by the Kansas
39 supreme court in *Gannon v. State of Kansas*. The commission shall
40 particularly study and review:

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

43 (2) per-pupil spending variances among districts with similar

1 enrollment, demographics and outcomes on the state assessment;

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

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

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

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

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

12 (b) (1) The K-12 school finance study commission shall consist of ~~19~~
13 **{21}** voting members appointed as follows:

14 (A) ~~Eight~~ **{Ten}** members of the legislature appointed as follows: Two
15 shall be appointed by the president of the senate, one of which shall be a
16 member of the senate committee on ways and means, ~~one~~ **{two}** shall be
17 appointed by the minority leader of the senate, **{one of which shall be a**
18 **member of the senate committee on ways and means,}** two shall be
19 appointed by the speaker of the house of representatives, one of which
20 shall be a member of the house of representatives committee on
21 appropriations, ~~one~~ **{two}** shall be appointed by the minority leader of the
22 house of representatives, **{one of which shall be a member of the house**
23 **of representatives committee on appropriations,}** one shall be appointed
24 by the chair of the senate education committee and one shall be appointed
25 by the chair of the education committee in the house of representatives;

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

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

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

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

42 (d) A quorum of the commission shall be ~~10~~ **{11}** voting members. All
43 actions of the commission shall be taken by a majority of all voting

1 members of the commission.

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

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

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

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

15 *New Sec. 45. As used in the corporate education tax credit*
16 *scholarship program act:*

17 (a) *"Contributions" means monetary gifts or donations and in-kind*
18 *contributions, gifts or donations that have an established market value;*

19 (b) *"department" means the Kansas department of revenue;*

20 (c) *"educational scholarship" means an amount not to exceed*
21 *\$8,000 provided to eligible students to cover all or a portion of the costs*
22 *of tuition, fees and expenses of a qualified school and, if applicable, the*
23 *costs of transportation to a qualified school if provided by such qualified*
24 *school;*

25 (d) *"eligible student" means a child who:*

26 (1) (A) *Is a member of a household whose total annual income*
27 *during the year prior to receiving an educational scholarship under this*
28 *program does not exceed 185% of the most recent federal poverty*
29 *income guidelines published in the calendar year by the United States*
30 *department of health and human services, (B) has an individualized*
31 *education program and is considered a child with a disability, as defined*
32 *by K.S.A. 72-962(z), and amendments thereto, or (C) has received an*
33 *educational scholarship under this program and has not graduated from*
34 *high school or reached 21 years of age;*

35 (2) *resides in Kansas while receiving an educational scholarship;*
36 *and*

37 (3) (A) *was enrolled in any public school in the previous school*
38 *year in which an educational scholarship was first sought for the child,*
39 *or (B) is eligible to be enrolled in any public school in the school year in*
40 *which an educational scholarship is first sought for the child and the*
41 *child is under the age of six years;*

42 (e) *"individualized education program" shall have the meaning*
43 *ascribed thereto in K.S.A. 72-962, and amendments thereto;*

1 (f) "parent" includes a guardian, custodian or other person with
2 authority to act on behalf of the child;

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

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

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

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

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

17 (l) "school year" shall have the meaning ascribed thereto in K.S.A.
18 72-6408, and amendments thereto;

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

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

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

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

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

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

43 (e) In each school year, each eligible student under this program

1 *shall not receive more than one educational scholarship under this*
2 *program.*

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

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

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

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

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

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

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

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

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

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

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

42 *(6) the scholarship granting organization shall ensure that each*
43 *qualified school receiving educational scholarships from the scholarship*

1 *granting organization is in compliance with the requirements of the*
2 *program;*

3 *(7) at the end of the calendar year, the scholarship granting*
4 *organization shall have its accounts examined and audited by a certified*
5 *public accountant. Such audit shall include, but not be limited to,*
6 *information verifying that the educational scholarships awarded by the*
7 *scholarship granting organization were distributed to the eligible*
8 *students determined by the state board under subsection (c) of section*
9 *46, and amendments thereto, and information specified in section 47,*
10 *and amendments thereto. Prior to filing a copy of the audit with the state*
11 *board, such audit shall be duly verified and certified by a certified public*
12 *accountant; and*

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

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

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

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

35 *(e) A scholarship granting organization shall direct payments of an*
36 *educational scholarship to the qualified school on behalf of the eligible*
37 *student. Payment shall be made by check made payable to both the*
38 *parent and the qualified school. If an eligible student transfers to a new*
39 *qualified school during a school year, the scholarship granting*
40 *organization shall direct payment in a prorated amount to the original*
41 *qualified school and the new qualified school based on the eligible*
42 *student's attendance. If the eligible student transfers to a public school*
43 *and enrolls in such public school after September 20 of the current*

1 *school year, the scholarship granting organization shall direct payment*
2 *in a prorated amount to the original qualified school and the public*
3 *school based on the eligible student's attendance. The prorated amount*
4 *to the public school shall be considered a donation and shall be paid to*
5 *the school district of such public school in accordance with K.S.A. 72-*
6 *8210, and amendments thereto, to provide for the education of such*
7 *eligible student.*

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

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

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

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

20 *(4) the total number and total dollar amount of educational*
21 *scholarships awarded during the 12-month reporting period, the total*
22 *number and total dollar amount of educational scholarships awarded*
23 *during the 12-month reporting period to eligible students who qualified*
24 *under subsection (d)(1)(A) of section 45, and amendments thereto, and*
25 *total number and total dollar amount of educational scholarships*
26 *awarded during the 12-month reporting period to eligible students who*
27 *qualified under subsection (d)(1)(B) of section 45, and amendments*
28 *thereto.*

29 *(g) No scholarship granting organization shall:*

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

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

36 *New Sec. 48. On or before the first day of the legislative session in*
37 *2015, and each year thereafter, the state board shall prepare and submit*
38 *a report to the legislature on the program. Annual reports shall include*
39 *information reported to the state board under subsection (f) of section*
40 *47, and amendments thereto, and a summary of such information.*

41 *New Sec. 49. (a) (1) To qualify for the tax credit allowed by this act,*
42 *the scholarship granting organization shall apply each tax year to the*
43 *state board for a certification that the scholarship granting organization*

1 *is in substantial compliance with the program based on information*
2 *received in the annual audit and yearly report filed by the scholarship*
3 *granting organization with the state board.*

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

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

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

12 *New Sec. 50. (a) There shall be allowed a credit against the*
13 *corporate income tax liability imposed upon a taxpayer pursuant to the*
14 *Kansas income tax act, the privilege tax liability imposed upon a*
15 *taxpayer pursuant to the privilege tax imposed upon any national*
16 *banking association, state bank, trust company or savings and loan*
17 *association pursuant to article 11 of chapter 79 of the Kansas Statutes*
18 *Annotated, and amendments thereto, and the premium tax liability*
19 *imposed upon a taxpayer pursuant to the premiums tax and privilege*
20 *fees imposed upon an insurance company pursuant to K.S.A. 40-252,*
21 *and amendments thereto, for tax years commencing after December 31,*
22 *2013, an amount equal to 70% of the amount contributed to a*
23 *scholarship granting organization authorized pursuant to section 44 et*
24 *seq., and amendments thereto.*

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

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

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

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

1 *section.*

2 *New Sec. 51. (a) No state agency named in chapter 136 of the 2013*
3 *Session Laws of Kansas, this act or any other appropriation act of the*
4 *2014 regular session of the legislature or any school district shall*
5 *expend moneys appropriated from the state general fund or from any*
6 *special revenue fund or funds for fiscal years ending June 30, 2015,*
7 *June 30, 2016, or June 30, 2017, to implement the common core*
8 *standards or any portion of such standards, including any assessments*
9 *affiliated with common core standards unless the legislature expressly*
10 *consents to the use of the common core standards.*

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

14 ~~Sec. 44. {52.}~~ K.S.A. 71-204 is hereby amended to read as follows:
15 71-204. (a) For the purpose of community college maintenance and
16 operation, the board of trustees is authorized to levy a tax on the taxable
17 tangible property of the community college district.

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

24 (b) The tax levy authorized by subsection (a) shall be reduced ~~(1)~~ in
25 the 2001 fiscal year by an amount equal to 80% of the amount of the
26 difference between the amount of state aid received by the community
27 college in the 2000 fiscal year less an amount equal to 25% of the amount
28 of out-district tuition received by the community college in such fiscal
29 year and the amount of the state grant to which the community college is
30 entitled in the 2001 fiscal year and ~~(2)~~ in fiscal years 2002, 2003 and 2004
31 by an amount equal to 80% of the amount of the difference between the
32 amount of the state grant received by the community college in the
33 preceding fiscal year less an amount equal to 25% of the amount of out-
34 district tuition received by the community college in the 2000 fiscal year
35 and the amount of the state grant to which the community college is
36 entitled in the current fiscal year and ~~(3)~~ in each fiscal year after the 2004
37 fiscal year by an amount equal to 80% of the amount of the difference
38 between the amount of the state grant received by the community college
39 in the preceding fiscal year and the amount of the state grant to which the
40 community college is entitled in the current fiscal year.

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

43 ~~Sec. 45. {53.}~~ K.S.A. 71-617 is hereby amended to read as follows:

1 71-617. (a) The board of trustees of any community college may levy a tax
2 in each year for a period of not to exceed five ~~(5)~~ years of not to exceed
3 ~~one-fourth~~ ^(1/4) mill on all taxable tangible property within the district to
4 maintain and operate an adult basic education program at a level approved
5 by the state board. In no event shall the tax levy authorized hereunder be at
6 a rate which will produce an amount in excess of ~~fifty thousand dollars~~
7 ~~(\$50,000)~~. Such tax levy shall be in addition to all other tax levies
8 authorized or limited by law. Proceeds from such tax levy shall be
9 deposited in the adult education fund of the community college which fund
10 is hereby established. All moneys received by a community college for
11 adult basic education shall be deposited in the adult education fund. The
12 expenses of a community college attributable to adult basic education shall
13 be paid from the adult education fund.

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

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

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

35 ~~(a)~~ (1) "Virtual program pupil" means a pupil in attendance at a
36 virtual school less than ^{3/6} time.

37 (2) "Virtual school" means any school or educational program that:
38 ~~(1)~~ (A) Is offered for credit; ~~(2)~~ (B) uses ~~distance-learning~~ ^{online-learning}
39 technologies which predominately use internet-based methods to deliver
40 instruction; ~~(3)~~ (C) involves instruction that occurs asynchronously with
41 the teacher and pupil in separate locations; ~~(4)~~ (D) requires the pupil to
42 make academic progress toward the next grade level and matriculation
43 from kindergarten through high school graduation; ~~(5)~~ (E) requires the

1 pupil to demonstrate competence in subject matter for each class or subject
 2 in which the pupil is enrolled as part of the virtual school; and ~~(6)~~ (F)
 3 requires age-appropriate pupils to complete state assessment tests.

4 (3) *"Virtual school pupil" means a pupil in attendance at a virtual*
 5 *school at least $\frac{5}{6}$ time.*

6 ~~(b)~~ (4) "School district" means any school district which offers a
 7 virtual school.

8 ~~(c)~~ (b) Except as provided by the virtual school act, words and
 9 phrases shall have the meanings ascribed thereto in the school district
 10 finance and quality performance act.

11 Sec. ~~47~~, ~~{55}~~. On and after July 1, 2014, K.S.A. 2013 Supp. 72-3714
 12 is hereby amended to read as follows: 72-3714. In order to provide for the
 13 proper delivery of instruction through ~~distance-learning~~ *online-learning*
 14 technologies, school districts shall provide adequate training to teachers
 15 who teach in virtual schools. Each year, school districts shall submit a
 16 report relating to training programs provided by the district to teachers
 17 who teach in virtual schools. Such reports shall be submitted in the manner
 18 and form required by the state board.

19 Sec. ~~48~~, ~~{56}~~. On and after July 1, 2014, K.S.A. 2013 Supp. 72-3715
 20 is hereby amended to read as follows: 72-3715. (a) In order to be included
 21 in the ~~full-time equivalent~~ enrollment of a virtual school, a pupil shall be
 22 in attendance at the virtual school on: (1) A single school day on or before
 23 September 19 of each school year; and (2) on a single school day on or
 24 after September 20, but before October 4 of each school year.

25 (b) A school district which offers a virtual school shall determine the
 26 ~~full-time equivalent~~ enrollment of ~~each pupil~~ *pupils* enrolled in the virtual
 27 school on September 20 of each school year as follows:

28 (1) *Determine the number of virtual school pupils enrolled in such*
 29 *virtual school; and*

30 (2) *determine the full-time equivalent enrollment of each virtual*
 31 *program pupil as follows:*

32 (A) Determine the number of hours the pupil was in attendance on a
 33 single school day on or before September 19 of each school year;

34 ~~(2)~~ (B) determine the number of hours the pupil was in attendance on
 35 a single school day on or after September 20, but before October 4 of each
 36 school year;

37 ~~(3)~~ (C) add the numbers obtained under ~~paragraphs (1) and (2)~~
 38 ~~subparagraphs (A) and (B)~~;

39 ~~(4)~~ (D) divide the sum obtained under ~~paragraph (3)~~ *subparagraph*
 40 (C) by 12. The quotient is the full-time equivalent enrollment of the pupil.

41 (c) The school days on which a district determines the full-time
 42 equivalent enrollment of a pupil under ~~paragraphs (1) and paragraph (2)~~
 43 of subsection (b) shall be the school days on which the pupil has the

1 highest number of hours of attendance at the virtual school. No more than
2 six hours of attendance may be counted in a single school day. Attendance
3 may be shown by a pupil's on-line activity or entries in the pupil's virtual
4 school journal or log of activities.

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

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

11 (A) Multiply the ~~full-time equivalent~~ enrollment of the virtual school
12 *pupils* by an amount equal to ~~105%~~ 90% of the amount of base state aid
13 per pupil;

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

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

21 ~~(D)~~ (D) add any amount determined under K.S.A. 2013 Supp. 72-
22 3716, and amendments thereto; and

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

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

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

39 ~~Any unencumbered balance of moneys remaining in the virtual school~~
40 ~~fund of a school district on June 30 of the current school year, may be~~
41 ~~expended in the school year that immediately succeeds such date by the~~
42 ~~school district for general operating expenses of the school district as~~
43 ~~approved by the board of education.~~

1 In preparing the budget of such school district, the amounts credited to
2 and the amount on hand in the virtual school fund, and the amount
3 expended therefrom shall be included in the annual budget for the
4 information of the residents of the school district. Interest earned on the
5 investment of moneys in any such fund shall be credited to that fund.

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

10 (1) *A pupil who is not a resident of the state of Kansas; and*

11 (2) ***{for school year 2015-2016, and each school year thereafter,}*** a
12 virtual program pupil enrolled in a nonpublic school that is not a private
13 homeschool registered with the state board of education pursuant to
14 K.S.A. 72-53,101, and amendments thereto.

15 Sec. ~~49~~ ***{57.}*** On and after July 1, 2014, K.S.A. 2013 Supp. 72-3716
16 is hereby amended to read as follows: 72-3716. (a) As used in this section:

17 (1) ~~the term "pupil"~~ means a pupil who is a resident of and enrolled, on
18 a full-time basis, in a school district:

19 (2) ~~"School district"~~ means a school district which does not offer
20 advanced placement courses and which is either more than 200 square
21 miles in area or has an enrollment of at least 260 pupils ~~and does not offer~~
22 ~~advance placement courses.~~

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

31 Sec. ~~50~~ ***{58.}*** On and after July 1, 2014, K.S.A. 2013 Supp. 72-6407
32 is hereby amended to read as follows: 72-6407. (a) (1) "Pupil" means any
33 person who is regularly enrolled in a district and attending kindergarten or
34 any of the grades one through 12 maintained by the district or who is
35 regularly enrolled in a district and attending kindergarten or any of the
36 grades one through 12 in another district in accordance with an agreement
37 entered into under authority of K.S.A. 72-8233, and amendments thereto,
38 or who is regularly enrolled in a district and attending special education
39 services provided for preschool-aged exceptional children by the district.

40 (2) Except as otherwise provided in paragraph (3) of this subsection,
41 a pupil in attendance full time shall be counted as one pupil. A pupil in
42 attendance part time shall be counted as that proportion of one pupil (to the
43 nearest $\frac{1}{10}$) that the pupil's attendance bears to full-time attendance. A

1 pupil attending kindergarten shall be counted as $\frac{1}{2}$ pupil. A pupil enrolled
2 in and attending an institution of postsecondary education which is
3 authorized under the laws of this state to award academic degrees shall be
4 counted as one pupil if the pupil's postsecondary education enrollment and
5 attendance together with the pupil's attendance in either of the grades 11 or
6 12 is at least $\frac{5}{6}$ time, otherwise the pupil shall be counted as that
7 proportion of one pupil (to the nearest $\frac{1}{10}$) that the total time of the pupil's
8 postsecondary education attendance and attendance in grade 11 or 12, as
9 applicable, bears to full-time attendance. A pupil enrolled in and attending
10 an area vocational school, area vocational-technical school or approved
11 vocational education program shall be counted as one pupil if the pupil's
12 vocational education enrollment and attendance together with the pupil's
13 attendance in any of grades nine through 12 is at least $\frac{5}{6}$ time, otherwise
14 the pupil shall be counted as that proportion of one pupil (to the nearest
15 $\frac{1}{10}$) that the total time of the pupil's vocational education attendance and
16 attendance in any of grades nine through 12 bears to full-time attendance.
17 A pupil enrolled in a district and attending a non-virtual school and also
18 attending a virtual school shall be counted as that proportion of one pupil
19 (to the nearest $\frac{1}{10}$) that the pupil's attendance at the non-virtual school
20 bears to full-time attendance. Except as provided by this section for
21 preschool-aged exceptional children and virtual school pupils, a pupil
22 enrolled in a district and attending special education and related services,
23 provided for by the district shall be counted as one pupil. A pupil enrolled
24 in a district and attending special education and related services provided
25 for by the district and also attending a virtual school shall be counted as
26 that proportion of one pupil (to the nearest $\frac{1}{10}$) that the pupil's attendance
27 at the non-virtual school bears to full-time attendance. A pupil enrolled in a
28 district and attending special education and related services for preschool-
29 aged exceptional children provided for by the district shall be counted as
30 $\frac{1}{2}$ pupil. A preschool-aged at-risk pupil enrolled in a district and receiving
31 services under an approved at-risk pupil assistance plan maintained by the
32 district shall be counted as $\frac{1}{2}$ pupil. A pupil in the custody of the secretary
33 ~~of social and rehabilitation services for children and families~~ or in the
34 custody of the commissioner of juvenile justice and enrolled in unified
35 school district No. 259, Sedgwick county, Kansas, but housed, maintained,
36 and receiving educational services at the Judge James V. Riddel Boys
37 Ranch, shall be counted as two pupils. Except as provided in section 1 of
38 chapter 76 of the 2009 Session Laws of the state of Kansas, and
39 amendments thereto, a pupil in the custody of the secretary ~~of social and~~
40 ~~rehabilitation services for children and families~~ or in the custody of the
41 commissioner of juvenile justice and enrolled in unified school district No.
42 409, Atchison, Kansas, but housed, maintained and receiving educational
43 services at the youth residential center located on the grounds of the

1 former Atchison juvenile correctional facility, shall be counted as two
2 pupils.

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

9 (b) "Preschool-aged exceptional children" means exceptional
10 children, except gifted children, who have attained the age of three years
11 but are under the age of eligibility for attendance at kindergarten.

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

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

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

24 (e) "Enrollment" means: (1) (A) Subject to the provisions of
25 paragraph (1)(B), for districts scheduling the school days or school hours
26 of the school term on a trimestral or quarterly basis, the number of pupils
27 regularly enrolled in the district on September 20 plus the number of
28 pupils regularly enrolled in the district on February 20 less the number of
29 pupils regularly enrolled on February 20 who were counted in the
30 enrollment of the district on September 20; and for districts not specified
31 in this paragraph (1), the number of pupils regularly enrolled in the district
32 on September 20; (B) a pupil who is a foreign exchange student shall not
33 be counted unless such student is regularly enrolled in the district on
34 September 20 and attending kindergarten or any of the grades one through
35 12 maintained by the district for at least one semester or two quarters or
36 the equivalent thereof;

37 (2) if enrollment in a district in any school year has decreased from
38 enrollment in the preceding school year, enrollment of the district in the
39 current school year means whichever is the greater of: (A) *{The sum of:*
40 *(i)} Enrollment in the preceding school year{, excluding pupils described*
41 *in clause (A)(ii),}* minus enrollment in such school year of preschool-aged
42 at-risk pupils, if any ~~such pupils were enrolled~~, plus enrollment in the
43 current school year of preschool-aged at-risk pupils, if any ~~such pupils are~~

1 ~~enrolled;~~; and (ii) *adjusted enrollment in the preceding school year of*
2 *any pupils participating in the corporate education tax credit*
3 *scholarship program pursuant to section 44 et seq., and amendments*
4 *thereto, in the current school year, if any, plus adjusted enrollment in*
5 *the preceding school year of preschool-aged at-risk pupils participating*
6 *in the corporate education tax credit scholarship program pursuant to*
7 *section 44 et seq., and amendments thereto, in the current school year, if*
8 *any*}; or (B) the sum of enrollment in the current school year of preschool-
9 aged at-risk pupils, if any such pupils are enrolled and the average (mean)
10 of the sum of: (i) Enrollment of the district in the current school year
11 minus enrollment in such school year of preschool-aged at-risk pupils, if
12 any such pupils are enrolled ~~and~~; (ii) enrollment in the preceding school
13 year minus enrollment in such school year of preschool-aged at-risk
14 pupils, if any such pupils were enrolled; and (iii) enrollment in the school
15 year next preceding the preceding school year minus enrollment in such
16 school year of preschool-aged at-risk pupils, if any such pupils were
17 enrolled; or

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

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

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

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

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

42 (j) "School facilities weighting" means an addend component
43 assigned to enrollment of districts on the basis of costs attributable to

1 commencing operation of new school facilities.

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

5 (l) "Cost of living weighting" means an addend component assigned
6 to enrollment of districts to which the provisions of K.S.A. 2013 Supp. 72-
7 6449, and amendments thereto, apply on the basis of costs attributable to
8 the cost of living in the district.

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

19 (n) "Juvenile detention facility" has the meaning ascribed thereto by
20 72-8187, and amendments thereto.

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

25 (p) "Virtual school" means any school or educational program that:
26 (1) Is offered for credit; (2) uses distance-learning technologies which
27 predominately use internet-based methods to deliver instruction; (3)
28 involves instruction that occurs asynchronously with the teacher and pupil
29 in separate locations; (4) requires the pupil to make academic progress
30 toward the next grade level and matriculation from kindergarten through
31 high school graduation; (5) requires the pupil to demonstrate competence
32 in subject matter for each class or subject in which the pupil is enrolled as
33 part of the virtual school; and (6) requires age-appropriate pupils to
34 complete state assessment tests.

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

39 (r) "High enrollment weighting" means an addend component
40 assigned to enrollment of districts pursuant to K.S.A. 2013 Supp. 72-
41 6442b, and amendments thereto, on the basis of costs attributable to
42 maintenance of educational programs by such districts as a correlate to low
43 enrollment weighting assigned to enrollment of districts pursuant to

1 K.S.A. 72-6412, and amendments thereto.

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

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

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

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

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

19 ~~Sec. ~~51~~, ~~59~~ }~~ On and after July 1, 2014, K.S.A. 72-6411 is hereby
20 amended to read as follows: 72-6411. (a) The transportation weighting of
21 each district shall be determined by the state board as follows:

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

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

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

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

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

37 ~~(6) divide the remainder obtained under (5) by the total number of~~
38 ~~pupils who were included in the enrollment of the district in the preceding~~
39 ~~school year, were residing 2 1/2 miles or more by the usually traveled road~~
40 ~~from the school building they attended and for whom transportation was~~
41 ~~made available by the district. The quotient is the per-pupil cost of~~
42 ~~transportation; determine the sum of: (A) The number of pupils who were~~
43 ~~included in the enrollment of the district in the preceding school year who~~

1 *resided less than 2¹/₂ miles by the usually traveled road from the school*
2 *building such pupils attended and for whom transportation was made*
3 *available by the district; and (B) the number of nonresident pupils who*
4 *were included in the enrollment of the district for the preceding school*
5 *year and for whom transportation was made available by the district;*

6 *(3) determine the number of pupils who were included in the*
7 *enrollment of the district in the preceding school year who resided 2¹/₂*
8 *miles or more by the usually traveled road from the school building such*
9 *pupils attended and for whom transportation was made available by the*
10 *district;*

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

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

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

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

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

21 ~~(7)~~ *(9) on a density-cost graph plot the per-pupil cost of*
22 *transportation for each district;*

23 ~~(8)~~ *(10) construct a curve of best fit for the points so plotted;*

24 ~~(9)~~ *(11) locate the index of density for the district on the base line of*
25 *the density-cost graph and from the point on the curve of best fit directly*
26 *above this point of index of density follow a line parallel to the base line to*
27 *the point of intersection with the vertical line, which point is the formula*
28 *per-pupil cost of transportation of the district;*

29 ~~(10)~~ *(12) divide the formula per-pupil cost of transportation of the*
30 *district by base state aid per pupil; and*

31 ~~(11)~~ *(13) multiply the quotient obtained under ~~(10)~~ paragraph (12) by*
32 *the number of pupils who are included in the enrollment of the district, are*
33 *residing 2¹/₂ miles or more by the usually traveled road to the school*
34 *building they attend, and for whom transportation is being made available*
35 *by, and at the expense of, the district. The product is the transportation*
36 *weighting of the district.*

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

42 *(c) "Index of density" means the number of pupils who are included*
43 *in the enrollment of a district in the current school year, are residing 2¹/₂*

1 miles or more by the usually traveled road from the school building they
2 attend, and for whom transportation is being made available on regular
3 school routes by the district, divided by the number of square miles of
4 territory in the district.

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

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

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

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

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

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

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

26 Sec. ~~52.~~ **{61.}** On and after July 1, 2014, K.S.A. 2013 Supp. 72-6415b
27 is hereby amended to read as follows: 72-6415b. (a) School facilities
28 weighting may be assigned to enrollment of a district only if the district
29 has adopted a local option budget in an amount equal to at least 25% of the
30 amount of the state financial aid determined for the district in the current
31 school year. School facilities weighting ~~may be assigned to enrollment of~~
32 ~~the district only in the school year in which operation of a new school~~
33 ~~facility is commenced and in the next succeeding school year~~ *may only be*
34 *assigned to enrollment of those districts that commenced operation of a*
35 *new school facility in school year 2013-2014 and whose enrollment was*
36 *adjusted by the assignment of school facilities weighting for such new*
37 *school facility for school year 2013-2014.*

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

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

41 (1) "State prescribed percentage" means ~~31%~~ 33% of state financial
42 aid of the district in the current school year.

43 (2) "Authorized to adopt a local option budget" means that a district

1 has adopted a resolution under this section, has published the same, and
 2 either the resolution was not protested or it was protested and an election
 3 was held by which the adoption of a local option budget was approved.

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

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

9 (1) (A) The amount which the board was authorized to adopt in
 10 accordance with the provisions of this section in effect prior to its
 11 amendment by this act; plus

12 (B) the amount which the board was authorized to adopt pursuant to
 13 any resolution currently in effect; plus

14 (C) the amount which the board was authorized to adopt pursuant to
 15 K.S.A. 72-6444, and amendments thereto, if applicable to the district; or

16 (2) the state-wide average for the preceding school year as
 17 determined by the state board pursuant to subsection ~~(j)~~ (l).

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

22 (d) If the board of a district desires to increase its local option budget
 23 authority above the amount authorized under subsection (c) or if the board
 24 was not authorized to adopt a local option budget in 2006-2007, the board
 25 may adopt, by resolution, such budget in an amount not to exceed the state
 26 prescribed percentage. The adoption of a resolution pursuant to this
 27 subsection shall require a majority vote of the members of the board. The
 28 resolution shall be published at least once in a newspaper having general
 29 circulation in the district. The resolution shall be published in substantial
 30 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 state financial aid. The local option
 38 budget authorized by this resolution may be adopted, unless a petition in
 39 opposition to the same, signed by not less than 5% of the qualified electors
 40 of the school district, is filed with the county election officer of the home
 41 county of the school district within 30 days after publication of this
 42 resolution. If a petition is filed, the county election officer shall submit the
 43 question of whether adoption of the local option budget shall be authorized

1 to the electors of the school district at an election called for the purpose or
 2 at the next general election, as is specified by the board of education of the
 3 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
 7 No. _____, _____ County, Kansas, on the ___ day of _____,
 8 _____.

9 Clerk of the board of education.

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

28 ~~(f) Any resolution authorizing the adoption of a local option~~
 29 ~~budget in excess of 31% of the state financial aid of the district in the~~
 30 ~~current school year shall not become effective unless such resolution has~~
 31 ~~been submitted to and approved by a majority of the qualified electors of~~
 32 ~~the school district voting at an election called and held thereon. The~~
 33 ~~election shall be called and held in the manner provided by K.S.A. 10-120,~~
 34 ~~and amendments thereto, except that such election shall be a mail ballot~~
 35 ~~election conducted in accordance with K.S.A. 25-431 et seq., and~~
 36 ~~amendments thereto. Any such election shall be held on or before August 1~~
 37 ~~of the initial school year for which such resolution was adopted. {The~~
 38 ~~provisions of this subsection shall not apply to unified school district no.~~
 39 ~~207, and the board of such district may adopt a local option budget in~~
 40 ~~excess of 31% of the state financial aid of the district in the current~~
 41 ~~school year in accordance with subsection (d).}~~

42 ~~(2) The provisions of paragraph (1) shall not apply to any school-~~
 43 ~~district that, on or before June 30, 2014, had adopted a local option-~~

1 ~~*budget in excess of 30% of the state financial aid of the district in the*~~
2 ~~*current school year. The board of any such district may adopt a local*~~
3 ~~*option budget in excess of 31% of the state financial aid of the district in*~~
4 ~~*the current school year in accordance with subsection (d).*~~

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

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

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

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

35 (j) (k) (1) There is hereby established in every district that adopts a
36 local option budget a fund which shall be called the supplemental general
37 fund. The fund shall consist of all amounts deposited therein or credited
38 thereto according to law.

39 (2) Subject to the limitation imposed under paragraph (3) and
40 subsection (e) of K.S.A. 72-6434, and amendments thereto, amounts in the
41 supplemental general fund may be expended for any purpose for which
42 expenditures from the general fund are authorized or may be transferred to
43 any program weighted fund or categorical fund of the district. Amounts in

1 the supplemental general fund attributable to any percentage over 25% of
2 state financial aid determined for the current school year may be
3 transferred to the capital improvements fund of the district and the capital
4 outlay fund of the district if such transfers are specified in the resolution
5 authorizing the adoption of a local option budget in excess of 25%.

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

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

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

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

26 ~~(m)~~ (m) The provisions of this section shall be subject to the provisions
27 of K.S.A. 2013 Supp. 72-6433d, and amendments thereto.

28 ~~Sec. 55. {63.}~~ K.S.A. 2013 Supp. 72-6433d is hereby amended to read
29 as follows: 72-6433d. (a) (1) The provisions of this subsection shall apply
30 in any school year in which the amount of base state aid per pupil is
31 \$4,433 or less.

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

37 (b) The board of education of any school district may adopt a local
38 option budget which does not exceed the local option budget calculated as
39 if the district received state aid for special education and related services
40 equal to the amount of state aid for special education and related services
41 received in school year 2008-2009, or which does not exceed the local
42 option budget as calculated pursuant to K.S.A. 72-6433, and amendments
43 thereto, whichever is greater.

1 (c) The board of education of any school district may exercise the
2 authority granted under subsection (a) or (b) or both subsections (a) and
3 (b).

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

6 (e) The provisions of this section shall expire on June 30, ~~2014~~ 2017.

7 Sec. ~~56~~ {64.} On and after July 1, 2014, K.S.A. 2013 Supp. 72-6441
8 is hereby amended to read as follows: 72-6441. (a) (1) The board of any
9 district to which the provisions of this subsection apply may levy an ad
10 valorem tax on the taxable tangible property of the district each year for a
11 period of time not to exceed two years in an amount not to exceed the
12 amount authorized by the state court of tax appeals under this subsection
13 for the purpose of financing the costs incurred by the state that are directly
14 attributable to assignment of ancillary school facilities weighting to
15 enrollment of the district. The state court of tax appeals may authorize the
16 district to make a levy which will produce an amount that is not greater
17 than the difference between the amount of costs directly attributable to
18 commencing operation of one or more new school facilities and the
19 amount that is financed from any other source provided by law for such
20 purpose, including any amount attributable to assignment of school
21 facilities weighting to enrollment of the district for each school year in
22 which the district is eligible for such weighting. If the district is not
23 eligible, or will be ineligible, for school facilities weighting, *or such levy*
24 *will be imposed on or after July 1, 2015, then* in any one or more years
25 during the two-year period for which the district is authorized to levy a tax
26 under this subsection, the state court of tax appeals may authorize the
27 district to make a levy, in such year or years of ~~ineligibility~~, which will
28 produce an amount that is not greater than the actual amount of costs
29 attributable to commencing operation of the facility or facilities.

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

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

39 (4) The provisions of this subsection apply to any district that: (A)
40 Commenced operation of one or more new school facilities in the school
41 year preceding the current school year or has commenced or will
42 commence operation of one or more new school facilities in the current
43 school year or any or all of the foregoing; (B) is authorized to adopt and

1 has adopted a local option budget which is at least equal to ~~that amount~~
2 ~~required to qualify for school facilities weighting under K.S.A. 2012 Supp.~~
3 ~~72-6415b, and amendments thereto~~ *25% of the amount of state financial*
4 *aid determined for the district in the current school year*; and (C) is
5 experiencing extraordinary enrollment growth as determined by the state
6 board of education.

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

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

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

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

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

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

41 (6) compute 30% of the amount of the sum obtained under paragraph
42 (1), which computed amount is the amount the district may levy in the
43 fifth year of the six-year period for which the district may levy a tax under

1 authority of this subsection; and

2 (7) compute 15% of the amount of the sum obtained under paragraph
3 (1), which computed amount is the amount the district may levy in the
4 sixth year of the six-year period for which the district may levy a tax under
5 authority of this subsection.

6 In determining the amount produced by the tax levied by the district
7 under authority of subsection (a), the state board shall include any moneys
8 which have been apportioned to the ancillary facilities fund of the district
9 from taxes levied under the provisions of K.S.A. 79-5101 et seq. and 79-
10 5118 et seq., and amendments thereto.

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

16 ~~Sec. 57, {65.}~~ On and after July 1, 2014, K.S.A. 2013 Supp. 72-6455
17 is hereby amended to read as follows: 72-6455. ~~(a)~~ The high density at-risk
18 pupil weighting of each school district shall be determined by the state
19 board as follows:

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

23 ~~(i) (1) Subtract 35%~~ 45% from the percentage of at-risk enrollment in
24 the district;

25 ~~(ii) (2) multiply the amount determined under clause (i) paragraph~~
26 ~~(1) by .7~~ 1.05; and

27 ~~(iii) (3) multiply the number of at-risk pupils enrolled in the district~~
28 ~~by the product determined under clause (ii) paragraph (2).~~ The resulting
29 product is the high density at-risk pupil weighting of the district.

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

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

38 ~~Sec. 58, {66.}~~ On and after July 1, 2014, K.S.A. 2013 Supp. 72-6460
39 is hereby amended to read as follows: 72-6460. (a) For school year 2013-
40 2014, and each school year thereafter, subject to any limitations as
41 provided in this act, any school district may expend the unencumbered
42 balance of the moneys held in the at-risk education fund, as provided in
43 K.S.A. 76-6414a, and amendments thereto, bilingual education fund, as

1 provided in K.S.A. 72-9509, and amendments thereto, contingency reserve
2 fund, as provided in K.S.A. 72-6426, and amendments thereto, driver
3 training fund, as provided in K.S.A. 72-6423, and amendments thereto,
4 parent education program fund, as provided in K.S.A. 72-3607, and
5 amendments thereto, preschool-aged at-risk education fund, as provided in
6 K.S.A. 72-6414b, and amendments thereto, professional development
7 fund, as provided in K.S.A. 72-9609, and amendments thereto, summer
8 program fund, as provided in K.S.A. 72-8237, and amendments thereto,
9 textbook and student materials revolving fund, as provided in K.S.A. 72-
10 8250, and amendments thereto, special education fund, as provided in
11 K.S.A. 72-965 and 72-6420, and amendments thereto, ~~virtual school fund,~~
12 ~~as provided in K.S.A. 72-3715, and amendments thereto,~~ and vocational
13 education fund, as provided in K.S.A. 72-6421, and amendments thereto,
14 to pay for general operating expenses of the district out of the general fund
15 as approved by the board of education of such district.

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

- 18 (1) At-risk education fund, bilingual education fund, contingency
19 reserve fund, driver training fund, parent education program fund,
20 preschool-aged at-risk education fund, professional development fund,
21 summer program fund, ~~virtual school fund~~ and vocational education fund;
- 22 (2) textbook and student materials revolving fund; and
- 23 (3) special education fund.

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

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

- 34 (1) Determine the adjusted enrollment of the district, excluding
35 special education and related services weighting, for the current school
36 year;
- 37 (2) multiply the adjusted enrollment determined under paragraph (1)
38 by \$250. The product is the aggregate amount of moneys that may be
39 expended by a school district in the current school year from the
40 unencumbered balance of moneys in the funds under subsection (a) of this
41 section.
- 42 (c) It is the public policy goal of the state of Kansas that at least 65%
43 of the aggregate of all unencumbered balances authorized to be expended

1 for general operating expenses pursuant to subsection (a) shall be
2 expended in the classroom or for instruction, as provided in K.S.A. 2013
3 Supp. 72-64c01, and amendments thereto.

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

10 ~~Sec. 59. {67.}~~ On and after July 1, 2014, K.S.A. 72-8809 is hereby
11 amended to read as follows: 72-8809. The board of education of any
12 school district which has made a tax levy under K.S.A. 72-8801, *and*
13 *amendments thereto*, may at any time ~~after the final levy is certified to the~~
14 ~~county clerk under any current authorization~~, initiate procedures to renew
15 its authority to make a ~~like an~~ annual tax levy in the amount and upon the
16 conditions and in the manner specified in ~~said~~ K.S.A. 72-8801, ~~and at five-~~
17 ~~year intervals thereafter may in like manner and on like conditions renew~~
18 ~~such levy for successive five-year periods and amendments thereto.~~
19 *Except as otherwise provided by its terms, any initial resolution adopted*
20 *pursuant to K.S.A. 72-8801, and amendments thereto, shall remain in full*
21 *force and effect until such time as a second resolution becomes effective,*
22 *at which time the initial resolution shall become null and void.*

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

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

32 ***(ii) The amount of all depreciation deductions claimed for any***
33 ***property upon which the deduction allowed by K.S.A. 2013 Supp. 79-***
34 ***32,221, 79-32,227, 79-32,232, 79-32,237, 79-32,249, 79-32,250, 79-***
35 ***32,255 or 79-32,256, and amendments thereto, is claimed.***

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

39 ***(iv) For taxable years commencing December 31, 2013, that portion***
40 ***of the amount of any expenditure deduction claimed in determining***
41 ***federal adjusted gross income for expenses paid by a taxpayer for health***
42 ***care when such expenses were paid or incurred for abortion coverage, a***
43 ***health benefit plan, as defined in K.S.A. 2013 Supp. 65-6731, and***

1 *amendments thereto, when such expenses were paid or incurred for*
2 *abortion coverage or amounts contributed to health savings accounts for*
3 *such taxpayer's employees for the purchase of an optional rider for*
4 *coverage of abortion in accordance with K.S.A. 2013 Supp. 40-2,190,*
5 *and amendments thereto.*

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

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

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

28 (iii) *An amount for the amortization deduction allowed pursuant to*
29 *K.S.A. 2013 Supp. 79-32,221, 79-32,227, 79-32,232, 79-32,237, 79-*
30 *32,249, 79-32,250, 79-32,255 or 79-32,256, and amendments thereto.*

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

34 (v) *For all taxable years commencing after December 31, 1987,*
35 *80% of dividends from corporations incorporated outside of the United*
36 *States or the District of Columbia which are included in federal taxable*
37 *income.*

38 (d) *If any corporation derives all of its income from sources within*
39 *Kansas in any taxable year commencing after December 31, 1979, its*
40 *Kansas taxable income shall be the sum resulting after application of*
41 *subsections (a) through (c) hereof. Otherwise, such corporation's*
42 *Kansas taxable income in any such taxable year, after excluding any*
43 *refunds of federal income tax and before the deduction of federal*

1 *income taxes provided by subsection (c)(ii) shall be allocated as provided*
2 *in K.S.A. 79-3271 to K.S.A. 79-3293, inclusive, and amendments thereto,*
3 *plus any refund of federal income tax as determined under paragraph*
4 *(iv) of subsection (b) of K.S.A. 79-32,117, and amendments thereto, and*
5 *minus the deduction for federal income taxes as provided by subsection*
6 *(c)(ii) shall be such corporation's Kansas taxable income.*

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

14 *Sec. 69. On and after July 1, 2014, K.S.A. 72-1412 is hereby*
15 *amended to read as follows: 72-1412. As used in K.S.A. 72-1412 through*
16 *72-1415 and amendments thereto:*

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

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

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

37 *Sec. 70. On and after July 1, 2014, K.S.A. 2013 Supp. 72-5436 is*
38 *hereby amended to read as follows: 72-5436. As used in this act: (a)*
39 *"Teacher" means any professional employee who is required to hold a*
40 *certificate to teach in any school district, and any teacher or instructor in*
41 *any area vocational-technical school technical college, the institute of*
42 *technology or community college. The term "teacher" does not include*
43 *within its meaning any supervisors, principals or superintendents or any*

1 persons employed under the authority of K.S.A. 72-8202b, and
2 amendments thereto, or **any persons employed in an administrative**
3 **capacity by any area vocational-technical school technical college, the**
4 **institute of technology or community college,** or commencing in the 2006-
5 2007 school year, any person who is a retirant from school employment of
6 the Kansas public employees retirement system.

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

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

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

29 (c) **As used in this section,;**

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

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

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

1 *retirement system.*

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

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

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

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

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

38 *(e) In lieu of using the process provided in subsections (b) and (c),*
39 *if the parties agree, they may make a request to the American*
40 *Arbitration Association for an arbitrator to serve as the hearing officer.*
41 *Any party desiring to use this alternative procedure shall so notify the*
42 *other party in the notice required under subsection (a). If the parties*
43 *agree to use this procedure, the parties shall make a joint request to the*

1 *American Arbitration Association for a hearing officer within 10 days*
2 *after the teacher files a request for a hearing. If the parties choose to*
3 *use this procedure, the parties shall each pay one-half of the cost of the*
4 *arbitrator and of the arbitrator's expenses.*

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

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

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

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

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

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

34 *(c) the right of each party to present such party's own witnesses in*
35 *person, or their testimony by affidavit or deposition, except that*
36 *testimony of a witness by affidavit may be presented only if such witness*
37 *lives more than 100 miles from the location of the ~~unified school district~~*
38 *~~office, area vocational technical school~~ technical college, institute of*
39 *technology or community college, or is absent from the state, or is*
40 *unable to appear because of age, illness, infirmity or imprisonment.*
41 *When testimony is presented by affidavit the same shall be served upon*
42 *the ~~clerk of the board of education or the board of control, or the~~*
43 *secretary of the board of trustees; or the agent of the board and upon the*

1 *teacher in person or by first-class mail to the address of the teacher*
 2 *which is on file with the board not less than 10 calendar days prior to*
 3 *presentation to the hearing officer;*

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

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

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

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

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

30 *~~(3) (c) The provisions of this subsection are subject to the~~*
 31 *provisions of K.S.A. 72-5446, and amendments thereto.*

32 *(b) The provisions of K.S.A. 72-5438 through 72-5443, and*
 33 *amendments thereto, do not apply to any teacher whose license has been*
 34 *nonrenewed or revoked by the state board of education for the reason that*
 35 *the teacher: (1) Has been convicted of a felony under K.S.A. 2010 Supp.*
 36 *21-36a01 through 21-36a17, prior to their transfer, or article 57 of chapter*
 37 *21 of the Kansas Statutes Annotated, and amendments thereto, or any*
 38 *felony violation of any provision of the uniform controlled substances act*
 39 *prior to July 1, 2009; (2) has been convicted of a felony described in any*
 40 *section of article 34 of chapter 21 of the Kansas Statutes Annotated, prior*
 41 *to their repeal, or article 54 of chapter 21 of the Kansas Statutes*
 42 *Annotated, or K.S.A. 2013 Supp. 21-6104, 21-6325, 21-6326 or 21-6418,*
 43 *and amendments thereto, or an act described in K.S.A. 21-3412, prior to its*

1 repeal, or subsection (a) of K.S.A. 2013 Supp. 21-5413, or K.S.A. 21-
2 3412a, prior to its repeal, or K.S.A. 2013 Supp. 21-5414, and amendments
3 thereto, if the victim is a minor or student; (3) has been convicted of a
4 felony described in any section of article 35 of chapter 21 of the Kansas
5 Statutes Annotated, prior to their repeal, or article 55 of chapter 21 of the
6 Kansas Statutes Annotated, or K.S.A. 2013 Supp. 21-6419 through 21-
7 6421, and amendments thereto, or has been convicted of an act described
8 in K.S.A. 21-3517, prior to its repeal, or subsection (a) of K.S.A. 2013
9 Supp. 21-5505, and amendments thereto, if the victim is a minor or
10 student; (4) has been convicted of any act described in any section of
11 article 36 of chapter 21 of the Kansas Statutes Annotated, prior to their
12 repeal, or article 56 of chapter 21 of the Kansas Statutes Annotated, and
13 amendments thereto; (5) has been convicted of a felony described in article
14 37 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or
15 article 58 of chapter 21 of the Kansas Statutes Annotated or subsection (a)
16 (6) of K.S.A. 2013 Supp. 21-6412, and amendments thereto; (6) has been
17 convicted of an attempt under K.S.A. 21-3301, prior to its repeal, or
18 K.S.A. 2013 Supp. 21-5301, and amendments thereto, to commit any act
19 specified in this subsection; (7) has been convicted of any act which is
20 described in K.S.A. 21-4301, 21-4301a or 21-4301e, prior to their repeal,
21 or K.S.A. 2013 Supp. 21-6401 or 21-6402, and amendments thereto; (8)
22 has been convicted in another state or by the federal government of an act
23 similar to any act described in this subsection; or (9) has entered into a
24 criminal diversion agreement after having been charged with any offense
25 described in this subsection.

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

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

1 satisfactory.

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

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

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

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

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

15 ~~(4) In addition to the reports required under paragraph (3), each~~
16 ~~school district shall report annually to the state board of education, the~~
17 ~~committee on education of the senate and the committee on education of~~
18 ~~the house of representatives the number of contracts issued under~~
19 ~~subsection (a) which result in the application of K.S.A. 72-5438 through~~
20 ~~72-5443, and amendments thereto, to the teachers who receive such~~
21 ~~contracts and the year of employment for which the contract is issued.~~

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

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

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

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

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

42 *(d) if the hearing officer determines that there is substantial*
43 *evidence to support the teacher's claim, the board shall be required to*

1 *submit to the hearing officer any reasons which may have been involved*
2 *in the nonrenewal;*

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

5 Sec. ~~60~~, {76.} K.S.A. 71-204 and 71-617 and K.S.A. 2013 Supp. 72-
6 6433 and 72-6433d are hereby repealed.

7 Sec. ~~61~~, {77.} On and after July 1, 2014, K.S.A. {72-1412, 72-5439,
8 72-5446,} 72-60b03, 72-6411, 72-6415 and 72-8809 and K.S.A. 2013
9 Supp. 72-3712, 72-3714, 72-3715, 72-3716, {72-5436, 72-5437, 72-5438,
10 72-5445,} 72-6407, 72-6415b, 72-6441, 72-6454, 72-6455~~and,~~{,} 72-6460
11 {and 79-32,138}are hereby repealed.

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