

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 175** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed with House Committee amendments, as follows:

On page 1, following line 9, by inserting:

"WHEREAS, The Kansas Legislature and the Kansas Supreme Court agree that, for Kansans, children are our state's most valuable resource; and

WHEREAS, The Kansas Supreme Court in Gannon IV found that nearly 25% of all public education students are not performing at grade level and that significant achievement gaps exist between all students and certain subgroups of students; and

WHEREAS, The Kansas Supreme Court acknowledged that certain student subgroups can have their own special achievement challenges; and

WHEREAS, Throughout the Gannon litigation, the Legislature has committed to improving the academic achievement of all students with a particular focus on the students identified by the Court; and

WHEREAS, The Kansas Supreme Court has ruled that the current school finance system provides constitutionally adequate funding and equitable allocation of resources and that the Legislature has substantially complied with the Court's orders expressed in Gannon VI; and

WHEREAS, Special challenges require special measures and the Legislature remains committed to providing a finance system that is flexible and offers tailored solutions to raise academic achievement, particularly for those students who face special challenges; and

WHEREAS, Education savings accounts that target those students who qualify for at-risk educational services provide an additional way for families to tailor the entire educational

experience of the student, as opposed to simply tailoring the schooling of such student; and

WHEREAS, Providing families with the access and means necessary to customize the educational experience of a student will provide families with options to increase the student's academic achievement.

Now, therefore:";

Also on page 1, by striking all in lines 12 through 34;

By striking all on pages 2 through 7;

On page 8, by striking all in lines 1 through 40 and inserting:

"Section 1.

DEPARTMENT OF EDUCATION

(a) On the effective date of this act, of the \$3,306,581 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 2(a) of chapter 19 of the 2019 Session Laws of Kansas from the state general fund in the KPERS – employer contributions – non-USDs account (652-00-1000-0100), the sum of \$2,015,931 is hereby lapsed.

(b) On the effective date of this act, of the \$21,247,425 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 2(a) of chapter 19 of the 2019 Session Laws of Kansas from the state general fund in the KPERS – employer contributions – USDs account (652-00-1000-0110), the sum of \$6,869,706 is hereby lapsed.

(c) On the effective date of this act, of the \$12,673,886 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 79(a) of chapter 5 of the 2020 Session Laws of Kansas from the state general fund in the mental health intervention team pilot account (652-00-1000-0150), the sum of \$1,215,004 is hereby lapsed.

(d) On the effective date of this act, any unencumbered balance in the education super highway account (652-00-1000-0180) of the state general fund is hereby lapsed.

(e) On the effective date of this act, of the \$5,060,528 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 79(a) of chapter 5 of the 2020 Session Laws of Kansas from the state general fund in the school district juvenile detention facilities and Flint Hills job corps center grants account (652-00-1000-0290), the sum of \$782,064 is hereby lapsed.

(f) On the effective date of this act, of the \$360,693 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 79(a) of chapter 5 of the 2020 Session Laws of Kansas from the state general fund in the governor's teaching excellence scholarships and awards account (652-00-1000-0770), the sum of \$140,755 is hereby lapsed.

(g) On the effective date of this act, of the \$89,659,017 appropriated for the above agency for the fiscal year ending June 30, 2021, by section 2(a) of chapter 19 of the 2019 Session Laws of Kansas from the state general fund in the state foundation aid account (652-00-1000-0820), the sum of \$18,897,038 is hereby lapsed.

(h) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2021, as authorized by section 79 of chapter 5 of the 2020 Session Laws of Kansas, this or other appropriation act of the 2021 regular session of the legislature, expenditures shall be made by the above agency from such moneys to recommend additional compensation in the amount of \$500 to each classroom teacher employed by a board of education in school year 2020-2021 for duties beyond the normal scope related to teaching during a pandemic, including, but not limited to, creation of new lesson plans for remote and distance instruction modes, classroom modifications for social distancing, maintaining sanitary conditions and home visits: *Provided*, That, the boards of education shall review the moneys received from the federal CARES act, public law 116-136, the federal coronavirus preparedness

and response supplemental appropriation act, 2020, public law 116-123, the federal families first coronavirus response act, public law 116-127, the federal paycheck protection program and health care enhancement act, public law 116-139, the federal consolidated appropriations act, 2021, public law 116-260 or any other federal law that appropriates moneys to the state for aid for coronavirus relief, to determine if such funds may be available for such purpose: *Provided further*, That, for the purposes of this section, "classroom teacher" means any person who holds a certificate to teach and is under contract to teach on a full-time basis by a board of education and any person who is under contract to teach on a full-time basis by a board of education but who does so pursuant to a licensure waiver granted pursuant to rules and regulations of the state department of education, and does not include any superintendent, assistant superintendent, supervisor or principal employed pursuant to K.S.A. 72-1134, and amendments thereto, person who holds a student teaching license, paraprofessional or any other person employed by a board of education.

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, 2022, the following:

Operating expenditures (including official hospitality) (652-00-1000-0053).....	\$14,109,493
--	--------------

Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

KPERS-school employer contributions-non-USDs (652-00-1000-0100).....	\$41,853,675
---	--------------

Provided, That any unencumbered balance in the KPERS-school employer contributions-non-USDs account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

KPERS-school employer
 contributions-USDs (652-00-1000-0110).....\$537,971,506

Provided, That any unencumbered balance in the KPERS-school employer contributions-USDs account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

KPERS layering payment (652-00-1000-0120).....\$6,400,000

KPERS layering payment #2 (652-00-1000-0121).....\$19,400,000

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

Mental health intervention
 team pilot (652-00-1000-0150).....\$7,534,722

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, 2021, is hereby reappropriated for fiscal year 2022: *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).....\$512,880,818

Provided, That any unencumbered balance in the special education services aid account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022: *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 provisos, 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.

Supplemental state aid (652-00-1000-0840).....\$2,400,000

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, 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 (652-00-2157-2157).....No limit

Provided, That expenditures shall be made by the above agency for the fiscal year ending June 30, 2022, 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 2022 in order to assess the cost effectiveness of the position of educational technology coordinator.

Communities in schools
program fund (652-00-2221-2400).....No limit

Inservice education workshop
fee fund (652-00-2230-2010).....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 (652-00-2312-2200).....No limit

Conversion of materials and equipment fund (652-00-2420-2020).....No limit

School bus safety fund (652-00-2532-2300).....No limit

State safety fund (652-00-2538-2030).....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 2022 as soon as moneys are available.

Motorcycle safety fund (652-00-2633-2050).....No limit

Teacher and administrator fee fund (652-00-2723-2060).....No limit

Service clearing fund (652-00-2869-2800).....No limit

School district capital improvements fund (652-00-2880-2880).....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 (652-00-3056-3200).....No limit

ESSA – student support academic enrichment – federal fund (652-00-3113-3113).....No limit

Educationally deprived children – state operations – federal fund (652-00-3131-3130).....No limit

Food assistance – federal fund (652-00-3230-3020).....No limit

Elementary and secondary school aid – federal fund (652-00-3233-3040).....No limit

Education of handicapped children fund – federal (652-00-3234-3050).....No limit

Community-based child abuse prevention – federal fund (652-00-3319-7400).....No limit

TANF children's programs –
federal fund (652-00-3323-0531).....No limit

21st century community learning centers –
federal fund (652-00-3519-3890).....No limit

State assessments –
federal fund (652-00-3520-3800).....No limit

Rural and low-income schools program –
federal fund (652-00-3521-3810).....No limit

Language assistance state grants –
federal fund (652-00-3522-3820).....No limit

State grants for improving teacher quality –
federal fund (652-00-3526-3860).....No limit

State grants for improving
teacher quality – federal fund –
state operations (652-00-3527-3870).....No limit

Food assistance – school
breakfast program –
federal fund (652-00-3529-3490).....No limit

Food assistance – national
school lunch program –
federal fund (652-00-3530-3500).....No limit

Food assistance – child
and adult care food program –
federal fund (652-00-3531-3510)..... No limit

Elementary and secondary school aid –
federal fund – local education
agency fund (652-00-3532-3520).....No limit

Education of handicapped
children fund – state operations –
federal fund (652-00-3534-3540).....No limit

Education of handicapped
children fund – preschool –
federal fund (652-00-3535-3550).....No limit

Education of handicapped

children fund – preschool state operations – federal (652-00-3536-3560).....	No limit
Elementary and secondary school aid – federal fund – migrant education fund (652-00-3537-3570).....	No limit
Elementary and secondary school aid – federal fund – migrant education – state operations (652-00-3538-3580).....	No limit
Vocational education title I – federal fund (652-00-3539-3590).....	No limit
Vocational education title I – federal fund – state operations (652-00-3540-3600).....	No limit
Educational research grants and projects fund (652-00-3592-3070).....	No limit
Coronavirus relief fund – federal fund (652-00-3753).....	No limit
Local school district contribution program checkoff fund (652-00-7005-7005).....	No limit
 <i>Provided, That notwithstanding the provisions of K.S.A. 79-3221n, and amendments thereto, or any other statute, during the fiscal year ending June 30, 2022, 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 on educational programming.</i>	
Governor's teaching excellence scholarships program repayment fund (652-00-7221-7200).....	No limit

Provided, 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 (652-00-7307-5000).....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, 2022, 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, 2021, is hereby reappropriated for fiscal year 2022.

CIF grants (652-00-2000-2408).....\$18,129,848

Provided, That any unencumbered balance in the CIF grants account in excess of \$100 as of June
30, 2021, is hereby reappropriated for fiscal year 2022.

Quality initiative infants
and toddlers (652-00-2000-2420).....\$500,000

Provided, That any unencumbered balance in the quality initiative infants and toddlers account in
excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

Early childhood block grant
autism diagnosis (652-00-2000-2422).....\$50,000

Provided, That any unencumbered balance in the early childhood block grant autism diagnosis
account in excess of \$100 as of June 30, 2021, is hereby reappropriated for fiscal year 2022.

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, 2021, is hereby reappropriated for fiscal year 2022: *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.

Communities aligned in early development

and education (652-00-2000-2550).....	\$1,000,000
Pre-K pilot (652-00-2000-2535).....	\$4,200,000

(d) On July 1, 2021, 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, 2022, and June 30, 2022, 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, 2021, and quarterly thereafter, the director of accounts and reports shall transfer \$73,750 from the state highway fund of the department of transportation to the school bus safety fund (652-00-2532-2300) of the department of education.

(g) On July 1, 2021, 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, 2021, 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, 2022, 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, 2021, is hereby reappropriated for fiscal year 2022.

(j) During the fiscal year ending June 30, 2022, 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 2022 from the state general fund for the department of education to another item of appropriation for fiscal year 2022 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, 2022, the following:

KPERS – school employer
contribution (652-00-1700-1700).....\$41,143,515

Provided, That during the fiscal year ending June 30, 2022, 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) On July 1, 2021, of the \$2,440,966,522 appropriated for the above agency for the fiscal year ending June 30, 2022, by section 80(a) of chapter 5 of the 2020 Session Laws of Kansas from the state general fund in the state foundation aid account (652-00-1000-0820), the sum of \$3,344,193 is hereby lapsed.

(m) Notwithstanding the provisions of any other statute, any appropriation act or any other provision of this act, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from any special revenue fund or funds for fiscal year 2022 from moneys received from the federal CARES act, public law 116-136, the federal coronavirus preparedness and response supplemental appropriation act, 2020, public law 116-123, the federal families first coronavirus response act, public law 116-127, the federal paycheck protection program and health care enhancement act, public law 116-139, the federal consolidated appropriations act, 2021, public law 116-260, the American rescue plan act of 2021, public law 117-2, or any other federal law that appropriates moneys to the state for aid for coronavirus relief, expenditures shall be made by the above agency from such moneys that may be used for such purpose to provide school safety and security grants: *Provided*, That such expenditures shall not exceed \$5,000,000: *Provided further*, That expenditures shall be made for fiscal year 2022 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: *Provided further*, That all moneys expended for school safety and security grants for fiscal year 2022 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 as permitted under federal law: *Provided further*, That if the above agency determines such moneys may not be used for such purposes, expenditures shall not be made and

the agency shall send a copy of such determination to the director of the budget and the director of legislative research.

(n) Notwithstanding the provisions of any other statute, any appropriation act or any other provision of this act, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from any special revenue fund or funds for fiscal year 2022 from moneys received from the federal CARES act, public law 116-136, the federal coronavirus preparedness and response supplemental appropriation act, 2020, public law 116-123, the federal families first coronavirus response act, public law 116-127, the federal paycheck protection program and health care enhancement act, public law 116-139, the federal consolidated appropriations act, 2021, public law 116-260, the American rescue plan act of 2021, public law 117-2, or any other federal law that appropriates moneys to the state for aid for coronavirus relief, expenditures shall be made by the above agency from such moneys that may be used for such purpose for the mental health intervention team pilot program: *Provided*, That such expenditures shall not exceed \$3,924,160: *Provided further*, That if the above agency determines such moneys may not be used for such purposes, expenditures shall not be made and the agency shall send a copy of such determination to the director of the budget and the director of legislative research.

(o) Notwithstanding the provisions of any other statute, any appropriation act or any other provision of this act, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from any special revenue fund or funds for fiscal year 2022 from moneys received from the federal CARES act, public law 116-136, the federal coronavirus preparedness and response supplemental appropriation act, 2020, public law 116-123, the federal families first coronavirus response act, public law 116-127, the federal paycheck protection program and health care enhancement act, public law 116-139, the federal

consolidated appropriations act, 2021, public law 116-260, the American rescue plan act of 2021, public law 117-2, or any other federal law that appropriates moneys to the state for aid for coronavirus relief, expenditures shall be made by the above agency from such moneys that may be used for such purpose for the communities in schools program: *Provided*, That such expenditures shall not exceed \$100,000: *Provided further*, That if the above agency determines such moneys may not be used for such purposes, expenditures shall not be made and the agency shall send a copy of such determination to the director of the budget and the director of legislative research.

(p) Notwithstanding the provisions of any other statute, any appropriation act or any other provision of this act, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from any special revenue fund or funds for fiscal year 2022 from the federal CARES act, public law 116-136, the federal coronavirus preparedness and response supplemental appropriation act, 2020, public law 116-123, the federal families first coronavirus response act, public law 116-127, the federal paycheck protection program and health care enhancement act, public law 116-139, the federal consolidated appropriations act, 2021, public law 116-260 or any other federal law that appropriates moneys to the state for aid for coronavirus relief, expenditures shall be made by the above agency from such moneys that may be used for such purpose to implement phase 3 of the language assessment program: *Provided, however*; That if the above agency determines such moneys may not be used for such purposes, expenditures shall be made by the above agency from the moneys appropriated from the state general fund or from any other special revenue fund or funds for fiscal year 2022, as authorized by section 80 of chapter 5 of the 2020 Session Laws of Kansas, this or other appropriation act of the 2021 regular session of the legislature to such agency to implement phase 3 of the language assessment program: *Provided further*; That, prior to such

implementation, the above agency shall consult with the Kansas children's cabinet and the Kansas state school for the deaf on best practices for such implementation.

Sec. 3.

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:

State foundation aid (652-00-1000-0820).....\$2,524,235,833

Provided, That any unencumbered balance in the state foundation aid account in excess of \$100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

Supplemental state aid (652-00-1000-0840).....\$534,100,000

Provided, That any unencumbered balance in the supplemental state aid account in excess of \$100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

(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:

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

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

New Sec. 4. (a) Sections 4 through 20, and amendments thereto, shall be known and may be cited as the student empowerment act.

(b) This section shall take effect and be in force from and after July 1, 2021.

New Sec. 5. The legislature hereby declares that the purpose and intent of the student empowerment act is:

(a) To provide suitable provision for finance of the educational interests of all students

in the state through all manner of education that suitably prepares our children to be productive members of our collective workforce and society;

(b) to protect the people's common interest in providing intellectual, educational, vocational and scientific improvement by establishing and maintaining public schools and other forms of education and their related activities that support the legislative goal established in K.S.A. 72-3218, and amendments thereto, by acknowledging the unique individuality and life experiences of each student and by recognizing each student's varied educational, social, emotional and environmental needs;

(c) to highlight the diversity of acquired knowledge needed to become productive members of society, while also recognizing the reality that a policy of "one size fits all" does not ensure that all students will be successful;

(d) to acknowledge that each student must be considered as a unique individual, with different educational supports needed to best function in the changing world; and

(e) to respect and invite parents to be their child's educational opportunity steward from an academic, social, emotional and spiritual perspective that aligns their child with the best educational delivery model and environment.

(f) This section shall take effect and be in force from and after July 1, 2021.

New Sec. 6. As used in sections 4 through 20, and amendments thereto:

(a) "Account" means a student empowerment account.

(b) "BASE aid" means the amount of base aid for student excellence set forth in K.S.A. 72-5132, and amendments thereto, for the immediately preceding school year.

(c) "Eligible student" means a resident of Kansas who has not graduated from high school or obtained a general educational development credential, and who on and after July 1, 2022:

(1) Has been identified by such student's resident school district as eligible to receive at-risk educational program services because such student:

(A) Is or has been determined to be performing below grade level in either English language arts or mathematics;

(B) has a high rate of absenteeism; or

(C) has been identified as eligible to receive at-risk educational program services for any other reason specified by the school district; or

(2) has a student empowerment account established on their behalf pursuant to section 10, and amendments thereto.

(d) "Parent" means a parent, legal guardian, custodian or other person with authority to act on behalf of an eligible student.

(e) "Postsecondary educational institution" means any postsecondary educational institution or any private or out-of-state postsecondary educational institution as such terms are defined in K.S.A. 74-3201b, and amendments thereto.

(f) "Program" means the student empowerment program established under section 7, and amendments thereto.

(g) "Qualified private school" means any nonpublic school that:

(1) Provides education to elementary or secondary students;

(2) is accredited by the state board of education 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) provides instruction in those subjects required by K.S.A. 72-3214, 72-3217 and 72-3235, and amendments thereto; and

(4) is approved by the treasurer pursuant to section 15, and amendments thereto.

(h) "Resident school district" means the school district in which an eligible student is currently or would be enrolled based on such eligible student's residence.

(i) "Treasurer" means the state treasurer or the state treasurer's designee.

(j) This section shall take effect and be in force from and after July 1, 2021.

New Sec. 7. (a) The student empowerment program is hereby established and shall be administered by the treasurer. Except as provided in section 9, and amendments thereto, on and after July 1, 2022, the treasurer shall establish a student empowerment account for each eligible student whose parent satisfies the requirements of this act.

(b) The treasurer shall maintain an explanation of the following information on the treasurer's website and provide a hard copy of such information to any person upon request:

(1) The options for participation in the program as provided in section 11, and amendments thereto;

(2) the allowable uses of moneys in a student empowerment account;

(3) the responsibilities of a parent of an eligible student participating in the program;

(4) the effect of participation in the program by eligible students with an individualized education program (IEP) or an education plan under section 504 of the rehabilitation act of 1973, 29 U.S.C. § 794 (section 504 plan);

(5) the duties of the treasurer;

(6) the procedure for appealing a decision of the treasurer;

(7) the name and telephone number of the treasurer's employee who may be contacted if a parent has questions about the program; and

(8) a list of qualified private schools.

(c) This section shall take effect and be in force from and after July 1, 2021.

New Sec. 8. (a) Whenever a student becomes eligible for the student empowerment

program, such student's resident school district shall notify the parent of such student. Such notice shall include an explanation of the basis for such child's eligibility for the program, a copy of the results of the most recently administered state assessment for English language arts and state assessment for mathematics for such child, the name and telephone number of the school district employee who may be contacted if the parent has questions about the program and the name and telephone number of an employee of both the department of education and the state treasurer's office who may be contacted regarding the program. Such notice shall also include either a written description of the program, including the information described in section 7(b), and amendments thereto, or the website address where such description may be found on the treasurer's website. The school district shall continue to provide such notice each year that the student remains enrolled in the school district and remains eligible for the program.

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

New Sec. 9. (a) For an eligible student to participate in the program, the parent of such eligible student shall enter into a written agreement with the treasurer, in such manner and form as prescribed by the treasurer.

(b) The agreement between the parent of an eligible student and the treasurer shall provide that:

(1) The eligible student shall participate in the program in accordance with section 11, and amendments thereto;

(2) the treasurer shall establish an account for the eligible student in the student empowerment fund established by section 10, and amendments thereto;

(3) the parent shall comply with all requirements and rules and regulations of the program; and

(4) the moneys in the eligible student's account shall only be expended as authorized by

the program.

(c) Only one account may be established for each eligible student. A parent acting on behalf of more than one eligible student shall have a separate written agreement for each eligible student.

(d) A written agreement entered pursuant to this act shall expire on July 31 immediately following the date the agreement becomes effective but may be terminated prior to such date pursuant to subsection (e). Each written agreement may be renewed by August 1 upon the written consent of the parent and the treasurer in a manner determined by the treasurer, except that the parent may submit a request to the treasurer for an extension of time for renewal not to exceed 30 days. Failure to renew a written agreement does not preclude renewal of such written agreement in a subsequent year. A written agreement that has been terminated pursuant to subsection (e) shall not be renewed.

(e) (1) A written agreement may be terminated by the treasurer upon a determination that:

(A) Moneys in an account have been used for purposes other than those allowed by the program;

(B) the eligible student no longer satisfies the qualifications of an eligible student; or

(C) the eligible student no longer participates in the program in accordance with section 11, and amendments thereto.

(2) A written agreement may be terminated by a parent at any time. To terminate a written agreement, such parent shall notify the treasurer in writing of such termination.

(3) When a written agreement is terminated, the account associated with such agreement shall be deemed inactive, and the treasurer shall close the account in accordance with section 10, and amendments thereto.

(f) If an otherwise eligible student is participating in the tax credit for low income students scholarship program act pursuant to K.S.A. 72-4351 et seq., and amendments thereto, the treasurer:

(1) Shall not enter into a written agreement with the parent on behalf of such student or establish an account on behalf of such student; and

(2) if a written agreement has already been effectuated between the parent of such student and the treasurer, shall close any account that was established on behalf of such student and terminate such written agreement.

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

New Sec. 10. (a) (1) There is hereby established in the state treasury the student empowerment fund to be administered by the treasurer. Moneys in the student empowerment fund shall be expended only for the purposes established in this act. All moneys received pursuant to section 12, and amendments thereto, 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 student empowerment fund.

(2) The director of accounts and reports shall create a procedure for the student empowerment fund to have individual student accounts therein. Each student's accumulated moneys in the student's account shall earn interest based on: (A) The average daily balance of moneys in each student's account for the preceding month; and (B) the net earnings rate of the pooled money investment portfolio for the preceding month. The amount of interest earned shall be added monthly to each student's account in the student empowerment fund.

(b) Upon execution of an agreement in accordance with section 9, and amendments thereto, the treasurer shall establish an account in the student empowerment fund in the state treasury in the name of the eligible student. Upon establishment of such account, the treasurer

shall notify the resident school district of the establishment of such account for the eligible student.

(c) (1) If the eligible student is enrolled in a qualified private school, the treasurer shall transfer to such eligible student's account in the student empowerment fund an aggregate annual amount equal to the BASE aid.

(2) If the eligible student continues to be enrolled in such student's resident school district part-time, the treasurer shall transfer to such eligible student's account in the student empowerment fund an aggregate annual amount equal to that portion of the BASE aid that is inversely proportional to the amount of time such student is enrolled in such student's resident school district.

(d) The treasurer shall make transfers required under subsection (c) in quarterly installments pursuant to a schedule determined by the treasurer.

(e) The treasurer may deduct a percentage of the aggregate annual amount to be transferred into an eligible student's account as reimbursement for the administrative costs of implementing the provisions of this act as follows:

(1) Up to 5% each year for the first two years moneys are transferred to an eligible student's account; and

(2) up to 2.5% for the third year and for each subsequent year moneys are transferred to an eligible student's account.

(f) No transfers shall be made to an eligible student's account after such student has graduated from high school.

(g) (1) Each account shall remain active until:

(A) A written agreement is terminated pursuant to section 9, and amendments thereto;

(B) July 31 following the date on which the eligible student graduates from high

school; or

(C) there are two consecutive years of nonrenewal of an agreement.

(2) If the treasurer determines an account is inactive, the treasurer shall close the account and certify the amount of moneys remaining in the account to the director of accounts and reports. Such certified amount shall remain in the student empowerment fund.

(h) The treasurer shall contract with a third party pursuant to competitive bids for a system for payment of services by participating parents by electronic funds transfer. Such system shall not require parents to be reimbursed for allowable expenses. All electronic funds transfers shall only be for expenditures approved by the treasurer.

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

New Sec. 11. (a) An eligible student whose parent has entered into an agreement with the treasurer in accordance with section 9, and amendments thereto, shall participate in the program by:

(1) Continuing part-time enrollment in such student's resident school district and receiving additional educational services as allowed under the program; or

(2) enrolling in a qualified private school.

(b) Each year, the parent of a student participating in the program shall report to the treasurer whether such student is enrolled in such student's resident school district and, if so, the number of hours such student is attending.

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

New Sec. 12. (a) On or before August 1 of each year, the treasurer shall determine the amount to be transferred to the student empowerment fund by:

(1) Multiplying an amount equal to the BASE aid by the total number of eligible students participating in the program, who are enrolled in a qualified private school;

(2) for each eligible student participating in the program who is enrolled part-time in a school district, multiplying an amount equal to the BASE aid by a ratio that is the inverse proportion of the amount of time each such student is enrolled and attending public school;

(3) adding together the amounts determined under paragraph (2) for all such students;
and

(4) adding the total amounts determined under paragraphs (1) and (3). The resulting sum is the amount to be transferred to the student empowerment fund.

(b) The treasurer shall certify the resulting amounts to the director of accounts and reports. Upon receipt of such certification, the director shall transfer such certified amount from the state general fund to the student empowerment fund established in section 10, and amendments thereto.

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

New Sec. 13. (a) Moneys in the eligible student's account may be accessed by such eligible student's parent but shall only be expended by such parent for the following purposes:

(1) Tuition and fees charged by a qualified private school;
(2) textbooks and other supplies required by a qualified private school;
(3) fees for transportation provided by a qualified private school that is required for the eligible student to travel to and from such qualified private school;

(4) educational therapies or services provided by a licensed or accredited education provider;

(5) tutoring services provided by a certified tutor;

(6) curriculum materials;

(7) tuition or fees charged by an accredited private online learning program;

(8) fees for any nationally standardized norm-referenced achievement test, advanced

placement examination or other examination related to admission to a postsecondary educational institution;

(9) services, programs, activities, classes or any other resources or programs provided or contracted by a school district;

(10) tuition and fees charged by a postsecondary educational institution; and

(11) any other education expenses approved by the treasurer.

(b) The treasurer shall notify the parent of any expenditures from an eligible student's account that do not meet the requirements of subsection (a). Such parent shall repay the cost of any such expenditures within 30 days of notification by the treasurer.

(c) Except as provided in section 10, and amendments thereto, funds remaining in an account at the end of a school year shall roll over to the next succeeding school year.

(d) A qualified private school providing education services purchased with funds from an account shall not share, refund or rebate any portion of such funds to the parent or eligible student. Any such refund or rebate shall be made directly into the eligible student's account.

(e) No personal deposits may be made into an account.

(f) The treasurer shall conduct or contract to conduct annual audits of eligible student accounts to ensure compliance with the provisions of this act and may conduct or contract to conduct additional audits of eligible student accounts, as needed.

(g) If the treasurer determines moneys in an account have been used for purposes other than those allowed by subsection (a), the treasurer may:

(1) Prohibit expenditures from the account until such time as determined by the treasurer;

(2) prorate amounts to be deposited in such account under section 10, and amendments thereto, by an amount equal to the total amount used for purposes other than those allowed by

subsection (a); or

(3) terminate the account.

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

New Sec. 14. (a) On or before August 1, 2023, and each year thereafter, the treasurer shall certify to the state board of education the names of the students participating in the student empowerment program, the resident school district of each such student and the qualified private school, if any, each such student is attending in the current school year.

(b) (1) On or before September 1, 2022, and each year thereafter, the state board shall determine the adjusted weightings funding amount in accordance with paragraph (2) and shall certify the amount so determined to the director of accounts and reports. At the same time as such certification is transmitted to the director of accounts and reports, the state board shall transmit a copy of such certification to the director of the budget and the director of legislative research. Upon receipt of each such certification, the director of accounts and reports shall transfer the amount certified, and such amount is appropriated for such fiscal year, from the state general fund to the state foundation aid account of the state general fund of the department of education.

(2) For each eligible student participating in the program who has participated for less than three years, the state board shall determine the amount of such student's resident school district's state foundation aid for the last school year during which such student was enrolled full-time in such district that is attributable to that portion of the following weightings that is directly attributable to such student's enrollment in the district: The low enrollment weighting, high enrollment weighting, bilingual weighting, at-risk student weighting and career technical education weighting. The state board shall then determine the aggregate of such amounts for each resident school district and the resulting sum is the adjusted weightings funding amount.

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

New Sec. 15. (a) To become a qualified private school, an applicant shall submit an application to the treasurer on a form and in a manner prescribed by the treasurer. Such application shall include proof that the applicant is an accredited private school and provides instruction in those subjects required by K.S.A. 72-3214, 72-3217 and 72-3235, and amendments thereto.

(b) The treasurer shall approve an application or request additional information, as necessary, to prove an applicant meets the criteria to be deemed a qualified private school within 45 days of receiving the application. If the applicant is unable to provide such additional information, the treasurer may deny the application.

(c) The treasurer shall conduct or contract to conduct an audit of a qualified private school, selected at random each year, to determine whether the qualified private school is compliant with the requirements of subsection (a).

(d) (1) The treasurer may revoke a qualified private school's approval, if the treasurer determines the qualified private school:

(A) Has routinely failed to comply with the provisions of this act or applicable rules and regulations; or

(B) has failed to provide any educational services required by law to an eligible student receiving instruction from the school, if the school is accepting payments made from such eligible student's account.

(2) Prior to revoking a qualified private school's approval, the treasurer shall notify such school of an impending revocation and the reason for such revocation. The qualified private school shall have 30 days from the time it was notified to cure the matter identified in the notice. If the qualified private school fails to cure such matter within 30 days, such school's approval

shall be revoked. A qualified private school whose approval has been revoked shall not be allowed to participate in the program until such time the treasurer determines such school is in compliance with the requirements of this act.

(3) If the treasurer revokes a qualified private school's approval, the treasurer shall immediately notify each parent of an eligible student participating in the program and receiving instruction from such school.

(e) The treasurer may notify the attorney general or the county or district attorney of the county where the qualified private school is located, if a qualified private school's approval was revoked because of misuse of moneys paid from an account.

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

New Sec. 16. (a) Enrollment of an eligible student in a qualified private school shall be considered a parental placement of such student under the individuals with disabilities education act, 20 U.S.C. § 1400 et seq.

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

New Sec. 17. (a) On or before December 31, 2022, and each December 31 thereafter, the treasurer shall prepare and submit a report on the student empowerment program to the state board of education. The report shall include, but is not limited to, the following information for the immediately preceding school year:

- (1) The total number of students participating in the program;
- (2) the number of participating students enrolled on a part-time basis in a school district and the average number of hours such students attended public school;
- (3) the number of participating students enrolled in a qualified private school;
- (4) the number of qualified private schools;
- (5) the results of any audits conducted or contracted for by the treasurer; and

(6) the total cost to administer the program.

(b) On or before January 15, 2023, and each January 15 thereafter, the state board of education shall prepare and submit a report on the student empowerment program to the governor and the legislature. The report shall include, but is not limited to, the treasurer's report submitted pursuant to subsection (a) and the state foundation aid adjustments determined by the state board pursuant to section 14, and amendments thereto, for each school district for the immediately preceding school year.

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

New Sec. 18. (a) The treasurer's actions under this act shall be subject to the Kansas administrative procedure act and reviewable under the Kansas judicial review act. Any parent of a participating student or qualified private school aggrieved by a decision of the treasurer may appeal such decision in accordance with such acts.

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

New Sec. 19. (a) On or before January 1, 2022, the treasurer shall adopt rules and regulations necessary to carry out the provisions of this act.

(b) This section shall take effect and be in force from and after July 1, 2021.

New Sec. 20. (a) Nothing in the student empowerment act shall be deemed to limit the independence or autonomy of a qualified private school or to make the actions of a qualified private school the actions of the state government.

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

New Sec. 21. (a) Except as provided in subsection (h), commencing in the 2021-2022 school year, a student enrolled in a school district shall be deemed a remotely enrolled student in the current school year if such student attended school as a full-time equivalent student through remote learning:

(1) During a state of disaster emergency declared under K.S.A. 48-924, and amendments thereto, for more than a total of 240 school term hours during the school year, regardless of whether the state of disaster emergency continued beyond such time period; or

(2) for more than a total of 40 school term hours during the school year if no state of disaster emergency has been declared under K.S.A. 48-924, and amendments thereto.

(b) For the purposes of calculating a student's total school term hours pursuant to subsection (a), school term hours shall be counted for each day instruction is provided to the student through remote learning.

(c) On or before June 30 of each school year:

(1) A school district that offers remote learning shall determine the remote enrollment of the district based on the number of students remotely enrolled in accordance with this section;

(2) the clerk or superintendent of each school district shall certify under oath to the state board a report showing the remote enrollment of the school district determined pursuant to this section by the grades maintained in the schools of the school district. The state board shall examine such reports upon receipt, and if the state board finds any errors in any such report, the state board shall consult with the school district officer furnishing the report and make any necessary corrections in the report; and

(3) the state board shall determine the number of students who were included in the remote enrollment of each school district and recompute the enrollment of the school district as required pursuant to this section.

(d) A school district that offers remote learning and is determined to have remotely enrolled students pursuant to this section shall receive remote enrollment state aid. The state board shall determine the amount of remote enrollment state aid a school district is to receive by multiplying the remote enrollment of the school district by \$5,000. No remote enrollment state

aid shall be provided for any student who participates in remote learning on a part-time basis during the school day.

(e) The state board shall notify each school district of the amount of remote enrollment state aid the district shall receive pursuant to this section and, pursuant to K.S.A. 72-5136, and amendments thereto, shall:

(1) Require the district to remit any such amount of overpayment made to the district in the current school year; or

(2) deduct the excess amounts paid to the district from future payments made to the school district.

(f) If a student is included in the remote enrollment of a district pursuant to this section, such student shall not be included in the adjusted enrollment of the district in the current school year.

(g) Each school district that determines remote enrollment pursuant to this section shall submit any documentation or information that may be required by the state board.

(h) This section shall not apply to any school district that, due to a disaster, is granted a waiver by the state board of education from the requirements of law relating to the remote learning limitations imposed pursuant to K.S.A. 72-3115, and amendments thereto. Any school district that is granted such waiver shall not be required to determine remote enrollment pursuant to this section and shall determine the district's enrollment as provided in K.S.A. 72-5132, and amendments thereto.

(i) This section shall be a part of and supplemental to the Kansas school equity and enhancement act.

(j) This section shall take effect and be in force from and after July 1, 2021.

New Sec. 22. (a) A student shall be identified as eligible to receive at-risk programs and

services if the student meets one or more of the following criteria:

- (1) Is not working on academic grade level;
- (2) is not meeting the requirements necessary for promotion to the next grade or is failing subjects or courses of study;
- (3) is not meeting the requirements necessary for graduation from high school or has the potential to drop out of school;
- (4) has insufficient mastery of skills or is not meeting state standards;
- (5) has been retained;
- (6) has a high rate of absenteeism;
- (7) has repeated suspensions or expulsions from school;
- (8) is homeless or migrant;
- (9) is identified as an English language learner;
- (10) has social-emotional needs that cause the student to be unsuccessful in school; or
- (11) is identified as a student with dyslexia.

(b) This section shall be a part of and supplemental to the Kansas school equity and enhancement act.

(c) This section shall take effect and be in force from and after July 1, 2021.

Sec. 23. On and after July 1, 2021, K.S.A. 72-1163 is hereby amended to read as follows: 72-1163. (a) 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. Information obtained from such needs-assessment shall be used by the board when preparing the budget of the school district to ensure improvement in student academic performance. 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 shall be on file at the administrative offices of the school district. 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 is on file at the administrative offices of the district and that copies of such budgets and summary are available upon request.

Sec. 24. On and after July 1, 2021, K.S.A. 72-3115 is hereby amended to read as follows: 72-3115. (a) (1) Subject to the ~~other~~ provisions of this section, a school term during which public school shall be maintained in each school year by each school district organized under the laws of this state shall consist of not less than 186 school days for ~~pupils~~ students attending kindergarten or any of the grades one through 11 and not less than 181 school days for ~~pupils~~ students attending grade 12.

(2) Except as provided in subsection (j), the days of the school term during which school shall be maintained pursuant to this section only include days that allow each student enrolled in a school district to physically attend school in person on a full-time basis.

(b) (1) Subject to a policy developed and adopted by the board of any school district and the provisions of this section, the board may provide for a school term consisting of school hours. A school term provided for in a policy adopted under this subsection shall consist of: ~~(1)~~ (A) For ~~pupils~~ students attending kindergarten, not less than 465 school hours in each school year; ~~and (2)~~ (B) for ~~pupils~~ students attending any of the grades one through 11, not less than

1,116 school hours in each school year; and ~~(3) (C)~~ for ~~pupils~~ students attending grade 12, not less than 1,086 school hours in each school year. Each board of education ~~which~~ that develops and adopts a policy providing for a school term in accordance with this subsection shall notify the state board of education thereof on or before September 15 in each school year for which the policy is to be in effect.

(2) Except as provided in subsection (j), if a board provides for a school term pursuant to this subsection, the school hours during which school shall be maintained pursuant to this section only include hours that allow each student enrolled in a school district to physically attend school in person on a full-time basis.

(c) Subject to a plan developed and adopted by the board of any school district, the board may schedule the school days required for a school term provided for under subsection (a), or the school hours required for a school term provided for in a policy adopted under subsection (b), on a trimestral or quarterly basis. Each board of education ~~which~~ that develops and adopts a plan providing for the scheduling of the school days or school hours of the school term on a trimestral or quarterly basis shall submit the plan to the state board of education for approval prior to implementation. The plan shall be prepared in such form and manner as the state board shall require and shall be submitted at a time or times to be determined and specified by the state board.

(d) Subject to a policy developed and adopted by the board of any district as an adjunct to the district's disciplinary policy or as a part of the district's school improvement plan, the board may schedule school days in addition to the school days scheduled for a school term provided for under subsection (a), or school hours in addition to the school hours scheduled for a school term provided for in a policy adopted under subsection (b), or both such additional school days and school hours for ~~pupils~~ students who are in need of remedial education or who are

subject to disciplinary measures imposed under the district's disciplinary policy. Any school day or school hour scheduled for a ~~pupil~~ student under a policy adopted under this subsection may be scheduled on weekends, before or after regular school hours, and during the summer months. Inexcusable absence from school on any school day or during any school hour by any ~~pupil~~ student for whom additional school days or school hours have been scheduled under a policy adopted under this subsection shall be counted as an inexcusable absence from school for the purposes of K.S.A. 72-3121, and amendments thereto.

(e) If the board of any school district, or its designee, shall determine that inclement weather will cause hazardous driving conditions, the board, or its designee, may close any or all of the schools within the district. The amount of time ~~pupils~~ students have been in attendance when such determination is made shall be considered a school day of a school term or shall be considered the number of school hours for ~~pupils~~ students to be in attendance at school in a day, whichever is applicable. Consonant with the other provisions of this section, a board may schedule any number of days or hours in excess of the regularly scheduled school days or school hours ~~which~~ that the board determines will be necessary to compensate for those school days or school hours that schools of the district will remain closed during the school term due to hazardous driving conditions. If the number of days or hours schools remain closed due to hazardous driving conditions exceeds the number of days or hours scheduled by the board to compensate for such school days or school hours, the excess number of days or hours, not to exceed whichever is the lesser of: (1) The number of compensatory days or hours scheduled by the board; or (2) five days or the number of school hours regularly scheduled in five days, that schools remain closed due to such conditions shall be considered school days or school hours.

(f) The state board of education may waive the requirements of law relating to the duration of the school term upon application for such waiver by a school district. Such waiver

may be granted by the state board of education upon: (1) Certification by a board that, due to the persistence of inclement weather, hazardous driving conditions have existed in the school district for an inordinate period of time; and (2) a determination by the state board that the school district cannot reasonably adjust its schedule to comply with statutory requirements. Such waiver shall not exempt a school district from providing a school offering for each ~~pupil~~ student that is substantially equivalent to that required by law.

(g) Time reserved for parent-teacher conferences for discussions on the progress of ~~pupils~~ students may be considered part of the school term.

(h) Time reserved for staff development or inservice training programs for the purpose of improving staff skills, developing competency in new or highly specialized fields, improving instructional techniques, or curriculum planning and study may be considered part of the school term for an aggregate amount of time equal to the amount of time in excess of the school term ~~which~~ that is scheduled by a board of education for similar activities.

(i) Boards of education may employ noncertificated personnel to supervise ~~pupils~~ students for noninstructional activities.

(j) (1) If authorized by the state board of education, a board of education of a school district may:

(A) Provide for not more than a total of 40 days of the school term to be conducted using remote learning if such board of education is operating pursuant to the provisions of subsection (a); or

(B) provide for not more than a total of 240 school term hours to be conducted using remote learning if such board of education is operating pursuant to the provisions of subsection (b).

(2) The state board of education may authorize a school to conduct remote learning in

accordance with this section in any school year upon application by a school district. The application may be granted by the state board of education upon:

(A) Certification by a school district that, due to disaster, conditions resulting from widespread or severe property damage caused by the disaster or other conditions restricting the operation of public schools will exist in the school district for an inordinate period of time; and

(B) a determination by the state board that the school district cannot reasonably adjust its schedule to comply with the requirements of this section unless remote learning is conducted for a period of time not to exceed the limitations provided in paragraph (1) except when such limitations are waived by the state board pursuant to this section.

(3) The state board of education may waive the requirements of law relating to the remote learning limitations in any school year upon application for such waiver by a school district. The waiver may be granted by the state board of education upon:

(A) Certification by a board of education that, due to disaster, conditions resulting from widespread or severe property damage caused by the disaster or other conditions restricting the operation of public schools will exist in the school district for an inordinate period of time; and

(B) a determination by the state board that the school district cannot reasonably adjust its schedule to comply with such requirements of law and that remote learning beyond the limitations provided in this section would allow the school district to continue to provide education to students during such conditions.

(k) As used in this section:

(1) "Disaster" means a state of disaster emergency declared by proclamation of the governor pursuant to K.S.A. 48-924, and amendments thereto, closure of schools by order issued by a county or joint board of health, a local health officer pursuant to K.S.A. 65-119, and amendments thereto, or the secretary of health and environment pursuant to K.S.A. 65-126, and

amendments thereto, or occurrence of widespread or severe damage, injury or loss of life or property resulting from any natural or manmade cause, including, but not limited to, fire, flood, earthquake, tornado, wind, storm, epidemics, air contamination, blight, drought, infestation or explosion.

(2) "Remote learning" means a method of providing education in which a 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 so as to approximate the student learning experience that would take place in the attendance center classroom.

Sec. 25. On and after July 1, 2021, K.S.A. 2020 Supp. 72-3117 is hereby amended to read as follows: 72-3117. (a) Except as provided in K.S.A. 72-3115, and amendments thereto, the state board of education may waive the requirements of law relating to the duration of the school term in any school year upon application for such waiver by a school district. The waiver may be granted by the state board of education upon: (1) Certification by a board of education that, due to disaster, conditions resulting from widespread or severe property damage caused by the ~~disaster or other conditions restricting the operation of public schools~~ will exist in the school district for an inordinate period of time; and (2) a determination by the state board that the school district cannot reasonably adjust its schedule to comply with such requirements of law. The period of time school is not maintained during any school year due to conditions resulting from disaster, upon granting of the waiver by the state board of education, shall be considered a part of the school term.

(b) As used in this section, the term "disaster" means the ~~declaration of a state of disaster emergency by the governor pursuant to K.S.A. 48-924, and amendments thereto, closure~~

~~of schools by order issued by a county or joint board of health, a local health officer pursuant to K.S.A. 65-119, and amendments thereto, or the secretary of health and environment pursuant to K.S.A. 65-126, and amendments thereto, or~~ occurrence of widespread or severe damage, injury or loss of life or property resulting from any natural or manmade cause, including, but not limited to, fire, flood, earthquake, tornado, wind, storm, epidemics, air contamination, blight, drought, infestation or explosion.

Sec. 26. On and after July 1, 2021, K.S.A. 2020 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) (A) Is an at-risk student, as defined in K.S.A. 72-5132, and amendments thereto, and who is attending a public school; or (B) has been eligible to receive an educational scholarship under this program and has not graduated from high school or reached 21 years of age;~~

~~(2) Resides in Kansas while eligible for an educational scholarship; and~~

~~(3) (A)(2) (A) (i) Is eligible for free or reduced-price meals under the national school~~

lunch act; and

(ii) (a) was enrolled in any public school in the previous school year in which an educational scholarship is first sought for the child; or

~~(B)(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; 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 ~~an elementary school that is operated by a school district, and identified by the state board as one of the lowest 100 performing elementary schools with respect to student achievement among all elementary schools operated by school districts for the current school year~~ 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. ~~On and after July 1, 2020, a qualified school shall be 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.~~

(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" ~~shall have the meaning ascribed thereto~~ 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. 27. On and after July 1, 2021, K.S.A. 2020 Supp. 72-4354 is hereby amended to read as follows: 72-4354. (a) To be eligible to participate in the program, a scholarship granting organization shall comply with the following:

(1) The scholarship granting organization shall notify the secretary and the state board of the scholarship granting organization's intent to provide educational scholarships;

(2) upon granting an educational scholarship, the scholarship granting organization shall report such information to the state board;

(3) the scholarship granting organization shall provide verification to the secretary that the scholarship granting organization is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986;

(4) upon receipt of contributions in an aggregate amount or value in excess of \$50,000 during a school year, a scholarship granting organization shall file with the state board either:

(A) A surety bond payable to the state in an amount equal to the aggregate amount of contributions expected to be received during the school year; or

(B) financial information demonstrating the scholarship granting organization's ability to pay an aggregate amount equal to the amount of the contributions expected to be received during the school year, which must be reviewed and approved of in writing by the state board;

(5) scholarship granting organizations that provide other nonprofit services in addition to providing educational scholarships shall not commingle contributions made under the program with other contributions made to such organization. A scholarship granting organization under this subsection shall also file with the state board, prior to the commencement of each school year, either:

(A) A surety bond payable to the state in an amount equal to the aggregate amount of contributions expected to be received during the school year; or

(B) financial information demonstrating the nonprofit organization's ability to pay an aggregate amount equal to the amount of the contributions expected to be received during the school year, which must be reviewed and approved of in writing by the state board;

(6) each qualified school receiving educational scholarships from the scholarship granting organization shall annually certify to the scholarship granting organization its compliance with the requirements of the program;

(7) at the end of the calendar year, the scholarship granting organization shall have its accounts examined and audited by a certified public accountant. Such audit shall include, but not be limited to, information verifying that the educational scholarships awarded by the scholarship granting organization were distributed to qualified schools with respect to eligible students determined by the state board under K.S.A. 72-4353(c), and amendments thereto, and information specified in this section. Prior to filing a copy of the audit with the state board, such audit shall be duly verified and certified by a certified public accountant; and

(8) if a scholarship granting organization decides to limit the number or type of

qualified schools who will receive educational scholarships, the scholarship granting organization shall provide, in writing, the name or names of those qualified schools to any contributor and the state board.

(b) No scholarship granting organization shall provide an educational scholarship with respect to any eligible student to attend any qualified school with paid staff or paid board members, or relatives thereof, in common with the scholarship granting organization.

(c) The scholarship granting organization shall disburse not less than 90% of contributions received pursuant to the program in the form of educational scholarships within 36 months of receipt of such contributions. If such contributions have not been disbursed within the applicable 36-month time period, then the scholarship granting organization shall not accept new contributions until 90% of the received contributions have been disbursed in the form of educational scholarships. Any income earned from contributions must be disbursed in the form of educational scholarships.

(d) A scholarship granting organization may continue to provide an educational scholarship with respect to a student who was an eligible student in the year immediately preceding the current school year.

(e)~~(1)~~ A scholarship granting organization shall direct payments of educational scholarships to the qualified school attended by the eligible student or in which the eligible student is enrolled. Payment may be made by check made payable to both the parent and the qualified school or to only the qualified school. If an eligible student transfers to a new qualified school during a school year, the scholarship granting organization shall direct payment in a prorated amount to the original qualified school and the new qualified school based on the eligible student's attendance. If the eligible student transfers to a public school and enrolls in such public school after September 20 of the current school year, the scholarship granting

organization shall direct payment in a prorated amount to the original qualified school and the public school based on the eligible student's attendance. The prorated amount to the public school shall be considered a donation and shall be paid to the school district of such public school in accordance with K.S.A. 72-1142, and amendments thereto.

~~(2) As used in this subsection, the term "public school" means any school operated by a school district.~~

(f) Each qualified school shall provide a link to the state department of education's webpage where the reports prepared pursuant to K.S.A. 72-5170, and amendments thereto, and K.S.A. 2020 Supp. 72-5178, and amendments thereto, for such school are published. The link shall be prominently displayed on the school's accountability reports webpage.

(g) By June 1 of each year, a scholarship granting organization shall submit a report to the state board for the educational scholarships provided in the immediately preceding 12 months. Such report shall be in a form and manner as prescribed by the state board, approved and signed by a certified public accountant, and shall contain the following information:

- (1) The name and address of the scholarship granting organization;
- (2) the name and address of each eligible student with respect to whom an educational scholarship was awarded by the scholarship granting organization;
- (3) the total number and total dollar amount of contributions received during the 12-month reporting period; and
- (4) the total number and total dollar amount of educational scholarships awarded during the 12-month reporting period and the total number and total dollar amount of educational scholarships awarded during the 12-month reporting period with respect to eligible students who qualified under K.S.A. 72-4352(d), and amendments thereto.

~~(g)~~(h) No scholarship granting organization shall:

(1) Provide an educational scholarship with respect to an eligible student that is established by funding from any contributions made by any relative of such eligible student;~~or~~

(2) accept a contribution from any source with the express or implied condition that such contribution be directed toward an educational scholarship for a particular eligible student;
or

(3) provide an educational scholarship to an eligible student who is participating in the student empowerment program pursuant to section 4 et seq., and amendments thereto.

Sec. 28. On and after July 1, 2021, K.S.A. 2020 Supp. 72-5131 is hereby amended to read as follows: 72-5131. K.S.A. 72-5131 through 72-5176, and amendments thereto, and K.S.A. 2020 Supp. 72-5178~~and~~ 72-5179, and sections 21 and 22, and amendments thereto, shall be known and may be cited as the Kansas school equity and enhancement act.

Sec. 29. On and after July 1, 2021, K.S.A. 2020 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 section 21, 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 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 section 21, 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, ~~and amendments thereto~~, 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;

(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 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 for any of the time periods described in section 21, 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 so as 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.

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

~~(dd)~~(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.

~~(ee)~~(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.

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

~~(gg)~~(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.

~~(hh)~~(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 ~~($\frac{1}{2}$)~~ 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.

~~(H)~~(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 ~~(H)~~ shall not apply to:

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

(b) 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 section 21, and amendments thereto.

~~(ii)~~(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.

~~(jj)~~(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.

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

Sec. 30. On and after July 1, 2021, K.S.A. 72-5134 is hereby amended to read as follows: 72-5134. (a) In each school year, the state board shall determine the amount of state foundation aid for each school district for such school year. The state board shall determine the amount of the school district's local foundation aid for the school year. If the amount of the school district's local foundation aid is greater than the amount of total foundation aid determined for the school district for the school year, the school district shall not receive state foundation aid in any amount. If the amount of the school district's local foundation aid is less than the amount of total foundation aid determined for the school district for the school year, the state board shall subtract the amount of the school district's local foundation aid from the amount of total foundation aid. Subject to the provisions of subsection (b), the remainder is the amount of state foundation aid the school district shall receive for the school year.

(b) For school year 2022-2023 and each school year thereafter, the state board shall adjust the amount of state foundation aid for each school district in accordance with section 14, and amendments thereto.

Sec. 31. On and after July 1, 2021, K.S.A. 72-5151 is hereby amended to read as follows: 72-5151. (a) The at-risk student weighting of each school district shall be determined by the state board as follows:

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

(2) multiply the number determined under subsection (a)(1) by 0.484. The resulting sum is the at-risk student weighting of the school district.

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

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

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

~~(ii) multiply the difference determined under subsection (b)(1)(A)(i) by 0.7; and~~

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

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

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

~~(i) Subtract 35% from the percentage of at-risk students included in the enrollment of~~

such school;

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

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

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

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

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

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

~~(5) — The provisions of this subsection shall expire on July 1, 2020. On and after July 1,~~

2021, except as provided in subsection (b)(4), the high-density at-risk student weighting of each school district shall be determined by the state board as follows:

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

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

(ii) multiply the difference determined under subsection (b)(1)(A)(i) by 0.7; and

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

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

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

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

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

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

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

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

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

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

(5) The provisions of this subsection shall expire on July 1, 2022.

Sec. 32. On and after July 1, 2021, K.S.A. 2020 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 performance accountability report and a longitudinal achievement report for all students enrolled in any public school or accredited nonpublic school in the state, each school district ~~and~~, 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) All reports prepared pursuant to this section shall be published in accordance with K.S.A. 2020 Supp. 72-1181, and amendments thereto.

Sec. 33. On and after July 1, 2021, K.S.A. 79-32,117 is hereby amended to read as follows: 79-32,117. (a) The Kansas adjusted gross income of an individual means such individual's federal adjusted gross income for the taxable year, with the modifications specified in this section.

(b) There shall be added to federal adjusted gross income:

(i) Interest income less any related expenses directly incurred in the purchase of state or political subdivision obligations, to the extent that the same is not included in federal adjusted gross income, on obligations of any state or political subdivision thereof, but to the extent that interest income on obligations of this state or a political subdivision thereof issued prior to January 1, 1988, is specifically exempt from income tax under the laws of this state authorizing the issuance of such obligations, it shall be excluded from computation of Kansas adjusted gross income whether or not included in federal adjusted gross income. Interest income on obligations of this state or a political subdivision thereof issued after December 31, 1987, shall be excluded from computation of Kansas adjusted gross income whether or not included in federal adjusted gross income.

(ii) Taxes on or measured by income or fees or payments in lieu of income taxes imposed by this state or any other taxing jurisdiction to the extent deductible in determining federal adjusted gross income and not credited against federal income tax. This paragraph shall not apply to taxes imposed under the provisions of K.S.A. 79-1107 or 79-1108, and amendments thereto, for privilege tax year 1995, and all such years thereafter.

(iii) The federal net operating loss deduction, except that the federal net operating loss deduction shall not be added to an individual's federal adjusted gross income for tax years beginning after December 31, 2016.

(iv) Federal income tax refunds received by the taxpayer if the deduction of the taxes being refunded resulted in a tax benefit for Kansas income tax purposes during a prior taxable year. Such refunds shall be included in income in the year actually received regardless of the method of accounting used by the taxpayer. For purposes hereof, a tax benefit shall be deemed to have resulted if the amount of the tax had been deducted in determining income subject to a Kansas income tax for a prior year regardless of the rate of taxation applied in such prior year to the Kansas taxable income, but only that portion of the refund shall be included as bears the same proportion to the total refund received as the federal taxes deducted in the year to which such refund is attributable bears to the total federal income taxes paid for such year. For purposes of the foregoing sentence, federal taxes shall be considered to have been deducted only to the extent such deduction does not reduce Kansas taxable income below zero.

(v) The amount of any depreciation deduction or business expense deduction claimed on the taxpayer's federal income tax return for any capital expenditure in making any building or facility accessible to the handicapped, for which expenditure the taxpayer claimed the credit allowed by K.S.A. 79-32,177, and amendments thereto.

(vi) Any amount of designated employee contributions picked up by an employer

pursuant to K.S.A. 12-5005, 20-2603, 74-4919 and 74-4965, and amendments thereto.

(vii) The amount of any charitable contribution made to the extent the same is claimed as the basis for the credit allowed pursuant to K.S.A. 79-32,196, and amendments thereto.

(viii) The amount of any costs incurred for improvements to a swine facility, claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 79-32,204, and amendments thereto.

(ix) The amount of any ad valorem taxes and assessments paid and the amount of any costs incurred for habitat management or construction and maintenance of improvements on real property, claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 79-32,203, and amendments thereto.

(x) Amounts received as nonqualified withdrawals, as defined by K.S.A. 75-643, and amendments thereto, if, at the time of contribution to a family postsecondary education savings account, such amounts were subtracted from the federal adjusted gross income pursuant to K.S.A. 79-32,117(c)(xv), and amendments thereto, or if such amounts are not already included in the federal adjusted gross income.

(xi) The amount of any contribution made to the same extent the same is claimed as the basis for the credit allowed pursuant to K.S.A. 74-50,154, and amendments thereto.

(xii) For taxable years commencing after December 31, 2004, amounts received as withdrawals not in accordance with the provisions of K.S.A. 74-50,204, and amendments thereto, if, at the time of contribution to an individual development account, such amounts were subtracted from the federal adjusted gross income pursuant to subsection (c)(xiii), or if such amounts are not already included in the federal adjusted gross income.

(xiii) The amount of any expenditures claimed for deduction in determining federal

adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 79-32,217 through 79-32,220 or 79-32,222, and amendments thereto.

(xiv) The amount of any amortization deduction claimed in determining federal adjusted gross income to the extent the same is claimed for deduction pursuant to K.S.A. 79-32,221, and amendments thereto.

(xv) The amount of any expenditures claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 79-32,223 through 79-32,226, 79-32,228 through 79-32,231, 79-32,233 through 79-32,236, 79-32,238 through 79-32,241, 79-32,245 through 79-32,248 or 79-32,251 through 79-32,254, and amendments thereto.

(xvi) The amount of any amortization deduction claimed in determining federal adjusted gross income to the extent the same is claimed for deduction pursuant to K.S.A. 79-32,227, 79-32,232, 79-32,237, 79-32,249, 79-32,250 or 79-32,255, and amendments thereto.

(xvii) The amount of any amortization deduction claimed in determining federal adjusted gross income to the extent the same is claimed for deduction pursuant to K.S.A. 79-32,256, and amendments thereto.

(xviii) For taxable years commencing after December 31, 2006, the amount of any ad valorem or property taxes and assessments paid to a state other than Kansas or local government located in a state other than Kansas by a taxpayer who resides in a state other than Kansas, when the law of such state does not allow a resident of Kansas who earns income in such other state to claim a deduction for ad valorem or property taxes or assessments paid to a political subdivision of the state of Kansas in determining taxable income for income tax purposes in such other state, to the extent that such taxes and assessments are claimed as an itemized deduction for federal income tax purposes.

(xix) For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of any: (1) Loss from business as determined under the federal internal revenue code and reported from schedule C and on line 12 of the taxpayer's form 1040 federal individual income tax return; (2) loss from rental real estate, royalties, partnerships, S corporations, except those with wholly owned subsidiaries subject to the Kansas privilege tax, estates, trusts, residual interest in real estate mortgage investment conduits and net farm rental as determined under the federal internal revenue code and reported from schedule E and on line 17 of the taxpayer's form 1040 federal individual income tax return; and (3) farm loss as determined under the federal internal revenue code and reported from schedule F and on line 18 of the taxpayer's form 1040 federal income tax return; all to the extent deducted or subtracted in determining the taxpayer's federal adjusted gross income. For purposes of this subsection, references to the federal form 1040 and federal schedule C, schedule E, and schedule F, shall be to such form and schedules as they existed for tax year 2011, and as revised thereafter by the internal revenue service.

(xx) For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of any deduction for self-employment taxes under section 164(f) of the federal internal revenue code as in effect on January 1, 2012, and amendments thereto, in determining the federal adjusted gross income of an individual taxpayer, to the extent the deduction is attributable to income reported on schedule C, E or F and on line 12, 17 or 18 of the taxpayer's form 1040 federal income tax return.

(xxi) For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of any deduction for pension, profit sharing, and annuity plans of self-employed individuals under section 62(a)(6) of the federal internal revenue code as in effect on January 1, 2012, and amendments thereto, in determining the federal adjusted gross income of an

individual taxpayer.

(xxii) For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of any deduction for health insurance under section 162(l) of the federal internal revenue code as in effect on January 1, 2012, and amendments thereto, in determining the federal adjusted gross income of an individual taxpayer.

(xxiii) For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of any deduction for domestic production activities under section 199 of the federal internal revenue code as in effect on January 1, 2012, and amendments thereto, in determining the federal adjusted gross income of an individual taxpayer.

(xxiv) For taxable years commencing after December 31, 2013, that portion of the amount of any expenditure deduction claimed in determining federal adjusted gross income for expenses paid for medical care of the taxpayer or the taxpayer's spouse or dependents when such expenses were paid or incurred for an abortion, or for a health benefit plan, as defined in K.S.A. 65-6731, and amendments thereto, for the purchase of an optional rider for coverage of abortion in accordance with K.S.A. 2020 Supp. 40-2,190, and amendments thereto, to the extent that such taxes and assessments are claimed as an itemized deduction for federal income tax purposes.

(xxv) For taxable years commencing after December 31, 2013, that portion of the amount of any expenditure deduction claimed in determining federal adjusted gross income for expenses paid by a taxpayer for health care when such expenses were paid or incurred for abortion coverage, a health benefit plan, as defined in K.S.A. 65-6731, and amendments thereto, when such expenses were paid or incurred for abortion coverage or amounts contributed to health savings accounts for such taxpayer's employees for the purchase of an optional rider for coverage of abortion in accordance with K.S.A. 2020 Supp. 40-2,190, and amendments thereto, to the extent that such taxes and assessments are claimed as a deduction for federal income tax

purposes.

(xxvi) For all taxable years beginning after December 31, 2016, the amount of any charitable contribution made to the extent the same is claimed as the basis for the credit allowed pursuant to K.S.A. 72-99a07, and amendments thereto, and is also claimed as an itemized deduction for federal income tax purposes.

(c) There shall be subtracted from federal adjusted gross income:

(i) Interest or dividend income on obligations or securities of any authority, commission or instrumentality of the United States and its possessions less any related expenses directly incurred in the purchase of such obligations or securities, to the extent included in federal adjusted gross income but exempt from state income taxes under the laws of the United States.

(ii) Any amounts received ~~which~~ that are included in federal adjusted gross income but which are specifically exempt from Kansas income taxation under the laws of the state of Kansas.

(iii) The portion of any gain or loss from the sale or other disposition of property having a higher adjusted basis for Kansas income tax purposes than for federal income tax purposes on the date such property was sold or disposed of in a transaction in which gain or loss was recognized for purposes of federal income tax that does not exceed such difference in basis, but if a gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to that portion of such gain ~~which~~ that is included in federal adjusted gross income.

(iv) The amount necessary to prevent the taxation under this act of any annuity or other amount of income or gain ~~which~~ that was properly included in income or gain and was taxed under the laws of this state for a taxable year prior to the effective date of this act, as amended, to the taxpayer, or to a decedent by reason of whose death the taxpayer acquired the right to receive

the income or gain, or to a trust or estate from which the taxpayer received the income or gain.

(v) The amount of any refund or credit for overpayment of taxes on or measured by income or fees or payments in lieu of income taxes imposed by this state, or any taxing jurisdiction, to the extent included in gross income for federal income tax purposes.

(vi) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the extent that the same are included in federal adjusted gross income.

(vii) Amounts received as annuities under the federal civil service retirement system from the civil service retirement and disability fund and other amounts received as retirement benefits in whatever form ~~which that~~ were earned for being employed by the federal government or for service in the armed forces of the United States.

(viii) Amounts received by retired railroad employees as a supplemental annuity under the provisions of 45 U.S.C. §§ 228b (a) and 228c (a)(1) et seq.

(ix) Amounts received by retired employees of a city and by retired employees of any board of such city as retirement allowances pursuant to K.S.A. 13-14,106, and amendments thereto, or pursuant to any charter ordinance exempting a city from the provisions of K.S.A. 13-14,106, and amendments thereto.

(x) For taxable years beginning after December 31, 1976, the amount of the federal tentative jobs tax credit disallowance under the provisions of 26 U.S.C. § 280 C. For taxable years ending after December 31, 1978, the amount of the targeted jobs tax credit and work incentive credit disallowances under 26 U.S.C. § 280 C.

(xi) For taxable years beginning after December 31, 1986, dividend income on stock issued by Kansas venture capital, inc.

(xii) For taxable years beginning after December 31, 1989, amounts received by retired employees of a board of public utilities as pension and retirement benefits pursuant to K.S.A. 13-

1246, 13-1246a and 13-1249, and amendments thereto.

(xiii) For taxable years beginning after December 31, 2004, amounts contributed to and the amount of income earned on contributions deposited to an individual development account under K.S.A. 74-50,201 et seq., and amendments thereto.

(xiv) For all taxable years commencing after December 31, 1996, that portion of any income of a bank organized under the laws of this state or any other state, a national banking association organized under the laws of the United States, an association organized under the savings and loan code of this state or any other state, or a federal savings association organized under the laws of the United States, for which an election as an S corporation under subchapter S of the federal internal revenue code is in effect, ~~which that~~ accrues to the taxpayer who is a stockholder of such corporation and ~~which that~~ is not distributed to the stockholders as dividends of the corporation. For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of modification under this subsection shall exclude the portion of income or loss reported on schedule E and included on line 17 of the taxpayer's form 1040 federal individual income tax return.

(xv) For all taxable years beginning after December 31, 2017, the cumulative amounts not exceeding \$3,000, or \$6,000 for a married couple filing a joint return, for each designated beneficiary that are contributed to: (1) A family postsecondary education savings account established under the Kansas postsecondary education savings program or a qualified tuition program established and maintained by another state or agency or instrumentality thereof pursuant to section 529 of the internal revenue code of 1986, as amended, for the purpose of paying the qualified higher education expenses of a designated beneficiary; or (2) an achieving a better life experience (ABLE) account established under the Kansas ABLE savings program or a qualified ABLE program established and maintained by another state or agency or

instrumentality thereof pursuant to section 529A of the internal revenue code of 1986, as amended, for the purpose of saving private funds to support an individual with a disability. The terms and phrases used in this paragraph shall have the meaning respectively ascribed thereto by the provisions of K.S.A. 75-643 and 75-652, and amendments thereto, and the provisions of such sections are hereby incorporated by reference for all purposes thereof.

(xvi) For all taxable years beginning after December 31, 2004, amounts received by taxpayers who are or were members of the armed forces of the United States, including service in the Kansas army and air national guard, as a recruitment, sign up or retention bonus received by such taxpayer as an incentive to join, enlist or remain in the armed services of the United States, including service in the Kansas army and air national guard, and amounts received for repayment of educational or student loans incurred by or obligated to such taxpayer and received by such taxpayer as a result of such taxpayer's service in the armed forces of the United States, including service in the Kansas army and air national guard.

(xvii) For all taxable years beginning after December 31, 2004, amounts received by taxpayers who are eligible members of the Kansas army and air national guard as a reimbursement pursuant to K.S.A. 48-281, and amendments thereto, and amounts received for death benefits pursuant to K.S.A. 48-282, and amendments thereto, or pursuant to section 1 or section 2 of chapter 207 of the 2005 Session Laws of Kansas, and amendments thereto, to the extent that such death benefits are included in federal adjusted gross income of the taxpayer.

(xviii) For the taxable year beginning after December 31, 2006, amounts received as benefits under the federal social security act ~~which~~ that are included in federal adjusted gross income of a taxpayer with federal adjusted gross income of \$50,000 or less, whether such taxpayer's filing status is single, head of household, married filing separate or married filing jointly; and for all taxable years beginning after December 31, 2007, amounts received as

benefits under the federal social security act ~~which~~ that are included in federal adjusted gross income of a taxpayer with federal adjusted gross income of \$75,000 or less, whether such taxpayer's filing status is single, head of household, married filing separate or married filing jointly.

(xix) Amounts received by retired employees of Washburn university as retirement and pension benefits under the university's retirement plan.

(xx) For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of any: (1) Net profit from business as determined under the federal internal revenue code and reported from schedule C and on line 12 of the taxpayer's form 1040 federal individual income tax return; (2) net income, not including guaranteed payments as defined in section 707(c) of the federal internal revenue code and as reported to the taxpayer from federal schedule K-1, (form 1065-B), in box 9, code F or as reported to the taxpayer from federal schedule K-1, (form 1065) in box 4, from rental real estate, royalties, partnerships, S corporations, estates, trusts, residual interest in real estate mortgage investment conduits and net farm rental as determined under the federal internal revenue code and reported from schedule E and on line 17 of the taxpayer's form 1040 federal individual income tax return; and (3) net farm profit as determined under the federal internal revenue code and reported from schedule F and on line 18 of the taxpayer's form 1040 federal income tax return; all to the extent included in the taxpayer's federal adjusted gross income. For purposes of this subsection, references to the federal form 1040 and federal schedule C, schedule E, and schedule F, shall be to such form and schedules as they existed for tax year 2011 and as revised thereafter by the internal revenue service.

(xxi) For all taxable years beginning after December 31, 2013, amounts equal to the unreimbursed travel, lodging and medical expenditures directly incurred by a taxpayer while

living, or a dependent of the taxpayer while living, for the donation of one or more human organs of the taxpayer, or a dependent of the taxpayer, to another person for human organ transplantation. The expenses may be claimed as a subtraction modification provided for in this section to the extent the expenses are not already subtracted from the taxpayer's federal adjusted gross income. In no circumstances shall the subtraction modification provided for in this section for any individual, or a dependent, exceed \$5,000. As used in this section, "human organ" means all or part of a liver, pancreas, kidney, intestine, lung or bone marrow. The provisions of this paragraph shall take effect on the day the secretary of revenue certifies to the director of the budget that the cost for the department of revenue of modifications to the automated tax system for the purpose of implementing this paragraph will not exceed \$20,000.

(xxii) For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of net gain from the sale of: (1) Cattle and horses, regardless of age, held by the taxpayer for draft, breeding, dairy or sporting purposes, and held by such taxpayer for 24 months or more from the date of acquisition; and (2) other livestock, regardless of age, held by the taxpayer for draft, breeding, dairy or sporting purposes, and held by such taxpayer for 12 months or more from the date of acquisition. The subtraction from federal adjusted gross income shall be limited to the amount of the additions recognized under the provisions of subsection (b) (xix) attributable to the business in which the livestock sold had been used. As used in this paragraph, the term "livestock" shall not include poultry.

(xxiii) For all taxable years beginning after December 31, 2012, amounts received under either the Overland Park, Kansas police department retirement plan or the Overland Park, Kansas fire department retirement plan, both as established by the city of Overland Park, pursuant to the city's home rule authority.

(xxiv) For taxable years beginning after December 31, 2013, and ending before January

1, 2017, the net gain from the sale from Christmas trees grown in Kansas and held by the taxpayer for six years or more.

(xxv) For all taxable years beginning after December 31, 2021, amounts deposited in a student empowerment account established by agreement between the taxpayer and the state treasurer pursuant to section 9, and amendments thereto.

(d) There shall be added to or subtracted from federal adjusted gross income the taxpayer's share, as beneficiary of an estate or trust, of the Kansas fiduciary adjustment determined under K.S.A. 79-32,135, and amendments thereto.

(e) The amount of modifications required to be made under this section by a partner ~~which~~ that relates to items of income, gain, loss, deduction or credit of a partnership shall be determined under K.S.A. 79-32,131, and amendments thereto, to the extent that such items affect federal adjusted gross income of the partner.

(f) No taxpayer shall be assessed penalties and interest from the underpayment of taxes due to changes to this section that became law on July 1, 2017, so long as such underpayment is rectified on or before April 17, 2018.

Sec. 34. On and after July 1, 2021, K.S.A. 72-1163, 72-3115, 72-5134, 72-5151 and 79-32,117 and K.S.A. 2020 Supp. 72-3117, 72-4352, 72-4354, 72-5131, 72-5132 and 72-5178 are hereby repealed.";

On page 8, in line 42, by striking "statute book" and inserting "Kansas register";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "ACT"; by striking all in lines 2 through 8; in line 9, by striking all before the period and inserting "concerning education; relating to the instruction and financing thereof; making and concerning appropriations for the department of education for fiscal years ending June 30, 2021, June 30, 2022, and June 30, 2023;

creating the student empowerment act to provide education savings accounts to certain students; requiring the school term to be conducted through in-person education and allowing for limited remote learning; requiring boards of education to allocate sufficient school district moneys to improve academic performance of underachieving students; providing an alternative state aid calculation for school district remote enrollment; expanding student eligibility under the tax credit for low income students scholarship program; amending K.S.A. 72-1163, 72-3115, 72-5134, 72-5151 and 79-32,117 and K.S.A. 2020 Supp. 72-3117, 72-4352, 72-4354, 72-5131, 72-5132 and 72-5178 and repealing the existing sections";

And your committee on conference recommends the adoption of this report.

Conferees on part of House

Conferees on part of Senate