

Substitute for Substitute for HOUSE BILL No. 2512

By Committee on K-12 Education Budget

3-17

1 AN ACT concerning education; making and concerning appropriations for
 2 fiscal years ending June 30, 2022, June 30, 2023, and June 30, 2024,
 3 for the state department of education; establishing the legislature's
 4 intention to focus on academic achievement; enacting the every child
 5 can read act to support literacy proficiency by third grade; authorizing
 6 the state board of education and school districts to allow students to
 7 earn course credit through alternative educational opportunities outside
 8 the traditional classroom; making members of or persons employed by
 9 the Kansas state high school activities association mandatory reporters
 10 of child abuse and neglect; requiring the board of education of each
 11 school district to consider the district building needs assessment and
 12 state academic assessments when approving the budget of the school
 13 district; requiring school districts to allow for part-time enrollment of
 14 certain students; establishing an alternative method for calculating
 15 virtual school graduation rates; prohibiting virtual schools from
 16 offering or providing any financial incentives to entice a student to
 17 enroll; authorizing virtual school state aid for students who are credit
 18 deficient; amending the tax credit for low income students scholarship
 19 program to allow students who are seven years of age or under to
 20 participate in the program without the need for prior enrollment in a
 21 public school; requiring the state department of education to provide an
 22 annual written report on academic achievement outcomes; amending
 23 K.S.A. 38-2223, 72-3120, 72-3713 and 72-3715 and K.S.A. 2021 Supp.
 24 72-1163, 72-4352, 72-5178 and 72-5462 and repealing the existing
 25 sections.

26
27 *Be it enacted by the Legislature of the State of Kansas:*

28 Section 1.

29 DEPARTMENT OF EDUCATION

30 (a) There is appropriated for the above agency from the state general
31 fund for the fiscal year ending June 30, 2022, the following:

32 Education superhighway (652-00-1000-0180).....	\$178,986
33 State foundation aid (652-00-1000-0820).....	\$102,754,459
34 Supplemental state aid (652-00-1000-0840).....	\$48,481,398

35 (b) On the effective date of this act, of the \$14,109,493 appropriated
36 for the above agency for the fiscal year ending June 30, 2022, by section

1 2(a) of chapter 114 of the 2021 Session Laws of Kansas from the state
2 general fund in the operating expenditures (including official hospitality)
3 account (652-00-1000-0053), the sum of \$25,749 is hereby lapsed.

4 (c) On the effective date of this act, of the \$41,853,675 appropriated
5 for the above agency for the fiscal year ending June 30, 2022, by section
6 2(a) of chapter 114 of the 2021 Session Laws of Kansas from the state
7 general fund in the KPERS – school employer contributions – non-USDs
8 account (652-00-1000-0100), the sum of \$7,789,076 is hereby lapsed.

9 (d) On the effective date of this act, of the \$537,971,506 appropriated
10 for the above agency for the fiscal year ending June 30, 2022, by section
11 2(a) of chapter 114 of the 2021 Session Laws of Kansas from the state
12 general fund in the KPERS – school employer contributions – USDs
13 account (652-00-1000-0110), the sum of \$35,135,965 is hereby lapsed.

14 (e) On the effective date of this act, of the \$2,524,235,833
15 appropriated for the above agency for the fiscal year ending June 30, 2023,
16 by section 3(a) of chapter 114 of the 2021 Session Laws of Kansas from
17 the state general fund in the state foundation aid account (652-00-1000-
18 0820), the sum of \$66,430,787 is hereby lapsed.

19 Sec. 2.

20 DEPARTMENT OF EDUCATION

21 (a) There is appropriated for the above agency from the state general
22 fund for the fiscal year ending June 30, 2023, the following:

23 Operating expenditures (including
24 official hospitality) (652-00-1000-0053).....\$14,200,772

25 *Provided*, That any unencumbered balance in the operating expenditures
26 (including official hospitality) account in excess of \$100 as of June 30,
27 2022, is hereby reappropriated for fiscal year 2023: *Provided further*, That
28 the above agency shall expend moneys in such account to fix, charge and
29 collect fees from each unified school district based on the full-time
30 equivalent enrollment of each school district to fund the dyslexia
31 coordinator position in the above agency: *And provided further*, That all
32 fees received for such program shall be deposited in the state treasury in
33 accordance with the provisions of K.S.A. 75-4215, and amendments
34 thereto, and shall be credited to the state general fund: *And provided*
35 *further*, That the aggregate total of such fees for the fiscal year ending June
36 30, 2023, for such position shall not exceed \$100,000.

37 Supplemental state aid (652-00-1000-0840).....\$15,810,000
38 Center for READing (652-00-1000-0080).....\$80,000

39 *Provided*, That the above agency shall expend moneys in such account to
40 provide a project manager grant to the center for reading at Pittsburg state
41 university to: (1) Assist in the development and support of a science of
42 reading curricula for the state educational institutions and colleges based
43 on the knowledge and practice standards that have been adopted by the

1 state department of education; (2) develop and support a recommended
 2 dyslexia textbook list for in-class learning for school districts to use; (3)
 3 develop and support a recommended dyslexia resources list for in-class
 4 learning for school districts to use; (4) provide knowledge and support for
 5 a train the trainer program and professional development curriculum for
 6 school districts to use; and (5) provide knowledge and support for
 7 developing a list of qualified trainers for school districts to hire.

8 KPERS-school employer
 9 contributions-non-USDs (652-00-1000-0100).....\$37,714,422

10 *Provided*, That any unencumbered balance in the KPERS-school employer
 11 contributions-non-USDs account in excess of \$100 as of June 30, 2022, is
 12 hereby reappropriated for fiscal year 2023.

13 KPERS-school employer
 14 contributions-USDs (652-00-1000-0110).....\$520,780,609

15 *Provided*, That any unencumbered balance in the KPERS-school employer
 16 contributions-USDs account in excess of \$100 as of June 30, 2022, is
 17 hereby reappropriated for fiscal year 2023.

18 ACT and workkeys assessments
 19 program (652-00-1000-0140).....\$2,800,000

20 Mental health intervention
 21 team pilot (652-00-1000-0150).....\$10,534,722

22 *Provided*, That any unencumbered balance in the mental health
 23 intervention team pilot account in excess of \$100 as of June 30, 2022, is
 24 hereby reappropriated for fiscal year 2023: *Provided further*, That
 25 expenditures shall be made by the above agency from the mental health
 26 intervention team pilot account during fiscal year 2023 for mental health
 27 intervention team school liaisons employed by those school districts
 28 participating in the mental health intervention team pilot program: *And*
 29 *provided further*, That the salaries and wages for school liaisons shall be
 30 matched by participating school districts on a \$3 of state moneys for \$1 of
 31 school district moneys basis: *And provided further*, That each school
 32 district that participated in the mental health intervention team pilot
 33 program during fiscal year 2022 shall continue to receive an amount of
 34 moneys not less than the amount from such account or fund such school
 35 district received in fiscal year 2022 so long as the school district maintains
 36 a substantially similar program participation level in fiscal year 2023: *And*
 37 *provided further*, That the remaining unencumbered moneys in the mental
 38 health intervention team pilot account shall be used to expand the program
 39 to school districts that have not previously participated in the program and
 40 to contract with a third-party entity to conduct a study of the effectiveness
 41 of the program and suggest improvements to the program: *And provided*
 42 *further*, That, if such remaining moneys are not fully expended on new
 43 school district programs and the third-party study, the above agency shall

1 expend such moneys on school districts that seek to expand existing
 2 programs: *And provided further*, That the department of education shall
 3 provide a report on or before January 1, 2023, to the director of the budget
 4 and the director of legislative research that includes performance
 5 measures, developed in consultation with the Kansas department for aging
 6 and disability services, that illustrate the effectiveness of the mental health
 7 intervention team pilot program.

8 Juvenile transitional crisis
 9 center pilot (652-00-1000-0210).....\$300,000

10 Education commission of
 11 the states (652-00-1000-0220).....\$67,700

12 School safety hotline (652-00-1000-0230).....\$10,000

13 School district juvenile detention
 14 facilities and Flint Hills job corps
 15 center grants (652-00-1000-0290).....\$5,060,528

16 *Provided*, That any unencumbered balance in the school district juvenile
 17 detention facilities and Flint Hills job corps center grants account in excess
 18 of \$100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023:
 19 *Provided further*, That expenditures shall be made from the school district
 20 juvenile detention facilities and Flint Hills job corps center grants account
 21 for grants to school districts in amounts determined pursuant to and in
 22 accordance with the provisions of K.S.A. 72-1173, and amendments
 23 thereto.

24 School food assistance (652-00-1000-0320).....\$2,510,486

25 Mentor teacher (652-00-1000-0440).....\$1,300,000

26 Educable deaf-blind and severely handicapped
 27 children's programs aid (652-00-1000-0630).....\$110,000

28 Special education
 29 services aid (652-00-1000-0700).....\$520,380,818

30 *Provided*, That any unencumbered balance in the special education
 31 services aid account in excess of \$100 as of June 30, 2022, is hereby
 32 reappropriated for fiscal year 2023: *Provided further*, That expenditures
 33 shall not be made from the special education services aid account for the
 34 provision of instruction for any homebound or hospitalized child, unless
 35 the categorization of such child as exceptional is conjoined with the
 36 categorization of the child within one or more of the other categories of
 37 exceptionality: *And provided further*, That expenditures shall be made from
 38 this account for grants to school districts in amounts determined pursuant
 39 to and in accordance with the provisions of K.S.A. 72-3425, and
 40 amendments thereto: *And provided further*, That expenditures shall be
 41 made from the amount remaining in this account, after deduction of the
 42 expenditures specified in the foregoing provisios, for payments to school
 43 districts in amounts determined pursuant to and in accordance with the

1 provisions of K.S.A. 72-3422, and amendments thereto.
 2 Governor's teaching excellence scholarships
 3 and awards (652-00-1000-0770).....\$360,693
 4 Professional development
 5 state aid (652-00-1000-0860).....\$1,770,000
 6 School safety and security grants.....\$5,000,000
 7 *Provided*, That expenditures shall be made from the school safety and
 8 security grants account for fiscal year 2023 for disbursements of grant
 9 moneys approved by the state board of education for the: Acquisition and
 10 installation of security cameras and any other systems, equipment and
 11 services necessary for security monitoring of facilities operated by a
 12 school district and for securing doors, windows and any entrances to such
 13 facilities; and salaries and wages, and associated fringe benefits, for newly
 14 created positions of school resource officers and the costs associated with
 15 any newly created school resource officers provided by the city or county
 16 of such school district: *Provided further*, That all moneys expended for
 17 school safety and security grants for fiscal year 2022 shall be matched by
 18 the receiving school district on a \$1-for-\$1 basis from other moneys of the
 19 district that may be used for such purpose.
 20 (b) There is appropriated for the above agency from the following
 21 special revenue fund or funds for the fiscal year ending June 30, 2023, all
 22 moneys now or hereafter lawfully credited to and available in such fund or
 23 funds, except that expenditures other than refunds authorized by law and
 24 transfers to other state agencies shall not exceed the following:
 25 School district capital outlay state aid fund.....No limit
 26 Educational technology
 27 coordinator fund (652-00-2157).....No limit
 28 *Provided*, That expenditures shall be made by the above agency for the
 29 fiscal year ending June 30, 2023, from the educational technology
 30 coordinator fund of the department of education to provide data on the
 31 number of school districts served and cost savings for those districts in
 32 fiscal year 2023 in order to assess the cost effectiveness of the position of
 33 educational technology coordinator.
 34 Communities in schools
 35 program fund (652-00-2221).....No limit
 36 Inservice education workshop
 37 fee fund (652-00-2230).....No limit
 38 *Provided*, That expenditures may be made from the inservice education
 39 workshop fee fund for operating expenditures, including official
 40 hospitality, incurred for inservice workshops and conferences: *Provided*
 41 *further*, That the state board of education is hereby authorized to fix,
 42 charge and collect fees for inservice workshops and conferences: *And*
 43 *provided further*, That such fees shall be fixed in order to recover all or

1 part of such operating expenditures incurred for inservice workshops and
 2 conferences: *And provided further*, That all fees received for inservice
 3 workshops and conferences shall be deposited in the state treasury in
 4 accordance with the provisions of K.S.A. 75-4215, and amendments
 5 thereto, and shall be credited to the inservice education workshop fee fund.
 6 Federal indirect cost
 7 reimbursement fund (652-00-2312).....No limit
 8 Conversion of materials and
 9 equipment fund (652-00-2420).....No limit
 10 School bus safety fund (652-00-2532).....No limit
 11 State safety fund (652-00-2538).....No limit
 12 *Provided*, That notwithstanding the provisions of K.S.A. 8-272, and
 13 amendments thereto, or any other statute, funds shall be distributed during
 14 fiscal year 2023 as soon as moneys are available.
 15 Motorcycle safety fund (652-00-2633).....No limit
 16 Teacher and administrator
 17 fee fund (652-00-2723).....No limit
 18 Service clearing fund (652-00-2869).....No limit
 19 School district capital
 20 improvements fund (652-00-2880).....No limit
 21 *Provided*, That expenditures from the school district capital improvements
 22 fund shall be made only for the payment of general obligation bonds
 23 approved by voters under the authority of K.S.A. 72-5457, and
 24 amendments thereto.
 25 Reimbursement for
 26 services fund (652-00-3056).....No limit
 27 ESSA – student support academic enrichment –
 28 federal fund (652-00-3113).....No limit
 29 Educationally deprived
 30 children – state operations –
 31 federal fund (652-00-3131).....No limit
 32 Food assistance –
 33 federal fund (652-00-3230).....No limit
 34 Elementary and secondary school aid –
 35 federal fund (652-00-3233).....No limit
 36 Education of handicapped children
 37 fund – federal (652-00-3234).....No limit
 38 Community-based
 39 child abuse prevention –
 40 federal fund (652-00-3319).....No limit
 41 TANF children's programs –
 42 federal fund (652-00-3323).....No limit
 43 21st century community learning centers –

1	federal fund (652-00-3519).....	No limit
2	State assessments –	
3	federal fund (652-00-3520).....	No limit
4	Rural and low-income schools program –	
5	federal fund (652-00-3521).....	No limit
6	Language assistance state grants –	
7	federal fund (652-00-3522).....	No limit
8	State grants for improving teacher quality –	
9	federal fund (652-00-3526).....	No limit
10	State grants for improving	
11	teacher quality – federal fund –	
12	state operations (652-00-3527).....	No limit
13	Food assistance – school	
14	breakfast program –	
15	federal fund (652-00-3529).....	No limit
16	Food assistance – national	
17	school lunch program –	
18	federal fund (652-00-3530).....	No limit
19	Food assistance – child	
20	and adult care food program –	
21	federal fund (652-00-3531).....	No limit
22	Elementary and secondary school aid –	
23	federal fund – local education	
24	agency fund (652-00-3532).....	No limit
25	Education of handicapped	
26	children fund – state operations –	
27	federal fund (652-00-3534).....	No limit
28	Education of handicapped	
29	children fund – preschool –	
30	federal fund (652-00-3535).....	No limit
31	Education of handicapped	
32	children fund – preschool state	
33	operations – federal (652-00-3536).....	No limit
34	Elementary and secondary school	
35	aid – federal fund – migrant	
36	education fund (652-00-3537).....	No limit
37	Elementary and secondary school aid –	
38	federal fund – migrant education –	
39	state operations (652-00-3538).....	No limit
40	Vocational education title II –	
41	federal fund (652-00-3539).....	No limit
42	Vocational education title II – federal fund –	
43	state operations (652-00-3540).....	No limit

1	Educational research grants and	
2	projects fund (652-00-3592).....	No limit
3	Local school district contribution program	
4	checkoff fund (652-00-7005).....	No limit
5	<i>Provided</i> , That notwithstanding the provisions of K.S.A. 79-3221n, and	
6	amendments thereto, or any other statute, during the fiscal year ending	
7	June 30, 2023, any moneys in such fund where a taxpayer fails to	
8	designate a unified school district on such taxpayer's individual income tax	
9	return may be expended by the above agency to distribute to unified	
10	school districts.	
11	Governor's teaching excellence	
12	scholarships program	
13	repayment fund (652-00-7221).....	No limit
14	<i>Provided</i> , That all expenditures from the governor's teaching excellence	
15	scholarships program repayment fund shall be made in accordance with	
16	K.S.A. 72-2166, and amendments thereto: <i>Provided further</i> , That each	
17	such grant shall be required to be matched on a \$1-for-\$1 basis from	
18	nonstate sources: <i>And provided further</i> , That award of each such grant shall	
19	be conditioned upon the recipient entering into an agreement requiring the	
20	grant to be repaid if the recipient fails to complete the course of training	
21	under the national board for professional teaching standards certification	
22	program: <i>And provided further</i> , That all moneys received by the	
23	department of education for repayment of grants made under the	
24	governor's teaching excellence scholarships program shall be deposited in	
25	the state treasury in accordance with the provisions of K.S.A. 75-4215, and	
26	amendments thereto, and shall be credited to the governor's teaching	
27	excellence scholarships program repayment fund.	
28	Private donations, gifts, grants and	
29	bequests fund (652-00-7307).....	No limit
30	Family and children	
31	investment fund (652-00-7375).....	No limit
32	State school district	
33	finance fund (652-00-7393).....	No limit
34	Mineral production	
35	education fund (652-00-7669-7669).....	No limit
36	(c) There is appropriated for the above agency from the children's	
37	initiatives fund for the fiscal year ending June 30, 2023, the following:	
38	Children's cabinet	
39	accountability fund (652-00-2000-2402).....	\$375,000
40	<i>Provided</i> , That any unencumbered balance in the children's cabinet	
41	accountability fund account in excess of \$100 as of June 30, 2022, is	
42	hereby reappropriated for fiscal year 2023.	
43	CIF grants (652-00-2000-2408).....	\$20,729,848

1 *Provided*, That any unencumbered balance in the CIF grants account in
 2 excess of \$100 as of June 30, 2022, is hereby reappropriated for fiscal year
 3 2023.

4 Parent education program (652-00-2000-2510).....\$8,437,635

5 *Provided*, That any unencumbered balance in the parent education
 6 program account in excess of \$100 as of June 30, 2022, is hereby
 7 reappropriated for fiscal year 2023: *Provided further*, That expenditures
 8 from the parent education program account for each such grant shall be
 9 matched by the school district in an amount that is equal to not less than
 10 50% of the grant.

11 Pre-K pilot (652-00-2000-2535).....\$4,200,000

12 Early childhood infrastructure.....\$1,400,773

13 Imagination library.....\$500,000

14 (d) On July 1, 2022, or as soon thereafter as moneys are available,
 15 notwithstanding the provisions of K.S.A. 8-1,148 or 38-1808, and
 16 amendments thereto, or any other statute, the director of accounts and
 17 reports shall transfer \$50,000 from the family and children trust account of
 18 the family and children investment fund (652-00-7375-7900) of the
 19 department of education to the communities in schools program fund (652-
 20 00-2221-2400) of the department of education.

21 (e) On March 30, 2023, and June 30, 2023, or as soon thereafter as
 22 moneys are available, notwithstanding the provisions of K.S.A. 8-267 or
 23 8-272, and amendments thereto, or any other statute, the director of
 24 accounts and reports shall transfer \$550,000 from the state safety fund
 25 (652-00-2538-2030) to the state general fund: *Provided*, That the transfer
 26 of such amount shall be in addition to any other transfer from the state
 27 safety fund to the state general fund as prescribed by law: *Provided*
 28 *further*, That the amount transferred from the state safety fund to the state
 29 general fund pursuant to this subsection is to reimburse the state general
 30 fund for accounting, auditing, budgeting, legal, payroll, personnel and
 31 purchasing services and any other governmental services that are
 32 performed on behalf of the department of education by other state agencies
 33 that receive appropriations from the state general fund to provide such
 34 services.

35 (f) On July 1, 2022, and quarterly thereafter, the director of accounts
 36 and reports shall transfer \$73,750 from the state highway fund (276-00-
 37 4100-4100) of the department of transportation to the school bus safety
 38 fund (652-00-2532-2300) of the department of education.

39 (g) On July 1, 2022, the director of accounts and reports shall transfer
 40 an amount certified by the commissioner of education from the motorcycle
 41 safety fund (652-00-2633-2050) of the department of education to the
 42 motorcycle safety fund (561-00-2366-2360) of the state board of regents:
 43 *Provided*, That the amount to be transferred shall be determined by the

1 commissioner of education based on the amounts required to be paid
2 pursuant to K.S.A. 8-272(b)(2), and amendments thereto.

3 (h) On July 1, 2022, or as soon thereafter as moneys are available, the
4 director of accounts and reports shall transfer \$70,000 from the USAC E-
5 rate program federal fund (561-00-3920-3920) of the state board of regents
6 to the education technology coordinator fund (652-00-2157-2157) of the
7 department of education.

8 (i) There is appropriated for the above agency from the Kansas
9 endowment for youth fund for the fiscal year ending June 30, 2023, the
10 following:

11 Children's cabinet administration (652-00-7000-7001).....\$260,535
12 *Provided*, That any unencumbered balance in the children's cabinet
13 administration account in excess of \$100 as of June 30, 2022, is hereby
14 reappropriated for fiscal year 2023.

15 (j) During the fiscal year ending June 30, 2023, the commissioner of
16 education, with the approval of the director of the budget, may transfer any
17 part of any item of appropriation for fiscal year 2023 from the state general
18 fund for the department of education to another item of appropriation for
19 fiscal year 2023 from the state general fund for the department of
20 education. The commissioner of education shall certify each such transfer
21 to the director of accounts and reports and shall transmit a copy of each
22 such certification to the director of legislative research.

23 (k) There is appropriated for the above agency from the expanded
24 lottery act revenues fund for the fiscal year ending June 30, 2023, the
25 following:

26 KPERS – school employer
27 contribution (652-00-1700-1700).....\$41,389,547

28 *Provided*, That during the fiscal year ending June 30, 2023, the amount
29 appropriated from the expanded lottery act revenues fund in the KPERS –
30 school employer contribution account (652- 00-1700-1700) for the
31 department of education shall be for the purpose of reducing the unfunded
32 actuarial liability of the Kansas public employees retirement system
33 attributable to the state of Kansas and participating employers under
34 K.S.A. 74-4931, and amendments thereto, in accordance with K.S.A. 74-
35 8768, and amendments thereto.

36 (l) During the fiscal year ending June 30, 2023, in addition to the
37 other purposes for which expenditures may be made by the above agency
38 from the state general fund or from any special revenue fund or funds for
39 fiscal year 2023 as authorized by section 3 of chapter 114 of the 2021
40 Session Laws of Kansas, this or other appropriation act of the 2022 regular
41 session of the legislature, expenditures shall be made by the above agency
42 from the state general fund or from any special revenue fund or funds for
43 fiscal year 2023 for communities in schools in an amount not less than

1 \$100,000.

2 (m) In addition to the other purposes for which expenditures may be
3 made by the above agency from the moneys appropriated from the state
4 general fund or from any special revenue fund or funds for fiscal year
5 2023, expenditures shall be made by the above agency from such moneys
6 to implement a fee-for-service model to fund the implementation of the
7 Math Nation program: *Provided*, That such program shall be used by
8 unified school districts that had 50% or more of the district's students
9 enrolled in grade 7 through grade 12 score below proficient, at level 1 or
10 level 2, on the statewide math assessment in the preceding school year and
11 to provide professional development for such program: *Provided further*,
12 That the above agency is hereby authorized to and shall fix, charge and
13 collect fees from the unified school districts that are required to use Math
14 Nation to fund the operations of the program based on the full-time
15 equivalent enrollment of students enrolled in grade 7 through grade 12 in
16 each such school district: *And provided further*, That all fees received for
17 such program shall be deposited in the state treasury in accordance with
18 the provisions of K.S.A. 75-4215, and amendments thereto, and shall be
19 credited to the appropriate fund designated by the above agency: *And*
20 *provided further*, That such fees shall be paid by the district from moneys
21 of the district that may be used for such purpose: *And provided further*,
22 That any other unified school district may use Math Nation: *And provided*
23 *further*, That participating districts shall track and report to the above
24 agency twice during school year 2022-2023 as determined by the above
25 agency on the number of attendance centers and students using Math
26 Nation, number of teachers participating in the professional development
27 provided by such program and the effect of the program on student
28 academic proficiency: *And provided further*: That the above agency shall
29 compile such reports and shall submit a summary report to the house of
30 representative committee on K-12 education budget and the senate
31 committee on education: *And provided further*, That such report shall also
32 include a list of the school districts and attendance centers that are using
33 Math Nation and a comparison between low-usage and high-usage school
34 districts and attendance centers: *And provided further*, That expenditures
35 for the fiscal year ending June 30, 2023, for such program shall not exceed
36 \$4,000,000.

37 Sec. 3.

38 DEPARTMENT OF EDUCATION

39 (a) There is appropriated for the above agency from the state general
40 fund for the fiscal year ending June 30, 2024, the following:
41 State foundation aid (652-00-1000-0820).....\$2,558,881,605
42 *Provided*, That any unencumbered balance in the state foundation aid
43 account in excess of \$100 as of June 30, 2023, is hereby reappropriated for

1 fiscal year 2024.
 2 Supplemental state aid (652-00-1000-0840).....\$568,150,000
 3 *Provided*, That any unencumbered balance in the supplemental state aid
 4 account in excess of \$100 as of June 30, 2023, is hereby reappropriated for
 5 fiscal year 2024.

6 (b) There is appropriated for the above agency from the following
 7 special revenue fund or funds for the fiscal year ending June 30, 2024, all
 8 moneys now or hereafter lawfully credited to and available in such fund or
 9 funds, except that expenditures other than refunds authorized by law and
 10 transfers to other state agencies shall not exceed the following:
 11 State school district finance fund (652-00-7393).....No limit
 12 Mineral production
 13 education fund (652-00-7669-7669).....No limit

14 New Sec. 4. (a) The legislature hereby affirms that excellence in
 15 education provides an essential gateway to success not only for students
 16 but for the entire state. Achieving excellence in education opens doors of
 17 opportunity for long-term personal, professional and economic growth and
 18 improvement for all students. As academic achievement is elevated,
 19 inspired and attained, more students will gain the soft skills that are
 20 necessary to succeed in the workforce, including improved time
 21 management, personal accountability and communication skills.
 22 Maintaining high academic achievement standards for all students
 23 provides the basis for the fundamental belief that all people, despite their
 24 socioeconomic, racial or cultural status, are uniquely capable and worthy
 25 of meeting and exceeding the highest caliber of expectations. In affirming
 26 this focus on excellence, the legislature hereby desires consistent
 27 communication with the state board of education and the state department
 28 of education to annually review academic achievement, as quantitatively
 29 measured by performance on state assessments and the interventions, goals
 30 and strategies that are being utilized to move all students to academic
 31 proficiency.

32 (b) This section shall take effect and be in force from and after July 1,
 33 2022.

34 New Sec. 5. (a) This section shall be known and may be cited as the
 35 every child can read act.

36 (b) The legislature hereby affirms that third grade marks a pivotal
 37 grade level in which students must attain proficiency in reading or risk
 38 continued learning losses throughout their academic career. To ensure that
 39 all students move toward grade-level proficiency in literacy, especially by
 40 the third grade level, the board of education of each school district shall
 41 provide opportunities for students to participate in targeted educational
 42 interventions to promote proficiency in literacy. Reading literacy shall be
 43 attained through the science of reading and evidence-based reading

1 instruction and shall include such competencies as may be necessary to
2 attain reading proficiency. The necessary competencies, best practices and
3 screening tools used by school districts shall follow the framework of the
4 dyslexia handbook developed by the state department of education. To
5 ensure that such competencies are achieved, the board of education of each
6 school district shall include as part of instruction in literacy:

7 (1) Phonics, phonological and phonemic awareness;

8 (2) vocabulary development;

9 (3) silent and oral reading fluency; and

10 (4) reading comprehension.

11 (c) To promote the goals of the every child can read act, the board of
12 education of each school district shall:

13 (1) Measure student achievement by participation in the state
14 assessment program and through other universal screening and assessment
15 tools that are approved by a board of education of a school district or by
16 the state department of education;

17 (2) provide targeted and tiered interventions that are designed to
18 match a student's individual deficiencies through additional contact hours
19 with such student, including, but not limited to, one-on-one instruction,
20 small group instruction, tutoring and summer school programs for all
21 students and especially for those students who are at and below the third
22 grade level who are identified as having a literacy deficit; and

23 (3) ensure that the teacher of each third grade student communicates
24 with the parent or guardian of each such student to provide information on
25 the student's literacy proficiency or deficiencies and any recommended
26 interventions for such student to achieve proficiency. Such communication
27 shall occur at least once during the fall semester and once during the
28 spring semester. When a teacher provides the communications required
29 pursuant to this paragraph, each such communication shall provide the
30 parent or guardian with:

31 (A) A summary of the every child can read act and the literacy goals
32 of the act;

33 (B) any assessment data relating to literacy that pertains to the
34 student;

35 (C) any recommended interventions for the student; and

36 (D) how the school district tracks the outcomes of any such
37 interventions.

38 (d) (1) On or before June 30 of each school year, each school district
39 shall report to the state department of education on the school district's
40 implementation of the every child can read act, the interventions that the
41 school district is using to attain the goals of such act and the resulting
42 outcomes of such interventions. Such report shall include:

43 (A) The number of third grade students in such school district;

1 (B) the screening and assessment data from at least the preceding two
2 school years that the school district is using as a baseline to evaluate
3 student progress in literacy; and

4 (C) the percentage of students that are proficient, moving toward
5 proficiency or deficient, with percentages provided for all students and
6 student subgroups.

7 (2) The state department of education shall compile such reports and
8 shall submit a summary report to the governor and the legislature on or
9 before January 15 of each year.

10 (e) This section shall take effect and be in force from and after July 1,
11 2022.

12 New Sec. 6. (a) A board of education of a school district may adopt a
13 policy to allow students enrolled in grades six through 12 to earn course
14 credits through alternative educational opportunities with sponsoring
15 entities. A school district's policy adopted pursuant to this section shall
16 provide:

17 (1) Eligibility requirements for sponsoring entities;

18 (2) requirements for the provision of alternative educational
19 opportunities by sponsoring entities;

20 (3) the procedures for a sponsoring entity to submit a proposal to the
21 school district to provide an additional educational opportunity to students;

22 (4) the criteria the school district will use to evaluate such proposals;
23 and

24 (5) the course credit that may be earned through the alternative
25 educational opportunity by a participating student.

26 (b) A school district may accept a proposal from a sponsoring entity
27 if the alternative educational opportunity provided by the sponsoring
28 entity:

29 (1) Provides an additional learning opportunity for students through a
30 work-based, pre-apprenticeship, apprenticeship, internship, industry
31 certification or community program; and

32 (2) (A) is approved by the state board of education as an alternative
33 educational opportunity pursuant to subsection (d); or

34 (B) complies with the school district policies adopted pursuant to
35 subsection (a).

36 (c) Each approved alternative educational opportunity with a
37 sponsoring entity shall be managed and directed by a licensed teacher
38 employed by the school district.

39 (d) A sponsoring entity may petition the state board to approve an
40 alternative educational opportunity that is provided through such
41 sponsoring entity if the alternative educational opportunity provided
42 through such sponsoring entity is generally applicable on a statewide or
43 regional basis across multiple school districts. The state board of education

1 shall approve or deny each petition proposing an alternative educational
2 opportunity within 90 days of receipt of such proposal. If the state board
3 denies the proposal, the state board shall provide the sponsoring entity the
4 reasons for such denial. If the state board approves such proposal, any
5 school district may implement the alternative educational opportunity. The
6 state board may revoke any such approved proposal if the state board
7 determines that the sponsoring entity fails to comply with the requirements
8 of this section.

9 (e) Each school district shall report to the state department of
10 education information regarding the school district's alternative
11 educational opportunities offered at the school, the names of sponsoring
12 entities, the number of students participating and credits earned.

13 (f) The state board of education may adopt rules and regulations for
14 the administration of this section.

15 (g) As used in this section:

16 (1) "Alternative educational opportunity" means instruction that
17 primarily occurs outside the classroom with a sponsoring entity.

18 (2) "Sponsoring entity" means a business, not-for-profit organization,
19 nonprofit organization, trade association, parent of a student, teacher or
20 administrator that partners with a school district to provide an alternative
21 educational opportunity to students.

22 (h) This section shall take effect and be in force from and after July 1,
23 2022.

24 Sec. 7. On and after July 1, 2022, K.S.A. 38-2223 is hereby amended
25 to read as follows: 38-2223. (a) *Persons making reports.* (1) When any of
26 the following persons has reason to suspect that a child has been harmed as
27 a result of physical, mental or emotional abuse or neglect or sexual abuse,
28 the person shall report the matter promptly as provided in subsections (b)
29 and (c);

30 (A) The following persons providing medical care or treatment:
31 Persons licensed to practice the healing arts, dentistry and optometry,
32 persons engaged in postgraduate training programs approved by the state
33 board of healing arts, licensed professional or practical nurses and chief
34 administrative officers of medical care facilities;

35 (B) the following persons licensed by the state to provide mental
36 health services: Licensed psychologists, licensed masters level
37 psychologists, licensed clinical psychotherapists, licensed social workers,
38 licensed marriage and family therapists, licensed clinical marriage and
39 family therapists, licensed behavioral analysts, licensed assistant
40 behavioral analysts, licensed professional counselors, licensed clinical
41 professional counselors and registered alcohol and drug abuse counselors;

42 (C) teachers, school administrators ~~or~~ and other employees of an
43 educational institution ~~which~~ that the child is attending and *any member of*

1 *the board of directors of the Kansas state high school activities*
2 *association referenced in K.S.A. 72-7114, and amendments thereto, and*
3 *any person who is employed by or is an officer of such association;*

4 (D) persons licensed by the secretary of health and environment to
5 provide child care services or the employees of persons so licensed at the
6 place where the child care services are being provided to the child;

7 ~~(D)~~(E) firefighters, emergency medical services personnel, law
8 enforcement officers, juvenile intake and assessment workers, court
9 services officers, community corrections officers, case managers appointed
10 under K.S.A. 2021 Supp. 23-3508, and amendments thereto, and mediators
11 appointed under K.S.A. 2021 Supp. 23-3502, and amendments thereto;
12 and

13 ~~(E)~~(F) any person employed by or who works as a volunteer for any
14 organization, whether for profit or not-for-profit, that provides social
15 services to pregnant teenagers, including, but not limited to, counseling,
16 adoption services and pregnancy education and maintenance.

17 (2) In addition to the reports required under subsection (a)(1), any
18 person who has reason to suspect that a child may be a child in need of
19 care may report the matter as provided in subsection (b) and (c).

20 (b) *Form of report.* (1) The report may be made orally and shall be
21 followed by a written report if requested. Every report shall contain, if
22 known: The names and addresses of the child and the child's parents or
23 other persons responsible for the child's care; the location of the child if
24 not at the child's residence; the child's gender, race and age; the reasons
25 why the reporter suspects the child may be a child in need of care; if abuse
26 or neglect or sexual abuse is suspected, the nature and extent of the harm
27 to the child, including any evidence of previous harm; and any other
28 information that the reporter believes might be helpful in establishing the
29 cause of the harm and the identity of the persons responsible for the harm.

30 (2) When reporting a suspicion that a child may be in need of care,
31 the reporter shall disclose protected health information freely and
32 cooperate fully with the secretary and law enforcement throughout the
33 investigation and any subsequent legal process.

34 (c) *To whom made.* Reports made pursuant to this section shall be
35 made to the secretary, except as follows:

36 (1) When the Kansas department for children and families is not open
37 for business, reports shall be made to the appropriate law enforcement
38 agency. On the next day that the department is open for business, the law
39 enforcement agency shall report to the department any report received and
40 any investigation initiated pursuant to K.S.A. 38-2226, and amendments
41 thereto. The reports may be made orally or, on request of the secretary, in
42 writing.

43 (2) Reports of child abuse or neglect occurring in an institution

1 operated by the Kansas department of corrections shall be made to the
2 attorney general or the secretary of corrections. Reports of child abuse or
3 neglect occurring in an institution operated by the Kansas department for
4 aging and disability services shall be made to the appropriate law
5 enforcement agency. All other reports of child abuse or neglect by persons
6 employed by the Kansas department for aging and disability services or
7 the Kansas department for children and families, or of children of persons
8 employed by either department, shall be made to the appropriate law
9 enforcement agency.

10 (d) *Death of child.* Any person who is required by this section to
11 report a suspicion that a child is in need of care and who knows of
12 information relating to the death of a child shall immediately notify the
13 coroner as provided by K.S.A. 22a-242, and amendments thereto.

14 (e) *Violations.* (1) Willful and knowing failure to make a report
15 required by this section is a class B misdemeanor. It is not a defense that
16 another mandatory reporter made a report.

17 (2) Intentionally preventing or interfering with the making of a report
18 required by this section is a class B misdemeanor.

19 (3) Any person who willfully and knowingly makes a false report
20 pursuant to this section or makes a report that such person knows lacks
21 factual foundation is guilty of a class B misdemeanor.

22 (f) *Immunity from liability.* Anyone who, without malice, participates
23 in the making of a report to the secretary or a law enforcement agency
24 relating to a suspicion a child may be a child in need of care or who
25 participates in any activity or investigation relating to the report or who
26 participates in any judicial proceeding resulting from the report shall have
27 immunity from any civil liability that might otherwise be incurred or
28 imposed.

29 Sec. 8. On and after July 1, 2022, K.S.A. 2021 Supp. 72-1163 is
30 hereby amended to read as follows: 72-1163. (a) (1) Each year the board of
31 education of a school district shall conduct an assessment of the
32 educational needs of each attendance center in the district. *Such*
33 *assessment shall be published on the school district's website.* Information
34 obtained from such ~~needs-assessment~~ *needs assessment* shall be used by
35 the board when ~~preparing~~ *approving* the budget of the school district to
36 ensure improvement in student academic performance. *In the minutes of*
37 *the meeting at which the board approves its annual budget, the board shall*
38 *include that such needs assessment was provided to the board, the board*
39 *evaluated such assessment and how the board used such assessment in the*
40 *approval of the school district's budget.*

41 (2) *Each year, the board of education of a school district shall review*
42 *state assessment results and, as part of such review, shall document the*
43 *following:*

1 (A) *The barriers that must be overcome to have all students achieve*
2 *proficiency above level 2 for grade level academic expectations on such*
3 *assessments;*

4 (B) *any budget actions, including, but not limited to,*
5 *recommendations on reallocation of resources that should be taken to*
6 *address and remove such barriers; and*

7 (C) *the amount of time the board estimates it will take for all students*
8 *to achieve proficiency above level 2 for grade level academic expectations*
9 *on the state assessments if such budget actions are implemented.*

10 (3) The budget of the school district shall allocate sufficient moneys
11 in a manner reasonably calculated such that all students may achieve the
12 goal set forth in K.S.A. 72-3218(c), and amendments thereto. The board
13 also shall prepare a summary of the budget for the school district. The
14 budgets and summary shall be in the form prescribed by the director
15 pursuant to K.S.A. 79-2926, and amendments thereto.

16 (b) The budgets ~~and~~, the summary of the proposed budget, *the needs*
17 *assessment and the state assessment documentation* shall be on file at the
18 administrative offices of the school district *and available on the school*
19 *district's website.* ~~Copies of such budgets and summary shall be available~~
20 ~~upon request.~~

21 (c) The notice required to be published by K.S.A. 79-2929, and
22 amendments thereto, shall include a statement that the budgets ~~and~~, the
23 summary of the proposed budget, *the needs assessment and state*
24 *assessment documentation* is on file at the administrative offices of the
25 district ~~and that copies of such budgets and summary are available upon~~
26 ~~request available on the school district's website.~~

27 Sec. 9. On and after July 1, 2022 K.S.A. 72-3120 is hereby amended
28 to read as follows: 72-3120. (a) Subject to the other provisions of this
29 section, every parent or person acting as parent in the state of Kansas, who
30 has control over or charge of any child who has reached the age of seven
31 years and is under the age of 18 years and has not attained a high school
32 diploma ~~or~~, a general educational development ~~(GED)~~ credential *or a high*
33 *school equivalency credential*, shall require such child to be regularly
34 enrolled in and attend continuously each school year:

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

37 (2) a private, denominational or parochial school taught by a
38 competent instructor for a period of time which is substantially equivalent
39 to the period of time public school is maintained in the school district in
40 which the private, denominational or parochial school is located. ~~If the~~
41 ~~child is 16 or 17 years of age, the parent or person acting as parent, by~~
42 ~~written consent, or the court, pursuant to a court order, may allow the child~~
43 ~~to be exempt from the compulsory attendance requirements of this section;~~

1 *or*

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

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

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

10 (2) *the parent or person acting as parent provides written consent to*
11 *allow the child to be exempt from the compulsory attendance requirements*
12 *of this section and the child and the parent or person acting as parent*
13 *attend a final counseling session conducted by the school during which a*
14 *disclaimer to encourage the child to remain in school or to pursue*
15 *educational alternatives is presented to and signed by the child and the*
16 *parent or person acting as parent. The disclaimer shall include information*
17 *regarding the academic skills that the child has not yet achieved, the*
18 *difference in future earning power between a high school graduate and a*
19 *high school drop out; and a listing of educational alternatives that are*
20 *available for the child;*~~or~~

21 (3) the child is regularly enrolled in a school as required by
22 subsection (a) and is concurrently enrolled in a postsecondary educational
23 institution, as defined by K.S.A. 74-3201b, and amendments thereto. ~~The~~
24 ~~provisions of this clause (3) shall be applicable to children from and after~~
25 ~~July 1, 1997, and shall relate back to such date; or~~

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

28 (c) Any child who is under the age of seven years, but who is enrolled
29 in school, ~~is~~ *shall be* subject to the compulsory attendance requirements of
30 this section. Any such child may be withdrawn from enrollment in school
31 at any time by a parent or person acting as parent of the child and
32 thereupon the child shall be exempt from the compulsory attendance
33 requirements of this section until the child reaches the age of seven years
34 or is re-enrolled in school.

35 (d) Any child who is determined to be an exceptional child, except
36 for an exceptional child who is determined to be a gifted child, under the
37 provisions of the special education for exceptional children act ~~is~~ *shall be*
38 subject to the compulsory attendance requirements of such act and ~~is~~
39 exempt from the compulsory attendance requirements of this section.

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

1 (f) No child attending public school in this state shall be required to
2 participate in any activity which is contrary to the religious teachings of
3 the child if a written statement signed by one of the parents or a person
4 acting as parent of the child is filed with the proper authorities of the
5 school attended requesting that the child not be required to participate in
6 such activities and stating the reason for the request.

7 (g) When a recognized church or religious denomination that objects
8 to a regular public high school education provides, offers and teaches,
9 either individually or in cooperation with another recognized church or
10 religious denomination, a regularly supervised program of instruction,
11 ~~which~~ *that* is approved by the state board of education, for children of
12 compulsory school attendance age who have successfully completed the
13 eighth grade, participation in such a program of instruction by any such
14 children whose parents or persons acting as parents are members of the
15 sponsoring church or religious denomination shall be regarded as
16 acceptable school attendance within the meaning of this act. Approval of
17 such programs shall be granted by the state board of education, for two-
18 year periods, upon application from recognized churches and religious
19 denominations, under the following conditions:

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

25 (2) acceptable learning activities, for the purposes of this subsection,
26 shall include ~~parent (or person acting as parent) supervised~~ projects
27 *supervised by a parent or person acting as parent* in agriculture and
28 homemaking, work-study programs in cooperation with local business and
29 industry; and correspondence courses from schools accredited by the
30 national home study council, recognized by the United States office of
31 education as the competent accrediting agency for private home study
32 schools;

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

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

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

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

8 (7) in applying for approval under this subsection a recognized
9 church or religious denomination shall certify its objection to a regular
10 public high school education and shall specify, in such detail as the state
11 board of education may reasonably require, the program of instruction that
12 it intends to provide and no such program shall be approved unless it fully
13 complies with standards ~~therefor which shall be~~ specified by the state
14 board of education.

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

22 (h) (1) *Each board of education of a school district shall allow any*
23 *child to enroll part-time in the school district to allow the student to attend*
24 *any courses, programs or services offered by the school district if the*
25 *child:*

26 (A) *Is also enrolled in a nonaccredited private elementary or*
27 *secondary school pursuant to K.S.A. 72-4345, and amendments thereto, or*
28 *in any other private, denominational or parochial school pursuant to the*
29 *provisions of subsection (a);*

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

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

33 (2) *Each board of education of a school district shall adopt a policy*
34 *regarding the part-time enrollment of students pursuant to this subsection*
35 *and shall publish such policy on the school district's website. The board of*
36 *education of a school district shall make a good faith attempt to*
37 *accommodate scheduling requests of students enrolling in the school*
38 *district pursuant to this subsection but shall not be required to make*
39 *adjustments to accommodate every such request.*

40 (i) As used in this section:

41 (1) "Educational alternatives" means an alternative learning plan for
42 the student that identifies educational programs that are located in the area
43 where the student resides; and are designed to aid the student in obtaining

1 a high school diploma, general educational development credential or
2 other certification of completion, such as a career technical education
3 industry certification. Such alternative learning plans may include
4 extended learning opportunities such as independent study, private
5 instruction, performing groups, internships, community service,
6 apprenticeships and online coursework.

7 (2) "Parent" and "person acting as parent" ~~have the meanings~~
8 ~~respectively ascribed thereto~~ *mean the same as such terms are defined in*
9 *K.S.A. 72-3122, and amendments thereto.*

10 (3) "Regularly enrolled" means enrolled in five or more hours of
11 instruction each school day. For the purposes of subsection (b)(3), hours of
12 instruction received at a postsecondary educational institution shall be
13 counted.

14 Sec. 10. On and after July 1, 2022, K.S.A. 72-3713 is hereby
15 amended to read as follows: 72-3713. (a) Virtual schools shall be under the
16 general supervision of the state board. The state board may adopt any rules
17 and regulations relating to virtual schools ~~which that~~ the state board deems
18 necessary to administer and enforce the virtual school act.

19 (b) *For purposes of accreditation by the state board, the four-year*
20 *adjusted cohort graduation rate for a virtual school shall be determined*
21 *by only including those students enrolled in such virtual school who had*
22 *earned sufficient credits to be expected to graduate in the same school*
23 *year as such student's cohort at the time such student first enrolled in such*
24 *virtual school. The virtual school's four-year adjusted cohort graduation*
25 *rate shall be determined in addition to the graduation rates determined for*
26 *the school district that operates the virtual school and any other high*
27 *schools operated by the school district.*

28 (c) *No virtual school shall offer or provide any financial incentive for*
29 *a student to enroll in a virtual school.*

30 (d) *As used in this section, "financial incentive" means any monetary*
31 *payment or award that is intended to encourage, entice or motivate a*
32 *student to enroll in a virtual school.*

33 Sec. 11. On and after July 1, 2022, K.S.A. 72-3715 is hereby
34 amended to read as follows: 72-3715. (a) In order to be included in the
35 full-time equivalent enrollment of a virtual school, a student shall be in
36 attendance at the virtual school on:

37 (1) A single school day on or before September 19 of ~~each~~ *the* school
38 year; and

39 (2) on a single school day on or after September 20, but before
40 October 4 of ~~each~~ *the* school year.

41 (b) A school district ~~which that~~ offers a virtual school shall determine
42 the full-time equivalent enrollment of each student enrolled in the virtual
43 school on September 20 of ~~each~~ *the* school year as follows:

- 1 (1) Determine the number of hours the student was in attendance on a
2 single school day on or before September 19 of ~~each~~ *the* school year;
- 3 (2) determine the number of hours the student was in attendance on a
4 single school day on or after September 20; but before October 4 of ~~each~~
5 *the* school year;
- 6 (3) add the numbers obtained under subsections (b)(1) and (b)(2);
- 7 (4) divide the sum obtained under subsection (b)(3) by 12. The
8 quotient is the full-time equivalent enrollment of the student.
- 9 (c) The school days on which a district determines the full-time
10 equivalent enrollment of a student under subsections (b)(1) and (2) shall be
11 the school days on which the student has the highest number of hours of
12 attendance at the virtual school. No more than six hours of attendance may
13 be counted in a single school day. Attendance may be shown by a student's
14 on-line activity or entries in the student's virtual school journal or log of
15 activities.
- 16 (d) Subject to the availability of appropriations and within the limits
17 of any such appropriations, each school year a school district ~~which that~~
18 offers a virtual school shall receive virtual school state aid. The state board
19 of education shall determine the amount of virtual school state aid a school
20 district is to receive as follows:
- 21 (1) Determine the number of students enrolled in virtual school on a
22 full-time basis, excluding those students who are over 19 years of age *and*
23 *those students who are 19 years of age or younger who qualify for virtual*
24 *school state aid pursuant to paragraph (4)*, and multiply the total number
25 of such students by \$5,000;
- 26 (2) determine the full-time equivalent enrollment of students enrolled
27 in virtual school on a part-time basis, excluding those ~~pupils~~ *students* who
28 are over 19 years of age *and those students who are 19 years of age or*
29 *younger who qualify for virtual school state aid pursuant to paragraph*
30 *(4)*, and multiply the total full-time equivalent enrollment of such students
31 by \$1,700;
- 32 (3) for students enrolled in a virtual school who are over 19 years of
33 age, determine the number of one-hour credit courses such students have
34 passed, not to exceed six credit courses per school year, and multiply the
35 total number of such courses by \$709; ~~and~~
- 36 (4) *for students who are 19 years of age or younger who enroll in a*
37 *virtual school as a dropout diploma completion virtual student, determine*
38 *the number of one-hour credit courses such students have passed, not to*
39 *exceed six credit courses per school year, and multiply the total number of*
40 *such courses by \$709; and*
- 41 (5) add the amounts calculated under subsections (d)(1) through (d)
42 (4). The resulting sum is the amount of virtual school state aid the school
43 district shall receive.

1 (e) (1) There is hereby established in every school district ~~a fund~~
2 ~~which shall be called~~ the virtual school fund, ~~which~~. Such fund shall
3 consist of all moneys deposited therein or transferred thereto according to
4 law. The expenses of a school district directly attributable to virtual
5 schools offered by a school district may be paid from the virtual school
6 fund. The cost of an advance placement course provided to a student by a
7 virtual school shall be paid by the virtual school. Moneys deposited in or
8 otherwise transferred to the virtual school fund shall only be expended for
9 those costs directly attributable to the provision of virtual instruction.

10 (2) Any balance remaining in the virtual school fund at the end of the
11 budget year shall be carried forward into the virtual school fund for
12 succeeding budget years. Such fund shall not be subject to the provisions
13 of K.S.A. 79-2925 through 79-2937, and amendments thereto.

14 (3) In preparing the budget of such school district, the amounts
15 credited to and the amount on hand in the virtual school fund, and the
16 amount expended therefrom shall be included in the annual budget for the
17 information of the residents of the school district. Interest earned on the
18 investment of moneys in any such fund shall be credited to that fund.

19 (f) For the purposes of this section, a student enrolled in a virtual
20 school who is not a resident of the state of Kansas shall not be counted in
21 the full-time equivalent enrollment of the virtual school. The virtual school
22 shall record the permanent address of any student enrolled in such virtual
23 school.

24 (g) ~~For purposes of~~ *As used in this section:*

25 (1) *"Dropout diploma completion virtual student" means any student*
26 *who is 19 years of age or younger who has:*

27 (A) *A ratio of earned credits to expected credits for the student's*
28 *cohort year of less than 75% when enrolling in a virtual school;*

29 (B) (i) *dropped out of high school such that the student has not*
30 *attended any school of a school district for 60 consecutive days or more*
31 *during the current school year and the student is not reasonably*
32 *anticipated to recommence enrollment or attendance at any school of a*
33 *school district during the current school year;*

34 (ii) *dropped out of high school such that the student has not attended*
35 *any school of a school district for 60 consecutive days or more during the*
36 *preceding school year; the student did not finish such preceding school*
37 *year and the student is not reasonably anticipated to recommence*
38 *enrollment or attendance at any school of a school district during the*
39 *current school year; or*

40 (iii) *been exempted from compulsory student attendance by written*
41 *consent of the parent pursuant to K.S.A. 72-3120, and amendments*
42 *thereto; and*

43 (C) *not been counted in the enrollment of a virtual school as a full-*

1 *time or part-time virtual student during the school year in which such*
2 *student enrolls as a dropout diploma completion virtual student.*

3 (2) "Full-time" means attendance in a virtual school for no less than
4 six hours as determined pursuant to subsection (b).

5 ~~(2)~~(3) "Part-time" means attendance in a virtual school for less than
6 six hours as determined pursuant to subsection (b).

7 Sec. 12. On and after July 1, 2022, K.S.A. 2021 Supp. 72-4352 is
8 hereby amended to read as follows: 72-4352. As used in the tax credit for
9 low income students scholarship program act:

10 (a) "Contributions" means monetary gifts or donations and in-kind
11 contributions, gifts or donations that have an established market value.

12 (b) "Department" means the Kansas department of revenue.

13 (c) "Educational scholarship" means an amount not to exceed \$8,000
14 per school year provided to an eligible student, or to a qualified school
15 with respect to an eligible student, to cover all or a portion of the costs of
16 education including tuition, fees and expenses of a qualified school and, if
17 applicable, the costs of transportation to a qualified school if provided by
18 such qualified school.

19 (d) "Eligible student" means a child who:

20 (1) Resides in Kansas; and

21 (2) (A) (i) Is eligible for free or reduced-price meals under the
22 national school lunch act; and

23 (ii) (a) was enrolled in kindergarten or any of the grades one through
24 eight in any public school in the previous school year in which an
25 educational scholarship is first sought for the child; or

26 (b) is eligible to be enrolled in any public school in the school year in
27 which an educational scholarship is first sought for the child and the child
28 is ~~under the age of six years~~ *seven years of age or under*; or

29 (B) has received an educational scholarship under the program and
30 has not graduated from high school or reached the age of 21 years.

31 (e) "Parent" includes a guardian, custodian or other person with
32 authority to act on behalf of the child.

33 (f) "Program" means the tax credit for low income students
34 scholarship program established in K.S.A. 72-4351 through 72-4357, and
35 amendments thereto.

36 (g) "Public school" means any school operated by a unified school
37 district under the laws of this state.

38 (h) "Qualified school" means any nonpublic school that:

39 (1) Provides education to elementary or secondary students;

40 (2) is accredited by the state board or a national or regional
41 accrediting agency that is recognized by the state board for the purpose of
42 satisfying the teaching performance assessment for professional licensure;

43 (3) has notified the state board of its intention to participate in the

1 program; and

2 (4) complies with the requirements of the program.

3 (i) "Scholarship granting organization" means an organization that
4 complies with the requirements of this program and provides educational
5 scholarships to eligible students or to qualified schools in which parents
6 have enrolled eligible students.

7 (j) "School district" or "district" means any unified school district
8 organized and operating under the laws of this state.

9 (k) "School year" means the same as in K.S.A. 72-5132, and
10 amendments thereto.

11 (l) "Secretary" means the secretary of revenue.

12 (m) "State board" means the state board of education.

13 Sec. 13. On and after July 1, 2022, K.S.A. 2021 Supp. 72-5178 is
14 hereby amended to read as follows: 72-5178. (a) On or before January 15
15 of each year, the state department of education shall prepare and ~~submit a~~
16 *digitally update on the website of the state department of education the*
17 *performance accountability-report reports and a longitudinal achievement*
18 *report-for reports upon* all students enrolled in any public school or
19 accredited nonpublic school in the state, each school district, each school
20 operated by a school district and each accredited nonpublic school ~~to the~~
21 ~~governor and to the legislature.~~

22 (b) Each performance accountability report shall be prepared in a
23 single-page format containing the information that is required to be
24 reported under the federal elementary and secondary education act, as
25 amended by the federal every student succeeds act, public law 114-95, or
26 any successor federal acts, and the college and career readiness metrics
27 developed and implemented by the state board. The report shall use the
28 categories for achievement identified under the federal every student
29 succeeds act, public law 114-95, or any successor achievement categories.
30 All categories and metrics included in the report shall be clearly defined.

31 (c) Each longitudinal achievement report shall provide the
32 achievement rates on the state assessments for English language arts, math
33 and science for all students and each student subgroup and the change in
34 achievement rate year-over-year starting with the school year in which the
35 state board first implemented new achievement standards on such state
36 assessments.

37 (d) *On or before January 15 of each year, the state department of*
38 *education shall prepare written academic achievement reports to provide*
39 *a summary of student achievement in this state and shall submit such*
40 *reports to the governor and the legislature. Such written academic*
41 *achievement reports shall:*

42 (1) *Provide a statewide summary of the performance accountability*
43 *reports and longitudinal achievement reports prepared pursuant to this*

1 *section. Such summary report shall provide:*

2 *(A) Achievement data from the English language arts assessments*
3 *and math assessments over the preceding five years for all students and*
4 *student subgroups to show whether there are statewide trends in academic*
5 *improvement or learning loss among all students and student subgroups;*

6 *(B) a comparison to any other evaluation metric used by the state*
7 *board of education to evaluate student achievement such as college and*
8 *career readiness measurements or graduation rates;*

9 *(C) a comparison to other educational assessments that measure*
10 *academic performance such as the national assessment of educational*
11 *progress;*

12 *(D) an analysis of the trends in student achievement outcomes and a*
13 *review of conditions that are impacting recent student achievement*
14 *outcomes;*

15 *(E) a review of the academic interventions that school districts are*
16 *using to improve student performance, whether the state board of*
17 *education has any specific recommendations regarding academic*
18 *interventions to improve academic achievement and an estimation of the*
19 *academic achievement gains that can be expected from such interventions;*
20 *and*

21 *(F) a summary of the performance levels and the scale and cut scores*
22 *for the statewide assessments and how such information should be used to*
23 *draw conclusions about student achievement; and*

24 *(2) provide a student-focused longitudinal achievement report that*
25 *provides information on the academic achievement of certain student*
26 *cohort groups to show the achievement gains or learning losses that are*
27 *occurring for such students. Such report shall begin with the students who*
28 *are entering grade three and grade eight in school year 2022-2023. The*
29 *report shall summarize the longitudinal achievement of such students over*
30 *a three-year period and shall be repeated every three years for the*
31 *students entering such grade levels. The longitudinal report shall provide:*

32 *(A) A summary of the improvement or learning loss that is occurring*
33 *within such student cohort groups over such three-year period for all such*
34 *students and the student subgroups;*

35 *(B) an analysis of the evaluations and metrics that are used to*
36 *measure the year-over-year achievement of such student cohort groups;*

37 *(C) a review of the academic interventions that school districts are*
38 *using to improve student performance within such student cohort groups,*
39 *whether the state board of education has any specific recommendations*
40 *regarding academic interventions to improve academic achievement and*
41 *an estimate of the academic achievement gains that can be expected from*
42 *such interventions; and*

43 *(D) the achievement results from the English language arts*

1 *assessments and math assessments for such student cohort groups and any*
2 *other assessment data pertaining to such student cohort groups, including,*
3 *but not limited to, the national assessment for educational progress, the*
4 *ACT college entrance exam and the pre-ACT assessment.*

5 (d) All reports prepared pursuant to this section shall be published in
6 accordance with K.S.A. 2021 Supp. 72-1181, and amendments thereto.

7 Sec. 14. On and after July 1, 2022, K.S.A. 2021 Supp. 72-5462 is
8 hereby amended to read as follows: 72-5462. (a) There is hereby
9 established in the state treasury the school district capital improvements
10 fund. The fund shall consist of all amounts transferred thereto under the
11 provisions of subsection (c).

12 (b) In each school year, each school district which is obligated to
13 make payments from its capital improvements fund shall be entitled to
14 receive payment from the school district capital improvements fund in an
15 amount determined by the state board of education as provided in this
16 subsection.

17 (1) For general obligation bonds approved for issuance at an election
18 held prior to July 1, 2015, the state board of education shall:

19 (A) Determine the amount of the assessed valuation per pupil (AVPP)
20 of each school district in the state for the preceding school year and round
21 such amount to the nearest \$1,000. The rounded amount is the AVPP of a
22 school district for the purposes of this subsection (b)(1);

23 (B) determine the median AVPP of all school districts;

24 (C) prepare a schedule of dollar amounts using the amount of the
25 median AVPP of all school districts as the point of beginning. The
26 schedule of dollar amounts shall range upward in equal \$1,000 intervals
27 from the point of beginning to and including an amount that is equal to the
28 amount of the AVPP of the school district with the highest AVPP of all
29 school districts and shall range downward in equal \$1,000 intervals from
30 the point of beginning to and including an amount that is equal to the
31 amount of the AVPP of the school district with the lowest AVPP of all
32 school districts;

33 (D) determine a state aid percentage factor for each school district by
34 assigning a state aid computation percentage to the amount of the median
35 AVPP shown on the schedule, decreasing the state aid computation
36 percentage assigned to the amount of the median AVPP by one percentage
37 point for each \$1,000 interval above the amount of the median AVPP, and
38 increasing the state aid computation percentage assigned to the amount of
39 the median AVPP by one percentage point for each \$1,000 interval below
40 the amount of the median AVPP. Except as provided by K.S.A. 72-5463,
41 and amendments thereto, the state aid percentage factor of a school district
42 is the percentage assigned to the schedule amount that is equal to the
43 amount of the AVPP of the school district. The state aid percentage factor

1 of a school district shall not exceed 100%. The state aid computation
2 percentage is 25%;

3 (E) determine the amount of payments that a school district is
4 obligated to make from its bond and interest fund attributable to general
5 obligation bonds approved for issuance at an election held prior to July 1,
6 2015; and

7 (F) multiply the amount determined under subsection (b)(1)(E) by the
8 applicable state aid percentage factor.

9 (2) For general obligation bonds approved for issuance at an election
10 held on or after July 1, 2015, the state board of education shall:

11 (A) Determine the amount of the AVPP of each school district in the
12 state for the preceding school year and round such amount to the nearest
13 \$1,000. The rounded amount is the AVPP of a school district for the
14 purposes of this subsection (b)(2);

15 (B) prepare a schedule of dollar amounts using the amount of the
16 AVPP of the school district with the lowest AVPP of all school districts as
17 the point of beginning. The schedule of dollar amounts shall range upward
18 in equal \$1,000 intervals from the point of beginning to and including an
19 amount that is equal to the amount of the AVPP of the school district with
20 the highest AVPP of all school districts;

21 (C) determine a state aid percentage factor for each school district by
22 assigning a state aid computation percentage to the amount of the lowest
23 AVPP shown on the schedule and decreasing the state aid computation
24 percentage assigned to the amount of the lowest AVPP by one percentage
25 point for each \$1,000 interval above the amount of the lowest AVPP.
26 Except as provided by K.S.A. 72-5463, and amendments thereto, the state
27 aid percentage factor of a school district is the percentage assigned to the
28 schedule amount that is equal to the amount of the AVPP of the school
29 district. The state aid computation percentage is 75%;

30 (D) determine the amount of payments that a school district is
31 obligated to make from its bond and interest fund attributable to general
32 obligation bonds approved for issuance at an election held on or after July
33 1, 2015; and

34 (E) multiply the amount determined under subsection (b)(2)(D) by
35 the applicable state aid percentage factor.

36 (3) For general obligation bonds approved for issuance at an election
37 held on or before June 30, 2016, the sum of the amount determined under
38 subsection (b)(1)(F) and the amount determined under subsection (b)(2)(E)
39 is the amount of payment the school district is entitled to receive from the
40 school district capital improvements fund in the school year.

41 (4) For general obligation bonds approved for issuance at an election
42 held on or after July 1, 2016, the amount determined under subsection (b)
43 (2)(E) is the amount of payment the school district shall receive from the

1 school district capital improvements fund in the school year, except the
2 total amount of payments school districts receive from the school district
3 capital improvements fund in the school year for such bonds shall not
4 exceed the six-year average amount of capital improvement state aid as
5 determined by the state board of education.

6 (A) The state board of education shall determine the six-year average
7 amount of capital improvement state aid by calculating the average of the
8 total amount of moneys expended per year from the school district capital
9 improvements fund in the immediately preceding six fiscal years, not to
10 include the current fiscal year.

11 (B) (i) Subject to clause (ii), the state board of education shall
12 prioritize the allocations to school districts from the school district capital
13 improvements fund in accordance with the priorities set forth as follows in
14 order of highest priority to lowest priority:

15 (a) Safety of the current facility and disability access to such facility
16 as demonstrated by a state fire marshal report, an inspection under the
17 Americans with disabilities act, 42 U.S.C. § 12101 et seq., or other similar
18 evaluation;

19 (b) enrollment growth and imminent overcrowding as demonstrated
20 by successive increases in enrollment of the school district in the
21 immediately preceding three school years;

22 (c) impact on the delivery of educational services as demonstrated by
23 restrictive inflexible design or limitations on installation of technology;
24 and

25 (d) energy usage and other operational inefficiencies as demonstrated
26 by a district-wide energy usage analysis, district-wide architectural
27 analysis or other similar evaluation.

28 (ii) In allocating capital improvement state aid, the state board shall
29 give higher priority to those school districts with a lower AVPP compared
30 to the other school districts that are to receive capital improvement state
31 aid under this section.

32 (C) On and after July 1, 2016, the state board of education shall
33 approve the amount of state aid payments a school district shall receive
34 from the school district capital improvements fund pursuant to subsection
35 (b)(5) prior to an election to approve the issuance of general obligation
36 bonds.

37 (5) Except as provided in subsections (b)(6) and (b)(7), the sum of the
38 amounts determined under subsection (b)(3) and the amount determined or
39 allocated to the district by the state board of education pursuant to
40 subsection (b)(4), is the amount of payment the school district is entitled to
41 receive from the school district capital improvements fund in the school
42 year.

43 (6) A school district that had an enrollment of less than 260 students

1 in the school year immediately preceding the school year in which an
2 election is held to approve the issuance of general obligation bonds shall
3 not be entitled to receive payments from the school district capital
4 improvements fund unless such school district applied for and received
5 approval from the state board of education to issue such bonds prior to
6 holding an election to approve such bond issuance. The provisions of this
7 paragraph shall apply to general obligation bonds approved for issuance at
8 an election held on or after July 1, 2017, that are issued for the purpose of
9 financing the construction of new school facilities.

10 (7) For general obligation bonds approved for issuance at an election
11 held on or after July 1, 2017, in determining the amount under subsection
12 (b)(2)(D), the state board shall exclude payments for any capital
13 improvement project, or portion thereof, that proposes to construct,
14 reconstruct or remodel a facility that would be used primarily for
15 extracurricular activities, unless the construction, reconstruction or
16 remodeling of such facility is necessary due to concerns relating to the
17 safety of the current facility or disability access to such facility as
18 demonstrated by a state fire marshal report, an inspection under the
19 Americans with disabilities act, 42 U.S.C. § 12101 et seq., or other similar
20 evaluation.

21 (c) The state board of education shall certify to the director of
22 accounts and reports the entitlements of school districts determined under
23 the provisions of subsection (b), and an amount equal thereto shall be
24 transferred by the director from the state general fund to the school district
25 capital improvements fund for distribution to school districts. All transfers
26 made in accordance with the provisions of this subsection shall be
27 considered to be demand transfers from the state general fund, except that
28 all such transfers during the fiscal years ending ~~June 30, 2021~~, June 30,
29 2022, ~~and~~ June 30, 2023, *and June 30, 2024*, shall be considered to be
30 revenue transfers from the state general fund.

31 (d) Payments from the school district capital improvements fund shall
32 be distributed to school districts at times determined by the state board of
33 education to be necessary to assist school districts in making scheduled
34 payments pursuant to contractual bond obligations. The state board of
35 education shall certify to the director of accounts and reports the amount
36 due each school district entitled to payment from the fund, and the director
37 of accounts and reports shall draw a warrant on the state treasurer payable
38 to the treasurer of the school district. Upon receipt of the warrant, the
39 treasurer of the school district shall credit the amount thereof to the bond
40 and interest fund of the school district to be used for the purposes of such
41 fund.

42 (e) The provisions of this section apply only to contractual
43 obligations incurred by school districts pursuant to general obligation

1 bonds issued upon approval of a majority of the qualified electors of the
2 school district voting at an election upon the question of the issuance of
3 such bonds.

4 (f) On or before the first day of the legislative session in 2017, and
5 each year thereafter, the state board of education shall prepare and submit
6 a report to the legislature that includes information on school district
7 elections held on or after July 1, 2016, to approve the issuance of general
8 obligation bonds and the amount of payments school districts were
9 approved to receive from the school district capital improvements fund
10 pursuant to subsection (b)(4)(C).

11 Sec. 15. On and after July 1, 2022, K.S.A. 38-2223, 72-3120, 72-
12 3713 and 72-3715 and K.S.A. 2021 Supp. 72-1163, 72-4352, 72-5178 and
13 72-5462 are hereby repealed.

14 Sec. 16. This act shall take effect and be in force from and after its
15 publication in the Kansas register.