

Senate Substitute for HOUSE BILL No. 2567

AN ACT concerning education; making and concerning appropriations for fiscal years ending June 30, 2022, June 30, 2023, and June 30, 2024, for the state department of education; establishing the legislature's intention to focus on academic achievement; enacting the every child can read act to support literacy proficiency by third grade; authorizing the state board of education and school districts to allow students to earn course credit through alternative educational opportunities outside the traditional classroom; making members of or persons employed by the Kansas state high school activities association mandatory reporters of child abuse and neglect; requiring the board of education of each school district to consider the district building needs assessment and state academic assessments when approving the budget of the school district; requiring school districts to allow for part-time enrollment of certain students; allowing students to transfer to and attend school in any school district in the state; requiring school districts to set transfer capacity and adopt certain transfer policies; establishing an alternative method for calculating virtual school graduation rates; prohibiting virtual schools from offering or providing any financial incentives to attract a student to enroll; increasing virtual school state aid; authorizing virtual school state aid for students who are credit deficient; amending the tax credit for low income students scholarship program to allow students who are seven years of age or under to participate in the program without the need for prior enrollment in a public school; relating to state aid; removing federal impact aid from the determination of local foundation aid; requiring the state department of education to provide an annual written report on academic achievement outcomes; excluding Fort Leavenworth school district and virtual school students from the capital improvement state aid determination; extending the general obligation bond limitation; relating to the Kansas promise scholarship act; responsibilities of the state board of regents and postsecondary educational institutions relating thereto; authorizing designation of additional eligible programs and fields of study; increasing the limitation on reimbursements to Kansas educational institutions for educational benefits for spouses and dependents of deceased, injured or disabled public safety officers and employees and certain deceased, injured or disabled military personnel and prisoners of war; establishing requirements for the administration of certain nonacademic tests, questionnaires, surveys and examinations; authorizing additional research and education programs under the Johnson county education research triangle authority act; amending K.S.A. 19-5005, 38-2223, 72-13,101, 72-3120, 72-3122, 72-3123, 72-3124, 72-3125, 72-3713, 72-3715, 72-5135, 72-5461 and 72-6316 and K.S.A. 2021 Supp. 72-1163, 72-4352, 72-5132, 72-5178, 72-5462, 74-32,271, 74-32,272, 74-32,273, 74-32,274, 74-32,275, 74-32,276 and 75-4364 and repealing the existing sections.

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

Section 1.

DEPARTMENT OF EDUCATION

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

Education superhighway (652-00-1000-0180).....\$178,986  
Supplemental state aid (652-00-1000-0840).....\$10,252,000

(b) On the effective date of this act, of the \$14,109,493 appropriated for the above agency for the fiscal year ending June 30, 2022, by section 2(a) of chapter 114 of the 2021 Session Laws of Kansas from the state general fund in the operating expenditures (including official hospitality) account (652-00-1000-0053), the sum of \$25,749 is hereby lapsed.

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

(d) On the effective date of this act, of the \$537,971,506 appropriated for the above agency for the fiscal year ending June 30, 2022, by section 2(a) of chapter 114 of the 2021 Session Laws of Kansas from the state general fund in the KPERS – school employer contributions – USDs account (652-00-1000-0110), the sum of \$24,041,149 is hereby lapsed.

(e) On the effective date of this act, of the \$2,437,622,329 appropriated for the above agency for the fiscal year ending June 30, 2022, by section 2(a) of chapter 114 of the 2021 session laws of Kansas from the state general fund for state foundation aid account (652-00-1000-0820), the sum of \$58,570,986 is hereby lapsed.

Sec. 2.

DEPARTMENT OF EDUCATION

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

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

*Provided*, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

State foundation aid (652-00-1000-0820).....\$157,335,108

Supplemental state aid (652-00-1000-0840).....\$54,039,398

Center for READing (652-00-1000-0080).....\$80,000

*Provided*, That the above agency shall expend moneys in such account to provide a project manager grant to the center for reading at Pittsburg state university to: (1) Assist in the development and support of a science of reading curricula for the state educational institutions and colleges based on the knowledge and practice standards that have been adopted by the state department of education; (2) develop and support a recommended dyslexia textbook list for in-class learning for school districts to use; (3) develop and support a recommended dyslexia resources list for in-class learning for school districts to use; (4) provide knowledge and support for a train the trainer program and professional development curriculum for school districts to use; and (5) provide knowledge and support for developing a list of qualified trainers for school districts to hire.

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

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

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

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

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

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

*Provided*, That any unencumbered balance in the mental health intervention team pilot account in excess of \$100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023: *Provided further*, That expenditures shall be made by the above agency from the mental health intervention team pilot account during fiscal year 2023 for mental health intervention team school liaisons employed by those school districts participating in the mental health intervention team pilot program: *And provided further*, That the salaries and wages for school liaisons shall be matched by participating school districts on a \$3 of state moneys for \$1 of school district moneys basis: *And provided further*, That each school district that participated in the mental health intervention team pilot program during fiscal year 2022 shall continue to receive an amount of moneys not less than the amount from such account or fund such school district received in fiscal year 2022 so long as the school district maintains a substantially similar program participation level in fiscal year 2023: *And provided further*, That the remaining unencumbered moneys in the mental health intervention team pilot account shall be used to expand the program to school districts that have not previously participated in the program and to contract with a third-party entity to conduct a study of the effectiveness of the program and suggest improvements to the program: *And provided further*, That, if such remaining moneys are not fully expended on new school district programs and the third-party study, the above agency shall expend such moneys on school districts that seek to expand existing programs: *And provided further*, That the department of education shall provide a report on or before January 1, 2023, to the director of the budget and the director of legislative research that

includes performance measures, developed in consultation with the Kansas department for aging and disability services, that illustrate the effectiveness of the mental health intervention team pilot program.

Career and technical education transportation	
state aid (652-00-1000-0190).....	\$1,482,338
Juvenile transitional crisis	
center pilot (652-00-1000-0210).....	\$300,000
Education commission of	
the states (652-00-1000-0220).....	\$67,700
School safety hotline (652-00-1000-0230).....	\$10,000
School district juvenile detention	
facilities and Flint Hills job corps	
center grants (652-00-1000-0290).....	\$5,060,528

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

School food assistance (652-00-1000-0320).....	\$2,510,486
Mentor teacher (652-00-1000-0440).....	\$1,300,000
Educable deaf-blind and severely handicapped	
children's programs aid (652-00-1000-0630).....	\$110,000

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

*Provided*, That any unencumbered balance in the special education services aid account in excess of \$100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023: *Provided further*, That expenditures shall not be made from the special education services aid account for the provision of instruction for any homebound or hospitalized child, unless the categorization of such child as exceptional is conjoined with the categorization of the child within one or more of the other categories of exceptionality: *And provided further*, That expenditures shall be made from this account for grants to school districts in amounts determined pursuant to and in accordance with the provisions of K.S.A. 72-3425, and amendments thereto: *And provided further*, That expenditures shall be made from the amount remaining in this account, after deduction of the expenditures specified in the foregoing provisios, for payments to school districts in amounts determined pursuant to and in accordance with the provisions of K.S.A. 72-3422, and amendments thereto.

Governor's teaching excellence scholarships	
and awards (652-00-1000-0770).....	\$360,693

Professional development	
state aid (652-00-1000-0860).....	\$1,770,000
School safety and security grants.....	\$4,000,000

*Provided*, That expenditures shall be made from the school safety and security grants account for fiscal year 2023 for disbursements of grant moneys approved by the state board of education for the: Acquisition and installation of security cameras and any other systems, equipment and services necessary for security monitoring of facilities operated by a school district and for securing doors, windows and any entrances to such facilities; and salaries and wages, and associated fringe benefits, for newly created positions of school resource officers and the costs associated with any newly created school resource officers provided by the city or county of such school district: *Provided further*, That all moneys expended for school safety and security grants for fiscal year 2023 shall be matched by the receiving school district on a \$1-for-\$1 basis from other moneys of the district that may be used for such purpose.

Computer science education advancement grant.....	\$1,000,000
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*Provided*, That expenditures shall be made by the above agency from

the computer science education advancement grant account for fiscal year 2023 to provide grants to high-quality professional learning providers to develop and implement teacher professional development programs for the computer science courses as established in 2022 Substitute for House Bill No. 2466: *Provided further*, That, if 2022 Substitute for House Bill No. 2466 is not passed by the legislature during the 2022 regular session and enacted into law, then on July 1, 2022, the \$1,000,000 appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, by this section in the computer science education advancement grant account is hereby lapsed.

Career technical education pilot.....\$40,000

*Provided*, That expenditures shall be made by the above agency from the career technical education pilot account for fiscal year 2023 to distribute the stipends required to be provided to the Washburn institute of technology and to participating high schools that are served by the Washburn institute of technology service area pursuant to the secondary career technical education credentialing and student transitioning to employment success pilot program as established in 2022 Substitute for House Bill No. 2466: *Provided further*, That, if 2022 Substitute for House Bill No. 2466 is not passed by the legislature during the 2022 regular session and enacted into law, then on July 1, 2022, the \$40,000 appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, by this section in the career technical education pilot account is hereby lapsed.

Virtual math education program.....\$4,000,000

*Provided*, That expenditures shall be made by the above agency from the virtual math education program account for fiscal year 2023 to select and implement a virtual math program that shall be customized to Kansas curriculum standards, be evidence-based, not impose any fee or cost upon students, provide tutoring in multiple languages, provide professional development for the implementation of the program and have been implemented in other states over the preceding eight fiscal years: *Provided further*, That the above agency shall enter into a two-year contract to implement such program: *And provided further*, That any unified school district shall be authorized to use such program: *And provided further*, That the above agency shall recommend that all school districts use such program: *And provided further*, That all school districts shall track and report to the above agency twice during school year 2022-2023 as determined by the above agency on the number of attendance centers and students using such program or other virtual math program and the number of attendance centers and students not using any such virtual math program, the number of teachers participating in the professional development provided by such program or other virtual math program and the effect of any such virtual math program on student academic proficiency: *And provided further*, That the above agency shall compile such reports and shall submit a summary report to the house of representatives standing committee on K-12 education budget and the senate standing committee on education during the 2023 regular session of the legislature: *And provided further*, That such report shall also include a list of the school districts and attendance centers that are using such program or other virtual math program and a list of the school districts and attendance centers that are not using a virtual math program and a comparison between low-usage and high-usage school districts and attendance centers: *Provided however*, If the above agency, in consultation with the director of the budget, determines that expenditures are made from the American rescue plan – state fiscal relief federal fund in the virtual math education program account pursuant to section 3(a), then the director of the budget shall so certify such information to the director of accounts and reports, and on the date of such certification, the \$4,000,000 appropriated for the above agency for the fiscal year ending June 30, 2023, by this section from the state general fund in the virtual math education program account is hereby

lapsed.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law and transfers to other state agencies shall not exceed the following:

School district capital outlay state aid fund.....No limit  
Educational technology

coordinator fund (652-00-2157).....No limit

*Provided*, That expenditures shall be made by the above agency for the fiscal year ending June 30, 2023, from the educational technology coordinator fund of the department of education to provide data on the number of school districts served and cost savings for those districts in fiscal year 2023 in order to assess the cost effectiveness of the position of educational technology coordinator.

Communities in schools

program fund (652-00-2221).....No limit

Inservice education workshop

fee fund (652-00-2230).....No limit

*Provided*, That expenditures may be made from the inservice education workshop fee fund for operating expenditures, including official hospitality, incurred for inservice workshops and conferences: *Provided further*, That the state board of education is hereby authorized to fix, charge and collect fees for inservice workshops and conferences: *And provided further*, That such fees shall be fixed in order to recover all or part of such operating expenditures incurred for inservice workshops and conferences: *And provided further*, That all fees received for inservice workshops and conferences shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the inservice education workshop fee fund.

Federal indirect cost

reimbursement fund (652-00-2312).....No limit

Conversion of materials and

equipment fund (652-00-2420).....No limit

School bus safety fund (652-00-2532).....No limit

State safety fund (652-00-2538).....No limit

*Provided*, That notwithstanding the provisions of K.S.A. 8-272, and amendments thereto, or any other statute, funds shall be distributed during fiscal year 2023 as soon as moneys are available.

Motorcycle safety fund (652-00-2633).....No limit

Teacher and administrator

fee fund (652-00-2723).....No limit

Service clearing fund (652-00-2869).....No limit

School district capital

improvements fund (652-00-2880).....No limit

*Provided*, That expenditures from the school district capital improvements fund shall be made only for the payment of general obligation bonds approved by voters under the authority of K.S.A. 72-5457, and amendments thereto.

Reimbursement for

services fund (652-00-3056).....No limit

ESSA – student support academic enrichment –

federal fund (652-00-3113).....No limit

Educationally deprived

children – state operations –

federal fund (652-00-3131).....No limit

Food assistance –

federal fund (652-00-3230).....No limit

Elementary and secondary school aid –

federal fund (652-00-3233).....No limit

Education of handicapped children

fund – federal (652-00-3234).....No limit

Community-based	
child abuse prevention –	
federal fund (652-00-3319).....	No limit
TANF children's programs –	
federal fund (652-00-3323).....	No limit
21 <sup>st</sup> century community learning centers –	
federal fund (652-00-3519).....	No limit
State assessments –	
federal fund (652-00-3520).....	No limit
Rural and low-income schools program –	
federal fund (652-00-3521).....	No limit
Language assistance state grants –	
federal fund (652-00-3522).....	No limit
State grants for improving teacher quality –	
federal fund (652-00-3526).....	No limit
State grants for improving	
teacher quality – federal fund –	
state operations (652-00-3527).....	No limit
Food assistance – school	
breakfast program –	
federal fund (652-00-3529).....	No limit
Food assistance – national	
school lunch program –	
federal fund (652-00-3530).....	No limit
Food assistance – child	
and adult care food program –	
federal fund (652-00-3531).....	No limit
Elementary and secondary school aid –	
federal fund – local education	
agency fund (652-00-3532).....	No limit
Education of handicapped	
children fund – state operations –	
federal fund (652-00-3534).....	No limit
Education of handicapped	
children fund – preschool –	
federal fund (652-00-3535).....	No limit
Education of handicapped	
children fund – preschool state	
operations – federal (652-00-3536).....	No limit
Elementary and secondary school	
aid – federal fund – migrant	
education fund (652-00-3537).....	No limit
Elementary and secondary school aid –	
federal fund – migrant education –	
state operations (652-00-3538).....	No limit
Vocational education title II –	
federal fund (652-00-3539).....	No limit
Vocational education title II – federal fund –	
state operations (652-00-3540).....	No limit
Educational research grants and	
projects fund (652-00-3592).....	No limit
Local school district contribution program	
checkoff fund (652-00-7005).....	No limit
<i>Provided</i> , That notwithstanding the provisions of K.S.A. 79-3221n, and	
amendments thereto, or any other statute, during the fiscal year ending	
June 30, 2023, any moneys in such fund where a taxpayer fails to	
designate a unified school district on such taxpayer's individual income	
tax return may be expended by the above agency to distribute to unified	
school districts.	
Governor's teaching excellence	
scholarships program	
repayment fund (652-00-7221).....	No limit
<i>Provided</i> , That all expenditures from the governor's teaching excellence	
scholarships program repayment fund shall be made in accordance with	

K.S.A. 72-2166, and amendments thereto: *Provided further*, That each such grant shall be required to be matched on a \$1-for-\$1 basis from nonstate sources: *And provided further*, That award of each such grant shall be conditioned upon the recipient entering into an agreement requiring the grant to be repaid if the recipient fails to complete the course of training under the national board for professional teaching standards certification program: *And provided further*, That all moneys received by the department of education for repayment of grants made under the governor's teaching excellence scholarships program shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the governor's teaching excellence scholarships program repayment fund.

Private donations, gifts, grants and bequests fund (652-00-7307).....No limit  
 Family and children investment fund (652-00-7375).....No limit  
 State school district finance fund (652-00-7393).....No limit  
 Mineral production education fund (652-00-7669-7669).....No limit

(c) There is appropriated for the above agency from the children's initiatives fund for the fiscal year ending June 30, 2023, the following:

Children's cabinet accountability fund (652-00-2000-2402).....\$375,000  
*Provided*, That any unencumbered balance in the children's cabinet accountability fund account in excess of \$100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

CIF grants (652-00-2000-2408).....\$20,729,848  
*Provided*, That any unencumbered balance in the CIF grants account in excess of \$100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

Parent education program (652-00-2000-2510).....\$8,437,635  
*Provided*, That any unencumbered balance in the parent education program account in excess of \$100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023: *Provided further*, That expenditures from the parent education program account for each such grant shall be matched by the school district in an amount that is equal to not less than 50% of the grant.

Pre-K pilot (652-00-2000-2535).....\$4,200,000  
 Early childhood infrastructure.....\$1,400,773  
 Imagination library.....\$500,000

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

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

(f) On July 1, 2022, and quarterly thereafter, the director of accounts and reports shall transfer \$73,750 from the state highway fund

(276-00-4100-4100) of the department of transportation to the school bus safety fund (652-00-2532-2300) of the department of education.

(g) On July 1, 2022, the director of accounts and reports shall transfer an amount certified by the commissioner of education from the motorcycle safety fund (652-00-2633-2050) of the department of education to the motorcycle safety fund (561-00-2366-2360) of the state board of regents: *Provided*, That the amount to be transferred shall be determined by the commissioner of education based on the amounts required to be paid pursuant to K.S.A. 8-272(b)(2), and amendments thereto.

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

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

Children's cabinet administration (652-00-7000-7001).....\$260,535

*Provided*, That any unencumbered balance in the children's cabinet administration account in excess of \$100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

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

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

KPERS – school employer

contribution (652-00-1700-1700).....\$41,389,547

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

(l) During the fiscal year ending June 30, 2023, in addition to the other purposes for which expenditures may be made by the above agency from the state general fund or from any special revenue fund or funds for fiscal year 2023 as authorized by section 3 of chapter 114 of the 2021 Session Laws of Kansas, this or other appropriation act of the 2022 regular session of the legislature, expenditures shall be made by the above agency from the state general fund or from any special revenue fund or funds for fiscal year 2023 for communities in schools in an amount not less than \$100,000.

Sec. 3.

#### GOVERNOR'S DEPARTMENT

(a) Expenditures shall be made from the American rescue plan – state fiscal relief federal fund (252-00-3756) for the fiscal year ending June 30, 2023, pursuant to the authority in 42 U.S.C. § 802(c)(1) or other relevant authority, to provide government services, for the following specified purposes:

Virtual math education program.....\$4,000,000

*Provided*, That expenditures from the virtual math education program account shall be used by the above agency, in consultation with the department of education, for the purpose of implementing a virtual



math program to be used by school districts: *Provided further*, That the above agency shall designate the department of education as the administrating authority for such program: *And provided further*, That the department of education is hereby authorized to select and implement a virtual math program that shall be customized to Kansas curriculum standards, be evidence-based, not impose any fee or cost upon students, provide tutoring in multiple languages, provide professional development for the implementation of the program and have been implemented in other states over the preceding eight fiscal years: *Provided further*, That the department of education shall enter into a two-year contract to implement such program: *And provided further*, That any unified school district shall be authorized to use such program: *And provided further*, That the above agency shall recommend that all school districts use such program: *And provided further*, That all school districts shall track and report to the department of education twice during school year 2022-2023 as determined by the department of education on the number of attendance centers and students using such program or other virtual math program and the number of attendance centers and students not using any such virtual math program, the number of teachers participating in the professional development provided by such program or other virtual math program and the effect of any such virtual math program on student academic proficiency: *And provided further*, That the department of education shall compile such reports and shall submit a summary report to the house of representatives standing committee on K-12 education budget and the senate standing committee on education during the 2023 regular session of the legislature: *And provided further*, That such report shall also include a list of the school districts and attendance centers that are using such program or other virtual math program and a list of the school districts and attendance centers that are not using a virtual math program and a comparison between low-usage and high-usage school districts and attendance centers.

School safety and security grants.....\$1,000,000

*Provided*, That expenditures shall be made from the school safety and security grants account by the above agency, in consultation with the department of education, for disbursements of grant moneys approved by the state board of education for the: Acquisition and installation of security cameras and any other systems, equipment and services necessary for security monitoring of facilities operated by a school district and for securing doors, windows and any entrances to such facilities; and salaries and wages, and associated fringe benefits, for newly created positions of school resource officers and the costs associated with any newly created school resource officers provided by the city or county of such school district: *Provided further*, That all moneys expended for school safety and security grants account for fiscal year 2023 shall be matched by the receiving school district on a \$1-for-\$1 basis from other moneys of the school district that may be used for such purpose.

(b) During the fiscal year ending June 30, 2023, the expenditures in subsection (a) from the American rescue plan – state fiscal relief federal fund shall not be subject to the provisions of section 28(d) of 2022 House Substitute for Substitute for Senate Bill No. 267.

(c) During the fiscal year ending June 30, 2023, the provisions of section 196 of 2022 House Substitute for Substitute for Senate Bill No. 267 shall not apply to expenditures from the American rescue plan – state fiscal relief federal fund of the governor's department. Such expenditures are subject to the provisions of subsection (a).

Sec. 4.

DEPARTMENT OF EDUCATION

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

State foundation aid (652-00-1000-0820).....\$2,558,881,605

*Provided*, That any unencumbered balance in the state foundation aid account in excess of \$100 as of June 30, 2023, is hereby reappropriated

for fiscal year 2024.

Supplemental state aid (652-00-1000-0840).....\$568,150,000

*Provided*, That any unencumbered balance in the supplemental state aid account in excess of \$100 as of June 30, 2023, is hereby reappropriated for fiscal year 2024.

Virtual math education program.....\$2,000,000

*Provided*, That expenditures shall be made by the above agency from the virtual math education program account for fiscal year 2024 to fund the second year of operation of the virtual math program implemented by the above agency pursuant to sections 2(a) and 3(a): *Provided further*, That all school districts shall track and report to the above agency twice during school year 2023-2024 as determined by the above agency on the number of attendance centers and students using such program or other virtual math program and the number of attendance centers and students not using any such virtual math program, the number of teachers participating in the professional development provided by such program or other virtual math program and the effect of any such virtual math program on student academic proficiency: *And provided further*, That the above agency shall compile such reports and shall submit a summary report to the house of representatives standing committee on K-12 education budget and the senate standing committee on education during the 2024 regular session of the legislature: *And provided further*, That such report shall also include a list of the school districts and attendance centers that are using such program or other virtual math program and a list of the school districts and attendance centers that are not using a virtual math program and a comparison between low-usage and high-usage school districts and attendance centers.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2024, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law and transfers to other state agencies shall not exceed the following:

State school district finance fund (652-00-7393).....No limit

Mineral production

education fund (652-00-7669-7669).....No limit

New Sec. 5. (a) The legislature hereby affirms that excellence in education provides an essential gateway to success not only for students but for the entire state. Achieving excellence in education opens doors of opportunity for long-term personal, professional and economic growth and improvement for all students. As academic achievement is elevated, inspired and attained, more students will gain the soft skills that are necessary to succeed in the workforce, including improved time management, personal accountability and communication skills. Maintaining high academic achievement standards for all students provides the basis for the fundamental belief that all people, despite their socioeconomic, racial or cultural status, are uniquely capable and worthy of meeting and exceeding the highest caliber of expectations. In affirming this focus on excellence, the legislature hereby desires consistent communication with the state board of education and the state department of education to annually review academic achievement, as quantitatively measured by performance on state assessments and the interventions, goals and strategies that are being utilized to move all students to academic proficiency.

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

New Sec. 6. (a) This section shall be known and may be cited as the every child can read act.

(b) The legislature hereby affirms that third grade marks a pivotal grade level in which students must attain proficiency in reading or risk continued learning losses throughout their academic career. To ensure that all students move toward grade-level proficiency in literacy,

especially by the third grade level, the board of education of each school district shall provide opportunities for students to participate in targeted educational interventions to promote proficiency in literacy. Reading literacy shall be attained through the science of reading and evidence-based reading instruction and shall include such competencies as may be necessary to attain reading proficiency. The necessary competencies, best practices and screening tools used by school districts shall follow the framework of the dyslexia handbook developed by the state department of education. To ensure that such competencies are achieved, the board of education of each school district shall include as part of instruction in literacy:

- (1) Phonics, phonological and phonemic awareness;
- (2) vocabulary development;
- (3) silent and oral reading fluency; and
- (4) reading comprehension.

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

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

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

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

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

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

(C) any recommended interventions for the student; and

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

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

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

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

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

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

(e) This section shall take effect and be in force from and after July 1, 2023.

New Sec. 7. (a) A board of education of a school district may adopt a policy to allow students enrolled in grades six through 12 to earn course credits through alternative educational opportunities with

sponsoring entities. A school district's policy adopted pursuant to this section shall provide:

- (1) Eligibility requirements for sponsoring entities;
- (2) requirements for the provision of alternative educational opportunities by sponsoring entities;
- (3) the procedures for a sponsoring entity to submit a proposal to the school district to provide an additional educational opportunity to students;
- (4) the criteria the school district will use to evaluate such proposals; and
- (5) the course credit that may be earned through the alternative educational opportunity by a participating student.

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

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

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

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

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

(d) A sponsoring entity may petition the state board to approve an alternative educational opportunity that is provided through such sponsoring entity if the alternative educational opportunity provided through such sponsoring entity is generally applicable on a statewide or regional basis across multiple school districts. The state board of education shall approve or deny each petition proposing an alternative educational opportunity within 90 days of receipt of such proposal. If the state board denies the proposal, the state board shall provide the sponsoring entity the reasons for such denial. If the state board approves such proposal, any school district may implement the alternative educational opportunity. The state board may revoke any such approved proposal if the state board determines that the sponsoring entity fails to comply with the requirements of this section.

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

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

(g) As used in this section:

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

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

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

New Sec. 8. (a) As used in K.S.A. 72-3122 through 72-3125, and amendments thereto, and section 9, and amendments thereto:

(1) "Homeless child" means a child who lacks a fixed, regular and adequate nighttime residence and whose primary nighttime residence is:

(A) A supervised publicly or privately operated shelter designed to provide temporary living accommodations, including welfare hotels, congregate shelters and transitional housing for the mentally ill;

(B) an institution that provides a temporary residence for individuals intended to be institutionalized; or

(C) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for humans.

(2) "Nonresident student" or "nonresident transfer student" means a student who is enrolled and in attendance at or seeking to enroll and attend a school located in a district where such student is not a resident.

(3) "Parent" means and includes natural parents, adoptive parents, stepparents and foster parents.

(4) "Person acting as parent" means:

(A) A guardian or conservator; or

(B) a person, other than a parent, who:

(i) Is liable by law to maintain, care for or support the child;

(ii) has actual care and control of the child and is contributing the major portion of the cost of support of the child;

(iii) has actual care and control of the child with the written consent of a person who has legal custody of the child; or

(iv) has been granted custody of the child by a court of competent jurisdiction.

(5) "Receiving school district" means a school district of nonresidence of a student who attends school in such school district.

(6) "School district" means a school district organized and operating under the laws of this state.

(7) "Sending school district" means a school district of residence of a student who attends school in a school district not of the student's residence.

(8) "Sibling" means a brother or sister of the whole or half blood, adoptive brother or sister, a stepbrother or stepsister or a foster brother or foster sister.

(b) This section shall take effect and be in force from and after July 1, 2023.

New Sec. 9. (a) On or before January 1, 2024, each board of education of a school district shall adopt a policy to determine the number of nonresident students that the school district has the capacity to accept in each grade level for each school of the school district pursuant to K.S.A. 72-3123, and amendments thereto. Such policies shall clearly specify the reasons that the board may use to deny continued enrollment of a nonresident student who is not in good standing. Such reasons for a denial of continued enrollment may include, but shall not be limited to, the nonresident student's record of school absenteeism and repeated suspensions or expulsions.

(b) Prior to adopting such policy, the board of education shall call and hold a hearing on the proposed policy. The board of education shall provide notice of such hearing, which shall include the time, date and place of the public hearing to be held on the proposed policy. Such notice shall be published at least once each week for two consecutive weeks in a newspaper of general circulation in the school district and shall also be posted on the school district's website.

(c) At such hearing, a representative of the board shall present the board's proposal for the policy and the board shall hear testimony regarding the proposed policy. Following the public hearing, after consideration of the testimony and evidence presented or submitted at such public hearing, the board shall determine whether to adopt or revise the proposed policy at a subsequent public meeting of the board.

(d) The policy adopted pursuant to subsection (a) shall be published on the school district's website.

(e) The provisions of this section shall not apply to any school located on a military installation, as defined in K.S.A. 72-8268, and amendments thereto.

(f) This section shall take effect and be in force from and after July 1, 2023.

Sec. 10. On and after July 1, 2022, K.S.A. 19-5005 is hereby amended to read as follows: 19-5005. (a) All revenue received by the county treasurer pursuant to this act shall be appropriated by the county to the Johnson county education research triangle authority. The authority shall remit such funds for expenditure in equal shares by

designated officials for the Edwards campus of the university of Kansas, the Johnson county location of Kansas state university and the university of Kansas medical center's Johnson county locations. All such funds shall be spent for building construction, academic and research program development and growth, faculty and staff recruitment and retention, and operations and maintenance in support of:

(1) The undergraduate and graduate programs at the Edwards campus of the university of Kansas;

(2) the research and education programs in animal health and food safety and security at the Johnson county location of Kansas state university; ~~and~~

(3) *other undergraduate and graduate programs, subject to the approval of Kansas state university, the university of Kansas and the Johnson county education research triangle authority board of directors and which shall not include pre-baccalaureate programs, lower-division courses or courses for students attending high school, at the Johnson county location of Kansas state university; and*

(4) the medical education and life sciences and cancer research programs at the university of Kansas medical center's Johnson county locations.

(b) All such expenditures shall be in compliance with the purposes of this act and shall be certified as such to the authority and to the Kansas state board of regents by appropriate officials at the university of Kansas, Kansas state university and the university of Kansas medical center. Such expenditures shall also comply with the policies of the Kansas state board of regents and applicable state and federal laws.

(c) ~~No~~ ~~Not~~ more than ~~two percent~~ 2% of funds so collected in any fiscal year shall be used for the administrative expenses of the authority or its board of directors.

(d) The authority shall have no authority to issue bonds or to exercise the power of eminent domain.

(e) The authority shall issue an annual report to the board of regents, the legislature and the board of commissioners of Johnson county.

(f) The authority shall be subject to legislative post audit and audit by the board of commissioners of the Johnson county internal auditor.

(g) Meetings of the board of directors of the authority shall be subject to the Kansas open meetings act and records of the authority and the board shall be subject to the Kansas open records act.

(h) Unless state general fund appropriations for the university of Kansas, Kansas state university, and the university of Kansas medical center are reduced by action of the legislature or the governor, state general fund support of such institutions shall not be reduced below the level of support in effect on the effective date of this act.

(i) The Kansas board of regents shall remain responsible for the governance of these institutions, including approval of any academic programs and the regulation thereof, and shall be responsible to the authority for institutional compliance with the purposes of this act.

Sec. 11. On and after July 1, 2022, K.S.A. 38-2223 is hereby amended to read as follows: 38-2223. (a) *Persons making reports.* (1) When any of the following persons has reason to suspect that a child has been harmed as a result of physical, mental or emotional abuse or neglect or sexual abuse, the person shall report the matter promptly as provided in subsections (b) and (c);

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

(B) the following persons licensed by the state to provide mental health services: Licensed psychologists, licensed masters level psychologists, licensed clinical psychotherapists, licensed social workers, licensed marriage and family therapists, licensed clinical

marriage and family therapists, licensed behavioral analysts, licensed assistant behavioral analysts, licensed professional counselors, licensed clinical professional counselors and registered alcohol and drug abuse counselors;

(C) teachers, school administrators ~~or~~ *and* other employees of an educational institution ~~which~~ *that* the child is attending and *any member of the board of directors of the Kansas state high school activities association referenced in K.S.A. 72-7114, and amendments thereto, and any person who is employed by or is an officer of such association;*

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

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

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

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

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

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

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

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

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

(d) *Death of child.* Any person who is required by this section to report a suspicion that a child is in need of care and who knows of information relating to the death of a child shall immediately notify the

coroner as provided by K.S.A. 22a-242, and amendments thereto.

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

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

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

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

Sec. 12. On and after July 1, 2022, K.S.A. 2021 Supp. 72-1163 is hereby amended to read as follows: 72-1163. (a) (1) Each year the board of education of a school district shall conduct an assessment of the educational needs of each attendance center in the district. *Such assessment shall be published on the school district's website.* Information obtained from such ~~needs-assessment~~ *needs assessment* shall be used by the board when ~~preparing~~ *approving* the budget of the school district to ensure improvement in student academic performance. *In the minutes of the meeting at which the board approves its annual budget, the board shall include that such needs assessment was provided to the board, the board evaluated such assessment and how the board used such assessment in the approval of the school district's budget.*

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

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

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

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

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

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

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

Sec. 13. On and after July 1, 2023, K.S.A. 72-13,101 is hereby amended to read as follows: 72-13,101. (a) In accordance with the provisions of this section, the boards of education of any two or more unified school districts may make and enter into agreements providing



for the attendance of ~~pupils~~ *students* residing in one school district at school in kindergarten or any of the grades one through 12 maintained by any such other school district. The boards of education may also provide by agreement for the combination of enrollments for kindergarten or one or more grades, courses or units of instruction.

(b) Prior to entering into any agreement under authority of this section, the board of education shall adopt a resolution declaring that it has made a determination that such an agreement should be made and that the making and entering into of such an agreement would be in the best interests of the educational system of the school district. Any such agreement is subject to the following conditions:

(1) The agreement may be for any term not exceeding a term of five years.

(2) The agreement shall be subject to change or termination by the legislature.

(3) Within the limitations provided by law, the agreement may be changed or terminated by mutual agreement of the participating boards of education.

(4) The agreement shall make provision for transportation of ~~pupils~~ *students* to and from the school attended on every school day, for payment or sharing of the costs and expenses of ~~pupil~~ *student* attendance at school, and for the authority and responsibility of the participating boards of education.

(c) Provision by agreements entered into under authority of this section for the attendance of ~~pupils~~ *students* at school in a school district of nonresidence of such ~~pupils~~ *students* shall be deemed to be in compliance with the kindergarten, grade, course and units of instruction requirements of law.

(d) The board of education of any school district ~~which~~ *that* enters into an agreement under authority of this section for the attendance of ~~pupils~~ *students* at school in another school district may discontinue kindergarten or any or all of the grades, courses and units of instruction specified in the agreement for attendance of ~~pupils~~ *students* enrolled in kindergarten or any such grades, courses and units of instruction at school in such other school district. Upon discontinuing kindergarten or any grade, course or unit of instruction under authority of this subsection, the board of education may close any school building or buildings operated or used for attendance by ~~pupils~~ *students* enrolled in such discontinued kindergarten, grades, courses or units of instruction. The closing of any school building under authority of this subsection shall require a majority vote of the members of the board of education and shall require no other procedure or approval.

(e) ~~Pupils—Students~~ attending school in a school district of nonresidence of such ~~pupils~~ *students* in accordance with an agreement made and entered into under authority of this section shall be counted as regularly enrolled in and attending school in the school district of residence of such pupils for the purpose of computations under the Kansas school equity and enhancement act, K.S.A. 72-5131 et seq., and amendments thereto.

(f) ~~Pupils—Students~~ who satisfactorily complete grade 12 while in attendance at school in a school district of nonresidence of such ~~pupils~~ *students* in accordance with the provisions of an agreement entered into under authority of this section shall be certified as having graduated from the school district of residence of such ~~pupils~~ *students* unless otherwise provided for by the agreement.

(g) *Students who are not residents of a school district and are attending the schools of the school district in accordance with the provisions of an agreement entered into under the authority of this section shall not be charged for attendance at school. The costs of providing for the attendance of such students at school shall be paid by the school district of residence of the students in accordance with the provisions of the agreement.*

Sec. 14. On and after July 1, 2022, K.S.A. 72-3120 is hereby amended to read as follows: 72-3120. (a) Subject to the other

provisions of this section, every parent or person acting as parent in the state of Kansas, who has control over or charge of any child who has reached the age of seven years and is under the age of 18 years and has not attained a high school diploma ~~or~~, a general educational development ~~(GED)~~ credential *or a high school equivalency credential*, shall require such child to be regularly enrolled in and attend continuously each school year:

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

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

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

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

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

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

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

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

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

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

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

(f) No child attending public school in this state shall be required to participate in any activity which is contrary to the religious teachings of the child if a written statement signed by one of the parents or a

person acting as parent of the child is filed with the proper authorities of the school attended requesting that the child not be required to participate in such activities and stating the reason for the request.

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

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

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

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

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

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

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

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

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

(h) (1) *Each board of education of a school district shall allow any child to enroll part-time in the school district to allow the student*

*to attend any courses, programs or services offered by the school district if the child:*

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

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

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

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

*(i) As used in this section:*

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

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

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

Sec. 15. On and after July 1, 2023, K.S.A. 72-3122 is hereby amended to read as follows: 72-3122. (a) Any child who has attained the age of eligibility for school attendance may attend school in the district ~~in which~~ *where* the child lives, if:

*(1) The child lives with a resident of the district and the resident is the parent, or a person acting as parent, of the child; or*

*(2) subject to the provisions of subsection (c), the child lives in the district as a result of placement therein by a district court or by the secretary for children and families; or*

*(3) the child is a homeless child.*

*(b) Any child who has attained the age of eligibility for school attendance may attend school in a school district ~~in which~~ *where* the child is not a resident ~~if the school district in which the child resides has entered into an agreement with such other school district in accordance with and under authority of K.S.A. 72-13,101, 72-3123 or 72-3125, and amendments thereto.~~*

~~*(c) Any child who has attained the age of eligibility for school attendance and who lives at the Judge James V. Riddel boys ranch as a result of placement at such ranch by a district court or by the secretary for children and families shall be deemed a resident of unified school district No. 259, Sedgwick county, Kansas, and. Any such child may attend school, which shall be maintained for such child by the board of education of such school district as in the case of a child who is a bona fide resident of the district.*~~

~~*(d) As used in this section:*~~

~~*(1) "Parent" means and includes natural parents, adoptive parents, stepparents, and foster parents;*~~

~~*(2) "person acting as parent" means (A) a guardian or conservator, or (B) a person, other than a parent, who is liable by law to maintain, care for, or support the child, or who has actual care and control of the child and is contributing the major portion of the cost of support of the*~~

child, or who has actual care and control of the child with the written consent of a person who has legal custody of the child, or who has been granted custody of the child by a court of competent jurisdiction; and

~~(3) "homeless child" means a child who lacks a fixed, regular, and adequate nighttime residence and whose primary nighttime residence is: (A) A supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill); or (B) an institution that provides a temporary residence for individuals intended to be institutionalized; or (C) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.~~

Sec. 16. On and after July 1, 2023, K.S.A. 72-3123 is hereby amended to read as follows: 72-3123. (a) *Beginning in school year 2024-2025, any child of school age pursuant to K.S.A. 72-3118, and amendments thereto, may attend a school operated by a school district where such child does not reside if such school district has open seats as determined pursuant to this section.*

~~(b) The board of education of any school district is hereby authorized to permit pupils who are not residents of the school district shall permit nonresident students to enroll in and attend the schools of the district. The board of education may permit such pupils to attend school without charge or, subject to the provisions of subsection (b), may charge such pupils for attendance at school to offset, totally or in part, the costs of providing for such attendance. Amounts received under this subsection by the board of education of a school district for enrollment and attendance of pupils at school in regular educational programs shall be deposited in the general fund of the school district.~~

~~(b) Pupils who are not residents of a school district and are attending the schools of the school district in accordance with the provisions of an agreement entered into under authority of K.S.A. 72-13,101, and amendments thereto, shall not be charged for attendance at school. The costs of providing for the attendance of such pupils at school shall be paid by the school district of residence of the pupils in accordance with the provisions of the agreement. if such school district has open seats as determined pursuant to this section.~~

*(c) Each school district shall determine capacity in each school of the school district for the following school year as follows:*

*(1) For kindergarten and grades one through eight, the classroom student-teacher ratio in each grade level; and*

*(2) for grades nine through 12, the student-teacher ratio for each school building or program in each school building, including, but not limited to, advanced placement or international baccalaureate programs.*

*(d) (1) On or before May 1 of each year, each school board shall determine for each grade level in each school building of the school district for the next succeeding school year the:*

*(A) Capacity as determined pursuant to subsection (c);*

*(B) number of students expected to attend school in the school district; and*

*(C) number of open seats available to nonresident students.*

*(2) On or before June 1 of each year, each school district shall publish on such school district's website the number of open seats available to nonresident students in each grade level for each school building of the school district for the next succeeding school year.*

*(3) From June 1 through June 30, each school district shall accept applications from nonresident students. Applications shall be on a form and in a manner determined by the school district.*

*(4) If the number of applications for a grade level in a school building is less than the number of available seats for such grade level in such school building, the nonresident students shall be accepted for enrollment and attendance at such school district. If the number of applications for a grade level in a school building is greater than the number of available seats for such grade level in such school building,*

*the school district shall randomly select nonresident students using a confidential lottery process. Such process shall be completed on or before July 15 of each year.*

*(5) The school district shall provide to the parent or person acting as parent of a nonresident student who was not accepted for or denied enrollment at such school district the reason for the nonacceptance or denial and an explanation of the nonresident student selection process.*

*(e) (1) Subject to capacity, school districts shall give priority to any sibling of a nonresident student who was accepted to enroll in and attend such school district. Priority shall be given when the nonresident student is first accepted and, if necessary, at any other time the school district considers transfer applications. Any such sibling shall not be subject to the open seat lottery.*

*(2) Any child who is in the custody of the department for children and families and who is living in the home of a nonresident student who transfers may attend school in the receiving school district.*

*(f) A school district shall not:*

*(1) Charge tuition or fees to any nonresident student who transfers to such school district pursuant to this section except fees that are otherwise charged to every student enrolled in and attending school in the district; or*

*(2) accept or deny a nonresident student transfer based on ethnicity, national origin, gender, income level, disabling condition, proficiency in the English language, measure of achievement, aptitude or athletic ability.*

*(g) A nonresident student who has been accepted for enrollment and attendance at a receiving school district shall be permitted to continue such enrollment and attendance in such school district until such student graduates from high school, unless such student is no longer in good standing. A receiving school district may deem a nonresident student as not in good standing in accordance with such school district's nonresident transfer policy.*

*(h) A student may always enroll at any time in the school district where such student resides.*

*(i) Except for a child in the custody of the department for children and families, a nonresident student shall not transfer more than once per school year to one or more receiving school districts pursuant to the provisions of this section.*

*(j) A receiving school district shall not be required to provide transportation to nonresident students. If space is available on school district transportation vehicles, a school district may provide nonresident students an in-district bus stop where transportation may be provided by such school district to and from such bus stop and the school for such nonresident students.*

*(k) Each school district board of education shall submit to the state department of education the number of nonresident student transfers approved and denied by such board and whether the denials were based on capacity or in accordance with the policy adopted pursuant to section 9, and amendments thereto. The state department of education shall collect and report such data on such department's website and make such data available to the legislative division of post audit.*

*(l) (1) Each year, the state department of education, as part of the department's enrollment audit, shall audit the nonresident student capacity and enrollment.*

*(2) In calendar year 2027, the legislative post audit committee shall direct the legislative division of post audit to conduct an audit of nonresident student transfers pursuant to this section. Such audit shall be reported to the legislative post audit committee on or before January 15, 2028, and subsequently presented to the house standing committee on K-12 education budget and the senate standing committee on education, or any successor committees.*

*(m) Nothing in this section shall be construed to exempt any nonresident student who transfers to a receiving school district*

*pursuant to this section from the policies and requirements of the activities association referred to in K.S.A. 72-7114, and amendments thereto.*

*(n) The provisions of this section shall not apply to any school located on a military installation as defined in K.S.A. 72-8268, and amendments thereto.*

Sec. 17. On and after July 1, 2023, K.S.A. 72-3124 is hereby amended to read as follows: 72-3124. (a) ~~As used in this section:~~

~~(1) "School district" means a school district organized and operating under the laws of this state and no part of which is located in Johnson county, Sedgwick county, Shawnee county or Wyandotte county.~~

~~(2) "Non-resident pupil" or "pupil" means a pupil who is enrolled and in attendance at a school located in a district in which such pupil is not a resident and who: (A) Lives 2½ or more miles from the attendance center the pupil would attend in the district in which the pupil resides and is not a resident of Johnson county, Sedgwick county, Shawnee county or Wyandotte county; or (B) is a member of the family of a pupil meeting the condition prescribed in subparagraph (A).~~

~~(3) "Member of the family" means a brother or sister of the whole or half blood or by adoption, a stepbrother or stepsister, and a foster brother or foster sister.~~

~~(b) The board of education of any school district may shall allow any pupil student who is not a resident of the district to enroll in and attend school in such district pursuant to K.S.A. 72-3123, and amendments thereto. The board of education of such district may furnish or provide transportation to any non-resident pupil nonresident student who is enrolled in and attending school in the district pursuant to this section. If the district agrees to furnish or provide transportation to a non-resident pupil nonresident student, such transportation shall be furnished or provided until the end of the school year. Prior to providing or furnishing transportation to a non-resident pupil nonresident student, the receiving school district shall notify the board of education of the sending school district in which the pupil resides that transportation will be furnished or provided for such student.~~

~~(c) Pupils attending school in a school district in which the pupil does not reside pursuant to this section~~

~~(b) Nonresident students shall be counted as regularly enrolled in and attending school in the receiving school district where the pupil is enrolled for the purpose of computations under the Kansas school equity and enhancement act, K.S.A. 72-5131 et seq., and amendments thereto, except computation of transportation weighting under such act, and for the purposes of the statutory provisions contained in article 64 of chapter 72 of the Kansas Statutes Annotated, and amendments thereto. Such non-resident pupil nonresident student shall not be charged for the costs of attendance at school.~~

Sec. 18. On and after July 1, 2023, K.S.A. 72-3125 is hereby amended to read as follows: 72-3125. (a) ~~As used in this section:~~

~~(1) "Receiving school district" means a school district of nonresidence of a pupil who attends school in such school district.~~

~~(2) "Sending school district" means a school district of residence of a pupil who attends school in a school district not of the pupil's residence.~~

~~(b) The board of education of any school district may make and enter into contracts with the board of education of any receiving school district located in this state for the purpose of providing for the attendance of pupils students at school in the receiving school district.~~

~~(e)(b) The board of education of any school district may make and enter into contracts with the governing authority of any accredited school district located in another state for the purpose of providing for the attendance of pupils students from this state at school in such other state or for the attendance of pupils students from such other state at school in this state.~~

~~(d)(c) Pupils—Students attending school in a receiving school~~

district in accordance with a contract authorized by this section and made and entered into by such receiving school district with a sending school district located in this state shall be counted as regularly enrolled in and attending school in the sending school district for the purpose of computations under the Kansas school equity and enhancement act, K.S.A. 72-5131 et seq., and amendments thereto.

~~(e)~~(d) Any contract made and entered into under authority of this section is subject to the following conditions:

(1) The contract shall be for the benefit of ~~pupils~~ *students* who reside at inconvenient or unreasonable distances from the schools maintained by the sending school district or for ~~pupils~~ *students* who, for any other reason deemed sufficient by the board of education of the sending school district, should attend school in a receiving school district;

(2) the contract shall make provision for the payment of tuition by the sending school district to the receiving school district;

(3) if a sending school district is located in this state and the receiving school district is located in another state, the amount of tuition provided to be paid for the attendance of a ~~pupil~~ *student* or ~~pupils~~ *students* at school in the receiving school district shall not exceed  $\frac{1}{2}$  of the amount of the budget per ~~pupil~~ *student* of the sending school district under the Kansas school equity and enhancement act, K.S.A. 72-5131 et seq., and amendments thereto, for the current school year; and

(4) the contract shall make provision for transportation of ~~pupils~~ *students* to and from the school attended on every school day.

~~(f)~~(e) Amounts received pursuant to contracts made and entered into under authority of this section by a school district located in this state for enrollment and attendance of ~~pupils~~ *students* at school in regular educational programs shall be deposited in the general fund of the school district.

~~(g)~~(f) The provisions of subsection ~~(e)~~(~~g~~) (d)(3) do not apply to unified school district No. 107, Rock Hills.

~~(h)~~(g) The provisions of this section do not apply to contracts made and entered into under authority of the special education for exceptional children act.

~~(i)~~(h) The provisions of this section are deemed to be alternative to the provisions of K.S.A. 72-13,101, and amendments thereto, and no procedure or authorization under K.S.A. 72-13,101, and amendments thereto, shall be limited by the provisions of this section.

Sec. 19. On and after July 1, 2022, K.S.A. 72-3713 is hereby amended to read as follows: 72-3713. (a) Virtual schools shall be under the general supervision of the state board. The state board may adopt any rules and regulations relating to virtual schools ~~which~~ *that* the state board deems necessary to administer and enforce the virtual school act.

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

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

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

Sec. 20. On and after July 1, 2022, K.S.A. 72-3715 is hereby amended to read as follows: 72-3715. (a) In order to be included in the full-time equivalent enrollment of a virtual school, a student shall be in attendance at the virtual school on:



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

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

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

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

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

(3) add the numbers obtained under subsections (b)(1) and (b)(2);

(4) divide the sum obtained under subsection (b)(3) by 12. The quotient is the full-time equivalent enrollment of the student.

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

(d) Subject to the availability of appropriations and within the limits of any such appropriations, each school year a school district ~~which that~~ offers a virtual school shall receive virtual school state aid. The state board of education shall determine the amount of virtual school state aid a school district is to receive as follows:

(1) Determine the number of students enrolled in virtual school on a full-time basis, excluding those students who are over 19 years of age *and those students who are 19 years of age or younger who qualify for virtual school state aid pursuant to paragraph (4)*, and multiply the total number of such students by ~~\$5,000~~ \$5,600;

(2) determine the full-time equivalent enrollment of students enrolled in virtual school on a part-time basis, excluding those ~~pupils~~ *students who are over 19 years of age and those students who are 19 years of age or younger who qualify for virtual school state aid pursuant to paragraph (4)*, and multiply the total full-time equivalent enrollment of such students by ~~\$1,700~~ \$2,800;

(3) for students enrolled in a virtual school who are over 19 years of age, determine the number of one-hour credit courses such students have passed, not to exceed six credit courses per school year, and multiply the total number of such courses by \$709; ~~and~~

(4) *for students who are 19 years of age or younger who enroll in a virtual school as a dropout diploma completion virtual student, determine the number of one-hour credit courses such students have passed, not to exceed six credit courses per school year, and multiply the total number of such courses by \$709; and*

(5) add the amounts calculated under subsections (d)(1) through (d)(4). The resulting sum is the amount of virtual school state aid the school district shall receive.

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

(2) Any balance remaining in the virtual school fund at the end of the budget year shall be carried forward into the virtual school fund for

succeeding budget years. Such fund shall not be subject to the provisions of K.S.A. 79-2925 through 79-2937, and amendments thereto.

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

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

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

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

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

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

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

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

(C) *not been counted in the enrollment of a virtual school as a full-time or part-time virtual student during the school year in which such student enrolls as a dropout diploma completion virtual student.*

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

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

Sec. 21. On and after July 1, 2022, K.S.A. 2021 Supp. 72-4352 is hereby amended to read as follows: 72-4352. As used in the tax credit for low income students scholarship program act:

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

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

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

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

(1) *Resides in Kansas; and*

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

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

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

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

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

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

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

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

(1) Provides education to elementary or secondary students;

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

(3) has notified the state board of its intention to participate in the program; and

(4) complies with the requirements of the program.

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

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

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

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

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

Sec. 22. On and after July 1, 2022, K.S.A. 2021 Supp. 72-5132 is hereby amended to read as follows: 72-5132. As used in the Kansas school equity and enhancement act, K.S.A. 72-5131 et seq., and amendments thereto:

(a) "Adjusted enrollment" means the enrollment of a school district, excluding the remote enrollment determined pursuant to K.S.A. 2021 Supp. 72-5180, and amendments thereto, adjusted by adding the following weightings, if any, to the enrollment of a school district: At-risk student weighting; bilingual weighting; career technical education weighting; high-density at-risk student weighting; high enrollment weighting; low enrollment weighting; school facilities weighting; ancillary school facilities weighting; cost-of-living weighting; special education and related services weighting; and transportation weighting.

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

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

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

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

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

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

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

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

(4) for school year 2021-2022, \$4,706;  
(5) for school year 2022-2023, \$4,846; and  
(6) for school year 2023-2024, and each school year thereafter, the BASE aid shall be the BASE aid amount for the immediately preceding school year plus an amount equal to the average percentage increase in the consumer price index for all urban consumers in the midwest region as published by the bureau of labor statistics of the United States department of labor during the three immediately preceding school years rounded to the nearest whole dollar amount.

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

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

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

(i) "Categorical fund" means and includes the following funds of a school district: Adult education fund; adult supplementary education fund; at-risk education fund; bilingual education fund; career and postsecondary education fund; driver training fund; educational excellence grant program fund; extraordinary school program fund; food service fund; parent education program fund; preschool-aged at-risk education fund; professional development fund; special education fund; and summer program fund.

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

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

(l) "Enrollment" means, except as provided in K.S.A. 2021 Supp. 72-5180, and amendments thereto:

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

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

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

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

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

means whichever is the greater of:

- (A) The enrollment determined under paragraph (2); or
- (B) the sum of the enrollment in the preceding school year of preschool-aged at-risk students, if any, and the arithmetic mean of the sum of:
  - (i) The enrollment of the school district in the preceding school year minus the enrollment in such school year of preschool-aged at-risk students, if any;
  - (ii) the enrollment in the second preceding school year minus the enrollment in such school year of preschool-aged at-risk students, if any; and
  - (iii) the enrollment in the third preceding school year minus the enrollment in such school year of preschool-aged at-risk students, if any.
- (4) The enrollment determined under paragraph (1), (2) or (3), except if the school district begins to offer kindergarten on a full-time basis in such school year, students regularly enrolled in kindergarten in the school district in the preceding school year shall be counted as one student regardless of actual attendance during such preceding school year.
  - (m) "February 20" has its usual meaning, except that in any year in which February 20 is not a day on which school is maintained, it means the first day after February 20 on which school is maintained.
  - (n) "Federal impact aid" means an amount equal to the federally qualified percentage of the amount of moneys a school district receives in the current school year under the provisions of title I of public law 874 and congressional appropriations therefor, excluding amounts received for assistance in cases of major disaster and amounts received under the low-rent housing program. The amount of federal impact aid shall be determined by the state board in accordance with terms and conditions imposed under the provisions of the public law and rules and regulations thereunder.
  - (o) "General fund" means the fund of a school district from which operating expenses are paid and in which is deposited all amounts of state foundation aid provided under this act, payments under K.S.A. 72-528, and amendments thereto, payments of federal funds made available under the provisions of title I of public law 874, except amounts received for assistance in cases of major disaster and amounts received under the low-rent housing program and such other moneys as are provided by law.
  - (p) "General fund budget" means the amount budgeted for operating expenses in the general fund of a school district.
  - (q) "High-density at-risk student weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 72-5151(b), and amendments thereto, on the basis of costs attributable to the maintenance of at-risk educational programs by such school districts.
  - (r) "High enrollment weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 72-5149(b), and amendments thereto, on the basis of costs attributable to maintenance of educational programs by such school districts.
  - (s) "Juvenile detention facility" means the same as such term is defined in K.S.A. 72-1173, and amendments thereto.
  - (t) "Local foundation aid" means the sum of the following amounts:
    - (1) An amount equal to any unexpended and unencumbered balance remaining in the general fund of the school district, except moneys received by the school district and authorized to be expended for the purposes specified in K.S.A. 72-5168, and amendments thereto;
    - (2) an amount equal to any remaining proceeds from taxes levied under authority of K.S.A. 72-7056 and 72-7072, prior to their repeal;
    - (3) an amount equal to the amount deposited in the general fund in the current school year from moneys received in such school year by the school district under the provisions of K.S.A. 72-3123(a), and

amendments thereto;

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

(5) an amount equal to the amount credited to the general fund in the current school year from moneys distributed in such school year to the school district under the provisions of articles 17 and 34 of chapter 12 of the Kansas Statutes Annotated, and amendments thereto, and under the provisions of articles 42 and 51 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto;

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

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

~~(8) an amount equal to 70% of the federal impact aid of the school district.~~

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

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

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

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

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

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

(aa) (1) "Remote enrollment" means the number of students regularly enrolled in kindergarten and grades one through 12 in the school district who attended school through remote learning in excess of the remote learning limitations provided in K.S.A. 2021 Supp. 72-5180, and amendments thereto.

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

(bb) (1) "Remote learning" means a method of providing education in which the student, although regularly enrolled in a school district, does not physically attend the attendance center such student would otherwise attend in person on a full-time basis and curriculum and instruction are prepared, provided and supervised by teachers and staff of such school district to approximate the student learning experience that would take place in the attendance center classroom.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(I)(i) Except as provided in clause (ii),~~ A student enrolled in a school district who is not a resident of Kansas shall be counted as follows:

~~(a) For school year 2018-2019, one student;~~

~~(b) for school years 2019-2020 and 2020-2021,  $\frac{3}{4}$  of a student; and~~

~~(c) for school year 2021-2022 and each school year thereafter,  $\frac{1}{2}$  of a student.~~

~~(ii) This subparagraph shall not apply to:~~

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

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

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

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

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

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

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

(5) A student enrolled in a school district who attends school through remote learning shall be counted in accordance with the provisions of this section and K.S.A. 2021 Supp. 72-5180, and amendments thereto.

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

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

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

Sec. 23. On and after July 1, 2022, K.S.A. 72-5135 is hereby amended to read as follows: 72-5135. (a) The distribution of state foundation aid under this act shall be made in accordance with appropriation acts each year as provided in this section.

(b) (1) In the months of July through May of each school year, the state board shall determine the amount of state foundation aid that will be required by each school district to maintain operations in each such month. In making such determination, the state board shall take into consideration the school district's access to local foundation aid and the obligations of the general fund that must be satisfied during the month. The amount determined by the state board under this provision is the amount of state foundation aid that will be distributed to the school district in the months of July through May.

(2) In the month of June of each school year, payment shall be made of the full amount of the state foundation aid determined for the school year less the sum of the monthly payments made in the months



of July through May pursuant to subsection (b)(1).

(c) Payments of state foundation aid shall be distributed to school districts once each month on the dates prescribed by the state board. The state board shall certify to the director of accounts and reports the amount due as state foundation aid to each school district in each of the months of July through June. Such certification, and the amount of state foundation aid payable from the state general fund, shall be approved by the director of the budget. The director of accounts and reports shall draw warrants on the state treasurer payable to the school district treasurer of each school district, pursuant to vouchers approved by the state board. Upon receipt of such warrant, each school district treasurer shall deposit the amount of state foundation aid in the general fund of the school district; ~~except that an amount equal to the amount of federal impact aid not included in the local foundation aid of a school district may be disposed of as provided in K.S.A. 72-5166(a), and amendments thereto.~~

(d) If any amount of state foundation aid that is due to be paid during the month of June of a school year pursuant to the other provisions of this section is not paid on or before June 30 of such school year, then such payment shall be paid on or after the ensuing July 1, as soon as moneys are available therefor. Any payment of state foundation aid that is due to be paid during the month of June of a school year and that is paid to school districts on or after the ensuing July 1 shall be recorded and accounted for by school districts as a receipt for the school year ending on the preceding June 30.

Sec. 24. On and after July 1, 2022, K.S.A. 2021 Supp. 72-5178 is hereby amended to read as follows: 72-5178. (a) On or before January 15 of each year, the state department of education shall prepare and ~~submit a~~ *digitally update on the website of the state department of education the performance accountability—report reports and—a* longitudinal achievement ~~report for~~ *reports upon* all students enrolled in any public school or accredited nonpublic school in the state, each school district, each school operated by a school district and each accredited nonpublic school ~~to the governor and to the legislature.~~

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

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

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

*(1) Provide a statewide summary of the performance accountability reports and longitudinal achievement reports prepared pursuant to this section. Such summary report shall provide:*

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

*(B) a comparison to any other evaluation metric used by the state*

*board of education to evaluate student achievement such as college and career readiness measurements or graduation rates;*

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

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

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

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

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

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

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

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

*(D) the achievement results from the English language arts assessments and math assessments for such student cohort groups and any other assessment data pertaining to such student cohort groups, including, but not limited to, the national assessment for educational progress, the ACT college entrance exam and the pre-ACT assessment.*

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

Sec. 25. On and after July 1, 2022, K.S.A. 72-5461 is hereby amended to read as follows: 72-5461. (a) Upon receiving an application under K.S.A. 72-5460, and amendments thereto, the state board of education shall review the application and examine the evidence furnished in support of the application.

(b) (1) ~~Commencing in school year 2017-2018,~~ The state board of education shall not approve any application submitted during the current school year if such approval would result in the aggregate amount of all general obligation bonds approved by the state board for such school year exceeding the aggregate principal amount of all general obligation bonds retired in the immediately preceding school year adjusted for inflation pursuant to paragraph (4). For any application submitted during the current school year in excess of \$175,000,000, the state board shall apply only an amount of \$175,000,000 of such application when determining whether the aggregate principal amount of all general obligation bonds retired in the immediately preceding school year has been exceeded. In determining whether to approve an application, the state board shall prioritize

applications in accordance with the priorities set forth as follows in order of highest priority to lowest priority:

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

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

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

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

(2) The state board shall not consider a school district's eligibility for capital improvement state aid, or the amount of capital improvement state aid a school district would be eligible to receive, in determining whether to approve such district's application.

(3) The provisions of subsection (b)(1) shall not apply to school districts that:

(A) Have not issued any general obligation bonds in the 25 years prior to the current school year; *or*

(B) *do not receive capital improvement state aid because such school district is not eligible to receive such aid or has opted out of receiving such aid in the resolution adopted as provided in K.S.A. 72-5457, and amendments thereto.*

(4) The state board shall adjust the aggregate principal amount of all general obligation bonds retired in the immediately preceding school year by adding an amount equal to the five-year compounded percentage increase in the producer price index industry data for new school building construction as published by the bureau of labor statistics of the United States department of labor for the five immediately preceding school years.

(c) After reviewing the application and examining the supportive evidence, the state board of education shall issue an order either granting or denying the application. If the application is approved, the applicant board of education shall request the county election officer to hold an election to vote upon the question of issuing the increased amount of bonds in the manner provided by law.

(d) Any application that is denied pursuant to subsection (b) may be tentatively approved by the state board of education for the immediately succeeding school year. The amount of general obligation bonds approved in any such application shall be counted first towards the aggregate amount of all general obligation bonds approved by the state board for such school year.

(e) ~~Commencing in school year 2017-2018,~~ The state board of education shall determine the aggregate principal amount of general obligation bonds retired in the immediately preceding school year.

(f) The provisions of subsections (b), (d) and (e) shall expire on June 30, ~~2022~~ 2027.

Sec. 26. On and after July 1, 2022, K.S.A. 2021 Supp. 72-5462 is hereby amended to read as follows: 72-5462. (a) There is hereby established in the state treasury the school district capital improvements fund. The fund shall consist of all amounts transferred thereto under the provisions of subsection (c).

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

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

(A) Determine the amount of the assessed valuation per pupil

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

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

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

(D) determine a state aid percentage factor for each school district by assigning a state aid computation percentage to the amount of the median AVPP shown on the schedule, decreasing the state aid computation percentage assigned to the amount of the median AVPP by one percentage point for each \$1,000 interval above the amount of the median AVPP, and increasing the state aid computation percentage assigned to the amount of the median AVPP by one percentage point for each \$1,000 interval below the amount of the median AVPP. Except as provided by K.S.A. 72-5463, and amendments thereto, the state aid percentage factor of a school district is the percentage assigned to the schedule amount that is equal to the amount of the AVPP of the school district. The state aid percentage factor of a school district shall not exceed 100%. The state aid computation percentage is 25%;

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

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

(2) For general obligation bonds approved for issuance at an election held on or after July 1, 2015, *but prior to July 1, 2022*, the state board of education shall:

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

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

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

(D) determine the amount of payments that a school district is obligated to make from its bond and interest fund attributable to general obligation bonds approved for issuance at an election held on or after July 1, 2015, *but prior to July 1, 2022*; and

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

(3) *For general obligation bonds approved for issuance at an election held on or after July 1, 2022, the state board of education shall:*

(A) Except as provided in subsection (b)(9), determine the amount of the AVPP of each school district in the state for the preceding school year and round such amount to the nearest \$1,000. The rounded amount is the AVPP of a school district for the purposes of this subsection (b)(3);

(B) except as provided in subsection (b)(9), prepare a schedule of dollar amounts using the amount of the AVPP of the school district with the lowest AVPP of all school districts as the point of beginning. The schedule of dollar amounts shall range upward in equal \$1,000 intervals from the point of beginning to and including an amount that is equal to the amount of the AVPP of the school district with the highest AVPP of all school districts;

(C) determine a state aid percentage factor for each school district by assigning a state aid computation percentage to the amount of the lowest AVPP shown on the schedule and decreasing the state aid computation percentage assigned to the amount of the lowest AVPP by one percentage point for each \$1,000 interval above the amount of the lowest AVPP. Except as provided by K.S.A. 72-5463, and amendments thereto, the state aid percentage factor of a school district is the percentage assigned to the schedule amount that is equal to the amount of the AVPP of the school district. The state aid computation percentage is 51%;

(D) determine the amount of payments that a school district is obligated to make from its bond and interest fund attributable to general obligation bonds approved for issuance at an election held on or after July 1, 2022; and

(E) multiply the amount determined under subsection (b)(3)(D) by the applicable state aid percentage factor.

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

~~(4)~~(5) (A) For general obligation bonds approved for issuance at an election held on or after July 1, 2016, the amount determined under subsection (b)(2)(E) or (b)(3)(E) is the amount of payment the school district shall receive from the school district capital improvements fund in the school year, except the total amount of payments school districts receive from the school district capital improvements fund in the school year for such bonds shall not exceed the six-year average amount of capital improvement state aid as determined by the state board of education.

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

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

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

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

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

(d) energy usage and other operational inefficiencies as demonstrated by a district-wide energy usage analysis, district-wide

architectural analysis or other similar evaluation.

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

~~(C)(D)~~ On and after July 1, 2016, the state board of education shall approve the amount of state aid payments a school district shall receive from the school district capital improvements fund pursuant to subsection ~~(b)(5)~~ (b)(6) prior to an election to approve the issuance of general obligation bonds.

~~(5)(6)~~ Except as provided in subsections ~~(b)(6)~~ and (b)(7) through (b)(9), the sum of the amounts determined under subsection ~~(b)(3)~~ (b)(4) and the amount determined or allocated to the district by the state board of education pursuant to subsection ~~(b)(4)~~ (b)(5), is the amount of payment the school district is entitled to receive from the school district capital improvements fund in the school year.

~~(6)(7)~~ A school district that had an enrollment of less than 260 students in the school year immediately preceding the school year in which an election is held to approve the issuance of general obligation bonds shall not be entitled to receive payments from the school district capital improvements fund unless such school district applied for and received approval from the state board of education to issue such bonds prior to holding an election to approve such bond issuance. The provisions of this paragraph shall apply to general obligation bonds approved for issuance at an election held on or after July 1, 2017, that are issued for the purpose of financing the construction of new school facilities.

~~(7)(8)~~ For general obligation bonds approved for issuance at an election held on or after July 1, 2017, in determining the amount under subsection (b)(2)(D) and (b)(3)(D), the state board shall exclude payments for any capital improvement project, or portion thereof, that proposes to construct, reconstruct or remodel a facility that would be used primarily for extracurricular activities, unless the construction, reconstruction or remodeling of such facility is necessary due to concerns relating to the safety of the current facility or disability access to such facility as demonstrated by a state fire marshal report, an inspection under the Americans with disabilities act, 42 U.S.C. § 12101 et seq., or other similar evaluation.

(9) *For general obligation bonds approved for issuance at an election held on or after July 1, 2022, the state board of education shall:*

*(A) In preparing the schedule of dollar amounts pursuant to subsection (b)(3)(B), exclude unified school district No. 207, Fort Leavenworth, from such schedule and determine the point of beginning based on the amount of the AVPP of the school district with the lowest AVPP of the remaining school districts; and*

*(B) in determining the amount of the AVPP of a school district, exclude the number of students enrolled in a virtual school, as defined in K.S.A. 72-3712, and amendments thereto, that is offered by such school district from the determination of the AVPP of such school district.*

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

(d) Payments from the school district capital improvements fund shall be distributed to school districts at times determined by the state

board of education to be necessary to assist school districts in making scheduled payments pursuant to contractual bond obligations. The state board of education shall certify to the director of accounts and reports the amount due each school district entitled to payment from the fund, and the director of accounts and reports shall draw a warrant on the state treasurer payable to the treasurer of the school district. Upon receipt of the warrant, the treasurer of the school district shall credit the amount thereof to the bond and interest fund of the school district to be used for the purposes of such fund.

(e) The provisions of this section apply only to contractual obligations incurred by school districts pursuant to general obligation bonds issued upon approval of a majority of the qualified electors of the school district voting at an election upon the question of the issuance of such bonds.

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

Sec. 27. On and after July 1, 2022, K.S.A. 72-6316 is hereby amended to read as follows: 72-6316. ~~No~~ (a) A nonacademic test, questionnaire, survey or examination containing any questions about the student's personal *and private attitudes, values, beliefs or practices on issues such as sex, family life, morality or religion, or any questions about the student's parents' or guardians' beliefs and practices on issues such as sex, family life, morality or religion, of the student or the student's parents, guardians, family members, associates, friends or peers that is administered during the school day* shall not be administered to any student enrolled in kindergarten or grades one through 12, unless the parent or guardian of the student:

(1) Is notified in writing *not more than four months in advance of the administration of such test, questionnaire, survey or examination* that ~~this~~ such test, questionnaire, survey or examination is to be administered ~~and the parent or guardian of the student~~. Such notification shall include:

(A) A copy of the test, questionnaire, survey or examination that is to be administered;

(B) information on how the parent or guardian may provide written consent to authorize the student to take such test, questionnaire, survey or examination;

(C) the name of the company or entity that produces or provides the test, questionnaire, survey or examination to the school; and

(D) whether the school will receive or maintain the resulting data and an explanation of how the school intends to use and maintain such data; and

(2) gives written ~~permission for consent through a written or electronic signature to authorize~~ the student to take ~~this~~ the test, questionnaire, survey or examination *or, in the event of an immediate need, gives verbal consent*. ~~This section shall not prohibit school counselors from providing counseling services to a student, including the administration of tests and forms which are part of a counselor's student counseling services. Any information obtained through such tests or counseling services shall not be stored on any personal mobile electronic device which is not owned by the school district, including but not limited to, laptops, tablets, phones, flash drives, external hard drives or virtual servers. Such written consent may only be accepted after a parent or guardian has received the notification required pursuant to paragraph (1) and had an opportunity to review the information contained in such notification. Written consent shall be provided separately for each individual test, questionnaire, survey or examination that is to be administered.~~

(b) Notwithstanding a parent or guardian's consent for a student

*to take any such test, questionnaire, survey or examination, a student shall have the right to refuse to take any such test, questionnaire, survey or examination at any time without limitation. Prior to the administration of any such test, questionnaire, survey or examination, each student shall be informed that such student has the right to refuse to take such test, questionnaire, survey or examination and that the student will not suffer any adverse consequences based on such refusal.*

*(c) Prior to the administration of any such test, questionnaire, survey or examination, a school district shall post and maintain a copy of such test, questionnaire, survey or examination on the school district website.*

*(d) No personally identifiable student data shall be collected through any such test, questionnaire, survey or examination.*

*(e) Except as provided in subsection (f), the provisions of this section shall apply to any test, questionnaire, survey or examination described in subsection (a) that is administered or proposed to be administered to any student by any employee of a school district, including, but not limited to, any administrator, teacher, counselor, social worker, psychologist or nurse.*

*(f) Notwithstanding the provisions of this section, if any school district employee becomes aware that a student may be at risk of suicide by a credible report from the student, the student's peers or another school district employee, the school personnel who are designated by the school to administer a suicide risk assessment or screening tool may administer such risk assessment or screening tool in accordance with the provisions of this subsection to determine whether the student could be at risk for suicide. Such designated school personnel may include, but is not limited to, any administrator, teacher, counselor, social worker, psychologist or nurse. Prior to the administration of any such risk assessment or screening tool, the designated school personnel shall verbally notify the parent or guardian before the administration of such risk assessment or screening tool and obtain the consent of the parent or guardian. If the designated school personnel is unable to verbally notify the parent or guardian of the student and obtain consent after reasonable attempts to do so, the designated school personnel may administer the risk assessment or screening tool without such consent. If a risk assessment or screening tool is administered without the parent or guardian's consent, as soon as contact with the parent or guardian is made, the designated school personnel shall notify the parent or guardian of the administration of such assessment or screening tool and provide to the parent or guardian all information obtained from the risk assessment or screening tool administered to the student.*

Sec. 28. K.S.A. 2021 Supp. 74-32,271 is hereby amended to read as follows: 74-32,271. (a) K.S.A. 2021 Supp. 74-32,271 et seq., and amendments thereto, shall be known and may be cited as the Kansas promise scholarship act.

(b) As used in the Kansas promise scholarship act:

(1) "Eligible postsecondary educational institution" means:

(A) Any community college or technical college established under the laws of this state *and with a recognized service area*;

(B) the Washburn institute of technology; or

(C) any not-for-profit institution of postsecondary education with its main campus or principal place of operation in Kansas that offers a promise eligible program, is operated independently and not controlled or administered by any state agency or subdivision of the state, maintains open enrollment and is accredited by a nationally recognized accrediting agency for higher education in the United States.

(2) "Military servicemember" means the same as defined in K.S.A. 2021 Supp. 48-3406, and amendments thereto.

(3) "Part-time student" means a student who is enrolled for six credit hours or more in ~~a~~ *the fall, summer or spring* semester and is not enrolled as a full-time student.

(4) "Promise eligible program" means any two-year associate



degree program or career and technical education certificate or stand-alone program offered by an eligible postsecondary educational institution that is:

- (A) *Approved by the state board of regents;*
- (B) *high wage, high demand or critical need; and*
- (C) *identified as a "promise eligible program" by the state board of regents pursuant to K.S.A. 2021 Supp. 74-32,272, and amendments thereto, or ~~designated as a "promise eligible program" within a field of study designated~~ by an eligible postsecondary educational institution pursuant to K.S.A. 2021 Supp. 74-32,273, and amendments thereto.*

Sec. 29. K.S.A. 2021 Supp. 74-32,272 is hereby amended to read as follows: 74-32,272. (a) There is hereby established the Kansas promise scholarship program. The state board of regents shall *implement and* administer the program.

(b) On or before March 1, ~~2022~~ 2023, the state board of regents shall adopt rules and regulations to implement and administer the Kansas promise scholarship program. Such rules and regulations shall establish:

(1) *A scholarship application ~~deadlines~~ process, including, but not limited to, accepting scholarship applications throughout the academic year and processing such applications in the order such applications were received;*

(2) *appeal procedures for denial or revocation of a Kansas promise scholarship;*

(3) *guidelines to ensure as much as is practicable that, if a student who received a Kansas promise scholarship graduates from a promise eligible program and subsequently enrolls in a state educational institution, as defined in K.S.A. 76-711, and amendments thereto, or municipal university, any courses taken by such student shall be transferred to the state educational institution or municipal university and qualify toward the student's baccalaureate degree;*

(4) *the terms, conditions and requirements that shall be incorporated into each Kansas promise scholarship agreement, which shall not be more stringent than the requirements for Kansas promise scholarship agreements provided in this act;*

(5) *procedures for requesting and approving medical, military and personal absences from an eligible postsecondary educational institution while receiving a Kansas promise scholarship;*

(6) *criteria for determining whether a student who received a Kansas promise scholarship fulfilled the residency, employment and repayment requirements included in a Kansas promise scholarship agreement as provided in K.S.A. 2021 Supp. 74-32,276, and amendments thereto; ~~and~~*

(7) *criteria for determining when a student who received a Kansas promise scholarship may be released from the requirements of a Kansas promise scholarship, if there are special circumstances that caused such student to be unable to complete such requirements; and*

(8) *that no eligible postsecondary educational institution may:*

(A) *Limit scholarship awards to certain promise eligible programs at such institution; or*

(B) *award less than the full Kansas promise scholarship amount for which a student qualifies as long as funds are available in the Kansas promise scholarship program fund.*

(c) The state board of regents shall:

(1) Identify the promise eligible programs offered by each eligible postsecondary educational institution that are:

(A) *Within a field of study designated by the eligible postsecondary educational institution pursuant to K.S.A. 2021 Supp. 74-32,273, and amendments thereto; and*

(B) *in any of the following fields of study:*

- (i) *Information technology and security;*
- (ii) *mental and physical healthcare;*
- (iii) *advanced manufacturing and building trades; or*
- (iv) *early childhood education and development; ~~or~~*

~~(B) designated by the eligible postsecondary educational institution pursuant to K.S.A. 2021 Supp. 74-32,273, and amendments thereto;~~

(2) work with community partners, such as community foundations, school districts, postsecondary educational institutions, Kansas business and industry and Kansas economic development organizations to publicize Kansas promise scholarships, including, but not limited to, publicizing eligible postsecondary educational institutions, approved scholarship-eligible educational programs, application procedures and application deadlines;

(3) disburse funds to each eligible postsecondary educational institution for the purpose of awarding Kansas promise scholarships;

(4) request information from eligible postsecondary educational institutions *and any state agency* necessary for the administration of this act;

~~(5) ensure that any student accept electronic signatures as sufficient and valid on all forms and agreements required by the Kansas promise scholarship program and any rules and regulations adopted thereunder;~~

~~(6) enforce Kansas promise scholarship agreements;~~

~~(7) collect any moneys repaid by students pursuant to K.S.A. 2021 Supp. 74-32,276, and amendments thereto;~~

~~(8) determine whether students who received a Kansas promise scholarship ~~fulfills~~ fulfill the residency, employment and repayment requirements provided in K.S.A. 2021 Supp. 74-32,276, and amendments thereto; and~~

~~(9) beginning in January 2022, annually evaluate the Kansas promise scholarship program and prepare and submit a report to the senate standing committee on education and the house of representatives standing committee on education. *Such report shall include, but not be limited to, the total program cost for each promise eligible program at each eligible postsecondary educational institution, the amount of scholarship moneys awarded that went to each promise eligible program, the number of credit hours paid for with scholarship moneys, the amount of scholarship moneys expected to be awarded to each institution for each semester, the number of scholarships awarded, the total amount of scholarship moneys awarded, the amount of scholarship moneys provided for tuition, fees, books and supplies, measures postsecondary educational institutions have taken in working with private business and industry in the state to determine appropriate fields of study and a review of the employment of scholarship recipients who have completed the Kansas promise scholarship program, including, but not limited to, employment fields and geographic location of such employment.*~~

~~(d) (1) The state board of regents may designate an associate degree transfer program as an eligible program only if such program is included in:~~

~~(A) An established 2+2 agreement with a Kansas four-year postsecondary educational institution; or~~

~~(B) an articulation agreement with a Kansas four-year postsecondary educational institution and is part of an established degree pathway that allows a student to transfer at least 60 credit hours from the eligible postsecondary educational institution to a four-year postsecondary educational institution for the completion of an additional 60 credit hours toward a bachelor's degree.~~

~~(2) The provisions of this subsection shall be construed and applied retroactively to the enactment of the Kansas promise scholarship program on July 1, 2021.~~

~~(e) (1) The state board of regents may remove a promise eligible program from the list of approved promise eligible programs only in accordance with this subsection. If the state board of regents proposes to remove a promise eligible program from such list, the state board of regents shall notify all eligible postsecondary educational institutions of the proposal to remove such program by May 1 of the calendar year~~

*that precedes the calendar year in which such program would officially be removed from such list. Within 30 calendar days of receipt, each eligible postsecondary educational institution may appeal such proposed removal to the state board of regents. Following such appeal period, within 45 calendar days, the state board of regents shall consider any such appeal and issue a final decision upon whether the program shall be removed. If the state board of regents issues a final decision to remove such program, the program shall be removed from the list of approved promise eligible programs only after not less than 14 months have elapsed from the date that the state board of regents issued the final decision to remove such program.*

*(2) The provisions of this subsection shall apply to any program that has been approved by the state board of regents as a promise eligible program on or after July 1, 2021.*

Sec. 30. K.S.A. 2021 Supp. 74-32,273 is hereby amended to read as follows: 74-32,273. (a) ~~Subject to subsection (b)~~ *In addition to the fields of study provided in K.S.A. 2021 Supp. 74-32,272, and amendments thereto, an eligible postsecondary educational institution may designate an additional field of study for awarding a Kansas promise scholarship to meet local employment needs if:*

*(1) Promise eligible programs within such field of study are two-year associate degree programs or career and technical education certificates or stand-alone programs approved by the state board of regents that correspond to jobs that are high wage, high demand or critical need in the community;*

*(2) the institution already offers such field of study; and*

*(3) such field of study is one of the following:*

*(A) Agriculture;*

*(B) food and natural resources;*

*(C) education and training;*

*(D) law, public safety, corrections and security; or*

*(E) distribution and logistics.*

~~(b) An eligible postsecondary educational institution may designate one additional promise eligible program if the additional program is a two-year associate degree program or a career and technical education certificate or stand-alone program that corresponds to a high wage, high demand or critical need occupation.~~

~~(b) To designate an additional promise eligible program, such institution shall have and maintain an existing promise eligible program in any of the following fields of study:~~

~~(1) Information technology and security;~~

~~(2) mental and physical healthcare;~~

~~(3) advanced manufacturing and building trades; or~~

~~(4) early childhood education and development.~~

~~(e) An eligible postsecondary educational institution that designates an additional promise eligible program field of study pursuant to this subsection (a) section shall maintain the promise eligible program field of study designation of such program for at least three consecutive years. After maintaining such program field of study for at least three years, the institution may designate a new promise eligible program field of study that corresponds to a high wage, high demand or critical need occupation to replace the existing designated promise eligible program field of study. Any newly designated program field of study shall be subject to the requirements of this section.~~

*(c) Programs designated by eligible institutions prior to the effective date of this act shall be maintained until all students currently enrolled in such programs have exhausted their promise scholarship eligibility.*

Sec. 31. K.S.A. 2021 Supp. 74-32,274 is hereby amended to read as follows: 74-32,274. (a) (1) Subject to appropriations, the amount of a Kansas promise scholarship for a student for each ~~semester academic year~~ shall be the aggregate amount of tuition, required fees and the cost of books and required materials for the promise eligible program at the eligible postsecondary educational institution for the academic year in

which the student is enrolled and receiving the scholarship minus the aggregate amount of all other aid awarded to such student for such semester. ~~Aid includes any grant, scholarship or financial assistance awards that do not require repayment academic year.~~

(2) If a student is enrolled in a promise eligible program offered by ~~a four-year~~ an eligible *private* postsecondary educational institution described in *K.S.A. 2021 Supp. 74-32,271(b)(1)(C)*, and amendments thereto, the aggregate amount of tuition, mandatory fees and the cost of books and materials for such program shall be the average cost of tuition, mandatory fees and the cost of books and materials for such promise eligible program when offered by an eligible public postsecondary educational institution ~~that is not a four-year institution described in K.S.A. 2021 Supp. 74-32,271(b)(1)(A) or (B), and amendments thereto.~~

(b) ~~Except as otherwise provided in this subsection, Kansas promise scholarships shall only be awarded to an eligible student whose family household income equals \$100,000 or less for a family of one or two, \$150,000 or less for a family of three and, for household sizes above three, a household income that is equal to or less than the family of three amount plus \$4,800 for each additional family member. If scholarship moneys remain in the Kansas promise scholarship program fund during the award year after awarding all other scholarships pursuant to this section, Kansas promise scholarships may be awarded to eligible students whose family household income exceeds such amounts.~~

(c) (1) *Kansas promise scholarship awards shall be used only to pay for up to a total of 68 promise scholarship funded credit hours or a total of \$20,000 in Kansas promise scholarship awards, whichever occurs first, over the lifetime of the student who received the Kansas promise scholarship award regardless of the eligible postsecondary educational institution such student attended.*

(2) *Kansas promise scholarship awards shall not be used to fund:*

(A) *Prerequisite classes required for a promise eligible program unless such classes are a designated course within the eligible program; or*

(B) *any remedial course, as defined in K.S.A. 76-7,151, and amendments thereto, unless such course is offered in a corequisite format.*

(d) ~~For each fiscal years 2022 and 2023 year, the appropriation made for the Kansas promise scholarship program shall not exceed \$10,000,000. For fiscal year 2024 and each fiscal year thereafter, the appropriation shall not exceed 150% of the amount disbursed in promise scholarships for the immediately preceding fiscal year.~~

(e) *The state board of regents shall disburse funds based on reimbursement requests from eligible postsecondary educational institutions. Reimbursement requests shall be based on the actual amount of Kansas promise scholarship amounts awarded by an eligible postsecondary educational institution for the appropriate academic period. Any eligible postsecondary educational institution seeking reimbursement shall submit a reimbursement request to the state board of regents on or before September 1, December 1, March 1 and June 1 of each year. The state board of regents shall disburse the appropriate amount of funds to eligible postsecondary educational institutions on September 15, December 15, March 15 and June 15 each year.*

(f) *As used in this section, "aid" includes any grant, scholarship or financial assistance awards that do not require repayment. "Aid" does not include any military financial educational benefits or any family postsecondary savings account or other qualified tuition program established pursuant to section 529 of the internal revenue code of 1986, as amended.*

Sec. 32. K.S.A. 2021 Supp. 74-32,275 is hereby amended to read as follows: 74-32,275. (a) To be eligible for a Kansas promise scholarship, a student shall:

(1) *Be a United States citizen;*

(2) be a Kansas resident;

~~(2)~~(3) (A) have graduated from an accredited Kansas public or private secondary school within the preceding 12 months;

(B) have completed the requirements for graduation at a non-accredited private secondary school as provided in K.S.A. 72-4345, and amendments thereto, within the preceding 12 months;

(C) attended an accredited Kansas public or private secondary school or non-accredited private school as provided in K.S.A. 72-4345, and amendments thereto, and obtained a high school equivalency certificate within the preceding 12 months;

(D) ~~be 21 years of age or older and,~~ upon application for a scholarship, have been a resident of Kansas for three or more consecutive years *as evidenced by the date of issuance on a Kansas-issued identification card or through Kansas voter registration records or Kansas income tax documentation;~~or~~*

(E) be a dependent child of a military servicemember permanently stationed in another state and who, within the preceding 12 months, graduated from any out-of-state secondary school or obtained a high school equivalency certificate; *or*

*(F) have been in the custody of the secretary for children and families at any time such student was enrolled in and attending any of the grades nine through 12 and not eligible for assistance under the Kansas foster child educational assistance act, K.S.A. 75-53,111 et seq., and amendments thereto;*

~~(3)~~(4) complete the required scholarship application on such forms and in such manner as established by the state board of regents;

~~(4)~~(5) enter into a Kansas promise scholarship agreement pursuant to K.S.A. 2021 Supp. 74-32,276, and amendments thereto;

~~(5)~~(6) complete the free application for federal student aid for the academic year in which the student applies to receive a Kansas promise scholarship. *Such submitted application shall be determined to be valid and free of error codes in order to calculate the amount of scholarship to be awarded;* and

~~(6)~~(7) enroll in an eligible postsecondary educational institution in a promise eligible program.

(b) (1) To continue to receive a Kansas promise scholarship, a student shall:

~~(1)~~(A) Maintain satisfactory academic progress ~~toward completion of~~ *in the courses of the promise eligible program for which the student received a Kansas promise scholarship;* and

~~(2)~~(B) satisfy the requirements of a Kansas promise scholarship agreement as provided in K.S.A. 2021 Supp. 74-32,276, and amendments thereto.

(2) *Any student who entered into a Kansas promise scholarship agreement under the provisions of the Kansas promise scholarship act as such act existed at the time such agreement was entered into shall be entitled to continue to use such Kansas promise scholarship and receive scholarship renewals to fulfill the requirements of such student's Kansas promise scholarship agreement. No subsequent revision or amendment to the Kansas promise scholarship act, the rules and regulations adopted thereunder, the list of approved promise eligible programs or the appropriations made pursuant to such act shall have the effect of terminating a student's Kansas promise scholarship agreement solely due to such amendment or revision.*

(c) Nothing in this act shall prohibit a student who received postsecondary course credit while enrolled in high school from qualifying for a Kansas promise scholarship.

Sec. 33. K.S.A. 2021 Supp. 74-32,276 is hereby amended to read as follows: 74-32,276. (a) As a condition to receiving a Kansas promise scholarship, an eligible student shall enter into a Kansas promise scholarship agreement with the *state board of regents*. *The* eligible postsecondary educational institution making the scholarship award to such student *shall counsel each eligible student on the requirements and conditions of the promise scholarship agreement*. Such agreement

shall require ~~such~~ any student who receives a Kansas promise scholarship to:

(1) Enroll as a full-time or part-time student at the eligible postsecondary educational institution from which the student is receiving a Kansas promise scholarship and engage in and complete the required promise eligible program within ~~30~~ 36 months of the date the scholarship was first awarded;

(2) within six months after graduation from the promise eligible program:

(A) Reside in and commence work in the state of Kansas for at least two consecutive years following completion of such program. *A scholarship recipient may use a W-2 wage and tax statement showing Kansas withholding or estimated income tax to the state of Kansas as proof of work in Kansas;* or

(B) enroll as a full-time or part-time student in any public or private postsecondary educational institution with its primary location in Kansas and upon graduation or failure to re-enroll, reside in and commence work in Kansas for at least two consecutive years following the completion of such program;

(3) maintain records and make reports to the state board of regents on such forms and in such manner as required by the state board of regents to document the satisfaction of the requirements of this act; and

(4) upon failure to satisfy the requirements of a Kansas promise scholarship agreement, repay the amount of the Kansas promise scholarship the student received under the program as provided in subsection (b) *to the state board of regents.*

(b) (1) Except as provided in subsection (c), if any student who receives a Kansas promise scholarship fails to satisfy the requirements of a Kansas promise scholarship agreement, such student shall pay an amount equal to the total amount of money received by such student pursuant to such agreement that is financed by the state of Kansas plus accrued interest at a rate equivalent to the interest rate applicable to loans made under the federal PLUS program at the time such ~~person first entered into an agreement~~ *student's first course funded by a Kansas promise scholarship award began. Interest shall begin accruing on the date the student is determined to be out of compliance with the Kansas promise scholarship agreement. Monthly installment payments of such amounts may be made in accordance with rules and regulations of the state board of regents. Such installment payments shall begin six months after the date of the action or circumstances that cause such student to fail to satisfy the requirements of a Kansas promise scholarship agreement, as determined by the state board of regents upon the circumstances of each individual case. All moneys received pursuant to this subsection shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the Kansas promise scholarship program fund.*

(2) *For any Kansas promise scholarship awarded on or after July 1, 2021, the state board of regents shall be the sole entity responsible for collecting or recouping any Kansas promise scholarship funds required to be repaid by a student who fails to satisfy the requirements of a Kansas promise scholarship agreement pursuant to this section.*

(3) The state board of regents is authorized to turn any repayment account arising under this act to a designated loan servicer or collection agency *to collect on the state board's behalf*, the state not being involved other than to receive payments from the loan servicer or collection agency at the interest rate prescribed under this subsection.

(4) *Eligible postsecondary educational institutions and each state agency are authorized to provide academic, employment, residency and contact information regarding students who received a Kansas promise scholarship to the state board of regents for the purposes of:*

(A) *Determining whether or not a student satisfied the requirements of this act and the Kansas promise scholarship*

agreement; and

(B) aiding in the collection or recoupment of any funds required to be repaid pursuant to this section.

(5) Eligible postsecondary educational institutions shall:

(A) Provide annually to the state board of regents the last known contact information of each student who received a Kansas promise scholarship until the requirements of the program and scholarship agreement are complete; and

(B) notify the state board of regents when a student who received a Kansas promise scholarship:

(i) Completes the program of study for which the student received the scholarship or has exhausted scholarship benefits; and

(ii) exceeds the 36-month program completion requirement provided in this section. This requirement shall apply to any Kansas promise scholarship awarded on or after July 1, 2021.

(6) For any Kansas promise scholarship awarded on or after July 1, 2021, eligible postsecondary educational institutions shall not be considered a contractor of the state nor shall such institutions be required to participate in tracking, collecting or recouping any funds required to be repaid by a student who fails to satisfy the requirements of a Kansas promise scholarship agreement pursuant to this section.

(c) Any requirement of a Kansas promise scholarship agreement entered into pursuant to this section may be postponed for good cause in accordance with rules and regulations of the state board of regents.

(d) A scholarship recipient satisfies the requirements of the Kansas promise scholarship program if such recipient:

(1) Completes the requirements of the scholarship agreement;

(2) commences service as a military servicemember after receiving a Kansas promise scholarship;

(3) fails to satisfy the requirements after making the best possible effort to do so as determined by the state board of regents;

(4) is unable to obtain employment or continue in employment after making the best possible effort to do so; or

(5) is unable to satisfy the requirements due to disability or death of the *scholarship* recipient.

Sec. 34. On and after July 1, 2022, K.S.A. 2021 Supp. 75-4364 is hereby amended to read as follows: 75-4364. (a) *This section shall be known and may be cited as the Kansas hero's scholarship act.*

(b) As used in this section:

(1) "*Accident*" means an undesigned, sudden and unexpected traumatic event, usually of an afflictive or unfortunate nature and often, but not necessarily, accompanied by a manifestation of force. An "*accident*" shall be identifiable by the time and place of occurrence, produce at the time symptoms of an injury and occur during a single work shift. The "*accident*" shall be the prevailing factor in causing the injury.

(2) "*Covered person*" means a public safety officer or Kansas resident in military service to whom this section applies.

(3) "*Dependent*" means: (A) A birth child, adopted child or stepchild; or (B) any child other than the foregoing who is actually dependent in whole or in part on the individual and who is related to such individual by marriage or consanguinity.

~~(2)~~(4) "*Emergency medical service provider*" means the same as defined in K.S.A. 65-6112, and amendments thereto.

(5) "*Fees*" mean those charges required by an institution to be paid by every student as a condition of enrollment. "*Fees*" do not include all other charges associated with the student's academic program or living costs.

~~(3)~~(6) "*Firefighter*" means a person who is: (A) Employed by any city, county, township or other political subdivision of the state and who is assigned to the fire department thereof and engaged in the fighting and extinguishment of fires and the protection of life and property therefrom; or (B) a volunteer member of a fire district, fire department or fire company.

(7) *"Injured or disabled" means that the covered person, because of the injury or disability, has been rendered incapable of performing the duties of the following:*

(A) *The position being performed at the time the injury or disability was sustained; and*

(B) *any position that is at or above the pay level of the position the covered person was in at the time the injury or disability was sustained, if the covered person is a paid employee.*

(8) *"Injury" and "disability" mean any lesion or change in the physical structure of the body causing damage or harm thereto that is not transitory or minor. "Injury" and "disability" shall occur only by accident, intentional act of violence or repetitive trauma.*

(9) (A) *"Intentional act of violence" means one or a combination of the following:*

(i) *A deliberate act by a third party that results in inflicting harm on a covered person while such person is performing those duties; or*

(ii) *a deliberate act by a covered person in the reasonable performance of duties as a covered person that results in the infliction of harm on the covered person.*

(B) *An "intentional act of violence" shall be identifiable by the time and place of occurrence, produce at the time symptoms of an injury and occur during a single work shift. The "intentional act of violence" shall be the prevailing factor in causing the injury.*

(C) *"Intentional act of violence" does not include repetitive trauma in any form.*

~~(4)~~(10) *"Kansas educational institution" means and includes community colleges, the municipal university, state educational institutions, the institute of technology at Washburn university and technical colleges.*

~~(5)~~(11) *"Law enforcement officer" means a person who by virtue of office or public employment is vested by law with a duty to maintain public order or to make arrests for violation of the laws of the state of Kansas or ordinances of any municipality thereof or with a duty to maintain or assert custody or supervision over persons accused or convicted of crime, and includes wardens, superintendents, directors, security personnel, officers and employees of adult and juvenile correctional institutions, jails or other institutions or facilities for the detention of persons accused or convicted of crime, while acting within the scope of their authority.*

~~(6)~~(12) *"Military service" means any active service in any armed service of the United States and any active state or federal service in the Kansas army or air national guard.*

(13) *"Nature of the employment" means that, to the occupation, trade or employment in which the covered person was engaged, there is attached a particular and peculiar hazard of the injury or disability that distinguishes the performance of job duties from other occupations and employments and that creates a hazard of such injury or disability in excess of the hazard of the injury or disability in general.*

~~(7)~~(14) *"Prisoner of war" means any person who was a resident of Kansas at the time the person entered service of the United States armed forces and who, while serving in the United States armed forces, has been declared to be a prisoner of war, as established by the United States secretary of defense, after January 1, 1960.*

(15) *"Public safety employee" means any employee of a law enforcement office, sheriff's department, municipal fire department, volunteer and non-volunteer fire protection association, emergency medical services provider or correctional institution of the department of corrections.*

~~(8)~~(16) *"Public safety officer" means a law enforcement officer, a firefighter, an emergency medical service provider or a public safety employee.*

(17) (A) *"Repetitive trauma" means the cause of an injury that occurs as a result of repetitive use, cumulative traumas or microtraumas. The repetitive nature of the injury shall be demonstrated*



by diagnostic or clinical tests. The "repetitive trauma" shall be the prevailing factor in causing the injury.

(B) For purposes of the educational benefit conferred by this section, "repetitive trauma" includes only an injury arising out of the performing of duties and resulting from the nature of the employment in which a covered person was engaged and that was actually contracted while so engaged. The injury shall appear to have had its origin in a special risk of the injury connected with the particular type of employment and to have resulted from that source as a reasonable consequence of the risk. Ordinary injuries of life and conditions to which the general public is or could be exposed outside of the particular employment, and hazards of injuries and conditions attending employment in general, shall not qualify as "repetitive trauma."

(9)(18) "Resident of Kansas" means a person who is a domiciliary resident as defined by K.S.A. 76-729, and amendments thereto.

(10)(19) "Spouse" means the spouse of a ~~deceased~~ public safety officer or ~~deceased~~ member of the military service who has not remarried.

(11)(20) "State board" means the state board of regents.

~~(12) "Public safety employee" means any employee of a law enforcement office, sheriff's department, municipal fire department, volunteer and non-volunteer fire protection association, emergency medical services provider or correctional institution of the department of corrections.~~

(b)(c) (1) Every Kansas educational institution shall provide for enrollment without charge of tuition or fees for:

(A) Any eligible dependent or spouse of a public safety officer who:

(i) Was injured or disabled while performing duties as a public safety officer; or

(ii) died as the result of injury sustained while performing duties as a public safety officer;

(B) any dependent or spouse of any resident of Kansas who:

(i) Died or was injured or disabled on or after September 11, 2001, while, and as a result of, serving in military service; or

(ii) is entitled to compensation for a service-connected disability of at least 80% because of a public statute administered by the department of veterans affairs or a military department as a result of injuries or accidents sustained in combat after September 11, 2001; and

(C) any prisoner of war.

(2) Any such dependent or spouse and any prisoner of war shall be eligible for enrollment at a Kansas educational institution without charge of tuition or fees for not to exceed 10 semesters of undergraduate instruction, or the equivalent thereof, at all such institutions.

(e)(d) Subject to appropriations therefor, any Kansas educational institution, at which enrollment, without charge of tuition or fees, of a prisoner of war or a dependent or spouse is provided for under subsection (b), may file a claim with the state board for reimbursement of the amount of such tuition and fees. In any fiscal year, such reimbursement shall not exceed a total of ~~\$350,000~~ \$500,000. The state board shall include in its budget estimates pursuant to K.S.A. 75-3717, and amendments thereto, a request for appropriations to cover tuition and fee claims pursuant to this section. The state board shall be responsible for payment of reimbursements to Kansas educational institutions upon certification by each such institution of the amount of reimbursement to which entitled. Payments to Kansas educational institutions shall be made upon vouchers approved by the state board and upon warrants of the director of accounts and reports. Payments may be made by issuance of a single warrant to each Kansas educational institution at which one or more eligible dependents or spouses or prisoners of war are enrolled for the total amount of tuition and fees not charged for enrollment at that institution. The director of

accounts and reports shall cause such warrant to be delivered to the Kansas educational institution at which any such eligible dependents or spouses or prisoners of war are enrolled. If an eligible dependent or spouse or prisoner of war discontinues attendance before the end of any semester, after the Kansas educational institution has received payment under this subsection, the institution shall pay to the state the entire amount that such eligible dependent or spouse or prisoner of war would otherwise qualify to have refunded, not to exceed the amount of the payment made by the state in behalf of such dependent or spouse or prisoner of war for the semester. All amounts paid to the state by Kansas educational institutions under this subsection shall be deposited in the state treasury and credited to the state general fund.

(d)(e) The state board shall adopt rules and regulations for administration of the provisions of this section and shall determine the qualification of persons as dependents and spouses of public safety officers or United States military personnel and the eligibility of such persons for the benefits provided for under this section.

Sec. 35. K.S.A. 2021 Supp. 74-32,271, 74-32,272, 74-32,273, 74-32,274, 74-32,275 and 74-32,276 are hereby repealed.

Sec. 36. On and after July 1, 2022, K.S.A. 19-5005, 38-2223, 72-3120, 72-3713, 72-3715, 72-5135, 72-5461 and 72-6316 and K.S.A. 2021 Supp. 72-1163, 72-4352, 72-5132, 72-5178, 72-5462 and 75-4364 are hereby repealed.

Sec. 37. On and after July 1, 2023, K.S.A. 72-13,101, 72-3122, 72-3123, 72-3124 and 72-3125 are hereby repealed.

Sec. 38. This act shall take effect and be in force from and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the HOUSE, and was adopted by that body

\_\_\_\_\_

HOUSE adopted  
Conference Committee Report \_\_\_\_\_

\_\_\_\_\_  
*Speaker of the House.*

\_\_\_\_\_  
*Chief Clerk of the House.*

Passed the SENATE  
as amended \_\_\_\_\_

SENATE adopted  
Conference Committee Report \_\_\_\_\_

\_\_\_\_\_  
*President of the Senate.*

\_\_\_\_\_  
*Secretary of the Senate.*

APPROVED \_\_\_\_\_

\_\_\_\_\_  
*Governor.*