

K-12—Education Appropriations and Other Provisions; House Sub. for SB 387

House Sub. for SB 387 makes appropriations for the Kansas State Department of Education (KSDE) for FY 2024, FY 2025, and FY 2026; makes adjustments to the Kansas School Equity and Enhancement Act (KSEEA); establishes the Education Funding Task Force; repeals authorization for the Special Education and Related Services Funding Task Force; and amends various provisions of law related to K-12 education.

Appropriations for FY 2024, FY 2025, and FY 2026

The bill makes the following appropriations for KSDE.

FY 2024

For KSDE, the bill:

- Lapses \$714,470 from the State General Fund (SGF) in the Kansas Public Employees Retirement System (KPERs) non-USDs account;
- Lapses \$341 SGF from the KPERs USDs account;
- Lapses \$81.9 million SGF from the State Foundation Aid account;
- Lapses \$14.6 million SGF from the Supplemental State Aid account;
- Lapses \$40,000 SGF from the Career Technical Education Pilot account;
- Lapses \$300,000 SGF from the Juvenile Transitional Crisis Center Pilot account;
and
- Adds \$87,297 SGF to accommodate the pay plan shortfall.

With these changes, the appropriation for FY 2024 is \$6.7 billion, including \$4.6 billion SGF.

FY 2025

For KSDE, the bill appropriates \$6.6 billion, including \$4.9 billion SGF. This amount includes \$5.8 billion, including \$4.9 billion SGF, for the major categories of school finance, KPERs USDs, and KPERs non-USDs.

State General Fund. Appropriations from the SGF include the following:

- \$15.2 million for operating expenditures;

- \$80,000 for the Center for READING;
- \$25.2 million for KPERS non-USDs;
- \$506.3 million for KPERS USDs;
- \$2.8 million for the ACT and WorkKeys Assessments Program;
- \$1.5 million for Career and Technical Education Transportation;
- \$67,700 for Education Commission of the States dues;
- \$10,000 for the School Safety Hotline;
- \$5.0 million for School Safety and Security Grants;
- \$5.1 million for School District Juvenile Detention Facilities and Flint Hills Job Corps Center Grants;
- \$2.5 million for school food assistance;
- \$2.0 million for the Virtual Math Education program;
- \$1.3 million for the Mentor Teacher program;
- \$110,000 for Educable Deaf-Blind and Severely Handicapped Children's Program Aid;
- \$65.5 million for Special Education Services Aid;
- \$360,693 for the Governor's Teaching Excellence Scholarships and Awards;
- \$29.6 million for State Foundation Aid;
- \$1.8 million for Professional Development State Aid; and
- \$1.0 million for the Computer Science Education Advancement Grant.

Special revenue funds. The bill also appropriates funding from fee funds and several no-limit special revenue funds, including federal funds. The bill appropriates the following from the Children's Initiative Fund (CIF):

- \$375,000 for the Children's Cabinet Accountability Fund;
- \$23.7 million for CIF grants;

- \$9.4 million for the Parent Education program (*i.e.*, Parents as Teachers);
- \$4.2 million for the Pre-K Pilot program;
- \$1.4 million for early childhood infrastructure;
- \$1.5 million for the Dolly Parton Imagination Library; and
- \$5.0 million for the Children’s Cabinet Public-Private Partnership Pilot program.

In addition, the bill appropriates \$276,533 from the Kansas Endowment for Youth (KEY) Fund for the administration of the Children’s Cabinet. It also appropriates \$42.8 million from the Expanded Lottery Act Revenues Fund (ELARF) for KPERS non-USDs.

Transfers. The bill provides for the following transfers:

- \$50,000 on July 1, 2024, or as soon as moneys are available, from the Family and Children Trust Account of the Family and Children Investment Fund of KSDE to the SparkWheel program fund of KSDE;
- \$550,000 on March 30, 2025, and \$550,000 on June 30, 2025, from the State Safety Fund to the SGF to reimburse costs associated with services provided by other state agencies on behalf of KSDE;
- \$81,250, quarterly, from the State Highway Fund of the Department of Transportation to the School Bus Safety Fund of KSDE;
- An amount certified by the Commissioner of Education from the Motorcycle Safety Fund of KSDE to the Motorcycle Safety Fund of the State Board of Regents on July 1, 2025, to cover costs of driver’s license programs conducted by community colleges;
- \$70,000 from the Universal Service Administrative Company (USAC) E-rate Program Federal Fund of the State Board of Regents to the Education Technology Coordinator Fund of KSDE; and
- All moneys from the Communities in Schools program fund to the SparkWheel program fund, on July 1, 2024. All liabilities of the Communities in Schools program fund will be transferred to the SparkWheel program fund, and the Communities in Schools program fund will be abolished. [*Note:* Statutory provisions would be updated to reflect this change of reference; see Section 19.]

The bill authorizes the Commissioner of Education to transfer any part of an SGF appropriation for KSDE to another SGF appropriation for KSDE for FY 2025.

Additional Provisions Regarding Appropriations in FY 2025

The bill includes proviso language directing certain FY 2025 expenditures. The bill also adds proviso language lapsing \$65.5 million SGF in Special Education State Aid on July 1, 2025, if the excess costs sections of the bill are not enacted into law. The bill also adds proviso

language that the \$5.0 million CIF for the Children's Cabinet public-private partnership is one-time funding.

FY 2026

For KSDE, the bill appropriates the following from the SGF:

- \$3.0 billion for State Foundation Aid;
- \$601.8 million for Supplemental State Aid; and
- \$601.0 million for Special Education State Aid.

The bill authorizes expenditures from the State School District Finance Fund and the Mineral Production Education Fund.

Additional Provisions Regarding Appropriations in FY 2026

The bill includes proviso language directing certain FY 2026 expenditures.

Education Funding Task Force; Repeal of Special Education and Related Services Funding Task Force

The bill establishes the Education Funding Task Force, which will be required to review several elements associated with the current school finance system and academic reporting and achievement goals and to report recommendations to the Governor and the Legislature on or before January 11, 2027, that provide for the establishment of a new school finance formula to replace the formula (Kansas School Equity and Enhancement Act [KSEEA]) that will expire on July 1, 2027. The bill also repeals authorization for the Special Education and Related Services Funding Task Force.

Membership and Appointments

The bill establishes the Education Funding Task Force (Task Force), which will be composed of the following 11 voting members:

- Two members of the House of Representatives appointed by the Speaker of the House;
- One member of the House of Representatives appointed by the Minority Leader of the House of Representatives;
- Two members of the Senate appointed by the President of the Senate;
- One member of the Senate appointed by the Minority Leader of the Senate;
- One member of the State Board appointed by the State Board;

- One member who must be a parent of a K-12 student who attends a school district in Kansas, appointed by the Speaker of the House;
- One member who must be a current or retired public school teacher, appointed by the President of the Senate;
- One member who must be a superintendent of a rural school district, appointed by the State Board; and
- One member who must be a superintendent of an urban school district, appointed by the State Board.

The bill specifies that any superintendent member of the Task Force is permitted to designate another individual to attend any or all meetings of the Task Force as the member's designee.

Ex officio, non-voting members. The bill also provides for four non-voting ex officio members of the Task Force:

- The KSDE Deputy Commissioner of Fiscal and Administrative Services or designee;
- The chairperson of the Kansas Children's Cabinet or designee;
- The Director of the Budget or designee; and
- The KSDE Director of Special Education and Title Services or designee.

Review of School Finance System

The bill requires the Task Force to review the:

- Current school finance system in Kansas including, but not limited to, the KSEEA;
- Current methods for determining and disbursing Special Education State Aid;
- Inputs of the current school finance system, including, but not limited to, funding levels, funding sources, and funding impacts;
- Outputs of the current school finance system, including, but not limited to, academic achievement outcomes and other measures of student success;
- Current academic reporting requirements with respect to state assessments and student achievements; and

- Achievement goals established by KSDE in the Consolidated State Plan submitted to the U.S. Department of Education pursuant to the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act, including, but not limited to, the goal to have 75 percent of all students and student subgroups achieve proficiency on the statewide assessments in English language arts (ELA) and mathematics by 2030, which has been defined by the State Board as requiring students to score in performance levels 3 and 4 combined on such assessments.

Reporting of Recommendations

The bill requires the Task Force to prepare and submit a report to the Legislature and the Governor on or before January 11, 2027. The bill requires the report to include recommendations regarding:

- The establishment of a school finance formula that will replace the KSEEA after its expiration. When making such recommendations, the Task Force will be required to pursue the following goals for a school finance formula:
 - The formula shall be reasonably calculated to have all students meet or exceed the education goal established in KSA 72-3218(c) [*Note: This goal is also known as the Rose capacities; this statute lists subjects and areas of instruction to be designated by the State Board to achieve the goal established by the Legislature to meet the graduation requirements adopted by the State Board*];
 - The formula shall provide adequate, consistent, and reliable school funding;
 - The formula shall provide equitable school funding; and
 - The formula shall provide meaningful accountability measures;
- Whether revisions to the current methods for determining and disbursing Special Education State Aid are advisable or necessary; and
- Any other recommendations related to school finance.

Designation of Chairperson; Quorum; Meeting Information

The bill requires Task Force members to be appointed on or before November 30, 2024. The bill further requires, in even-numbered years, the Task Force chairperson to be designated by the Speaker of the House and the vice-chairperson to be designated by the President of the Senate. In odd-numbered years, the chairperson will be designated by the President, and the vice-chairperson will be designated by the Speaker of the House. The bill provides that any vacancy in the Task Force membership will be filled in the same manner prescribed for that member's original appointment.

The bill states that a quorum for the Task Force is six voting members. All actions of the Task Force are permitted to be taken by a majority of members present when there is a quorum. If the meeting is approved by the Legislative Coordinating Council (LCC), the Task Force members will be paid for expenses, mileage, and subsistence as provided in a statute governing board member compensation (KSA 75-3223(e)). The Task Force is permitted to meet at any time and any place within the state upon the call of its chairperson.

The bill also provides that the staff of the Office of Revisor of Statutes, Legislative Research Department, and Division of Legislative Administrative Services will provide assistance as requested by the Task Force.

The Task Force provisions of the bill expire on July 1, 2027.

Special Education Excess Costs; Determination and Formula

The bill amends and creates law governing the excess costs formula for K-12 education Special Education State Aid by requiring school districts to transfer the funding attributable to the special education funding within the district's local option budget (LOB) to the district's special education and related services fund; determine each individual school district's excess costs, using the same calculation methodology as for statewide excess costs; report each school district's excess costs amount and publish these amounts on the KSDE website; and provide an annual report to the designated legislative committees on or before January 31 of each year detailing the individual school district's excess costs and how the Special Education State Aid will be distributed.

Excess Cost Determination

The bill creates law requiring KSDE to determine each school district's excess costs before distributing Special Education State Aid. The process for determining each school district's excess costs will be the following:

- Calculate weighted full-time equivalent (FTE) students without At-Risk, Bilingual, Career Technical Education, Special Education, and Transportation weightings;
- Multiply the weighted FTE by BASE (base aid for student excellence);
- Divide this sum by unweighted FTE to find general education aid per student;
- Calculate Special Education FTE enrolled;
- Multiply the general education aid per student by the number of Special Education FTE students;
- Multiply the product immediately above by the school district's LOB authority percentage;

- Add the two previous amounts together for total general education funding for Special Education students;
- Calculate federal aid for Special Education;
- Calculate Medicaid and state hospitals funding for Special Education students;
- Add total general education funding for Special Education students, federal aid, and Medicaid and state hospitals funding together for the total deductions;
- Calculate estimated special education and related services expenditures; and
- Subtract total deductions from estimated special education and related services expenditures to determine Total Excess Costs.

The bill also directs the State Board to assign the costs of providing special education and related services by interlocal agreements or as members of cooperatives to each school district based upon the expenditures of a school district in comparison to the expenditures of all school districts within the interlocal or cooperative.

The bill also requires the State Board to annually:

- Report each school district's excess costs to the school district;
- Publish the excess costs determinations on the KSDE website; and
- Prepare and submit a report to the House Committee on K-12 Education Budget and Senate Committee on Education that includes school district excess costs and the Special Education distribution schedule.

Determination of State Aid for the Provision of Special Education

The bill modifies how statewide Special Education State Aid is determined as follows:

- Calculate weighted FTE student enrollment as provided on the Legal Max calculation from the KSDE without At-Risk, Bilingual, Career Technical Education, Special Education, and Transportation weightings;
- Multiply weighted FTE by BASE;
- Divide product by unweighted FTE to find general education aid per student;
- Calculate Special Education FTE enrolled;

- Multiply the general education aid per student by the number of Special Education FTE;
- Multiply the product by the statewide average LOB authority percentage;
- Add the two previous steps together for total general education funding for Special Education students;
- Calculate federal aid;
- Calculate Medicaid and state hospitals funding;
- Add total general education funding for Special Education students, federal aid, and Medicaid and state hospitals funding together for the total deductions;
- Calculate estimated Special Education expenditures;
- Subtract total deductions from estimated Special Education expenditures for total excess costs; and
- Multiply total excess costs by 92.0 percent.

Appropriation and distribution; maintenance of effort. The bill amends law governing Special Education State Aid and its computation to require the Legislature to appropriate at least \$601.0 million for special education for FY 2025 and every fiscal year thereafter. The bill also requires the State Board to distribute \$528.0 million, as was approved for FY 2024, based upon the statewide distribution system continuing in law and creates an equalization distribution schedule for any Special Education State Aid appropriated above the \$528.0 million and distribute the difference under the State Board’s distribution system.

Local Option Budget

The bill amends law governing School District State Aid and the LOB to require each school district to transfer a portion of its LOB fund to the district’s special education fund. This amount would be proportionally equal to the amount of the school district’s Total Foundation Aid that is attributable to the special education weighting.

At-Risk Accountability Plan and Improvement Goals, Reporting

The bill establishes requirements for school districts, starting in school year 2024-2025 for school districts selected for a two-year pilot program and in 2026-2027 for all school districts, to establish at-risk student accountability plans and annually report on at-risk student performance and show longitudinal academic improvement for those students. The bill also amends law governing a school district’s at-risk education fund and reporting to the State Board to require the State Board to publish an online at-risk best practices resource list instead of publishing a list of approved evidence-based best practices; removes authorization of at-risk

funds for provisional at-risk programs; adds and modifies existing definitions, including “above and beyond” and “evidence-based instruction”; requires summary reporting to legislative committees; and prohibits the State Board from revising or updating the ELA or mathematics curriculum standards until the state meets the State Board’s goal of having 75.0 percent of all students score levels 3 or 4 on the ELA and mathematics assessments.

At-Risk Accountability Plan

The bill requires each participating school district to create and annually submit an at-risk accountability plan to the State Board, starting in school year 2024-2025 for the pilot program (and in school year 2026-2027 for the statewide program). The bill requires the plan to:

- Demonstrate the use of evidence-based instruction for at-risk students;
- Measure longitudinal academic progress in a quantitative manner;
- Establish and meet the quantitative student improvement goals for certain identified student cohort groups;
- Ensure that at-risk education fund moneys are expended in accordance with law by providing services above and beyond regular education services; and
- Continue the process of identifying certain student cohort groups (described below) and providing evidence-based instruction above and beyond that of regular education to such identified cohort groups until the school districts meet the State Board’s goal of having 75.0 percent of all students score levels 3 or 4 on the ELA and mathematics state assessments.

Quantitative Measures

The bill requires the quantitative measures approved by the State Board to include only the following:

- ELA and mathematics state assessments;
- A formative assessment approved by the State Board;
- A summative assessment approved by the State Board; or
- The ACT or ACT WorkKeys assessments.

Student Cohort Groups; Pilot Program

The bill requires each participating school district, beginning in school year 2024-2025 for the pilot program (described below) and in school year 2026-2027 for all school districts (including those participating in the pilot program), to have two student cohort groups for its at-risk accountability program.

Pilot program for select school districts; State Board of Education. The bill establishes a two-year pilot program, commencing in school year 2024-2025, for ten school districts selected by the State Board for participation in the at-risk accountability plan program and cohort group metrics and reporting specified in the bill. The bill requires the State Board to select a diverse array of school districts with consideration given to a school district's size, location, student demographics, and level of staff participation and prior training in the science of reading.

Requirements for the cohort groups for both the pilot program and statewide program include:

- One cohort group will be in 3rd grade and an additional cohort group will be from any other grade K-8;
- One cohort group will be free lunch unless such cohort group is fewer than ten students, in which case another cohort group may be chosen;
- The other cohort group could be any cohort group used for state assessment purposes or at-risk students under the at-risk criteria;
- Each cohort group will have two, three, or four targeted supports or interventions chosen by the school district. The bill requires these supports or interventions to be chosen from the State Board's list of approved at-risk educational programs;
- Evaluations for the 3rd grade cohort group will be on two quantitative measures, one of which would be the ELA and mathematics state assessments and the other will be from the list of approved quantitative measures; and
- Evaluations for the other cohort group will be on two quantitative measures, one of which would be the ELA and mathematics state assessments if the grade will take the assessments, and the other will be from the list of approved quantitative measures. If no state assessments are being taken, the bill requires both measures to be from the list of approved quantitative measures.

Longitudinal Study

The bill requires each school district to conduct a four-year or five-year longitudinal evaluation of each cohort group in ELA and mathematics. Each school district is directed to establish a quantitative goal for each cohort group and track the progress of the two cohort groups using state assessment scores and an additional goal chosen by the school district to determine whether the goals are being met or exceeded. Additionally, the school districts will not be able to revise the stated quantitative goals once set.

The bill also requires each school district to continue the practice of identifying cohort groups and providing evidence-based instruction to those cohort groups until the school district achieves the State Board's goal of having 75.0 percent of all students score a level 3 or 4 on the state assessments for ELA and mathematics.

Failure to Achieve Stated Goals

The bill outlines consequences for the failure to achieve the goals set by the school district. Beginning in school year 2030-2031, these consequences will include:

- If the cohort group did not meet or exceed the goals, the State Board will be required to deem the school district as not meeting at-risk improvement requirements on the district's at-risk student achievement report published on the State Board's website. This determination would remain until a new cohort group in the applicable starting grade level meets or exceeds the goals;
- If the cohort group did not meet or exceed the quantitative goals in the initial evaluation period, the school district will have one more year to further evaluate that cohort group's progress;
- If one cohort group fails to meet or exceed the goals at the end of the one additional school year, the school district will not be entitled to receive the full amount of state aid attributable to the at-risk and high-density at-risk weightings. Instead, the school district would receive half of the BASE aid increase plus the prior year's BASE aid amount for the at-risk and high-density at-risk weightings for funding purposes; and
- If both cohort groups fail to meet or exceed the goals at the end of the one additional school year, the at-risk and high-density at-risk weightings would use the prior year's BASE aid amount for funding purposes.

Reporting by School Districts to the State Board of Education

The bill requires each school district to annually report to the State Board the following information:

- The school district's at-risk accountability plan;
- Current progress on achieving the at-risk accountability plan;
- A report of the expenditures made from the school district's at-risk education fund, which must be submitted:
 - In school years 2024-2025 and 2025-2026 by the school districts participating in the pilot program; and
 - In school year 2026-2027 and each subsequent school year, by all school districts;
- An estimate of whether the school district expects to meet or exceed the longitudinal academic improvement goals established by the school district;

- The at-risk programs, services, resources, and targeted support and interventions from the list of approved programs that are used by the school district to provide evidence-based services above and beyond regular education services;
- The number of at-risk students identified and served; and
- The data and research the school district used to determine the at-risk programs and services.

The bill also permits each school district to submit a narrative with the district's at-risk student achievement report.

For the statewide program, the bill requires the State Board to publish information reported by school districts on the KSDE website, underneath a link titled "accountability reports." Each school district is also be required to provide the individual school district's at-risk accountability plan on the school district's website.

Reporting by the Kansas State Department of Education to the Legislature

The bill requires KSDE to prepare and submit a summary of the reports from the school districts to the House Committee on K-12 Education Budget and Senate Committee on Education on or before January 31 each year.

Expenditures of At-Risk Funding

The bill amends law pertaining to at-risk funding to require provisional at-risk programs to be subject to school district review while the program is implemented to evaluate whether the program is producing or is likely to produce measurable success and, if the program satisfies the State Board's requirements, it will be added to the list of approved at-risk educational programs.

The bill further provides if the State Board removes any program or service from its list, a school district that is implementing such program or service may apply to the State Board to continue to make expenditures from the district's at-risk education fund to continue to implement such program or service. The bill directs the State Board, when considering a district's application to continue such program or service, to require a district to demonstrate that either of the following improvements are directly attributable to the program or service:

- Academic improvement in either mathematics or ELA has occurred; or
- There has been an improvement in attendance, college and career readiness measures, or the education climate through a showing of a measurable decrease in detentions, expulsions, tardiness, or other behavioral issues that hinder student learning.

The bill amends and establishes definitions for terms including:

- “Above and beyond,” to mean an at-risk education program or evidence-based instruction or practice that is provided in excess of regular educational services and based on the needs of students identified as at-risk and may provide a collateral benefit to students who are not identified as at-risk without any additional costs;
- “At-risk educational program,” to mean an at-risk program or service that is identified and approved by the State Board as providing evidence-based instruction to students who are identified as eligible to receive at-risk programs and services above and beyond regular educational services;
- “Evidence-based instruction,” to mean an education delivery practice based on peer-reviewed research that consistently produces better student outcomes over a one-year period than would otherwise be achieved by the same students who are identified as eligible for at-risk programs and services; and
- “Provisional at-risk educational program,” to mean an education delivery practice that is identified or developed by a school district as a program or service that is:
 - Provided to students who are eligible to receive at-risk programs and services above and beyond regular educational services;
 - Producing or is likely to produce better student outcomes;
 - Subject to school district review to evaluate whether such program provides evidence-based instruction; and
 - Placed on the State Board’s list of approved at-risk educational programs if the provisional at-risk educational program is shown to provide evidence-based instruction to students who are identified as eligible for at-risk programs and services.

Maintaining Current ELA and Mathematics Standards

The bill amends statewide assessment law to prohibit the State Board from substantially revising or updating ELA or mathematics standards in effect as of July 1, 2024, in a manner that would require developing new statewide assessments in ELA or mathematics subject areas until the Board’s goal of having 75 percent of all students score a level 3 or 4 combined on the ELA and mathematics state assessments by 2030 is met.

School District Open Enrollment, Priorities

The bill creates law supplemental to open enrollment provisions in the KSEEA to require school districts to give priority to non-resident students who reside in Kansas over non-resident students from another state, except in certain circumstances, provides for continued enrollment for non-resident students in a school district until the student graduates from high school, and amends the timeline for applications and responses by school districts to applying students.

The bill also specifies that neither the resident or receiving school district is responsible for transportation unless required by applicable law, excludes virtual schools from the open enrollment statutes, directs the Legislative Post Audit Committee to call for audits of non-resident student transfers only if certain committees request such audit, modifies the definition of “non-resident student,” and requires student transfer policy revisions to be published on a school district’s website.

Non-resident Open Enrollment Priority

The bill requires school district boards of education to prioritize non-resident students who reside in Kansas for open enrollment applications. If there are open seats in the school district after the Kansas non-residents have applied for a transfer, then students from outside Kansas will be permitted to apply for those remaining open spots. The bill includes an exception for certain students who are residents of other states: if a parent, or person acting as a parent, is employed by the school district, that student would be allowed to enroll and attend said school district without going through open enrollment.

The bill also amends the open enrollment application period for the next school year to be between January 1 of the preceding school year and June 15th of such school year. It also adds July 30 of each school year as the last day for school districts to notify parents of the reason for non-acceptance or denial of a non-resident student.

The bill also provides that any student enrolled as a non-resident in a school district during the school year 2023-2024 will be permitted to continue their enrollment and attendance in that school district as long as the student is deemed to be in good standing. Such students would not be required to go through the lottery process to remain enrolled at the school district in the 2024-2025 school year. These provisions apply to both students who are enrolled in schools outside their school district and for students who are enrolled in a different school within their school district instead of their school of residency in the 2023-2024 school year. The bill also clarifies that a non-resident student who is deemed to be not in good standing could be denied enrollment or continued enrollment in the school district.

Additionally, the bill specifies that neither the receiving nor the resident school district of a non-resident student is required to provide transportation to the student unless otherwise required by applicable law and would exclude virtual schools from the open enrollment requirements.

The bill amends law requiring that the Legislative Post Audit Committee direct the Legislative Division of Post Audit (LPA) to conduct an audit of non-resident student transfers in calendar year 2027 to instead state the Legislative Post Audit Committee would direct LPA to perform this review in 2027 upon the request of the House Committee on K-12 Education Budget or the Senate Committee on Education.

The bill also requires student transfer policy and any revisions to the policy to be published on a school district’s website. The bill also changes the definition of “non-resident student” to specify that it is a child of school age pursuant to school attendance requirements in law (KSA 72-3118) who resides in Kansas and wishes to attend a school located in a school district where the student is not a resident.

School District Building Closure and Land Acquisition Process

The bill amends law governing the disposal of a school district building and the procedures and notification requirements on school district boards of education seeking to dispose of or sell a school district building. The bill also modifies the definition of a school “building.”

Definition of Building

The bill defines “building” to mean any building that was used in any prior school year as an attendance center for students enrolled in K-12.

Notice of Disposition; Legislature’s Right of First Refusal

Legislative process. Under continuing law, a school district is required to submit written notice to the Legislature when the school district intends to dispose of a school district building. If such notice is received during the regular legislative session, the Legislature has 45 days to adopt a concurrent resolution stating its intention for the State to acquire the building. When the Legislature is not in regular session, the law provides the Legislature has 45 days from the beginning of the next regular session to declare its intent. If the Legislature does not adopt a concurrent resolution within the applicable 45-day period, the school district is authorized to proceed with disposition of the building.

The bill provides that when the Legislature is not in regular session, the LCC, within 45 days of receiving notice to the Legislature, may deny the legislative option specified in law to acquire the school district building. If the LCC denies the legislative option, the provisions pertaining to adoption of a concurrent resolution and a state agency’s completion of acquisition of the building will not apply, and the school district would be permitted to proceed with disposing of the building in accordance with state law.

Further, if the LCC does not deny the legislative option within the 45-day period, the Legislature would have 45 days from the commencement of the next regular session to adopt a concurrent resolution as prescribed in continuing law.

State agency acquiring the building pursuant to adopted concurrent resolution. Under continuing law, if the Legislature adopts a concurrent resolution within the 45-day period, the state agency named in the resolution has 180 days to complete the acquisition of the school district building and take title to the real property. Upon the request of the acquiring state agency, the LCC is permitted to extend the 180-day period for a period of no more than 60 days.

The bill provides when the Legislature does not adopt a concurrent resolution within the 45-day period or when the state agency does not take title to the property within the 180-day period (or its extension), the school district board may dispose of the property in such manner and upon such terms and conditions as the school board deems to be in the best interest of the school district.

Disposition of School Buildings

Prohibition. The bill prohibits a school district board of education disposing of a building from refusing to sell, lease, or convey any interest in a building or property to a prospective buyer or lessee solely because the prospective buyer or lessee may use or intends to use the building or property as a nonpublic school building.

Virtual School State Aid Determinations; Adult Learners

Virtual School State Aid, Ages 19 and Under

The bill changes the formula for determining Virtual Student State Aid as follows:

- Determine the number of FTE enrollment rather than the headcount of students enrolled in the virtual school, excluding those over the age of 19 who qualify for virtual school state aid and those who are 19 years or younger who qualify for virtual school state aid as a dropout diploma completion virtual student and multiply that FTE count by \$5,600;
- Determine the number of one-hour credit courses reported on the Kansas collection KCAN report for students who are 19 years of age or younger who qualify for virtual school state aid as a dropout diploma completion virtual student, not to exceed 6 hours for each student, and multiple the total by \$709; and
- Add the two amounts together to get Virtual Student State Aid.

For the purposes of funding, a virtual student who is a non-resident of Kansas will not be counted in the FTE enrollment of the virtual school. The bill requires the virtual school to record the permanent address of each student enrolled in the virtual school.

The bill removes definitions for “full-time” and “part-time” applicable to virtual school students.

Virtual School State Aid Determination—Adult Learners

The bill amends provisions of the Virtual School Act to establish additional requirements related to the determination of Virtual School State Aid for adult learners. The bill requires the State Board, when determining Virtual School State Aid for certain adult students, to:

- Determine the number of one-hour credit courses reported on the Kansas collection KCAN report that students have passed to meet the minimum graduation requirements established by the State Board of the local school district board of education;
- Validate course completion using official student transcripts; and

- Multiply the total number of courses by \$709, not to exceed six credit courses per school year.

The bill prohibits the State Board from deducting any Virtual School State Aid for adult students and dropout diploma completion students for courses completed by students in the school year that precedes the school year in which such state aid is determined. The bill further provides that if the State Board does deduct any Virtual School State Aid, such deductions could only be made with respect to individual courses. The State Board will also be required to publish any audit methodology used to determine and verify Virtual State Aid entitlements on its website.

Public School Financing System; Financing Resources

The bill updates a reference in the statute governing the public school financing system that addresses appropriations to programs that provide individualized support to students enrolled in unified school districts and assist with achievement of the goal stated in the statute addressing accredited schools and mandatory subjects and areas of instruction and educational capacities (*Rose capacities*). The bill also modifies one of the three examples of programs specified in the law to replace “Communities in Schools” with “SparkWheel.”

Virtual School Participation in KSHSAA Activities

The bill permits a virtual student to participate in Kansas State High School Activities Association (KSHSAA) activities as long as the student:

- Is a resident of the school district;
- Is enrolled and attending a virtual school as defined in continuing law;
- Complies with health-related requirements (KSA 72-6262 and amendments thereto);
- Meets applicable age and eligibility requirements set forth by KSHSAA;
- Pays any fees required by the school district for participation in such activity; and
- Seeks to participate at the appropriate school within the school district corresponding to where the student resides.

Enrollment

A virtual student will not be required to enroll or attend a minimum number of courses at the resident school district unless the school district board has that requirement for all other students who participate in the activity.

The bill also removes the July 1, 2023, sunset for provisions authorizing participation in KSHSAA activities by certain students.