

HOUSE BILL No. 2445

By Representative Rooker

1-5

Proposed Amendments to
House Bill No. 2445 #11
K-12 Education Budget Committee
Prepared by: Jason Long
Office of Revisor of Statutes

1 AN ACT concerning education; relating to the financing thereof; relating
2 to the Kansas school equity and enhancement act; amending K.S.A.
3 2017 Supp. 72-5132, 72-5133, 72-5143, 72-5145, 72-5148, 72-5149,
4 72-5150, 72-5151, 72-5155, 72-53, 113 ~~and 72-53, 116~~ and repealing the
5 existing sections; also repealing K.S.A. 2017 Supp. 72-1171, 72-6463,
6 72-6464, 72-6465, 72-6466, 72-6467, 72-6468, 72-6469, 72-6470, 72-
7 6471, 72-6472, 72-6473, 72-6474, 72-6475, 72-6477, 72-6478, 72-
8 6479, 72-6480 and 72-6481.

,
and 72-5461

9
10 *Be it enacted by the Legislature of the State of Kansas:*

11 Section 1. K.S.A. 2017 Supp. 72-5132 is hereby amended to read as
12 follows: 72-5132. As used in the Kansas school equity and enhancement
13 act, K.S.A. 2017 Supp. 72-5131 et seq., and amendments thereto:

14 (a) "Adjusted enrollment" means the enrollment of a school district
15 adjusted by adding the following weightings, if any, to the enrollment of a
16 school district: At-risk student weighting; bilingual weighting; career
17 technical education weighting; ~~deeming enrollment weighting~~; high-
18 density at-risk student weighting; high enrollment weighting; low
19 enrollment weighting; school facilities weighting; ancillary school
20 facilities weighting; cost-of-living weighting; special education and related
21 services weighting; and transportation weighting.

22 (b) "Ancillary school facilities weighting" means an addend
23 component assigned to the enrollment of school districts pursuant to
24 K.S.A. 2017 Supp. 72-5158, and amendments thereto, on the basis of costs
25 attributable to commencing operation of one or more new school facilities
26 by such school districts.

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

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

35 (d) "At-risk student weighting" means an addend component assigned
36 to the enrollment of school districts pursuant to K.S.A. 2017 Supp. 72-

1 approved at an election prior to the effective date of this act; or (C) the
2 mill levy rate in excess of eight mills if no petition or no sufficient petition
3 was filed in protest to a resolution fixing such rate in excess of eight mills
4 and the protest period for filing such petition has expired;

5 (3) "asbestos control project" means any activity which is necessary
6 or incidental to the control of asbestos-containing material in buildings of
7 school districts and includes, but not by way of limitation, any activity
8 undertaken for the removal or encapsulation of asbestos-containing
9 material, for any remodeling, renovation, replacement, rehabilitation or
10 other restoration necessitated by such removal or encapsulation, for
11 conducting inspections, reinspections and periodic surveillance of
12 buildings, performing response actions, and developing, implementing and
13 updating operations and maintenance programs and management plans;

14 (4) "asbestos" means the asbestiform varieties of chrysotile
15 (serpentine), crocidolite (riebeckite), amosite (cummingtonite),
16 anthophyllite, tremolite, and actinolite; and
17 (5) "asbestos-containing material" means any material or product
18 which contains more than 1% asbestos.

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

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

41 ~~Sec. 12. K.S.A. 2017 Supp. 72-1171, 72-5132, 72-5133, 72-5143, 72-~~
42 ~~5145, 72-5148, 72-5149, 72-5150, 72-5151, 72-5155, 72-53,113, 72-~~
43 ~~53,116, 72-6463, 72-6464, 72-6465, 72-6466, 72-6467, 72-6468, 72-6469,~~

Insert Attachment A

72-5461,

And by redesignating sections accordingly

- 1 72-6470, 72-6471, 72-6472, 72-6473, 72-6474, 72-6475, 72-6477, 72-
- 2 6478, 72-6479, 72-6480 and 72-6481 are hereby repealed.
- 3 Sec. 13. This act shall take effect and be in force from and after its
- 4 publication in the statute book.

Attachment A

Sec. 12. K.S.A. 2017 Supp. 72-5461 is hereby amended to read as follows: 72-5461. (a) Upon receiving an application under K.S.A. 2017 Supp. 72-5460, and amendments thereto, the state board of education shall review the application and examine the evidence furnished in support of the application.

~~(b) (1) Commencing in school year 2017-2018, the state board of education shall not approve any application submitted during the current school year if such approval would result in the aggregate amount of all general obligation bonds approved by the state board for such school year exceeding the aggregate principal amount of all general obligation bonds retired in the immediately preceding school year. In determining whether to approve an application, the state board shall prioritize applications in accordance with the priorities set forth as follows in order of highest priority to lowest priority:~~

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

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

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

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

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

~~(3) The provisions of subsection (b)(1) shall not apply to school districts that have not issued any general obligation bonds in the 25 years prior to the current school year.~~

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

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

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

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