

SENATE BILL No. 423

By Committee on Ways and Means

2-15

1 AN ACT concerning education; relating to the financing thereof; relating
2 to the Kansas school equity and enhancement act; at-risk weighting;
3 capital outlay; amending K.S.A. 2017 Supp. 72-5151, 72-53,113 and
4 72-53,116 and repealing the existing sections.

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

7 Section 1. K.S.A. 2017 Supp. 72-5151 is hereby amended to read as
8 follows: 72-5151. (a) The at-risk student weighting of each school district
9 shall be determined by the state board as follows:

10 (1) Determine the number of at-risk students included in the
11 enrollment of the school district; and

12 ~~(2) for a school district with an enrollment that consists of 10% or~~
13 ~~more at-risk students, multiply the number determined under subsection~~
14 ~~(a)(1) by 0.484. The resulting sum is the at-risk student weighting of the~~
15 ~~school district; or~~

16 ~~(3) for a school district with an enrollment that consists of less than~~
17 ~~10% at-risk students, multiply the number of students equal to 10% of~~
18 ~~such school district's enrollment by 0.484. The resulting sum is the at-risk~~
19 ~~student weighting of the school district. A school district whose at-risk~~
20 ~~student weighting is determined pursuant to this paragraph shall submit a~~
21 ~~report to the state board in such form and manner as required by the state~~
22 ~~board that identifies those students enrolled in such school district who are~~
23 ~~receiving at-risk program services and the criteria each such student~~
24 ~~satisfies in order to receive at-risk program services. The state board shall~~
25 ~~adopt rules and regulations that establish the criteria for eligibility for at-~~
26 ~~risk program services. The provisions of this paragraph shall only apply to~~
27 ~~those school districts that offer instruction in kindergarten and grades one~~
28 ~~through 12.~~

29 (b) Except as provided in subsection (b)(4), the high-density at-risk
30 student weighting of each school district shall be determined by the state
31 board as follows:

32 (1) (A) If the enrollment of the school district is at least 35% at-risk
33 students, but less than 50% at-risk students:

34 (i) Subtract 35% from the percentage of at-risk students included in
35 the enrollment of the school district;

36 (ii) multiply the difference determined under subsection (b)(1)(A)(i)

1 by 0.7; and

2 (iii) multiply the product determined under subsection (b)(1)(A)(ii)
3 by the number of at-risk students included in the enrollment of the school
4 district; or

5 (B) if the enrollment of the school district is 50% or more at-risk
6 students, multiply the number of at-risk students included in the
7 enrollment of the school district by 0.105; or

8 (2) (A) if the enrollment of a school in the school district is at least
9 35% at-risk students, but less than 50% at-risk students:

10 (i) Subtract 35% from the percentage of at-risk students included in
11 the enrollment of such school;

12 (ii) multiply the difference determined under subsection (b)(2)(A)(i)
13 by 0.7; and

14 (iii) multiply the product determined under subsection (b)(2)(A)(ii)
15 by the number of at-risk students included in the enrollment of such
16 school; or

17 (B) if the enrollment of a school in the school district is 50% or more
18 at-risk students, multiply the number of at-risk students included in the
19 enrollment of such school by 0.105; and

20 (C) add the products determined under subsections (b)(2)(A)(iii) and
21 (b)(2)(B) for each such school in the school district, respectively.

22 (3) The high-density at-risk weighting of the school district shall be
23 the greater of the product determined under subsection (b)(1) or the sum
24 determined under subsection (b)(2)(C).

25 (4) Commencing in school year 2018-2019, school districts that
26 qualify to receive the high-density at-risk weighting pursuant to this
27 section shall spend any money attributable to the school district's high-
28 density at-risk weighting on the at-risk best practices developed by the
29 state board pursuant to K.S.A. 2017 Supp. 72-5153(d), and amendments
30 thereto. If a school district that qualifies for the high-density at-risk
31 weighting does not spend such money on such best practices, the state
32 board shall notify the school district that it shall either spend such money
33 on such best practices or shall show improvement within five years of
34 notification. Improvement shall include, but not be limited to, the
35 following: (A) The percentage of students at grade level on state math and
36 English language arts assessments; (B) the percentage of students that are
37 college and career ready on state math and English language arts
38 assessments; (C) the average composite ACT score; or (D) the four-year
39 graduation rate. If a school district does not spend such money on such
40 best practices and does not show improvement within five years, the
41 school district shall not qualify to receive the high-density at-risk
42 weighting in the succeeding school year.

43 (5) The provisions of this subsection shall expire on July 1, 2019.

1 County, Kansas, on the ____ day of _____, ____.

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Clerk of the board of education.

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All of the blanks in the above resolution shall be appropriately filled. The blank preceding the word "mills" shall be filled with a specific number. The resolution shall be published once a week for two consecutive weeks in a newspaper having general circulation in the school district. If no petition as specified above is filed in accordance with the provisions of the resolution, the board of education may make the tax levy specified in the resolution. If a petition is filed as provided in the resolution, the board of education may notify the county election officer of the date of an election to be held to submit the question of whether the tax levy shall be authorized. If the board of education fails to notify the county election officer within 60 calendar days after a petition is filed, the resolution shall be deemed abandoned and no like resolution shall be adopted by the board of education within the nine months following the first publication of the resolution.

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- (b) As used in this act:
 - (1) "Unconditionally authorized to make a capital outlay tax levy" means that the school district has adopted a resolution under this section, has published the same, and either that the resolution was not protested or that it was protested and an election has been held by which the tax levy specified in the resolution was approved;
 - (2) "statutorily prescribed mill rate" means: (A) Eight mills; (B) the mill levy rate in excess of eight mills if the resolution fixing such rate was approved at an election prior to the effective date of this act; or (C) the mill levy rate in excess of eight mills if no petition or no sufficient petition was filed in protest to a resolution fixing such rate in excess of eight mills and the protest period for filing such petition has expired;
 - (3) "asbestos control project" means any activity which is necessary or incidental to the control of asbestos-containing material in buildings of school districts and includes, but not by way of limitation, any activity undertaken for the removal or encapsulation of asbestos-containing material, for any remodeling, renovation, replacement, rehabilitation or other restoration necessitated by such removal or encapsulation, for conducting inspections, reinspections and periodic surveillance of buildings, performing response actions, and developing, implementing and updating operations and maintenance programs and management plans;
 - (4) "asbestos" means the asbestiform varieties of chrysotile (serpentine), crocidolite (riebeckite), amosite (cummingtonitegrunerite), anthophyllite, tremolite, and actinolite; and
 - (5) "asbestos-containing material" means any material or product which contains more than 1% asbestos.

1 Sec. 3. K.S.A. 2017 Supp. 72-53,116 is hereby amended to read as
2 follows: 72-53,116. (a) Any moneys in the capital outlay fund of any
3 school district and any moneys received from issuance of bonds under
4 K.S.A. 2017 Supp. 72-53,117 or 72-53,122, and amendments thereto, may
5 be used for the purpose of the acquisition, construction, reconstruction,
6 repair, remodeling, additions to, furnishing, maintaining and equipping of
7 school district property and equipment necessary for school district
8 purposes, including: (1) Computer software; (2) performance uniforms; (3)
9 housing and boarding pupils enrolled in an area vocational school operated
10 under the board of education; (4) architectural expenses; (5) building sites;
11 (6) undertaking and maintenance of asbestos control projects; (7) school
12 buses; *and* (8) ~~utility expenses; (9) property and casualty insurance; and~~
13 ~~(10) other fixed assets.~~

14 (b) The board of education of any school district is hereby authorized
15 to invest any portion of the capital outlay fund of the school district which
16 is not currently needed in investments authorized by K.S.A. 12-1675, and
17 amendments thereto, in the manner prescribed therein, or may invest the
18 same in direct obligations of the United States government maturing or
19 redeemable at par and accrued interest within three years from date of
20 purchase, the principal and interest whereof is guaranteed by the
21 government of the United States. All interest received on any such
22 investment shall upon receipt thereof be credited to the capital outlay fund.

23 Sec. 4. K.S.A. 2017 Supp. 72-5151, 72-53,113 and 72-53,116 are
24 hereby repealed.

25 Sec. 5. This act shall take effect and be in force from and after its
26 publication in the statute book.