

**SENATE BILL No. 251**

By Committee on Ways and Means

5-18

Proposed Amendments to SB 251  
May 19, 2017  
Senate Select Committee on Education Finance  
Prepared by: Office of Revisor of Statutes  
#24  
Remove out-of-state student exclusion

1 AN ACT concerning education; relating to the instruction and financing  
2 thereof; making and concerning appropriations for the fiscal years  
3 ending June 30, 2018, and June 30, 2019, for the department of  
4 education; creating the Kansas school equity and enhancement act;  
5 amending K.S.A. 12-17,115 and 72-8803 and K.S.A. 2016 Supp. 10-  
6 1116a, 12-1677, 12-1770a, 12-1775a, 12-1776a, 72-978, 72-1046b, 72-  
7 1398, 72-1414, 72-1923, 72-3712, 72-3715, 72-5333b, 72-64b01, 72-  
8 64c03, 72-64c05, 72-6622, 72-6624, 72-6625, 72-6757, 72-67,115, 72-  
9 7535, 72-8187, 72-8190, 72-8230, 72-8233, 72-8236, 72-8249, 72-  
10 8250, 72-8251, 72-8302, 72-8309, 72-8316, 72-8415b, 72-8801, 72-  
11 8804, 72-8908, 72-9509, 72-9609, 72-99a02, 72-99a02, as amended by  
12 section 92 of this act, 72-99a04, 74-4939a, 74-8925, 74-99b43, 75-  
13 2319, 79-201x, 79-213, 79-2001 and 79-2925b and repealing the  
14 existing sections; also repealing K.S.A. 2016 Supp. 46-1133, 72-6482  
15 and 75-2319, as amended by section 46 of Senate Substitute for  
16 Substitute for House Bill No. 2052.

17  
18 *Be it enacted by the Legislature of the State of Kansas:*

19 Section 1.

20 DEPARTMENT OF EDUCATION

21 (a) There is appropriated for the above agency from the state general  
22 fund for the fiscal year ending June 30, 2018, the following:

23 Operating expenditures (including official  
24 hospitality) (652-00-1000-0053).....\$12,515,606

25 *Provided*, That any unencumbered balance in the operating expenditures  
26 (including official hospitality) account in excess of \$100 as of June 30,  
27 2017, is hereby reapportioned for fiscal year 2018.

28 Special education services  
29 aid (652-00-1000-0700).....\$435,980,455

30 *Provided*, That any unencumbered balance in the special education  
31 services aid account in excess of \$100 as of June 30, 2017, is hereby  
32 reapportioned for fiscal year 2018: *Provided further*, That expenditures  
33 shall not be made from the special education services aid account for the  
34 provision of instruction for any homebound or hospitalized child unless  
35 the categorization of such child as exceptional is conjoined with the  
36 categorization of the child within one or more of the other categories of

1 the student shall be counted as that proportion of one student (to the  
2 nearest 1/10) that the total time of the student's career technical education  
3 attendance and attendance in any of grades nine through 12 bears to full-  
4 time attendance.

5 (G) A student enrolled in a school district and attending a non-virtual  
6 school and also attending a virtual school shall be counted as that  
7 proportion of one student (to the nearest 1/10) that the student's attendance  
8 at the non-virtual school bears to full-time attendance.

9 (H) A student enrolled in a school district and attending special  
10 education and related services provided for by the school district and also  
11 attending a virtual school shall be counted as that proportion of one  
12 student (to the nearest 1/10) that the student's attendance at the non-virtual  
13 school bears to full-time attendance.

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

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

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

and

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

22 ~~(D) an individual who does not live in Kansas.~~

Strike text

23 (4) A student enrolled in virtual school pursuant to K.S.A. 72-3711 et  
24 seq., and amendments thereto, shall be counted in accordance with the  
25 provisions of K.S.A. 2016 Supp. 72-3715, and amendments thereto.

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

29 (kk) "Transportation weighting" means an addend component  
30 assigned to the enrollment of school districts pursuant to section 20, and  
31 amendments thereto, on the basis of costs attributable to the provision or  
32 furnishing of transportation.

33 (ll) "Virtual school" means the same as such term is defined in K.S.A.  
34 2016 Supp. 72-3712, and amendments thereto.

35 New Sec. 5. (a) The state school district finance fund, established by  
36 K.S.A. 1991 Supp. 72-7081, prior to its repeal, is hereby continued in  
37 existence and shall consist of: (1) All moneys credited to such fund under  
38 K.S.A. 2016 Supp. 72-6463 through 72-6481, prior to their expiration; and  
39 (2) all amounts transferred to such fund under sections 8, 14, 15, 30, 31, 32  
40 and 51, and amendments thereto.

41 (b) The state school district finance fund shall be used for the purpose  
42 of school district finance and for no other governmental purpose. It is the  
43 intent of the legislature that the fund shall remain intact and inviolate for