

**SENATE BILL No. 137**

By Committee on Education

2-3

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1 AN ACT concerning education; relating to the school district finance and  
2 quality performance act; the virtual school act; the student data privacy  
3 act; tax credit scholarship programs; amending K.S.A. 2014 Supp. 72-  
4 3715, 72-6216, 72-6217, 72-6219, 72-6407, 72-6433, 72-8801 and 72-  
5 99a03 and repealing the existing sections.

6  
7 *Be it enacted by the Legislature of the State of Kansas:*

8 New Section 1. Nothing in this act shall affect or invalidate any  
9 resolution adopted by a board of education of any school district pursuant  
10 to K.S.A. 72-8801 or 72-8809, and amendments thereto, on and after May  
11 1, 2014, but prior to July 1, 2015.

12 Sec. 2. K.S.A. 2014 Supp. 72-3715 is hereby amended to read as  
13 follows: 72-3715. (a) In order to be included in the full-time equivalent  
14 enrollment of a virtual school, a pupil shall be in attendance at the virtual  
15 school on: (1) A single school day on or before September 19 of each  
16 school year; and (2) on a single school day on or after September 20, but  
17 before October 4 of each school year.

18 (b) A school district which offers a virtual school shall determine the  
19 full-time equivalent enrollment of each pupil enrolled in the virtual school  
20 on September 20 of each school year as follows:

21 (1) Determine the number of hours the pupil was in attendance on a  
22 single school day on or before September 19 of each school year;

23 (2) determine the number of hours the pupil was in attendance on a  
24 single school day on or after September 20, but before October 4 of each  
25 school year;

26 (3) add the numbers obtained under paragraphs (1) and (2);

27 (4) divide the sum obtained under paragraph (3) by 12. The quotient  
28 is the full-time equivalent enrollment of the pupil.

29 (c) The school days on which a district determines the full-time  
30 equivalent enrollment of a pupil under ~~paragraphs (1) and (2) of subsection~~  
31 ~~(b)(1) and (2)~~ shall be the school days on which the pupil has the highest  
32 number of hours of attendance at the virtual school. No more than six  
33 hours of attendance may be counted in a single school day. Attendance  
34 may be shown by a pupil's on-line activity or entries in the pupil's virtual  
35 school journal or log of activities.

36 (d) (1) Subject to the availability of appropriations for virtual school

1 state aid and within the limits of any such appropriations, each school year  
2 a school district which offers a virtual school shall be entitled to virtual  
3 school state aid.

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

6 (A) Multiply the full-time equivalent enrollment of the virtual school  
7 by an amount equal to 105% of the amount of base state aid per pupil;

8 (B) multiply the full-time equivalent enrollment of ~~nonproficient~~ at-  
9 risk pupils enrolled in an approved at-risk program offered by the virtual  
10 school, if any, by an amount equal to 25% of the amount of base state aid  
11 per pupil;

12 (C) add any amount determined under K.S.A. 2014 Supp. 72-3716,  
13 and amendments thereto; and

14 (D) add the amounts obtained under subparagraphs (A) through (C).  
15 The sum is the amount of the virtual school state aid to which the school  
16 district is entitled.

17 (3) There is hereby established in every school district a fund which  
18 shall be called the virtual school fund, which fund shall consist of all  
19 moneys deposited therein or transferred thereto according to law. Moneys  
20 received as virtual school state aid shall be deposited in the general fund of  
21 the school district and transferred to the virtual school fund of the district.  
22 The expenses of a district directly attributable to virtual schools offered by  
23 a school district shall be paid from the virtual school fund. The cost of an  
24 advance placement course provided to a pupil described in subsection (d)  
25 (2)(D) shall be paid by the virtual school.

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

30 Any unencumbered balance of moneys remaining in the virtual school  
31 fund of a school district on June 30 of the current school year, may be  
32 expended in the school year that immediately succeeds such date by the  
33 school district for general operating expenses of the school district as  
34 approved by the board of education.

35 In preparing the budget of such school district, the amounts credited to  
36 and the amount on hand in the virtual school fund, and the amount  
37 expended therefrom shall be included in the annual budget for the  
38 information of the residents of the school district. Interest earned on the  
39 investment of moneys in any such fund shall be credited to that fund.

40 (e) For the purposes of this section, a pupil enrolled in a virtual  
41 school who is not a resident of the state of Kansas shall not be counted in  
42 the full-time equivalent enrollment of the virtual school.

43 Sec. 3. K.S.A. 2014 Supp. 72-6216 is hereby amended to read as

1 follows: 72-6216. As used in K.S.A. 2014 Supp. 72-6215 through 72-  
2 6223, and amendments thereto:

3 (a) "Aggregate data" means data collected or reported at the group,  
4 cohort or institutional level and which contains no personally identifiable  
5 student data.

6 (b) "Biometric data" means one or more measurable biological or  
7 behavioral characteristics that can be used for automated recognition of an  
8 individual, such as fingerprints, retina and iris patterns, voiceprints, DNA  
9 sequence, facial characteristics and handwriting.

10 (c) *"Deidentified student data" means student data collected or*  
11 *reported at the individual level, but which contains no personally*  
12 *identifiable student data.*

13 ~~(d)~~ (d) "Department" means the state department of education.

14 ~~(e)~~ (e) "Directory information" means a student's name, address,  
15 telephone listing, participation in officially recognized activities and  
16 sports, weight and height if the student is a member of an athletic team,  
17 and degrees, honors or awards received.

18 ~~(f)~~ (f) "Educational agency" means a school district or the  
19 department.

20 ~~(g)~~ (g) "School district" means a unified school district organized and  
21 operated under the laws of this state.

22 ~~(h)~~ (h) "Statewide longitudinal student data system" means any  
23 student data system maintained by the department, which assigns a state  
24 identification number for each student who attends an accredited public or  
25 private school in Kansas and uses the state identification number to collect  
26 student data.

27 ~~(i)~~ (i) "Student data" means the following information contained in a  
28 student's educational record:

29 (1) State and national assessment results, including information on  
30 untested students;

31 (2) course taking and completion, credits earned and other transcript  
32 information;

33 (3) course grades and grade point average;

34 (4) date of birth, grade level and expected date of graduation;

35 (5) degree, diploma, credential attainment and other school exit  
36 information such as general education development and drop-out data;

37 (6) attendance and mobility;

38 (7) data required to calculate the federal four-year adjusted cohort  
39 graduation rate, including sufficient exit and drop-out information;

40 (8) remediation;

41 (9) special education data;

42 (10) demographic data and program participation information; and

43 (11) any other information included in a student's educational record.

1       (†) (j) "Personally identifiable student data" means student data that,  
2 alone or in combination, is linked or linkable to a specific student and  
3 would allow a reasonable person to identify the student with reasonable  
4 certainty.

5       Sec. 4. K.S.A. 2014 Supp. 72-6217 is hereby amended to read as  
6 follows: 72-6217. (a) Any student data submitted to and maintained by a  
7 statewide longitudinal student data system shall only be disclosed by an  
8 educational agency in accordance with the provisions of this section. An  
9 educational agency shall provide annual written notice to each student's  
10 parent or legal guardian that student data may be disclosed in accordance  
11 with this section. Such notice shall be signed by the student's parent or  
12 legal guardian and maintained on file with the district.

13       (b) Student data may be disclosed at any time to:

14       (1) The authorized personnel of an educational agency who require  
15 such disclosures to perform their assigned duties;

16       (2) the authorized personnel of the state board of regents who require  
17 such disclosures to perform their assigned duties; and

18       (3) the student and the parent or legal guardian of the student,  
19 provided the student data pertains solely to such student.

20       (c) Student data may be disclosed to the authorized personnel of any  
21 state agency not specified in subsection (b), *to an individual conducting*  
22 *research as part of an academic program of study* or to a service provider  
23 of a state agency, educational agency or school who is engaged to perform  
24 a function of instruction, assessment, *research* or longitudinal reporting,  
25 provided there is a data-sharing agreement between the educational agency  
26 and such other state agency, *individual* or service provider that provides  
27 the following:

28       (1) The purpose, scope and duration of the data-sharing agreement;

29       (2) that the recipient of the student data use such information solely  
30 for the purposes specified in the agreement;

31       (3) that the recipient shall comply with data access, use and security  
32 restrictions that are specifically described in the agreement; and

33       (4) that the student data shall be destroyed when no longer necessary  
34 for the purposes of the data-sharing agreement or upon expiration of the  
35 data-sharing agreement, whichever occurs first. Except that a service  
36 provider engaged to perform a function of instruction may retain student  
37 transcripts as required by applicable laws and rules and regulations.  
38 Destruction shall comply with the NISTSP800-88 standards of data  
39 destruction.

40       (d) *Deidentified student data may be disclosed to any public or*  
41 *private audit and evaluation or research organization, provided that any*  
42 *personally identifiable student data is redacted prior to disclosure to the*  
43 *organization. Nothing in this subsection shall prohibit an organization*

1 *from using a unique identifier for individual records, provided such unique*  
2 *identifier is not associated with any personally identifiable student data of*  
3 *a particular student.*

4 (e) (1) Except as otherwise provided in paragraph (2), student data  
5 may be disclosed to any governmental entity not specified in subsection  
6 (b) or (c), ~~or to any public or private audit and evaluation or research~~  
7 ~~organization~~, provided that only aggregate data is disclosed to such  
8 governmental entity ~~or audit and evaluation or research organization~~.

9 (2) Personally identifiable student data may be disclosed if the  
10 student, if an adult, or the parent or legal guardian of the student, if a  
11 minor, consents to such disclosure in writing.

12 ~~(e) (f)~~ Notwithstanding the provisions of subsections (b), ~~(e) and (d)~~  
13 ~~through (e)~~, an educational agency may disclose:

14 (1) Directory information of a student when such agency deems such  
15 disclosure necessary and the disclosure of which has been consented to in  
16 writing by such student's parent or legal guardian;

17 (2) directory information to an enhancement vendor that provides  
18 photography services, class ring services, yearbook publishing services,  
19 memorabilia services or other substantially similar services;

20 (3) any information required to be disclosed pursuant to K.S.A. 65-  
21 101, 65-118 and 65-202, and amendments thereto, provided such  
22 information is disclosed in accordance with any provisions of such statutes  
23 regarding the confidentiality and disclosure of such information;

24 (4) any student data in order to comply with any lawful subpoena or  
25 court order directing such disclosure; and

26 (5) student data to a public or private postsecondary educational  
27 institution which is required by such postsecondary educational institution  
28 for the purposes of application or admission of a student to such  
29 postsecondary educational institution, provided that such disclosure is  
30 consented to in writing by such student.

31 Sec. 5. K.S.A. 2014 Supp. 72-6219 is hereby amended to read as  
32 follows: 72-6219. (a) No test, questionnaire, survey or examination  
33 containing any questions about the student's personal beliefs or practices  
34 on issues such as sex, family life, morality or religion, or any questions  
35 about the student's parents' or guardians' beliefs and practices on issues  
36 such as sex, family life, morality or religion, shall be administered to any  
37 student enrolled in kindergarten or grades one through 12, unless the  
38 parent or guardian of the student is notified in writing that this test,  
39 questionnaire, survey or examination is to be administered and the parent  
40 or guardian of the student gives written permission for the student to take  
41 this test, questionnaire, survey or examination.

42 (b) This section shall not prohibit school counselors from providing  
43 counseling services to a student, including the administration of tests and

1 forms which are part of a counselor's student counseling services. Any  
 2 information obtained through such tests or counseling services shall not be  
 3 stored on any personal mobile electronic device which is not owned by the  
 4 school district, including but not limited to, laptops, tablets, phones, flash  
 5 drives, external hard drives or virtual servers.

6 *(c) The provisions of this section shall not apply to any questionnaire*  
 7 *or survey containing questions on issues such as sex, family life, morality*  
 8 *or religion which is administered to any student enrolled in kindergarten*  
 9 *or grades one through 12, provided that:*

10 *(1) Such questionnaire or survey does not record, request or solicit a*  
 11 *student to provide any personally identifiable student data;*

12 *(2) each student is informed that participation in such questionnaire*  
 13 *or survey is voluntary;*

14 *(3) the parent or legal guardian of each student is informed in writing*  
 15 *in advance of the questionnaire or survey that such parent or legal*  
 16 *guardian may opt a student out of such questionnaire or survey; and*

17 *(4) the results of such questionnaire or survey are reported only as*  
 18 *aggregate data.*

19 Sec. 6. K.S.A. 2014 Supp. 72-6407 is hereby amended to read as  
 20 follows: 72-6407. (a) (1) "Pupil" means any person who is regularly  
 21 enrolled in a district and attending kindergarten or any of the grades one  
 22 through 12 maintained by the district or who is regularly enrolled in a  
 23 district and attending kindergarten or any of the grades one through 12 in  
 24 another district in accordance with an agreement entered into under  
 25 authority of K.S.A. 72-8233, and amendments thereto, or who is regularly  
 26 enrolled in a district and attending special education services provided for  
 27 preschool-aged exceptional children by the district.

28 (2) Except as otherwise provided in paragraph (3) of this subsection,  
 29 a pupil in attendance full time shall be counted as one pupil. A pupil in  
 30 attendance part time shall be counted as that proportion of one pupil  $\left(\frac{\text{to the nearest } 1/2}\right)$ , that the pupil's attendance bears to full-time attendance. A  
 31 pupil attending kindergarten shall be counted as  $1/2$  pupil. A pupil enrolled  
 32 in and attending an institution of postsecondary education which is  
 33 authorized under the laws of this state to award academic degrees shall be  
 34 counted as one pupil if the pupil's postsecondary education enrollment and  
 35 attendance together with the pupil's attendance in either of the grades 11 or  
 36 12 is at least  $\frac{5}{6}$  time, otherwise the pupil shall be counted as that  
 37 proportion of one pupil  $\left(\frac{\text{to the nearest } 1/10}\right)$ , that the total time of the  
 38 pupil's postsecondary education attendance and attendance in grade 11 or  
 39 12, as applicable, bears to full-time attendance. A pupil enrolled in and  
 40 attending an area vocational school, area vocational-technical school or  
 42 approved vocational education program shall be counted as one pupil if the  
 43 pupil's vocational education enrollment and attendance together with the

1 pupil's attendance in any grades nine through 12 is at least  $\frac{5}{6}$  time,  
2 otherwise the pupil shall be counted as that proportion of one pupil (,to the  
3 nearest  $\frac{1}{10}$ ), that the total time of the pupil's vocational education  
4 attendance and attendance in any of grades nine through 12 bears to full-  
5 time attendance. A pupil enrolled in a district and attending a non-virtual  
6 school and also attending a virtual school shall be counted as that  
7 proportion of one pupil (,to the nearest  $\frac{1}{10}$ ), that the pupil's attendance at  
8 the non-virtual school bears to full-time attendance. Except as provided by  
9 this section for preschool-aged exceptional children and virtual school  
10 pupils, a pupil enrolled in a district and attending special education and  
11 related services, provided for by the district shall be counted as one pupil.  
12 A pupil enrolled in a district and attending special education and related  
13 services provided for by the district and also attending a virtual school  
14 shall be counted as that proportion of one pupil (,to the nearest  $\frac{1}{10}$ ), that  
15 the pupil's attendance at the non-virtual school bears to full-time  
16 attendance. A pupil enrolled in a district and attending special education  
17 and related services for preschool-aged exceptional children provided for  
18 by the district shall be counted as  $\frac{1}{2}$  pupil. A preschool-aged at-risk pupil  
19 enrolled in a district and receiving services under an approved at-risk pupil  
20 assistance plan maintained by the district shall be counted as  $\frac{1}{2}$  pupil. A  
21 pupil in the custody of the secretary for children and families or in the  
22 custody of the commissioner of juvenile justice and enrolled in unified  
23 school district No. 259, Sedgwick county, Kansas, but housed, maintained,  
24 and receiving educational services at the Judge James V. Riddel Boys  
25 Ranch, shall be counted as two pupils. Except as provided in section 1 of  
26 chapter 76 of the 2009 Session Laws of the state of Kansas, and  
27 amendments thereto, a pupil in the custody of the secretary for children  
28 and families or in the custody of the commissioner of juvenile justice and  
29 enrolled in unified school district No. 409, Atchison, Kansas, but housed,  
30 maintained and receiving educational services at the youth residential  
31 center located on the grounds of the former Atchison juvenile correctional  
32 facility, shall be counted as two pupils.

33 (3) A pupil residing at the Flint Hills job corps center shall not be  
34 counted. A pupil confined in and receiving educational services provided  
35 for by a district at a juvenile detention facility shall not be counted. A pupil  
36 enrolled in a district but housed, maintained, and receiving educational  
37 services at a state institution or a psychiatric residential treatment facility  
38 shall not be counted.

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

42 (c) (1) "At-risk pupils" means pupils who are eligible for free meals  
43 under the national school lunch act and who are enrolled in a district which

1 maintains an approved at-risk pupil assistance plan.

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

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

11 (e) "Enrollment" means: (1) (A) Subject to the provisions of  
12 paragraph (1)(B), for districts scheduling the school days or school hours  
13 of the school term on a trimestral or quarterly basis, the number of pupils  
14 regularly enrolled in the district on September 20 plus the number of  
15 pupils regularly enrolled in the district on February 20 less the number of  
16 pupils regularly enrolled on February 20 who were counted in the  
17 enrollment of the district on September 20; and for districts not specified  
18 in this paragraph (1), the number of pupils regularly enrolled in the district  
19 on September 20; (B) a pupil who is a foreign exchange student shall not  
20 be counted unless such student is regularly enrolled in the district on  
21 September 20 and attending kindergarten or any of the grades one through  
22 12 maintained by the district for at least one semester or two quarters or  
23 the equivalent thereof;

24 (2) if enrollment in a district in any school year has decreased from  
25 enrollment in the preceding school year, enrollment of the district in the  
26 current school year means whichever is the greater of: (A) The sum of: (i)  
27 Enrollment in the preceding school year, excluding pupils under  
28 subparagraph (A)(ii), minus enrollment in such school year of preschool-  
29 aged at-risk pupils, if any such pupils were enrolled, plus enrollment in the  
30 current school year of preschool-aged at-risk pupils, if any such pupils are  
31 enrolled; and (ii) adjusted enrollment in the preceding school year of any  
32 pupils participating in the tax credit for low income students scholarship  
33 program pursuant to K.S.A. 2014 Supp. 72-99a01 through 72-99a07, and  
34 amendments thereto, in the current school year, if any, plus adjusted  
35 enrollment in the preceding school year of preschool-aged at-risk pupils  
36 participating in the tax credit for low income students scholarship program  
37 pursuant to K.S.A. 2014 Supp. 72-99a01 through 72-99a07, and  
38 amendments thereto, in the current school years, if any such pupils were  
39 enrolled; or (B) the sum of enrollment in the current school year of  
40 preschool-aged at-risk pupils, if any such pupils are enrolled and the  
41 average (mean) of the sum of: (i) Enrollment of the district in the current  
42 school year minus enrollment in such school year of preschool-aged at-risk  
43 pupils, if any such pupils are enrolled; and (ii) enrollment in the preceding



1 school year minus enrollment in such school year of preschool-aged at-risk  
2 pupils, if any such pupils were enrolled; and (iii) enrollment in the school  
3 year next preceding the preceding school year minus enrollment in such  
4 school year of preschool-aged at-risk pupils, if any such pupils were  
5 enrolled; or

6 (3) the number of pupils as determined under K.S.A. 72-6447 or  
7 K.S.A. 2014 Supp. 72-6448, and amendments thereto.

8 (f) "Adjusted enrollment" means: (1) Enrollment adjusted by adding  
9 at-risk pupil weighting, program weighting, low enrollment weighting, if  
10 any, high density at-risk pupil weighting, if any, high enrollment  
11 weighting, if any, declining enrollment weighting, if any, school facilities  
12 weighting, if any, ancillary school facilities weighting, if any, cost of living  
13 weighting, if any, special education and related services weighting, and  
14 transportation weighting to enrollment; or (2) adjusted enrollment as  
15 determined under K.S.A. 2014 Supp. 72-6457 or 72-6458, and  
16 amendments thereto.

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

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

22 (i) "Low enrollment weighting" means an addend component  
23 assigned to enrollment of districts pursuant to K.S.A. 72-6412, and  
24 amendments thereto, on the basis of costs attributable to maintenance of  
25 educational programs by such districts in comparison with costs  
26 attributable to maintenance of educational programs by districts having to  
27 which high enrollment weighting is assigned pursuant to K.S.A. 2014  
28 Supp. 72-6442b, and amendments thereto.

29 (j) "School facilities weighting" means an addend component  
30 assigned to enrollment of districts on the basis of costs attributable to  
31 commencing operation of new school facilities.

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

35 (l) "Cost of living weighting" means an addend component assigned  
36 to enrollment of districts to which the provisions of K.S.A. 2014 Supp. 72-  
37 6449, and amendments thereto, apply on the basis of costs attributable to  
38 the cost of living in the district.

39 (m) "Ancillary school facilities weighting" means an addend  
40 component assigned to enrollment of districts to which the provisions of  
41 K.S.A. 72-6441, and amendments thereto, apply on the basis of costs  
42 attributable to commencing operation of new school facilities. Ancillary  
43 school facilities weighting may be assigned to enrollment of a district only

1 if the district has levied a tax under authority of K.S.A. 72-6441, and  
2 amendments thereto, and remitted the proceeds from such tax to the state  
3 treasurer. Ancillary school facilities weighting is in addition to assignment  
4 of school facilities weighting to enrollment of any district eligible for such  
5 weighting.

6 (n) "Juvenile detention facility" has the meaning ascribed thereto by  
7 K.S.A. 72-8187, and amendments thereto.

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

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

22 (q) "Declining enrollment weighting" means an addend component  
23 assigned to enrollment of districts to which the provisions of K.S.A. 2014  
24 Supp. 72-6451, and amendments thereto, apply on the basis of reduced  
25 revenues attributable to the declining enrollment of the district.

26 (r) "High enrollment weighting" means an addend component  
27 assigned to enrollment of districts pursuant to K.S.A. 2014 Supp. 72-  
28 6442b, and amendments thereto, on the basis of costs attributable to  
29 maintenance of educational programs by such districts as a correlate to low  
30 enrollment weighting assigned to enrollment of districts pursuant to  
31 K.S.A. 72-6412, and amendments thereto.

32 (s) "High density at-risk pupil weighting" means an addend  
33 component assigned to enrollment of districts to which the provisions of  
34 K.S.A. 2014 Supp. 72-6455, and amendments thereto, apply.

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

40 (†) "Psychiatric residential treatment facility" has the meaning  
41 ascribed thereto by K.S.A. 72-8187, and amendments thereto.

42 Sec. 7. K.S.A. 2014 Supp. 72-6433 is hereby amended to read as  
43 follows: 72-6433. (a) As used in this section:

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

3 (2) "Authorized to adopt a local option budget" means that a district  
4 has adopted a resolution pursuant to subsection (c), (d) or (e).

5 (3) "State financial aid" shall have the meaning provided in K.S.A.  
6 72-6410, and amendments thereto, except that the term shall not include  
7 virtual school state aid, as described in K.S.A. 72-3715, and amendments  
8 thereto.

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

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

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

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

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

21 (2) the state-wide average for the preceding school year as  
22 determined by the state board pursuant to subsection (k).

23 Except as provided by subsection (e), the adoption of a resolution  
24 pursuant to this subsection shall require a majority vote of the members of  
25 the board. Such resolution shall be effective upon adoption and shall  
26 require no other procedure, authorization or approval.

27 (d) Except as provided by subsection (e), if the board of a district  
28 desires to increase its local option budget authority above the amount  
29 authorized under subsection (c) or if the board was not authorized to adopt  
30 a local option budget in 2006-2007, the board may adopt, by resolution,  
31 such budget in an amount not to exceed the state prescribed percentage.  
32 The adoption of a resolution pursuant to this subsection shall require a  
33 majority vote of the members of the board. The resolution shall be  
34 published at least once in a newspaper having general circulation in the  
35 district. The resolution shall be published in substantial compliance with  
36 the following form:

37 Unified School District No. \_\_\_\_\_,  
38 \_\_\_\_\_ County, Kansas.

39 RESOLUTION

40 Be It Resolved that:

41 The board of education of the above-named school district shall be  
42 authorized to adopt a local option budget in each school year in an amount  
43 not to exceed \_\_\_\_% of the amount of state financial aid. The local option

1 budget authorized by this resolution may be adopted, unless a petition in  
 2 opposition to the same, signed by not less than 5% of the qualified electors  
 3 of the school district, is filed with the county election officer of the home  
 4 county of the school district within 30 days after publication of this  
 5 resolution. If a petition is filed, the county election officer shall submit the  
 6 question of whether adoption of the local option budget shall be authorized  
 7 to the electors of the school district at an election called for the purpose or  
 8 at the next general election, as is specified by the board of education of the  
 9 school district.

10 CERTIFICATE

11 This is to certify that the above resolution was duly adopted by the  
 12 board of education of unified School District No. \_\_\_\_\_, \_\_\_\_\_ County,  
 13 Kansas, on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

14 \_\_\_\_\_  
 Clerk of the board of education.

15 All of the blanks in the resolution shall be filled as is appropriate. If a  
 16 sufficient petition is not filed, the board may adopt a local option budget.  
 17 If a sufficient petition is filed, the board may notify the county election  
 18 officer of the date of an election to be held to submit the question of  
 19 whether adoption of a local option budget shall be authorized. Any such  
 20 election shall be noticed, called and held in the manner provided by K.S.A.  
 21 10-120, and amendments thereto. If the board fails to notify the county  
 22 election officer within 30 days after a sufficient petition is filed, the  
 23 resolution shall be deemed abandoned and no like resolution shall be  
 24 adopted by the board within the nine months following publication of the  
 25 resolution.

26 (e) (1) Except as provided by paragraphs (2) and (3), any resolution  
 27 authorizing the adoption of a local option budget in excess of 30% of the  
 28 state financial aid of the district in the current school year shall not become  
 29 effective unless such resolution has been submitted to and approved by a  
 30 majority of the qualified electors of the school district voting at an election  
 31 called and held thereon. The election shall be called and held in the  
 32 manner provided by K.S.A. 10-120, and amendments thereto, ~~except that~~  
 33 Such election ~~shall~~ *question may be submitted at a general, special or*  
 34 *primary election, or may be held as a mail ballot election conducted in*  
 35 *accordance with K.S.A. 25-431 et seq., and amendments thereto. Any such*  
 36 *election shall be held on or before August 1 of the initial school year for*  
 37 *which such resolution was adopted.*

38 (2) For school year 2014-2015, any board of education of a school  
 39 district which has adopted a local option budget in excess of 30% of state  
 40 financial aid in the current school year on or before June 30, 2014, may  
 41 adopt a second resolution in an amount not to exceed 2% of state financial  
 42 aid, provided that the aggregate local option budget authority for the  
 43 district does not exceed 33% of state financial aid in the current school

1 year. The adoption of a second resolution pursuant to this paragraph shall  
2 require a majority vote of the members of the board and shall specifically  
3 state in such resolution that it shall expire on June 30, 2015. Such  
4 resolution shall be effective upon adoption and shall require no other  
5 procedure, authorization or approval.

6 (3) The board of unified school district no. 207, as described in  
7 K.S.A. 72-5333b, and amendments thereto, may adopt a local option  
8 budget in excess of 30% of state financial aid of the district in the current  
9 school year in accordance with subsection (d).

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

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

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

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

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

1 (2) Subject to the limitation imposed under ~~paragraph (3) and~~  
2 ~~subsection (e) of K.S.A. 72-6434(e)(3)~~, and amendments thereto, amounts  
3 in the supplemental general fund may be expended for any purpose for  
4 which expenditures from the general fund are authorized or may be  
5 transferred to any program weighted fund or categorical fund of the  
6 district. Amounts in the supplemental general fund attributable to any  
7 percentage over 25% of state financial aid determined for the current  
8 school year may be transferred to the capital improvements fund of the  
9 district and the capital outlay fund of the district if such transfers are  
10 specified in the resolution authorizing the adoption of a local option  
11 budget in excess of 25%.

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

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

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

29 (k) Each year the state board of education shall determine the  
30 statewide average percentage of local option budgets legally adopted by  
31 school districts for the preceding school year.

32 (l) The provisions of this section shall be subject to the provisions of  
33 K.S.A. 2014 Supp. 72-6433d, and amendments thereto.

34 Sec. 8. K.S.A. 2014 Supp. 72-8801 is hereby amended to read as  
35 follows: 72-8801. (a) The board of education of any school district may  
36 make an annual tax levy at a mill rate not to exceed the statutorily  
37 prescribed mill rate ~~for a period of not to exceed five years~~ upon the  
38 taxable tangible property in the school district for the purposes specified in  
39 this act and for the purpose of paying a portion of the principal and interest  
40 on bonds issued by cities under the authority of K.S.A. 12-1774, and  
41 amendments thereto, for the financing of redevelopment projects upon  
42 property located within the school district. No levy shall be made under  
43 this act until a resolution is adopted by the board of education in the

1 following form:

2 Unified School District No. \_\_\_\_\_,  
3 \_\_\_\_\_ County, Kansas.

4 RESOLUTION

5 Be It Resolved that:

6 The above-named school board shall be authorized to make an annual  
7 tax levy for a period not to exceed \_\_\_\_\_ years in an amount not to  
8 exceed \_\_\_\_\_ mills upon the taxable tangible property in the school  
9 district for the purpose of acquisition, construction, reconstruction, repair,  
10 remodeling, additions to, furnishing, maintaining and equipping of school  
11 district property and equipment necessary for school district purposes,  
12 including: (1) Acquisition of computer software; (2) acquisition of  
13 performance uniforms; (3) housing and boarding pupils enrolled in an area  
14 vocational school operated under the board; (4) architectural expenses ; (5)  
15 acquisition of building sites; (6) undertaking and maintenance of asbestos  
16 control projects; (7) acquisition of school buses; and (8) acquisition of  
17 other fixed assets, and for the purpose of paying a portion of the principal  
18 and interest on bonds issued by cities under the authority of K.S.A. 12-  
19 1774, and amendments thereto, for the financing of redevelopment  
20 projects upon property located within the school district. The tax levy  
21 authorized by this resolution may be made, unless a petition in opposition  
22 to the same, signed by not less than 10% of the qualified electors of the  
23 school district, is filed with the county election officer of the home county  
24 of the school district within 40 calendar days after the last publication of  
25 this resolution. In the event a petition is filed, the county election officer  
26 shall submit the question of whether the tax levy shall be authorized to the  
27 electors in the school district at an election called for that purpose or at the  
28 next general election, as is specified by the board of education of the  
29 above school district.

30 CERTIFICATE

31 This is to certify that the above resolution was duly adopted by the  
32 board of education of Unified School District No. \_\_\_\_\_, \_\_\_\_\_  
33 County, Kansas, on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_

34 \_\_\_\_\_  
35 Clerk of the board of education.

36 All of the blanks in the above resolution shall be appropriately filled.  
37 The blank preceding the word "years" shall be filled with a specific  
38 number, and the blank preceding the word "mills" shall be filled with a  
39 specific number, and no word shall be inserted in either of the blanks. The  
40 resolution shall be published once a week for two consecutive weeks in a  
41 newspaper having general circulation in the school district. If no petition  
42 as specified above is filed in accordance with the provisions of the  
43 resolution, the board of education may make the tax levy specified in the

1 resolution. If a petition is filed as provided in the resolution, the board of  
2 education may notify the county election officer of the date of an election  
3 to be held to submit the question of whether the tax levy shall be  
4 authorized. If the board of education fails to notify the county election  
5 officer within 60 calendar days after a petition is filed, the resolution shall  
6 be deemed abandoned and no like resolution shall be adopted by the board  
7 of education within the nine months following the first publication of the  
8 resolution.

9 (b) As used in this act:

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

15 (2) "statutorily prescribed mill rate" means: (A) Eight mills; (B) the  
16 mill levy rate in excess of eight mills if the resolution fixing such rate was  
17 approved at an election prior to the effective date of this act; or (C) the  
18 mill levy rate in excess of eight mills if no petition or no sufficient petition  
19 was filed in protest to a resolution fixing such rate in excess of eight mills  
20 and the protest period for filing such petition has expired;

21 (3) "asbestos control project" means any activity which is necessary  
22 or incidental to the control of asbestos-containing material in buildings of  
23 school districts and includes, but not by way of limitation, any activity  
24 undertaken for the removal or encapsulation of asbestos-containing  
25 material, for any remodeling, renovation, replacement, rehabilitation or  
26 other restoration necessitated by such removal or encapsulation, for  
27 conducting inspections, reinspections and periodic surveillance of  
28 buildings, performing response actions, and developing, implementing and  
29 updating operations and maintenance programs and management plans;

30 (4) "asbestos" means the asbestiform varieties of chrysotile  
31 (serpentine), crocidolite (riebeckite), amosite (cummingtonitegrunerite),  
32 anthophyllite, tremolite, and actinolite; and

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

35 Sec. 9. K.S.A. 2014 Supp. 72-99a03 is hereby amended to read as  
36 follows: 72-99a03. (a) There is hereby established the tax credit for low  
37 income students scholarship program. The program shall provide eligible  
38 students with an opportunity to attend schools of their parents' choice.

39 (b) Each scholarship granting organization shall issue a receipt, in a  
40 form prescribed by the secretary, to each contributing taxpayer indicating  
41 the value of the contribution received. Each taxpayer shall provide a copy  
42 of such receipt when claiming the tax credit established in K.S.A. 2014  
43 Supp. 72-99a07, and amendments thereto.



1 (c) Prior to awarding an educational scholarship to an eligible student,  
2 unless such student is under the age of six years, the scholarship granting  
3 organization shall receive written verification from the state board that  
4 such student is an eligible student under this program, provided the state  
5 board and the board of education of the school district in which the eligible  
6 student was enrolled the previous school year have received written  
7 consent from such eligible student's parent authorizing the release of such  
8 information.

9 (d) Upon receipt of information in accordance with ~~subsection (a)(2)~~  
10 ~~of K.S.A. 2014 Supp. 72-99a04(a)(2)~~, and amendments thereto, the state  
11 board shall inform the scholarship granting organization if such student  
12 has already been designated to receive an educational scholarship by  
13 another scholarship granting organization.

14 (e) In each school year, each eligible student under this program shall  
15 not receive more than one educational scholarship under this program.

16 ~~(f) An eligible student's participation in this program by receiving an~~  
17 ~~educational scholarship constitutes a waiver to special education services~~  
18 ~~provided by any school district, unless such school district agrees to~~  
19 ~~provide such services to the qualified school.~~

20 Sec. 10. K.S.A. 2014 Supp. 72-3715, 72-6216, 72-6217, 72-6219, 72-  
21 6407, 72-6433, 72-8801 and 72-99a03 are hereby repealed.

22 Sec. 11. This act shall take effect and be in force from and after its  
23 publication in the statute book.