

**House Substitute for SENATE BILL No. 83**

By Committee on K-12 Education Budget

3-8

1 AN ACT concerning education; making and concerning appropriations for  
2 the fiscal year ending June 30, 2024, for the state department of  
3 education; establishing the sunflower education equity act; providing  
4 education savings accounts for students; establishing the sunflower  
5 education equity scholarship fund; requiring each school district to  
6 provide a salary increase to each licensed teacher in the school district  
7 in school year 2023-2024; defining enrollment of small school districts  
8 as the highest enrollment of the four preceding years under the Kansas  
9 school equity and enhancement act; amending K.S.A. 2022 Supp. 72-  
10 3120 and 72-5132 and repealing the existing sections.

11  
12 WHEREAS, The legislature affirms that a quality, individualized  
13 education provides an essential pathway to success, not only for each  
14 student but for the prosperity and stability of the state; and

15 WHEREAS, Every child in Kansas is unique with diverse learning  
16 needs and thus shall be granted educational freedom. Educational freedom  
17 provides parental choice that considers the unique learning needs of each  
18 student and the learning environment that best aligns with the student's  
19 academic, socio-emotional and spiritual needs that direct and encourage  
20 life success; and

21 WHEREAS, The sunflower education equity act affirms that equity in  
22 education means that all children shall receive what they need  
23 educationally regardless of their socioeconomic, racial or cultural status.  
24 The act affirms and promotes that all children, without preference or bias,  
25 are uniquely capable and worthy of meeting and exceeding the highest  
26 caliber of expectations in an environment that best promotes their unique  
27 qualities, abilities, needs and goals; and

28 WHEREAS, The sunflower education equity act provides meaningful  
29 educational freedom while simultaneously protecting the freedom of  
30 parents to direct the education of their children.

31 Now, therefore:

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

33 New Section 1.

34 DEPARTMENT OF EDUCATION

35 (a) There is appropriated for the above agency from the state general  
36 fund for the fiscal year ending June 30, 2024, the following:

1 Special education services aid (652-00-1000-0700).....\$592,740,238  
 2 *Provided*, That any unencumbered balance in the special education  
 3 services aid account in excess of \$100 as of June 30, 2023, is hereby  
 4 reappropriated for fiscal year 2024: *Provided further*, That expenditures  
 5 shall not be made from the special education services aid account for the  
 6 provision of instruction for any homebound or hospitalized child unless  
 7 the categorization of such child as exceptional is conjoined with the  
 8 categorization of the child within one or more of the other categories of  
 9 exceptionality: *And provided further*, That expenditures shall be made from  
 10 this account for grants to school districts in amounts determined pursuant  
 11 to and in accordance with the provisions of K.S.A. 72-3425, and  
 12 amendments thereto: *And provided further*, That expenditures shall be  
 13 made from the amount remaining in this account, after deduction of the  
 14 expenditures specified in the foregoing provisos, for payments to school  
 15 districts in amounts determined pursuant to and in accordance with the  
 16 provisions of K.S.A. 72-3422, and amendments thereto.

17 (b) During the fiscal year ending June 30, 2024, in addition to the  
 18 other purposes for which expenditures may be made by the above agency  
 19 from moneys appropriated from the state general fund or from any special  
 20 revenue fund or funds for the above agency for fiscal year 2024 as  
 21 authorized by this or other appropriation act of the 2023 regular session of  
 22 the legislature, expenditures shall be made by the above agency from such  
 23 moneys for fiscal year 2024 to create a special education and related  
 24 services funding task force to study and make recommendations for  
 25 changes in the existing state funding formula for special education and  
 26 related services: *Provided*, That such task force shall have 10 members as  
 27 follows: Two members appointed by the speaker of the house of  
 28 representatives; two members appointed by the president of the senate; one  
 29 member appointed by the minority leader of the house of representatives;  
 30 one member appointed by the minority leader of the senate; one member  
 31 appointed by the state board of education; two members appointed by the  
 32 state department of education who are professionals in the field of special  
 33 education and related services; and one member appointed by the speaker  
 34 of the house of representatives who is a parent of a student who receives  
 35 special education services: *Provided further*, That the speaker of the house  
 36 of representatives shall designate one member appointed by the speaker as  
 37 chairperson of the task force: *And provided further*, That members of the  
 38 task force attending meetings authorized by the task force shall be paid  
 39 compensation, subsistence allowances, mileage and other expenses as  
 40 provided in K.S.A. 75-3223, and amendments thereto.

41 New Sec. 2. (a) Section 2 et seq., and amendments thereto, shall be  
 42 known and may be cited as the sunflower education equity act.

43 (b) As used in the sunflower education equity act:

- 1 (1) "Account" means a sunflower education equity scholarship  
2 account.
- 3 (2) "BASE aid" means the same as defined in K.S.A. 72-5132, and  
4 amendments thereto, for the current school year.
- 5 (3) "Board" means the sunflower education equity board established  
6 in section 4, and amendments thereto.
- 7 (4) "Immediate family member" means a parent, sibling or any other  
8 relative of a qualified student who lives in the same residence as the  
9 qualified student.
- 10 (5) "Parent" means a Kansas resident who is the parent, stepparent,  
11 legal guardian, custodian or other person with authority to act on behalf of  
12 a qualified student.
- 13 (6) "Postsecondary educational institution" means the same as  
14 defined in K.S.A. 74-3201b, and amendments thereto, and includes any  
15 private postsecondary educational institution as defined in K.S.A. 74-  
16 32,163, and amendments thereto.
- 17 (7) "Program" means the sunflower education equity scholarship  
18 program established pursuant to this act.
- 19 (8) "Qualified school" means any school located in Kansas that is a  
20 nonpublic preschool, elementary or secondary school that has made  
21 application and received approval pursuant to the sunflower education  
22 equity act.
- 23 (9) "Qualified student" means a resident of Kansas who is:
- 24 (A) Eligible to enroll in a public elementary or secondary school in  
25 this state; or
- 26 (B) a preschool student three or four years of age whose parent has  
27 verified on a form and in a manner determined by the board that such  
28 student:
- 29 (i) Qualifies for free meals under the national school lunch program;  
30 (ii) has a custodial parent who is unmarried on the first day of school;  
31 (iii) has at least one parent who was a teenager when such student  
32 was born;
- 33 (iv) has at least one parent lacking a high school diploma, general  
34 education development credential or high school equivalency credential on  
35 the first day of school;
- 36 (v) has limited English proficiency;
- 37 (vi) has lower than expected developmental progress, as determined  
38 by a trained professional, in cognitive development, physical development,  
39 communication, literacy, social-emotional or behavioral development,  
40 adaptive behavior or self-help skills but such student's developmental  
41 progress is not low enough to be eligible for special education services;
- 42 (vii) qualifies for migrant status; or
- 43 (viii) is experiencing homelessness.

1 (10) "School district" means a school district organized under the  
2 laws of this state.

3 (11) "Treasurer" means the state treasurer or the state treasurer's  
4 designee.

5 New Sec. 3. (a) Beginning in school year 2024-2025, the sunflower  
6 education equity program is hereby established to recognize the right of  
7 parents to choose the educational environment that best serves their  
8 children. The program shall be administered pursuant to the sunflower  
9 education equity act by the treasurer on the advice of the board.

10 (b) The board shall provide general management and oversight of the  
11 program, administer the appeals process pursuant to section 11, and  
12 amendments thereto, and perform other duties as provided in the sunflower  
13 education equity act.

14 (c) The treasurer shall implement and administer the program at the  
15 direction of the board, accept applications, retain program data, establish  
16 and administer accounts, administer the sunflower education equity  
17 scholarship fund established by section 10, and amendments thereto,  
18 establish and administer any technical processes and procedures required  
19 by the sunflower education equity act, and perform any other duties  
20 required by the sunflower education equity act.

21 (d) If the board or treasurer determine it is necessary, the state  
22 department of education shall cooperate and collaborate with the board or  
23 treasurer in the implementation or administration of the program.

24 (e) Any qualified student who participates in the program and such  
25 student's parent shall be subject to the requirements of the sunflower  
26 education equity act and any rules and regulations adopted hereunder. A  
27 student who does not participate in the program shall not be subject to  
28 such requirements.

29 New Sec. 4. (a) There is hereby established the sunflower education  
30 equity board.

31 (b) (1) The board shall consist of nine voting members and one non-  
32 voting member.

33 (2) The voting members of the board include the following:

34 (A) The treasurer, who shall serve as the chairperson of the board;

35 (B) one member appointed by the president of the senate;

36 (C) one member appointed by the speaker of the house of  
37 representatives;

38 (D) one member appointed by the minority leader of the senate;

39 (E) one member appointed by the minority leader of the house of  
40 representatives;

41 (F) the chairperson of the house of representatives committee on  
42 education or the committee on K-12 education budget as determined by  
43 the speaker of the house of representatives;

1 (G) the chairperson of the senate committee on education;

2 (H) a parent with a qualified student in the program appointed by the  
3 governor, except that the initial appointment shall be a parent of a qualified  
4 student who intends to participate in the program; and

5 (I) a representative of a qualified school appointed by the governor,  
6 except that the initial appointment shall be a representative of a school that  
7 intends to apply and participate in the program as a qualified school.

8 (3) The non-voting member shall be a representative from the state  
9 department of education.

10 (c) All members of the board shall be residents of Kansas.

11 (d) (1) The members appointed by the governor shall serve an initial  
12 term of one year. The members appointed by the minority leader of the  
13 senate and the minority leader of the house of representatives shall serve  
14 an initial term of two years. The members appointed by the president of  
15 the senate and the speaker of the house of representatives shall serve an  
16 initial term of three years.

17 (2) After the initial terms established by paragraph (1), appointed  
18 board members shall serve for four-year terms and are eligible for  
19 reappointment at the expiration of such member's initial term.

20 (e) Any vacancy occurring on the board shall be filled in the same  
21 manner as the initial appointment for the unexpired term being filled.

22 (f) The board shall meet upon the call of the chairperson at least twice  
23 per year. A majority of the voting members of the board constitutes a  
24 quorum.

25 (g) Members of the board attending meetings of such board or  
26 attending a subcommittee meeting thereof authorized by such board shall  
27 be paid compensation, subsistence allowance, mileage and other expenses  
28 as provided in K.S.A. 75-3223, and amendments thereto.

29 New Sec. 5. (a) The board shall have the following powers and  
30 duties:

31 (1) Oversee and manage the program;

32 (2) advise the treasurer on the implementation and administration of  
33 the program;

34 (3) determine the manner and form of the application to enroll in the  
35 program and establish an account;

36 (4) pursuant to section 12, and amendments thereto, determine the  
37 manner and form of the application for approval as a qualified school or  
38 tutor to receive payments from an account;

39 (5) execute contracts or authorize the treasurer to execute contracts as  
40 necessary to carry out the requirements of the sunflower education equity  
41 act;

42 (6) hear and review appeals pursuant to section 11, and amendments  
43 thereto;

1 (7) work with the state department of education as necessary for the  
2 program;

3 (8) establish an appeals process in accordance with section 11, and  
4 amendments thereto;

5 (9) conduct or contract to conduct financial audits of the use of  
6 account moneys;

7 (10) establish or contract for the establishment of a telephone or  
8 online fraud reporting service;

9 (11) establish or contract with a private entity for the establishment of  
10 a commercially viable and user-friendly website, native application or  
11 mobile application that will establish digital spending accounts on behalf  
12 of qualified students and provide at least the following:

13 (A) Account management by the treasurer and parent of a qualified  
14 student;

15 (B) payment processing by electronic funds transfer to a qualified  
16 school or other entity approved by the board;

17 (C) reimbursement by electronic funds transfer to a qualified school,  
18 tutor or other entity approved by the board;

19 (D) the ability for the treasurer to monitor and create reports of  
20 transaction activity in real time;

21 (E) the ability for the treasurer to put an account on a temporary hold  
22 status;

23 (F) a design that reduces the possibility of fraud, waste and abuse;  
24 and

25 (G) compliance with best standards as determined by the board for  
26 data privacy and cyber security; and

27 (12) require a surety bond or insurance of at least \$100,000 for  
28 education service providers serving more than five students annually. Such  
29 requirements shall not apply to an education service provider who is an  
30 immediate family member of the qualified students such provider is  
31 serving;

32 (13) develop and update as necessary a handbook for program  
33 applicants and participants that includes, but is not limited to, information  
34 relating to policies and process of sunflower education equity scholarship  
35 accounts; and

36 (14) exercise such other powers and perform such other functions and  
37 duties provided in the sunflower education equity act.

38 (b) The board shall not disclose a qualified student's identification or  
39 distribute or release any personally identifiable data of a qualified student  
40 to a third party without the written consent of such student's parent.  
41 Written consent shall be obtained for each instance of such disclosure,  
42 distribution or release.

43 New Sec. 6. (a) The treasurer shall maintain an explanation of at least

1 the following information on the treasurer's website and provide an  
2 electronic or hard copy of such information to any parent whose child is a  
3 qualified student participating in the program prior to any expenditure  
4 from an account:

5 (1) The allowable uses of money in an education equity scholarship  
6 account provided in section 9, and amendments thereto;

7 (2) the responsibilities of a parent of a qualified student participating  
8 in the program;

9 (3) the effect of participation in the program by qualified students  
10 with an individualized education program (IEP) or an education plan under  
11 section 504 of the rehabilitation act of 1973, 29 U.S.C. § 794 (section 504  
12 plan);

13 (4) the appeals process established pursuant to section 11, and  
14 amendments thereto;

15 (5) the handbook developed pursuant to section 5, and amendments  
16 thereto;

17 (6) the duties of the treasurer; and

18 (7) the duties of the board.

19 (b) The state department of education shall include information about  
20 the program on the department's homepage and provide a link on such  
21 homepage to the treasurer's webpage about the program.

22 New Sec. 7. (a) For school year 2024-2025, a qualified student may  
23 participate in the program if such student meets the requirements of the  
24 sunflower education equity act and:

25 (1) (A) Was enrolled in and attending public school in school year  
26 2023-2024 for kindergarten or any of the grades one through 12 and either  
27 is eligible for free or reduced-priced meals under the national school lunch  
28 act or scored at performance level 1 on the English language arts state  
29 assessment or mathematics state assessment;

30 (B) attends or is eligible to attend preschool and satisfies any  
31 requirement of section 2(b)(9)(B), and amendments thereto; or

32 (C) is eligible to enroll in kindergarten in school year 2024-2025 and  
33 is eligible for free or reduced-priced meals under the national school lunch  
34 act; or

35 (2) the student is eligible to enroll in kindergarten or any of the  
36 grades one through 12 and does not meet the requirements of paragraph  
37 (1) but has an annual family income that is less than or equal to 300% of  
38 the federal poverty guidelines as determined annually in the federal  
39 register by the United States department of health and human services  
40 under 42 U.S.C. § 9902(2), except that the number of students eligible to  
41 participate in the program pursuant to this paragraph shall not exceed  
42 2,000 students.

43 (b) For school year 2025-2026, a qualified student may participate in

1 the program if such student meets the requirements of the sunflower  
2 education equity act and:

3 (1) (A) Participated in the program in the immediately preceding  
4 school year;

5 (B) was enrolled in and attending public school in school year 2024-  
6 2025 for kindergarten or any of the grades one through 12 and either is  
7 eligible for free or reduced-priced meals under the national school lunch  
8 act or scored at performance level 1 on the English language arts state  
9 assessment or mathematics state assessment;

10 (C) attends or is eligible to attend preschool and satisfies any  
11 requirement of section 2(b)(9)(B), and amendments thereto; or

12 (D) is eligible to enroll in kindergarten in school year 2025-2026 and  
13 is eligible for free or reduced-priced meals under the national school lunch  
14 act; or

15 (2) the student is eligible to enroll in kindergarten or any of the  
16 grades one through 12 and does not meet the requirements of paragraph  
17 (1) but has an annual family income that is less than or equal to 400% of  
18 the federal poverty guidelines as determined annually in the federal  
19 register by the United States department of health and human services  
20 under 42 U.S.C. § 9902(2), except that the number of students eligible to  
21 participate in the program pursuant to this paragraph shall not exceed  
22 4,000 students.

23 (c) For school year 2026-2027, a qualified student may participate in  
24 the program if such student meets the requirements of the sunflower  
25 education equity act and:

26 (1) (A) Participated in the program in a preceding year;

27 (B) was enrolled in and attending public school in school year 2025-  
28 2026 for kindergarten or any of the grades one through 12 and either is  
29 eligible for free or reduced-priced meals under the national school lunch  
30 act or scored at performance level 1 on the English language arts state  
31 assessment or mathematics state assessment;

32 (C) attends or is eligible to attend preschool and satisfies any  
33 requirement of section 2(b)(9)(B), and amendments thereto; or

34 (D) is eligible to enroll in kindergarten in school year 2026-2027 and  
35 is eligible for free or reduced-priced meals under the national school lunch  
36 act; or

37 (2) the student is eligible to enroll in kindergarten or any of the  
38 grades one through 12 and does not meet the requirements of paragraph  
39 (1) but has an annual family income that is less than or equal to 400% of  
40 the federal poverty guidelines as determined annually in the federal  
41 register by the United States department of health and human services  
42 under 42 U.S.C. § 9902(2), except that the number of students  
43 participating pursuant to this paragraph shall not exceed 8,000.



1 (d) Beginning in school year 2027-2028, any qualified student may  
2 participate in the program if such student meets the requirements of the  
3 sunflower education equity act and has an annual family income that is  
4 less than or equal to 600% of the federal poverty guidelines as determined  
5 annually in the federal register by the United States department of health  
6 and human services under 42 U.S.C. § 9902(2).

7 (e) If the number of applicants exceeds the number of qualified  
8 students allowed to participate in the program in a particular school year,  
9 the treasurer shall accept such students into the program on a first-come,  
10 first-served basis.

11 New Sec. 8. (a) (1) To enroll in the program for the purpose of  
12 establishing an account, the parent of a qualified student shall submit an  
13 application on a form and in a manner determined by the board.

14 (2) If the parent of a qualified student who is schooled at home makes  
15 application to enroll in this program, such application does not constitute  
16 registration pursuant to K.S.A. 72-4346, and amendments thereto, and  
17 nothing in the sunflower education equity act shall be construed to require  
18 a parent to register with the state department of education pursuant to  
19 K.S.A. 72-4346, and amendments thereto.

20 (b) Beginning in school year 2024-2025, the treasurer shall:

21 (1) Accept sunflower education equity applications throughout the  
22 school year;

23 (2) enroll a qualified student in the program after receipt of a  
24 completed application and any other required documentation;

25 (3) notify parents of the student's enrollment in the program within 30  
26 calendar days after receipt of completed application forms and other  
27 required documentation; and

28 (4) provide parents the program information required by section 6,  
29 and amendments thereto.

30 (c) The treasurer and parents may provide any notifications,  
31 applications or documents required by this act electronically. The treasurer  
32 shall confirm receipt of all such notifications whether provided by hard  
33 copy or electronically.

34 (d) After enrollment in the program, the parent of a qualified student  
35 shall enter into a written agreement with the treasurer, in a manner and on  
36 a form provided by the board, to establish an account. Each such written  
37 agreement shall be approved by the board.

38 (e) The written agreement shall provide the following:

39 (1) Except as provided in section 13, and amendments thereto, a  
40 portion of moneys in the account shall be used to provide an education for  
41 the qualified student in at least the subjects of reading, grammar,  
42 mathematics, social studies and science;

43 (2) after receiving the scholarship, the qualified student shall not

1 enroll full-time in a school of a school district;

2 (3) no immediate family member of a qualified student may charge or  
3 collect payment, tuition or fees for any of the following if provided to such  
4 qualified student:

5 (A) Educational therapies or services; or

6 (B) tutoring;

7 (4) the money in a qualified student's account shall only be expended  
8 as authorized by the sunflower education equity act;

9 (5) any payments from an account for tuition shall only be made to a  
10 qualified school or a postsecondary educational institution;

11 (6) the qualified student may accept a scholarship from a scholarship  
12 granting organization pursuant to the tax credit for low income students  
13 scholarship program act, K.S.A. 72-4351 et seq., and amendments thereto,  
14 if the qualified student and the qualified student's parent meets the  
15 requirements of both programs; and

16 (7) the parent of a qualified student shall comply with all  
17 requirements of the sunflower education equity act and any rules and  
18 regulations adopted hereunder.

19 (f) Upon execution of an initial written agreement, the treasurer shall  
20 notify the board, who shall provide final approval of such agreement.  
21 Upon approval, the treasurer shall authorize an account in the name of the  
22 qualified student.

23 (g) One account shall be established for each qualified student. A  
24 parent acting on behalf of more than one qualified student shall have a  
25 separate account and separate written agreement for each qualified student.

26 (h) A written agreement entered into pursuant to this section shall  
27 have a term of one year, but may be suspended or terminated at any time  
28 pursuant to subsection (i). To continue receiving a scholarship, the parent  
29 of a qualified student shall renew the qualified student's account on an  
30 annual basis. The treasurer shall notify the parent of the renewal  
31 requirements at least 30 calendar days prior to the end of the written  
32 agreement's term.

33 (i) (1) The treasurer may suspend a written agreement upon a  
34 determination that:

35 (A) Money in an account has been used for purposes other than those  
36 allowed by the sunflower education equity act;

37 (B) the student is no longer a resident of Kansas; or

38 (C) the qualified student enrolls in a school district on a full-time  
39 basis.

40 (2) When a written agreement is suspended by the treasurer, the  
41 treasurer shall notify the parent of the qualified student that the written  
42 agreement has been suspended and that no transactions or disbursements  
43 from the qualified student's account may be made during the suspension.

1 The notification shall specify the reason for the suspension and state that  
2 the parent has 15 business days to respond and take corrective action. The  
3 treasurer may terminate the written agreement if the parent refuses or fails  
4 to:

5 (A) Respond, furnish any additional information or make any report  
6 required for reinstatement within the 15-day period; or

7 (B) comply with section 9(d), and amendments thereto, after making  
8 an unauthorized expenditure.

9 (3) A parent may terminate a written agreement at any time. To  
10 terminate a written agreement, the parent shall notify the treasurer in  
11 writing of such termination.

12 (4) When a written agreement is terminated, the account associated  
13 with such agreement shall be deemed no longer active and the treasurer  
14 shall close the account in accordance with section 10, and amendments  
15 thereto.

16 New Sec. 9. (a) A parent shall only expend moneys in a qualified  
17 student's account for the following expenses of the qualified student:

18 (1) Tuition or fees charged by a qualified school;

19 (2) textbooks and other supplies required by a qualified school;

20 (3) educational therapies or services provided by a licensed or  
21 accredited education provider;

22 (4) tutoring services provided by a tutor, who shall not be an  
23 immediate family member of the qualified student;

24 (5) curriculum materials;

25 (6) uniforms purchased as required for attendance at a qualified  
26 school;

27 (7) tuition or fees charged by an online learning program;

28 (8) contracted services from a public school district, including  
29 individual classes;

30 (9) fees for any nationally standardized norm-referenced achievement  
31 test, advanced placement examination or examination related to admission  
32 to a postsecondary institution;

33 (10) tuition and fees charged by a postsecondary educational  
34 institution;

35 (11) textbooks required by a postsecondary educational institution;

36 (12) fees or costs required to apply for or acquire occupational  
37 licenses, certificates, apprenticeships or other professional qualifications;

38 (13) fees for transportation services approved by the board that are  
39 used for transportation to and from a qualified school;

40 (14) computer hardware and technological devices primarily used for  
41 educational purposes, including personal computers, laptops, tablet  
42 devices, microscopes, telescopes and printers; and

43 (15) any other education expenses approved by the board.

1 (b) Money in a qualified student's account shall not be expended for  
2 the following:

3 (1) Athletic training or coaching; or

4 (2) for qualified students schooled at home, instruction or tutoring  
5 provided by an immediate family member.

6 (c) The content or religious nature of a product or service may not be  
7 considered when determining whether payment for such product or service  
8 is an allowable expenditure from an account.

9 (d) The treasurer shall notify the parent of any expenditures from a  
10 qualified student's account that do not meet the requirements of subsection  
11 (a). Such parent shall repay the cost of any such expenditures within 30  
12 calendar days after notification by the treasurer. Any such expenditure that  
13 is subsequently repaid shall be credited back to the account balance within  
14 30 calendar days after the receipt of payment.

15 (e) The board or treasurer may refer cases of substantial misuse of  
16 moneys to the attorney general for purposes of collection or criminal  
17 investigation if the board or treasurer obtains evidence of fraudulent use of  
18 an account.

19 New Sec. 10. (a) (1) There is hereby established in the state treasury  
20 the sunflower education equity scholarship fund to be administered by the  
21 state treasurer. Moneys in the sunflower education equity scholarship fund  
22 shall be expended only for the purposes established in the sunflower  
23 education equity act. All moneys received pursuant to subsection (b) shall  
24 be deposited in the state treasury in accordance with the provisions of  
25 K.S.A. 75-4215, and amendments thereto, and shall be credited to the  
26 sunflower education equity scholarship fund.

27 (2) On or before the 10<sup>th</sup> day of each month, the director of accounts  
28 and reports shall transfer from the state general fund to the sunflower  
29 education equity scholarship fund interest earnings based on:

30 (A) The average daily balance of moneys in the sunflower education  
31 equity scholarship fund; and

32 (B) the net earnings rate of the pooled money investment portfolio for  
33 the preceding month.

34 (b) On or before August 1, 2024, and on August 1 each year  
35 thereafter, the treasurer shall determine the amount to be transferred to the  
36 sunflower education equity scholarship fund by multiplying an amount  
37 equal to the BASE aid by the total number of qualified students  
38 participating in the program. The treasurer shall certify the resulting  
39 amount to the director of accounts and reports. Upon receipt of such  
40 certification, the director of accounts and reports shall transfer the certified  
41 amount from the state general fund to the sunflower education equity  
42 scholarship fund.

43 (c) (1) Except as provided in paragraph (2), if an account is active,

1 the treasurer shall transfer annually to a qualified student's account in the  
2 sunflower education equity scholarship fund an amount equal to 95% of  
3 the BASE aid. The treasurer shall make such transfers in two installments  
4 per school year: One installment in August and one installment in January.

5 (2) If a qualified student enrolls in a school district on a part-time  
6 basis, such qualified student or such student's parent shall notify the  
7 treasurer, who shall prorate the amount to be transferred under paragraph  
8 (1).

9 (3) The treasurer shall deduct 5% of the BASE aid per qualified  
10 student participating in the program as reimbursement for the  
11 administrative costs of administering the program.

12 (d) During each regular legislative session, the treasurer shall provide  
13 an estimate of the amount required to fund sunflower education equity  
14 scholarship accounts for the next succeeding fiscal year.

15 (e) Unless an account has been closed pursuant to subsection (h),  
16 moneys remaining in an account at the end of a school year shall roll over  
17 in such account to the next succeeding school year.

18 (f) A qualified school or other entity providing education services  
19 purchased with moneys from an account shall not share, refund or rebate  
20 any portion of such moneys to the parent or qualified student. Any such  
21 refund or rebate shall be made directly into the qualified student's account.

22 (g) No personal deposits may be made into an account.

23 (h) (1) Each account shall remain active until:

24 (A) A written agreement is terminated pursuant to section 8, and  
25 amendments thereto;

26 (B) a parent does not renew the qualified student's written agreement  
27 for a period of three years and fails to timely respond to the notice sent by  
28 the treasurer that the account will close in 60 calendar days if the written  
29 agreement is not renewed;

30 (C) upon the student's graduation from a postsecondary educational  
31 institution; or

32 (D) four consecutive years have passed after a student's graduation  
33 from high school or award of a high school equivalency certificate in  
34 which the student is not enrolled in a postsecondary educational  
35 institution.

36 (2) When the treasurer determines that an account is no longer active,  
37 the treasurer shall close the account and certify the amount of moneys  
38 remaining in the account to the director of accounts of reports. Such  
39 certified amount shall be transferred from the closed account to the state  
40 general fund.

41 (i) The board may contract with private financial management firms  
42 to manage scholarship accounts.

43 (j) Moneys in an account do not constitute taxable income to the

1 parent of the qualified student.

2 (k) The board shall conduct or contract to conduct annual financial  
3 audits and random quarterly financial audits of sunflower education equity  
4 scholarship accounts to ensure compliance with the sunflower education  
5 equity act. The board shall determine the scope of such audit and shall  
6 oversee such audit.

7 New Sec. 11. (a) A parent may appeal to the board any administrative  
8 decision made by the board or treasurer pursuant to the sunflower  
9 education equity act, including, but not limited to, determinations of  
10 allowable expenses, removal from the program or enrollment eligibility.  
11 The treasurer shall notify parents that each parent may appeal any  
12 administrative decision and the process by which the parent may appeal.  
13 The board shall establish an appeals process.

14 (b) Parents may represent themselves or designate a representative  
15 before any appeals hearing. Any designated representative who is not an  
16 attorney may not charge for any service rendered in connection with such  
17 hearing. The fact that a representative participated in the hearing or  
18 assisted a parent is not grounds for reversing any administrative decision  
19 or order if the evidence supporting the decision or order is substantial,  
20 reliable and probative.

21 (c) If the board issues a stay of an account suspension in response to  
22 an appeal of an administrative decision made by the board or the treasurer,  
23 the board or treasurer shall not withhold funding or refuse to enter into an  
24 agreement with the parent pursuant to section 8, and amendments thereto,  
25 unless otherwise directed by the board.

26 New Sec. 12. (a) A tutor seeking to provide tutoring services to  
27 qualified students shall apply to the board on a form and in a manner  
28 determined by the board. Such application shall include the name, address  
29 and phone number of the tutor. If the tutor has a website or email address,  
30 such website or email address shall also be provided to the board.

31 (b) A school seeking approval as a qualified school that will accept  
32 and serve qualified students shall apply to the board on a form and in a  
33 manner determined by the board. Such application shall include the name  
34 of the school, the name and title of the primary contact of such school and  
35 the school's address, phone number and email address. The primary  
36 contact of such school shall attest in writing to the school's intent to  
37 provide instruction to all qualified students enrolled at such school in the  
38 subjects of reading, grammar, mathematics, social studies and science.

39 New Sec. 13. (a) A qualified school shall provide qualified students  
40 enrolled full-time in such school instruction in reading, grammar,  
41 mathematics, social studies and science. If any qualified students are  
42 enrolled in the qualified school part-time, the qualified school shall  
43 provide a statement to the board declaring which of the above required

1 subjects and courses of instruction it is providing to part-time enrolled  
2 qualified students.

3 (b) This section does not apply to the following:

4 (1) Any postsecondary educational institution with qualified students  
5 enrolled in such institution;

6 (2) a qualified student with a disability, including, but not limited to,  
7 a student:

8 (A) Eligible to receive services pursuant to article 34 of chapter 72 of  
9 the Kansas Statutes Annotated, and amendments thereto;

10 (B) identified as having a disability under section 504 of the  
11 rehabilitation act of 1973; or

12 (C) whose parent states in writing such student has a disability and  
13 provides one form of documentation to verify the student's disability that  
14 may include, but is not limited to, one of the following:

15 (i) A notarized affidavit that describes the student's disability and  
16 attests that the student is a student with a disability;

17 (ii) a prior individualized education program or 504 plan;

18 (iii) a diagnosis of a disability signed by an appropriate healthcare  
19 provider or psychologist; or

20 (iv) a form showing the student's eligibility for vocational  
21 rehabilitation services or pre-employment transitional services; or

22 (3) any qualified student attending school at home if such school is  
23 provided by an immediate family member.

24 (c) This section shall not be construed to require any qualified school  
25 to provide instruction in any subject or course that is not reading,  
26 grammar, mathematics, social studies and science.

27 New Sec. 14. (a) A qualified school with 50 or more qualified  
28 students enrolled shall annually make available to parents of a qualified  
29 student enrolled or seeking to be enrolled at such school the aggregate test  
30 scores of either all students enrolled or all qualified students enrolled in  
31 the qualified school the following examinations and assessments by school  
32 building and grade level:

33 (1) Any nationally standardized norm-referenced achievement  
34 examination or state assessment; and

35 (2) any examination related to college or university admissions that  
36 assesses reading and mathematics.

37 (b) The parent of a qualified student may request such student take  
38 the state assessment at the school district where such student resides. Such  
39 state assessment shall be provided by such school district upon request and  
40 at no charge. The qualified student may take the state assessment at the  
41 same time and date when such assessment is given to students attending a  
42 school of the school district where such student resides. The school district  
43 may allow a qualified student to take such assessment at an alternative

1 date and time if requested by the qualified student's parent.

2 (c) (1) No information provided to the board or made available shall  
3 include any data on a qualified student's personal feelings, attitudes,  
4 beliefs or practices.

5 (2) The qualified school shall not disclose a qualified student's  
6 identification or distribute or release any personally identifiable data of a  
7 qualified student to a third party without the written consent of such  
8 student's parent. Written consent shall be obtained for each instance of  
9 such disclosure, distribution or release.

10 New Sec. 15. Nothing in the sunflower education equity act shall be  
11 construed to permit any governmental agency to exercise control or  
12 supervision over any nonpublic school or home school. Any qualified  
13 school or tutor that accepts a payment from a parent of a qualified student  
14 participating in the program is not an agent of this state.

15 New Sec. 16. (a) In school year 2023-2024, each school district in the  
16 state shall increase the salary of each licensed teacher employed by the  
17 school district in an amount that equals or exceeds the individual teacher  
18 salary increase determined by the state department of education in  
19 accordance with this section. The individual teacher salary increase  
20 required by this section is intended to provide all Kansas teachers with a  
21 pay increase based on the amount of increased state foundation aid that  
22 school districts are entitled to receive through the statutory inflation  
23 adjustment to the BASE aid amount pursuant to K.S.A. 72-5132(e)(6), and  
24 amendments thereto.

25 (b) The state department of education shall determine the individual  
26 teacher salary increase that each school district shall provide to each  
27 licensed teacher employed by the district as follows:

28 (1) Subtract the BASE aid amount for school year 2022-2023 from  
29 the inflation-adjusted BASE aid amount for school year 2023-2024;

30 (2) multiply the difference determined in paragraph (1) by the total  
31 adjusted enrollment of all school districts, excluding the school facilities  
32 weighting, ancillary school facilities weighting, cost-of-living weighting  
33 and special education and related services weighting;

34 (3) multiply the product determined in paragraph (2) by 0.50; and

35 (4) divide the product determined in paragraph (3) by the full-time  
36 equivalent number of licensed teachers employed by all school districts in  
37 school year 2023-2024. Such amount shall be the amount of the individual  
38 teacher salary increase that each school district shall provide as a salary  
39 increase to each licensed teacher employed by the school district.

40 (c) Each school district shall provide the individual teacher salary  
41 increase to each licensed teacher in addition to any other salary increases  
42 that were approved by the board of education of the school district prior to  
43 July 1, 2023. A school district shall not use the individual teacher salary



1 increase required by this section to supplant any salary increase previously  
2 approved by the board of education of a school district for any licensed  
3 teacher for the 2023-2024 school year.

4 (d) This section shall be a part of and supplemental to the Kansas  
5 school equity and enhancement act.

6 Sec. 17. K.S.A. 2022 Supp. 72-3120 is hereby amended to read as  
7 follows: 72-3120. (a) Subject to the other provisions of this section, every  
8 parent or person acting as parent in the state of Kansas, who has control  
9 over or charge of any child who has reached the age of seven years and is  
10 under the age of 18 years and has not attained a high school diploma, a  
11 general educational development credential or a high school equivalency  
12 credential, shall require such child to be regularly enrolled in and attend  
13 continuously each school year:

14 (1) A public school for the duration of the school term provided for in  
15 K.S.A. 72-3115, and amendments thereto;

16 (2) a private, denominational or parochial school taught by a  
17 competent instructor for a period of time which is substantially equivalent  
18 to the period of time public school is maintained in the school district in  
19 which the private, denominational or parochial school is located; or

20 (3) a combination of a public school and a private, denominational or  
21 parochial school for the periods of time referred to in paragraphs (1) and  
22 (2).

23 (b) If the child is 16 or 17 years of age, the child shall be exempt  
24 from the compulsory attendance requirements of this section if:

25 (1) The child is regularly enrolled in and attending a program  
26 recognized by the local board of education as an approved alternative  
27 educational program;

28 (2) the parent or person acting as parent provides written consent to  
29 allow the child to be exempt from the compulsory attendance requirements  
30 of this section and the child and the parent or person acting as parent  
31 attend a final counseling session conducted by the school during which a  
32 disclaimer to encourage the child to remain in school or to pursue  
33 educational alternatives is presented to and signed by the child and the  
34 parent or person acting as parent. The disclaimer shall include information  
35 regarding the academic skills that the child has not yet achieved, the  
36 difference in future earning power between a high school graduate and a  
37 high school drop out and a listing of educational alternatives that are  
38 available for the child;

39 (3) the child is regularly enrolled in a school as required by  
40 subsection (a) and is concurrently enrolled in a postsecondary educational  
41 institution, as defined by K.S.A. 74-3201b, and amendments thereto; or

42 (4) the child is subject to a court order that allows or requires the  
43 child to be exempt from the compulsory attendance requirements.

1 (c) *A child that is a qualified student participating in the sunflower*  
2 *education equity program pursuant to section 2 et seq., and amendments*  
3 *thereto, shall be deemed to meet the requirements of this section.*

4 (d) Any child who is under the age of seven years, but who is  
5 enrolled in school, shall be subject to the compulsory attendance  
6 requirements of this section. Any such child may be withdrawn from  
7 enrollment in school at any time by a parent or person acting as parent of  
8 the child and thereupon the child shall be exempt from the compulsory  
9 attendance requirements of this section until the child reaches the age of  
10 seven years or is re-enrolled in school.

11 ~~(d)~~(e) Any child who is determined to be an exceptional child, except  
12 for an exceptional child who is determined to be a gifted child, under the  
13 provisions of the special education for exceptional children act shall be  
14 subject to the compulsory attendance requirements of such act and exempt  
15 from the compulsory attendance requirements of this section.

16 ~~(e)~~(f) Any child who has been admitted to, and is attending, the  
17 Kansas academy of mathematics and science, as provided in K.S.A. 72-  
18 3903 et seq., and amendments thereto, shall be exempt from the  
19 compulsory attendance requirements of this section.

20 ~~(f)~~(g) No child attending public school in this state shall be required  
21 to participate in any activity which is contrary to the religious teachings of  
22 the child if a written statement signed by one of the parents or a person  
23 acting as parent of the child is filed with the proper authorities of the  
24 school attended requesting that the child not be required to participate in  
25 such activities and stating the reason for the request.

26 ~~(g)~~(h) When a recognized church or religious denomination that  
27 objects to a regular public high school education provides, offers and  
28 teaches, either individually or in cooperation with another recognized  
29 church or religious denomination, a regularly supervised program of  
30 instruction that is approved by the state board of education, for children of  
31 compulsory school attendance age who have successfully completed the  
32 eighth grade, participation in such a program of instruction by any such  
33 children whose parents or persons acting as parents are members of the  
34 sponsoring church or religious denomination shall be regarded as  
35 acceptable school attendance within the meaning of this act. Approval of  
36 such programs shall be granted by the state board of education, for two-  
37 year periods, upon application from recognized churches and religious  
38 denominations, under the following conditions:

39 (1) Each participating child shall be engaged, during each day on  
40 which attendance is legally required in the public schools in the school  
41 district in which the child resides, in at least five hours of learning  
42 activities appropriate to the adult occupation that the child is likely to  
43 assume in later years;

1 (2) acceptable learning activities, for the purposes of this subsection,  
2 shall include projects supervised by a parent or person acting as parent in  
3 agriculture and homemaking, work-study programs in cooperation with  
4 local business and industry and correspondence courses from schools  
5 accredited by the national home study council, recognized by the United  
6 States office of education as the competent accrediting agency for private  
7 home study schools;

8 (3) at least 15 hours per week of classroom work under the  
9 supervision of an instructor shall be provided, at which time students shall  
10 be required to file written reports of the learning activities they have  
11 pursued since the time of the last class meeting, indicating the length of  
12 time spent on each one, and the instructor shall examine and evaluate such  
13 reports, approve plans for further learning activities and provide necessary  
14 assignments and instruction;

15 (4) regular attendance reports shall be filed as required by law and  
16 students shall be reported as absent for each school day on which they  
17 have not completed the prescribed minimum of five hours of learning  
18 activities;

19 (5) the instructor shall keep complete records concerning instruction  
20 provided, assignments made and work pursued by the students, and these  
21 records shall be filed on the first day of each month with the state board of  
22 education and the board of education of the school district in which the  
23 child resides;

24 (6) the instructor shall be capable of performing competently the  
25 functions entrusted thereto; and

26 (7) in applying for approval under this subsection a recognized  
27 church or religious denomination shall certify its objection to a regular  
28 public high school education and shall specify, in such detail as the state  
29 board of education may reasonably require, the program of instruction that  
30 it intends to provide and no such program shall be approved unless it fully  
31 complies with standards specified by the state board of education.

32 If the sponsors of an instructional program approved under this  
33 subsection fail to comply at any time with the provisions of this  
34 subsection, the state board of education shall rescind, after a written  
35 warning has been served and a period of three weeks allowed for  
36 compliance, approval of the programs, even though the two-year approval  
37 period has not elapsed, and thereupon children attending such program  
38 shall be admitted to a high school of the school district.

39 ~~(h)~~(i) (1) Each board of education of a school district shall allow any  
40 child to enroll part-time in the school district to allow the student to attend  
41 any courses, programs or services offered by the school district if the  
42 child:

43 (A) Is also enrolled in a nonaccredited private elementary or

1 secondary school pursuant to K.S.A. 72-4345, and amendments thereto, or  
2 in any other private, denominational or parochial school pursuant to the  
3 provisions of subsection (a);

4 (B) requests to enroll part-time in the school district; and

5 (C) meets the age of eligibility requirements for school attendance  
6 pursuant to K.S.A. 72-3118, and amendments thereto.

7 (2) Each board of education of a school district shall adopt a policy  
8 regarding the part-time enrollment of students pursuant to this subsection  
9 and shall publish such policy on the school district's website. The board of  
10 education of a school district shall make a good faith attempt to  
11 accommodate scheduling requests of students enrolling in the school  
12 district pursuant to this subsection but shall not be required to make  
13 adjustments to accommodate every such request.

14 ~~(j)~~(j) As used in this section:

15 (1) "Educational alternatives" means an alternative learning plan for  
16 the student that identifies educational programs that are located in the area  
17 where the student resides and are designed to aid the student in obtaining a  
18 high school diploma, general educational development credential or other  
19 certification of completion, such as a career technical education industry  
20 certification. Such alternative learning plans may include extended  
21 learning opportunities such as independent study, private instruction,  
22 performing groups, internships, community service, apprenticeships and  
23 online coursework.

24 (2) "Parent" and "person acting as parent" mean the same as such  
25 terms are defined in K.S.A. 72-3122, and amendments thereto.

26 (3) *"Private school" includes competent, private instruction of a child  
27 directed by a parent or person acting as parent. "Private school" does not  
28 include instruction provided pursuant to subsection (c).*

29 (4) "Regularly enrolled" means enrolled in five or more hours of  
30 instruction each school day. For the purposes of subsection (b)(3), hours of  
31 instruction received at a postsecondary educational institution shall be  
32 counted.

33 Sec. 18. K.S.A. 2022 Supp. 72-5132 is hereby amended to read as  
34 follows: 72-5132. As used in the Kansas school equity and enhancement  
35 act, K.S.A. 72-5131 et seq., and amendments thereto:

36 (a) "Adjusted enrollment" means the enrollment of a school district,  
37 excluding the remote enrollment determined pursuant to K.S.A. 2022  
38 Supp. 72-5180, and amendments thereto, adjusted by adding the following  
39 weightings, if any, to the enrollment of a school district: At-risk student  
40 weighting; bilingual weighting; career technical education weighting;  
41 high-density at-risk student weighting; high enrollment weighting; low  
42 enrollment weighting; school facilities weighting; ancillary school  
43 facilities weighting; cost-of-living weighting; special education and related

1 services weighting; and transportation weighting.

2 (b) "Ancillary school facilities weighting" means an addend  
3 component assigned to the enrollment of school districts pursuant to  
4 K.S.A. 72-5158, and amendments thereto, on the basis of costs attributable  
5 to commencing operation of one or more new school facilities by such  
6 school districts.

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

10 (2) "At-risk student" does not include any student enrolled in any of  
11 the grades one through 12 who is in attendance less than full time, or any  
12 student who is over 19 years of age. The provisions of this paragraph shall  
13 not apply to any student who has an individualized education program.

14 (d) "At-risk student weighting" means an addend component assigned  
15 to the enrollment of school districts pursuant to K.S.A. 72-5151(a), and  
16 amendments thereto, on the basis of costs attributable to the maintenance  
17 of at-risk educational programs by such school districts.

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

21 (1) For school year 2018-2019, \$4,165;

22 (2) for school year 2019-2020, \$4,436;

23 (3) for school year 2020-2021, \$4,569;

24 (4) for school year 2021-2022, \$4,706;

25 (5) for school year 2022-2023, \$4,846; and

26 (6) for school year 2023-2024, and each school year thereafter, the  
27 BASE aid shall be the BASE aid amount for the immediately preceding  
28 school year plus an amount equal to the average percentage increase in the  
29 consumer price index for all urban consumers in the midwest region as  
30 published by the bureau of labor statistics of the United States department  
31 of labor during the three immediately preceding school years rounded to  
32 the nearest whole dollar amount.

33 (f) "Bilingual weighting" means an addend component assigned to  
34 the enrollment of school districts pursuant to K.S.A. 72-5150, and  
35 amendments thereto, on the basis of costs attributable to the maintenance  
36 of bilingual educational programs by such school districts.

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

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

40 (i) "Categorical fund" means and includes the following funds of a  
41 school district: Adult education fund; adult supplementary education fund;  
42 at-risk education fund; bilingual education fund; career and postsecondary  
43 education fund; driver training fund; educational excellence grant program

1 fund; extraordinary school program fund; food service fund; parent  
2 education program fund; preschool-aged at-risk education fund;  
3 professional development fund; special education fund; and summer  
4 program fund.

5 (j) "Cost-of-living weighting" means an addend component assigned  
6 to the enrollment of school districts pursuant to K.S.A. 72-5159, and  
7 amendments thereto, on the basis of costs attributable to the cost of living  
8 in such school districts.

9 (k) "Current school year" means the school year during which state  
10 foundation aid is determined by the state board under K.S.A. 72-5134, and  
11 amendments thereto.

12 (l) "Enrollment" means, except as provided in K.S.A. 2022 Supp. 72-  
13 5180, and amendments thereto:

14 (1) The number of students regularly enrolled in kindergarten and  
15 grades one through 12 in the school district on September 20 of the  
16 preceding school year plus the number of preschool-aged at-risk students  
17 regularly enrolled in the school district on September 20 of the current  
18 school year, except a student who is a foreign exchange student shall not  
19 be counted unless such student is regularly enrolled in the school district  
20 on September 20 and attending kindergarten or any of the grades one  
21 through 12 maintained by the school district for at least one semester or  
22 two quarters, or the equivalent thereof.

23 (2) If the enrollment in a school district in the preceding school year  
24 has decreased from enrollment in the second preceding school year, the  
25 enrollment of the school district in the current school year means the sum  
26 of:

27 (A) The enrollment in the second preceding school year, excluding  
28 students under paragraph (2)(B), minus enrollment in the preceding school  
29 year of preschool-aged at-risk students, if any, plus enrollment in the  
30 current school year of preschool-aged at-risk students, if any; and

31 (B) the adjusted enrollment in the second preceding school year of  
32 any students participating in the tax credit for low income students  
33 scholarship program pursuant to K.S.A. 72-4351 et seq., and amendments  
34 thereto, in the preceding school year, if any, plus the adjusted enrollment in  
35 the preceding school year of preschool-aged at-risk students who are  
36 participating in the tax credit for low income students scholarship program  
37 pursuant to K.S.A. 72-4351 et seq., and amendments thereto, in the current  
38 school year, if any.

39 (3) For any school district that has a military student, as that term is  
40 defined in K.S.A. 72-5139, and amendments thereto, enrolled in such  
41 district, and that received federal impact aid for the preceding school year,  
42 if the enrollment in such school district in the preceding school year has  
43 decreased from enrollment in the second preceding school year, the

1 enrollment of the school district in the current school year means  
2 whichever is the greater of:

3 (A) The enrollment determined under paragraph (2); or

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

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

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

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

15 (4) For any school district that has a high school classified as a 1A  
16 member school by the activities association described in K.S.A. 72-7114,  
17 and amendments thereto, the enrollment of the school district shall be the  
18 sum of the number of preschool-aged at-risk students regularly enrolled in  
19 the school district on September 20 of the current school year plus  
20 whichever is the greater of:

21 (A) The number of students regularly enrolled in kindergarten and  
22 grades one through 12 in the school district on September 20 of the  
23 preceding school year;

24 (B) the number of students regularly enrolled in kindergarten and  
25 grades one through 12 in the school district on September 20 of the second  
26 preceding school year;

27 (C) the number of students regularly enrolled in kindergarten and  
28 grades one through 12 in the school district on September 20 of the third  
29 preceding school year; or

30 (D) the number of students regularly enrolled in kindergarten and  
31 grades one through 12 in the school district on September 20 of the fourth  
32 preceding school year.

33 (5) The enrollment determined under paragraph (1), (2)~~or~~, (3) or (4),  
34 except if the school district begins to offer kindergarten on a full-time  
35 basis in such school year, students regularly enrolled in kindergarten in the  
36 school district in the preceding school year shall be counted as one student  
37 regardless of actual attendance during such preceding school year.

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

41 (n) "Federal impact aid" means an amount equal to the federally  
42 qualified percentage of the amount of moneys a school district receives in  
43 the current school year under the provisions of title I of public law 874 and

1 congressional appropriations therefor, excluding amounts received for  
2 assistance in cases of major disaster and amounts received under the low-  
3 rent housing program. The amount of federal impact aid shall be  
4 determined by the state board in accordance with terms and conditions  
5 imposed under the provisions of the public law and rules and regulations  
6 thereunder.

7 (o) "General fund" means the fund of a school district from which  
8 operating expenses are paid and in which is deposited all amounts of state  
9 foundation aid provided under this act, payments under K.S.A. 72-528,  
10 and amendments thereto, payments of federal funds made available under  
11 the provisions of title I of public law 874, except amounts received for  
12 assistance in cases of major disaster and amounts received under the low-  
13 rent housing program and such other moneys as are provided by law.

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

16 (q) "High-density at-risk student weighting" means an addend  
17 component assigned to the enrollment of school districts pursuant to  
18 K.S.A. 72-5151(b), and amendments thereto, on the basis of costs  
19 attributable to the maintenance of at-risk educational programs by such  
20 school districts.

21 (r) "High enrollment weighting" means an addend component  
22 assigned to the enrollment of school districts pursuant to K.S.A. 72-  
23 5149(b), and amendments thereto, on the basis of costs attributable to  
24 maintenance of educational programs by such school districts.

25 (s) "Juvenile detention facility" means the same as such term is  
26 defined in K.S.A. 72-1173, and amendments thereto.

27 (t) "Local foundation aid" means the sum of the following amounts:

28 (1) An amount equal to any unexpended and unencumbered balance  
29 remaining in the general fund of the school district, except moneys  
30 received by the school district and authorized to be expended for the  
31 purposes specified in K.S.A. 72-5168, and amendments thereto;

32 (2) an amount equal to any remaining proceeds from taxes levied  
33 under authority of K.S.A. 72-7056 and 72-7072, prior to their repeal;

34 (3) an amount equal to the amount deposited in the general fund in  
35 the current school year from moneys received in such school year by the  
36 school district under the provisions of K.S.A. 72-3123(a), and amendments  
37 thereto;

38 (4) an amount equal to the amount deposited in the general fund in  
39 the current school year from moneys received in such school year by the  
40 school district pursuant to contracts made and entered into under authority  
41 of K.S.A. 72-3125, and amendments thereto;

42 (5) an amount equal to the amount credited to the general fund in the  
43 current school year from moneys distributed in such school year to the



1 school district under the provisions of articles 17 and 34 of chapter 12 of  
2 the Kansas Statutes Annotated, and amendments thereto, and under the  
3 provisions of articles 42 and 51 of chapter 79 of the Kansas Statutes  
4 Annotated, and amendments thereto;

5 (6) an amount equal to the amount of payments received by the  
6 school district under the provisions of K.S.A. 72-3423, and amendments  
7 thereto; and

8 (7) an amount equal to the amount of any grant received by the  
9 school district under the provisions of K.S.A. 72-3425, and amendments  
10 thereto.

11 (u) "Low enrollment weighting" means an addend component  
12 assigned to the enrollment of school districts pursuant to K.S.A. 72-  
13 5149(a), and amendments thereto, on the basis of costs attributable to  
14 maintenance of educational programs by such school districts.

15 (v) "Operating expenses" means the total expenditures and lawful  
16 transfers from the general fund of a school district during a school year for  
17 all purposes, except expenditures for the purposes specified in K.S.A. 72-  
18 5168, and amendments thereto.

19 (w) "Preceding school year" means the school year immediately  
20 before the current school year.

21 (x) "Preschool-aged at-risk student" means an at-risk student who has  
22 attained the age of three years, is under the age of eligibility for attendance  
23 at kindergarten, and has been selected by the state board in accordance  
24 with guidelines governing the selection of students for participation in  
25 head start programs.

26 (y) "Preschool-aged exceptional children" means exceptional  
27 children, except gifted children, who have attained the age of three years  
28 but are under the age of eligibility for attendance at kindergarten.  
29 "Exceptional children" and "gifted children" mean the same as those terms  
30 are defined in K.S.A. 72-3404, and amendments thereto.

31 (z) "Psychiatric residential treatment facility" means the same as such  
32 term is defined in K.S.A. 72-1173, and amendments thereto.

33 (aa) (1) "Remote enrollment" means the number of students regularly  
34 enrolled in kindergarten and grades one through 12 in the school district  
35 who attended school through remote learning in excess of the remote  
36 learning limitations provided in K.S.A. 2022 Supp. 72-5180, and  
37 amendments thereto.

38 (2) This subsection shall not apply in any school year prior to the  
39 2021-2022 school year.

40 (bb) (1) "Remote learning" means a method of providing education in  
41 which the student, although regularly enrolled in a school district, does not  
42 physically attend the attendance center such student would otherwise  
43 attend in person on a full-time basis and curriculum and instruction are

1 prepared, provided and supervised by teachers and staff of such school  
2 district to approximate the student learning experience that would take  
3 place in the attendance center classroom.

4 (2) "Remote learning" does not include virtual school as such term is  
5 defined in K.S.A. 72-3712, and amendments thereto.

6 (3) This subsection shall not apply in any school year prior to the  
7 2021-2022 school year.

8 (cc) "School district" means a school district organized under the  
9 laws of this state that is maintaining public school for a school term in  
10 accordance with the provisions of K.S.A. 72-3115, and amendments  
11 thereto.

12 (dd) "School facilities weighting" means an addend component  
13 assigned to the enrollment of school districts pursuant to K.S.A. 72-5156,  
14 and amendments thereto, on the basis of costs attributable to commencing  
15 operation of one or more new school facilities by such school districts.

16 (ee) "School year" means the 12-month period ending June 30.

17 (ff) "September 20" has its usual meaning, except that in any year in  
18 which September 20 is not a day on which school is maintained, it means  
19 the first day after September 20 on which school is maintained.

20 (gg) "Special education and related services weighting" means an  
21 addend component assigned to the enrollment of school districts pursuant  
22 to K.S.A. 72-5157, and amendments thereto, on the basis of costs  
23 attributable to the maintenance of special education and related services by  
24 such school districts.

25 (hh) "State board" means the state board of education.

26 (ii) "State foundation aid" means the amount of aid distributed to a  
27 school district as determined by the state board pursuant to K.S.A. 72-  
28 5134, and amendments thereto.

29 (jj) (1) "Student" means any person who is regularly enrolled in a  
30 school district and attending kindergarten or any of the grades one through  
31 12 maintained by the school district or who is regularly enrolled in a  
32 school district and attending kindergarten or any of the grades one through  
33 12 in another school district in accordance with an agreement entered into  
34 under authority of K.S.A. 72-13,101, and amendments thereto, or who is  
35 regularly enrolled in a school district and attending special education  
36 services provided for preschool-aged exceptional children by the school  
37 district.

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

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

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

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

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

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

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

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

19 (E) A student enrolled in and attending a technical college, a career  
20 technical education program of a community college or other approved  
21 career technical education program shall be counted as one student, if the  
22 student's career technical education attendance together with the student's  
23 attendance in any of grades nine through 12 is at least  $\frac{5}{6}$  time, otherwise  
24 the student shall be counted as that proportion of one student, to the  
25 nearest  $\frac{1}{10}$ , that the total time of the student's career technical education  
26 attendance and attendance in any of grades nine through 12 bears to full-  
27 time attendance.

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

32 (G) A student enrolled in a school district and attending special  
33 education and related services provided for by the school district and also  
34 attending a virtual school shall be counted as that proportion of one  
35 student, to the nearest  $\frac{1}{10}$ , that the student's attendance at the non-virtual  
36 school bears to full-time attendance.

37 (H) A student enrolled in a school district and attending school on a  
38 part-time basis through remote learning and also attending school in  
39 person on a part-time basis shall be counted as that proportion of one  
40 student, to the nearest  $\frac{1}{10}$ , that the student's in-person attendance bears to  
41 full-time attendance.

42 (I) A student enrolled in a school district who is not a resident of  
43 Kansas shall be counted as  $\frac{1}{2}$  of a student.

1 This subparagraph shall not apply to:

2 (i) A student whose parent or legal guardian is an employee of the  
3 school district where such student is enrolled; or

4 (ii) a student who attended public school in Kansas during school  
5 year 2016-2017 and who attended public school in Kansas during the  
6 immediately preceding school year.

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

8 (A) An individual residing at the Flint Hills job corps center;

9 (B) except as provided in paragraph (2), an individual confined in and  
10 receiving educational services provided for by a school district at a  
11 juvenile detention facility; and

12 (C) an individual enrolled in a school district but housed, maintained  
13 and receiving educational services at a state institution or a psychiatric  
14 residential treatment facility.

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

18 (5) A student enrolled in a school district who attends school through  
19 remote learning shall be counted in accordance with the provisions of this  
20 section and K.S.A. 2022 Supp. 72-5180, and amendments thereto.

21 (kk) "Total foundation aid" means an amount equal to the product  
22 obtained by multiplying the BASE aid by the adjusted enrollment of a  
23 school district.

24 (ll) "Transportation weighting" means an addend component assigned  
25 to the enrollment of school districts pursuant to K.S.A. 72-5148, and  
26 amendments thereto, on the basis of costs attributable to the provision or  
27 furnishing of transportation.

28 (mm) "Virtual school" means the same as such term is defined in  
29 K.S.A. 72-3712, and amendments thereto.

30 Sec. 19. K.S.A. 2022 Supp. 72-3120 and 72-5132 are hereby  
31 repealed.

32 Sec. 20. This act shall take effect and be in force from and after its  
33 publication in the statute book.