

Kansas Register

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June 8, 2023

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Kansas Legislature

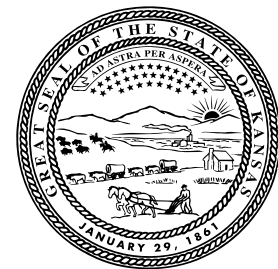
House Substitute for Senate Bill 113, concerning education; making and concerning appropriations for the fiscal years ending June 30, 2023, June 30, 2024, and June 30, 2025, for the state department of education; requiring school districts to submit a notice of intent to dispose of a school district building to the legislature; establishing a state option to acquire such school district buildings; authorizing certain students to participate in activities that are regulated by the Kansas state high school activities association; authorizing certain nonpublic school students who enroll part-time in a school district to participate in nonpublic school activities; authorizing any student with a parent or guardian employed by a school district to enroll in and attend such school district without entering the school district’s open-seat lottery process; requiring school districts to give priority to nonresident military students under the school district’s open-seat lottery process; requiring consideration of homelessness when determining enrollment status of a student under school district open-enrollment procedures; authorizing members of school district boards of education to receive compensation from the school district for work and duties performed; providing for additional student eligibility and increasing the tax credit for contributions made pursuant to the tax credit for low income students scholarship program; establishing the special education and related services funding task force; extending the high-density

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kansasregister@ks.gov



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 Photo by Todd Caywood

at-risk student weighting sunset date; authorizing the use of current-year or preceding year student enrollment to determine state foundation aid under the Kansas school equity and enhancement act; continuing a district's low enrollment weighting factor if the district accepts students from another school district under certain circumstances; continuing the 20 mill statewide levy for schools; increasing the number of school districts that qualify to finance a cost-of-living weighting and increasing the maximum amount of such weighting749
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State of Kansas

Pooled Money Investment Board

Notice of Investment Rates

The following rates are published in accordance with K.S.A. 75-4210. These rates and their uses are defined in K.S.A. 12-1675(b)(c)(d) and K.S.A. 12-1675a(g).

Effective 6-5-23 through 6-11-23

| Term | Rate |
|-----------|-------|
| 1-89 days | 5.08% |
| 3 months | 5.30% |
| 6 months | 5.34% |
| 12 months | 5.17% |
| 18 months | 4.77% |
| 2 years | 4.42% |

Joel Oliver
Executive Director
Chief Investment Officer
Pooled Money Investment Board

Doc. No. 051199

State of Kansas

Department of Administration
Office of Accounts and Reports

Public Notice

Under requirements of K.S.A. 65-34,117(c), as amended, records of the Office of Accounts and Reports show the unobligated balances are \$6,586,982.26 in the Underground Petroleum Storage Tank Release Trust Fund and \$6,741,858.67 in the Aboveground Petroleum Storage Tank Release Trust Fund at May 31, 2023.

Jocelyn Gunter
Director
Office of Accounts and Reports
Department of Administration

Doc. No. 051215

State of Kansas

Wichita State University

Notice of Intent to Lease Real Property

Public notice is hereby given that Wichita State University (WSU), directly or through its affiliate corporation Wichita State Innovation Alliance, Inc., intends to lease, subject to all required state approvals, up to four acres of real property located on the Wichita State University's campus designated as the "Innovation Campus," for the private development and operation of a partnership building or buildings. The university is interested in leas-

ing such ground to any individual, organization, or entity whose presence on campus would advance the university's applied learning vision or its mission as an educational, cultural, and economic driver for Kansas and the greater public good. The university intends to lease such space for a mutually agreeable period of time up to sixty years, but extended terms and renewal options would be considered. Interested tenants must be willing to be a good fit with the university's educational mission and identify anticipated benefits to the university, its students, and the WSU community (i.e. applied learning, joint research, faculty start-up, WSU curriculum or program support, etc.), and must agree to the essential ground lease terms and restrictive covenants. Interested tenants will be evaluated on: proposal terms, demonstrated benefit to WSU, design concepts, financial stability, and proposed use. Interested tenants will be required to construct adjacent and adequate surface parking that will not be included in the leased ground. Rental rate shall be based on fair market value and negotiable based on term of lease, purpose/use of building improvement, and benefit to the university. The university will consider serious offers and inquiries with detailed proposal terms from any financially qualified individual, group, organization. If interested, please contact Senior Vice President for Industry and Defense Programs, Dr. John Tomblin at john.tomblin@wichita.edu or Property Manager Crystal Stegeman at crystal.stegeman@wichita.edu. This publication is being published pursuant to K.S.A. 75-430a(d), to the extent applicable.

Crystal Stegeman
University Property Manager
Office of the Vice President for
Administration and Finance
Wichita State University

Doc. No. 051040

State of Kansas

Wichita State University

Notice of Intent to Lease Real Property

Public notice is hereby given that Wichita State University (WSU), directly or through its affiliate corporation Wichita State Innovation Alliance, Inc., intends to lease, subject to all required state approvals, up to 1.22 acres of real property located on the northwest corner of the intersection of Fountain Avenue and 21st Street North, directly adjacent to the Wichita State University campus. This location would be designated for private development committed to supporting broadband infrastructure and internet exchanges. The university is interested in leasing such ground to any individual, organization, or en-

(continued)

tity whose presence would advance WSU’s vision or its mission as an educational, cultural, and economic driver for Kansas and the greater public good. WSU intends to lease such space for a mutually agreeable period of time, but extended terms and renewal options would be considered. Interested tenants must be willing to be a good fit with WSU’s educational mission and identify anticipated benefits to the university, its students, and the surrounding community (i.e. applied learning, joint research, faculty start-up, WSU curriculum or program support, community benefit commitments, etc.), and must agree to the essential ground lease terms and restrictive covenants. Interested tenants will be evaluated on: proposal terms, demonstrated benefit to WSU and the surrounding community, design concepts, financial stability, and proposed use. Interested tenants will be responsible for all costs associated with the development and ongoing maintenance costs of any improvements. Rental rate shall be based on fair market value and negotiable based on term of lease, purpose/use of the improvement, and benefit to WSU. WSU will consider serious offers and inquiries from any financially qualified individual, group, organization. If interested, please contact Property Manager Crystal Stegeman at crystal.stegeman@wichita.edu. This publication is being published pursuant to K.S.A. 75-430a(d), to the extent applicable.

Crystal Stegeman
 University Property Manager
 Office of the Vice President for
 Administration and Finance
 Wichita State University

Doc. No. 051201

(Published in the Kansas Register June 8, 2023.)

OCCK, Inc.

Notice of Requested Architectural and Engineering Services

OCCK, Inc. seeks a qualified architectural firm to provide architectural and engineering services for the second-floor renovations project to OCCK’s transportation building located at 340 N. Santa Fe, Salina, Kansas. OCCK has received 5339 Capital Assistance funding for this project. For more information contact, Patrick Wallerius at OCCK, Inc., 1710 W. Schilling Rd., PO Box 1160, Salina, KS 67402-1160, or 785-827-9383. Proposal and Statement of Qualifications are due by 2:00 P.M. Thursday, June 22, 2023.

Patrick Wallerius
 OCCK, Inc.

Doc. No. 051189

State of Kansas

Department of Health and Environment

Notice Concerning Kansas/Federal Water Pollution Control Permits and Applications

In accordance with Kansas Administrative Regulations 28-16-57a through 63, 28-18-1 through 17, 28-18a-1 through 31 and 33, 28-16-150 through 154, 28-46-7, and

the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, various draft water pollution control documents (permits, notices to revoke and reissue, notices to terminate) have been prepared and/or permit applications have been received for discharges to waters of the United States and the state of Kansas for the class of discharges described below.

The proposed actions concerning the draft documents are based on staff review, applying the appropriate standards, regulations, and effluent limitations of the state of Kansas and the Environmental Protection Agency. The final action will result in a Federal National Pollutant Discharge Elimination System Authorization and/or a Kansas Water Pollution Control permit being issued, subject to certain conditions, revocation, and reissuance of the designated permit or termination of the designated permit.

Public Notice No. KS-AG-23-137/141

Pending Permits for Confined Feeding Facilities

| Name and Address of Applicant | Legal Description | Receiving Water |
|---|---|--------------------|
| Gottsch Feeding Corporation Bill Oats 13231 Parallel Rd. Rosalia, KS 67132 | NW/4 of Section 06 T26S, R08E Butler County | Walnut River Basin |

Kansas Permit No. A-WABU-C013
 Federal Permit No. KS0097942

The proposed action is to modify the current NPDES permit and Nutrient Management Plan (NMP) for an existing facility for 1,500 head (750 animal units) of cattle weighing less than 700 pounds. The proposed modification is to change the method of mortality management from rendering to burial. There are no other changes to the permit or NMP. Only the portions of the permit and NMP being modified are subject to comment.

| Name and Address of Applicant | Legal Description | Receiving Water |
|--|---|----------------------------|
| Janssen Hog Farm, Inc. Steven Janssen 980 Ave B Geneseo, KS 67444 | NE/4 of Section 09 T18S, R09W Rice County | Lower Arkansas River Basin |

Kansas Permit No. A-ARRC-S002

The proposed action is to reissue an existing state permit for an existing facility for 1,450 head (580 animal units) of swine more than 55 pounds. There will be no change in the operation or permitted number of animal units from the previous permit. This facility has an approved Waste Management Plan on file with KDHE.

| Name and Address of Applicant | Legal Description | Receiving Water |
|---|---|--------------------|
| Wooden Cross Cattle Co. Merle Schlehuder 557 190th Rd. Hillsboro, KS 67063 | NW/4 of Section 02 T20S, R01E Marion County | Neosho River Basin |

Kansas Permit No. A-NEMN-B015

The proposed action is to reissue an existing state permit for an existing facility for 400 head (400 animal units) of cattle more than 700 pounds. There will be no change in the operation or permitted number of animal units from the previous permit. This facility has an approved Waste Management Plan on file with KDHE.

| Name and Address of Applicant | Legal Description | Receiving Water |
|--|---|-----------------------------|
| Tim Wiebe Farms 259 130th Newton, KS 67114 | NE/4 of Section 05 T21S, R01E Marion County | Little Arkansas River Basin |

Kansas Permit No. A-LAMN-B001

The proposed action is to reissue an existing state permit for an existing facility for 800 head (800 animal units) of cattle more than 700 pounds. There will be no change in the operation or permitted number of animal units from the previous permit. This facility has an approved Waste Management Plan on file with KDHE.

| Name and Address of Applicant | Legal Description | Receiving Water |
|--|---|-------------------------------|
| Simon Dairy Nicholas Simon 4961 S. Maize Rd. Clearwater, KS 67026 | NE/4 of Section 19 T28S, R01W Sedgwick County | Lower Arkansas River Basin |

Kansas Permit No. A-ARSG-B005

The proposed action is to reissue an existing state permit for an existing facility for 60 head (60 animal units) of cattle weighing greater than 700 pounds and 60 head (30 animal units) of cattle weighing less than 700 pounds for a total of 90 animal units. There will be no change in the operation or permitted number of animal units from the previous permit. This facility has an approved Waste Management Plan on file with KDHE.

Public Notice No. KS-Q-23-088

The requirements of the draft permit public noticed below are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-g), and Federal Surface Water Criteria.

| Name and Address of Applicant | Receiving Stream | Type of Discharge |
|---|---------------------------------------|--------------------------------|
| White City, City of PO Box 4 White City, KS 66872 | Neosho River via unnamed tributary | Treated Domestic Wastewater |

Kansas Permit No. M-NE68-0002
Federal Permit No. KS0096873

Legal Description: SE¼, NW¼, SE¼, Section 35, Township 14S, Range 6E of Morris County, Kansas

Facility Location: Latitude: 38.78717, Longitude: -96.72941

The proposed action is to reissue an existing State/NPDES permit for an existing facility. The existing facility is a three-cell wastewater stabilization lagoon system with a minimum of 120 days detention time. The facility receives domestic wastewater from residential and commercial areas. The detention time at design flow is 121 days. The proposed permit contains limits for Biochemical Oxygen Demand, Total Suspended Solids, and Ammonia; as well as monitoring for pH, E. coli, Total Phosphorus, Nitrates + Nitrites, Total Kjeldahl Nitrogen, and Total Nitrogen.

Public Notice No. KS-EG-23-006/007

In accordance with K.A.R. 28-46-7 and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, draft permits have been prepared for the use of the well(s) described below within the State of Kansas.

Name and Address of Applicant

Compass Minerals America, Inc.
9900 W. 109th St.
Overland Park, KS 66210

Permit No. KS-03-159-CHIG

Legal Description: Section 15, T20S, R8W, Rice County, Kansas

| Well Number | Location |
|-------------|--|
| H-110: | Latitude: 38.309947 Longitude: -98.185594 |

| | |
|-------|--|
| H-111 | Latitude: 38.309948 Longitude: -98.186641 |
| H-112 | Latitude: 38.309946 Longitude: -98.187685 |
| H-113 | Latitude: 38.309941 Longitude: -98.188727 |
| H-114 | Latitude: 38.309933 Longitude: -98.189960 |
| H-115 | Latitude: 38.309922 Longitude: -98.191007 |
| I-116 | Latitude: 38.308423 Longitude: -98.191747 |
| I-117 | Latitude: 38.308439 Longitude: -98.190706 |
| I-118 | Latitude: 38.308431 Longitude: -98.189046 |

Permit applications have been filed with the department to repermit 13 salt solution mining wells drilled in Section 15, T20S, R8W, Rice County, Kansas. The following wells are part of two existing salt solution mining systems consisting of H-Gallery and I-Gallery. The wells are hydraulically connected and must operate with a minimal pressure differential to prevent additional subsurface hydraulic connection. This area permit is for H-Gallery and I-Gallery, with area permit number KS-03-159-CHIG.

Name and Address of Applicant

Redbarn Pet Products-KAN-CAN
30 SE 10 Rd.
Great Bend, KS 67530

Permit No. KS-01-009-001

Legal Description: NW 1/4, Section 4, T.20S. R.13W of Barton County, Kansas

| Well Number | Location |
|-------------|--|
| Redbarn #1 | Latitude: 38.3454820 Longitude: -98.7710203 |

This renewal application for permits pertains to one active Underground Injection Control (UIC) Class I disposal well, Redbarn #1 (Permit # KS-01-009-001). The well is located in NW 1/4, Section 4, T.20S. R.13W., Latitude: 38.3454820, Longitude: -98.7710203, Barton County, KS.

Persons wishing to comment on or object to the draft documents and/or permit applications must submit their comments in writing to the Kansas Department of Health and Environment (KDHE) if they wish to have the comments or objections considered in the decision-making process. All written comments regarding the draft documents, application or registration notices received on or before July 8, 2023, will be considered in the formulation of the final determination regarding this public notice. Please refer to the appropriate Kansas document number (KS-AG-23-137/141, KS-Q-23-088, KS-EG-23-006/007) and name of the applicant/permittee when preparing comments.

All comments received will be responded to at the time the Secretary of Health and Environment issues a determination regarding final agency action on each draft document/application. If response to any draft document/application indicates significant public interest, a public hearing may be held in conformance with K.A.R. 28-16-61 (28-46-21 for UIC). A request for public hearing must be submitted in writing and shall state the nature of the issues proposed to be raised during the hearing.

(continued)

Comments or objections for agricultural related draft documents, permit applications, registrations or actions should be submitted to the attention of Casey Guccione, Section Chief, Livestock Waste Management Section at the KDHE Bureau of Environmental Field Services (BEFS), 1000 SW Jackson, Suite 430, Topeka, KS 66612. Comments or objections for all other proposed permits or actions should be sent to Andrew Bowman at the KDHE Bureau of Water, 1000 SW Jackson St., Suite 420, Topeka, KS 66612.

All draft documents/applications and the supporting information including any comments received are on file and may be inspected at the offices of the KDHE. For agricultural related draft documents or applications an appointment can be scheduled, or copies requested by contacting Mirina Landry at 1000 SW Jackson St., Suite 430, Topeka, KS 66612, telephone 785-296-0076 or email at kdhe.feedlots@ks.gov. For all other proposed permits or actions an appointment can be scheduled, or copies requested by contacting Neal Niceswanger, Bureau of Water, 1000 SW Jackson St., Suite 420, Topeka, KS 66612, telephone 785-296-6804 or email at Neal.Niceswanger@ks.gov. These documents are available upon request at the copying cost assessed by KDHE. Application information and components of plans and specifications for all new and expanding swine facilities are available at <http://www.kdhe.ks.gov/livestock>. Division of Environment offices are open from 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding holidays.

Janet Stanek
Secretary

Department of Health and Environment

Doc. No. 051208

State of Kansas

Board of Regents Universities

Notice to Bidders

The universities of the Kansas Board of Regents encourage interested vendors to visit the various universities' purchasing offices' websites for a listing of all transactions, including construction projects, for which the universities' purchasing offices, or one of the consortia commonly utilized by the universities, are seeking information, competitive bids, or proposals. The referenced construction projects may include project delivery construction procurement act projects pursuant to K.S.A. 76-7,125 et seq.

Emporia State University – Bid postings: <https://www.emporia.edu/about-emporia-state-university/business-office/purchasing>. Additional contact info: phone: 620-341-5137, email: purchaseorders@emporia.edu. Mailing address: Emporia State University Purchasing, Campus Box 4021, 1 Kellogg Cir., Emporia, KS 66801.

Fort Hays State University – Electronic bid postings: <http://www.fhsu.edu/purchasing/bids>. Additional contact info: phone: 785- 628-4251, email: purchasing@fhsu.edu. Mailing address: Fort Hays State University Purchasing Office, 601 Park St., Sheridan Hall 318, Hays, KS 67601.

Kansas State University – Bid postings: <https://dfs.ksucloud.net/rfq>. All bids must be submitted via Kansas State University's Vendor Bid Submission Secure File Upload portal, <https://www.k-state.edu/finsvcs/purchasing/bidsubmission.html>. Division of Financial Services/Purchasing, 2323 Anderson Ave., Kansas State University, Manhattan, KS 66506. Additional contact info: phone: 785-532- 6214, email: kspurch@k-state.edu.

Pittsburg State University – Bid postings: <https://www.pittstate.edu/office/purchasing>. Additional contact info: phone: 620-235-4167, email: swburke@pittstate.edu. Mailing address: Pittsburg State University, Purchasing Office, 1701 S. Broadway, Pittsburg, KS 66762.

University of Kansas – Electronic bid postings: <http://www.procurement.ku.edu>. Due to Covid-19, the University of Kansas will not accept paper bids until further notice. Additional contact info: email: purchasing@ku.edu. Mailing address: University of Kansas, Procurement Department, 1246 W. Campus Rd., Room 20, Lawrence, KS 66045.

University of Kansas Medical Center – Electronic bid postings: <http://www.kumc.edu/finance/purchasing/bid-opportunities.html>. Additional contact info: phone: 913-588-1117. Email: hunkemoore@kumc.edu. Due to Covid-19, the University of Kansas Medical Center will not be accepting paper bids until further notice.

Wichita State University – Bid postings: https://www.wichita.edu/services/purchasing/Bid_Documents/Bid_Documents.php. Additional contact info: phone: 316-978-3080, fax: 316-978-3738, email: purchasing.office@wichita.edu. Mailing address: Wichita State University, Office of Purchasing, 1845 Fairmount Ave., Campus Box 38, Wichita, KS 67260-0038.

Ephrom Marks
Assistant Director
Purchasing/Strategic Sourcing
University of Kansas

Doc. No. 050524

State of Kansas

Department of Administration Office of Procurement and Contracts

Notice to Bidders

Sealed bids for items listed will be received by the Office of Procurement and Contracts until 2:00 p.m. on the date indicated. For more information, call 785-296-2376.

All bids are to be submitted via email only to procurement@ks.gov. For more information, please visit https://supplier.sok.ks.gov/psc/sokfsprdsup/SUPPLIER/ERP/c/SCP_PUBLIC_MENU_FL.SCP_PUB_BID_CMP_FL.GBL.

| | | |
|------------|------------|--|
| 06/20/2023 | EVT0009251 | Web Design and Hosting Services – Kansas Department of Corrections |
| 06/22/2023 | EVT0009257 | Information Security Consultant Services – Kansas 911 Coordinating Council |
| 06/29/2023 | EVT0009261 | Perimeter Fence Installation – E Dorm |

06/29/2023 EVT0009262 On-Call General Construction Contractors

The above referenced bid documents can be downloaded at the following website:

https://supplier.sok.ks.gov/psc/sokfsprdsup/SUPPLIER/ERP/c/SCP_PUBLIC_MENU_FL.SCP_PUB_BID_CMP_FL.GBL

Additional files may be located at the following website (please monitor this website on a regular basis for any changes/addenda):

<https://admin.ks.gov/offices/procurement-contracts/bidding--contracts/additional-bid-opportunities>

| | | |
|------------|----------|-------------------------------|
| 06/27/2023 | A-014552 | HVAC Improvements |
| 07/06/2023 | A-014730 | Replace Fire Alarm System |
| 07/06/2023 | A-014799 | Replace Chiller and Condenser |
| 07/06/2023 | A-014825 | Perimeter Fence Lighting |

Information regarding prequalification, projects, and bid documents can be obtained at 785-296-8899 or <http://admin.ks.gov/offices/ofpm/dcc>.

Todd Herman
Director

Office of Procurement and Contracts
Department of Administration

Doc. No. 051209

(Published in the Kansas Register June 8, 2023.)

Flint Hills Area Transportation Agency

Notice to Bidders

The Flint Hills Area Transportation Agency (FHATA) is soliciting firm fixed bids for the construction of the following projects:

- **ATA Remodel—5815 Building and Parking Lot Renovation**

Bids for construction of the project will be received until 2:00 p.m. (Central Time) June 28, 2023, at the FHATA Facility, 5815 Marlatt Ave., Manhattan, KS 66503. Bids must be submitted in a sealed envelope clearly marked: Bid #: FY23-1012/ 21-023 ATA Remodel.

Public bid opening will be hosted in person and via Zoom at 2:00 p.m. (Central Time) June 28, 2023. The location and call information can be found on our website at <https://www.fhata.org/open-solicitations>.

A pre-bid (not mandatory) conference will be held at the FHATA Facility at 2:00 p.m. (Central Time) June 21, 2023. A Zoom option will be available, that information can be found on our website and in the bid packet at <https://www.fhata.org/open-solicitations>.

Inquiries and Addendums

Questions, comments or requests for clarifications are due by the end of day June 20, 2023, and should be provided via email to Heather Peterson at heather.peterson@anderson-knight.com. Responses will be provided through addendums.

Project

The project includes the following work:

- Adding approximately 520 square feet of office

space under existing roof, new finishes in the existing office, a new bus parking shelter with site paving, new shade structure and various security upgrades.

- Project Owner: Flint Hills Area Transportation Agency
- Project Location: 5815 Marlatt Ave., Manhattan, KS 66503

The Issuing Office for the bidding documents is: Anderson Knight Architects, Attn: Heather Petersen, 2505 Anderson Ave., Suite 201, Manhattan, KS 66502, Architects Project Number: 21-023.

Bid Documents

Bidding documents may be obtained from the office of Anderson Knight Architects. Documents will be available in PDF only and can be requested by emailing the architect at info@anderson-knight.com or you can access documents and addendums at <https://www.fhata.org/open-solicitations>.

Every successful bidder shall provide bid security in the form of a bid bond of a sum no less than 5% of the bid amount.

In connection with carrying out this project, the bidder shall not discriminate against any employee or applicant for employment because of race, religion, color, sex, age, national origin or handicap. FHATA reserves the right to solicit or to waive a new solicitation, for new bids if sufficient effort, as determined by FHATA, has not been made to comply with the DBE goals and requirements. This project has a DBE Goal of 2.5%.

FHATA reserves the right to accept or to reject any and/or all bids, to re-advertise for bids and to waive any informality in any proposal and to determine the most responsive bid by its own criteria, as described within the specifications.

All prospective bidders should notify Melanie Tuttle of intent to bid at mtuttle@fhata.org. It is the bidder's responsibility to check the website for any addendums and signature sheets prior to submitting their bids at <https://www.fhata.org/open-solicitations>. FHATA will not be responsible for communicating with firms that do not notify us of their interest in this solicitation.

Melanie Tuttle, CPA
Finance Director

Flint Hills Area Transportation Agency
913-738-4262 (Direct)
785-537-6345 (Office)

Doc. No. 051202

(Published in the Kansas Register June 8, 2023.)

City of Wichita, Kansas

Notice to Bidders

The City of Wichita, Kansas will receive bids until 10:00 a.m. Friday, June 30, 2023, at the Purchasing Office, 455 N. Main, 12th Floor, Wichita, Kansas, for the bidding of 2023 CCLIP US-54, 119th Street to 111th Street (KDOT Project No. 87U-2386-01/472-2023-085844, KDOT/PAVING Munis #E2095). Plans and specifications for this

(continued)

project will be available June 7, 2023. Electronic plan sheets for this project will only be available in the ARC Document Solutions plan room for the City of Wichita projects at https://order.e-arc.com/arcEOC/PWELL_PublicList.asp?mem=170. Other questions should be directed to the respective design engineer at 316-268-4047.

All bids received will thereafter be publicly opened, read aloud, and considered by the Board of Bids and Contracts. All work is to be done under the direction and supervision of the city manager and according to plans and specifications on file in the office of the city engineer. Bidders are required to enclose a bid bond in the amount of five percent (5%) with each bid as a guarantee of good faith. The Wichita City Council reserves the right to reject any and all bids.

The successful bidder may contact Kim Pelton at 316-268-4499 for extra sets of plans/specs.

Jody Doyle
Administrative Aide II
Engineering Department
City of Wichita, Kansas

Doc. No. 051200

State of Kansas

Department of Transportation

Notice to Bidders

Sealed bids for on-call roofing will be accepted by the Kansas Department of Transportation until 2:00 p.m. June 26, 2023. The Invitation for Bid document can be accessed at <https://admin.ks.gov/offices/procurement-contracts/bidding--contracts>.

All bids shall be submitted electronically via email to KDOT#Procurement@ks.gov clearly marked as Bid Event 0009256.

Ami Fulghum
Fiscal Bureau Chief
Department of Transportation

Doc. No. 051206

State of Kansas

Department of Transportation

Notice of Constructability Review Request

The Kansas Department of Transportation (KDOT) is currently preparing plans for the reconstruction of I-70 from MacVicar Avenue to 6th Street in Topeka, Kansas. The project is currently scheduled to be let in Fiscal Year 2025. An overview of the project can be found at <http://polkquincy.org>. A set of plans and the questions to be asked the contractors have also been placed on KDOT's website at <https://kdotapp.ksdot.org/ProjectLetting/> under Project No. 70-89 KA-1266-04.

KDOT is asking contractors to assist with evaluating construction staging and risks to constructing the proposed project with minimal impacts to the traveling community. KDOT requests one-on-one meetings with potential construction contractors to review the proposed concepts and provide feedback. We are planning to use Microsoft Teams software for virtual meetings. The meet-

ings are voluntary and expected to last approximately 90 minutes. All contractors will be asked the same posted questions.

The month of June 2023 has been selected as the department's desired window for constructability reviews. However, the project team is flexible if a later date would work better with your schedule. Please contact Greg Gonzales, Project Manager, at 785-368-8293 or greg.gonzales@ks.gov to schedule a virtual meeting.

KDOT cannot compensate contractors for these one-on-one meetings. Contractors will not be disqualified from submitting bids for construction if they participate or refrain from participating in a one-on-one meeting.

Calvin Reed
Acting Secretary
Department of Transportation

Doc. No. 051203

State of Kansas

Department of Transportation

Notice to Consulting Firms

The Kansas Department of Transportation (KDOT) is seeking a qualified consulting firm, or team of firms, to perform construction inspection services on multiple projects in various counties. Summary information for each project is provided below in Table 1.

Interested consultants must email a proposal to KDOT.DesignContracts@ks.gov by 12:00 p.m. (Central Time) June 28, 2023, to be considered for selection.

Consultant Prequalification

Consulting firms interested in providing service on any project listed below must be prequalified by KDOT in Category 241-Construction Inspection and Testing

If a firm is not currently prequalified by KDOT, a proposal may still be submitted. Firms not prequalified must also provide documentation that demonstrates the firm is qualified for each specified category listed in this notice for the project. Firms must use the KDOT prequalification form to provide this documentation. KDOT 1050 Prequalification Category Definitions (Blue Book) can be found at <http://www.ksdot.org/descons.asp>. Consultants may create a team to meet the prequalification requirements. All firms doing business with KDOT must be registered and in good standing under the laws of the State of Kansas at the time of contracting and must comply with applicable state and federal laws, rules, and regulations.

Background and Scope of Projects

With this single solicitation, KDOT is requesting consulting services for construction inspections on the projects listed in Table 1. This table provides summary information for each project. One consultant will be selected to perform services associated with each group listed. Firms can express interest in the groups for which they would like to be considered by submitting a response as indicated below. There is no guarantee that a firm which has expressed interest will be selected for any project(s).

Table 1: Summary of Project Information

| Group | RT-CO | Project # | Scope, County | Anticipated Start | Working Days or CCD | Office | Comments |
|-------|-----------|------------|------------------------------|-------------------|--------------------------|-----------------|--|
| 144 | U075- 089 | KA-6739-01 | Bridge Repair, Shawnee | July 10, 2023 | 80 | Topeka/ Emporia | This project is slated to be performed by the same contractor. |
| 144 | I470- 089 | KA-6733-01 | Bridge Repair, Shawnee | July 10, 2023 | 80 | Topeka/ Emporia | This project is slated to be performed by the same contractor. |
| 339 | I070- 032 | KA-6798-01 | Lighting, Gove | September 1, 2023 | 35 | Oakley | This project is slated to be performed by the same contractor. |
| 339 | U024- 097 | KA-6542-01 | Lighting, Thomas | September 1, 2023 | 20 | Atwood | This project is slated to be performed by the same contractor. |
| 339 | I070- 091 | KA-6539-01 | Lighting, Sherman | September 1, 2023 | 45 | Atwood | This project is slated to be performed by the same contractor. |
| 242 | I070-031 | KA-6773-01 | Bridge Repair, Geary | July 10, 2023 | CCD November 22, 2023 | Junction City | KDOT will provide Project Manager |
| 242 | I070-031 | KA-6062-01 | Grading and Surfacing, Geary | July 10, 2023 | CCD November 14, 2025 | Junction City | KDOT will provide Project Manager |
| 528 | U160-096 | KA-3888-01 | Bridge Replacement, Sumner | July 10, 2023 | 210 | Winfield | |

Additional project information including construction scope to be inspected, a detailed description of the project location, and resources and inspection scope specifically requested from consultants in this request can be viewed in an online table at <https://ike.ksdot.gov/about/construction-inspection-rfps>. Upon publication of this Request for Proposals (RFP), KDOT anticipates each of these inspection efforts will require full teams (project manager and inspectors, as opposed to single role staff augmentation as is occasionally request) for various types of construction inspection except as noted in the table. Watch the website linked above for updated information. Tabulated information (both in this RFP and on the website) shall not be relied upon during inspections. It is provided for the convenience of consultants, specifically to aid in making decisions about which projects they are interested in performing.

Specific project needs are subject to modification and/or cancellation at KDOT's discretion.

Anticipated Consultant Scope

The scope of construction inspection services and certifications required will vary for each project and are listed in the table available on the website noted above. Inspection efforts will be managed out of the offices listed. Also included for the convenience of consultants are indications of which grouped projects are currently slated to be performed by the same contractors.

Anticipated Schedule and Key Dates

- Proposals are due by or before 12:00 p.m. (Central Time) June 28, 2023.
- Ranking of proposals is expected to occur on or around July 5, 2023. Negotiations with the most highly ranked firm are expected to begin on or around July 12, 2023. An executed agreement is anticipated shortly thereafter.
- Anticipated scope start dates and working days or anticipated calendar completion dates are shown in the table. All dates are subject to change.

Instructions for Proposal

- No cost or pricing information shall be submitted with the proposal. Proposals including cost or pricing information will be considered non-responsive and withdrawn from further consideration.
- The consultant's proposal must not exceed 4 pages total (including any cover letter, index, etc.). All pages shall be standard letter size (8.5" x 11"). Any page larger than standard letter size will be counted as two or more pages depending on size.
- A single PDF (2MB maximum size) of the proposal including all attachments must be emailed to KDOT.DesignContracts@ks.gov by the proposal due date and time.
- The subject line of the email and the PDF file name must read:
 - "ConstInsp Multiple Projects_2023.06 Release FIRM NAME"
- The proposal must be accompanied by Special Attachments No. 8 ("Tax Clearance Certificate") and No. 10 ("Policy Regarding Sexual Harassment"). If you need a Tax Clearance Certificate, you can request one at <https://www.ksrevenue.gov/taxclearance.html>. Allow 2-3 business days for processing. Both attachments are required for every firm involved in a multi-consultant team.
- The outline in Table 2 below describes the expected proposal organization, content sections, and limits on number of pages.
 - Each team is limited to a single, one-page cover letter.
 - Consultants may indicate interest in any and all projects, indicate preference (s) for up to three projects, and shall both indicate interest and preferences on the "June 2023 Construction Inspections Interest & Preference Form: (available at <https://ike.ksdot.gov/about/construction-inspection-rfps>). Also, consultants are to use the bottom of that form to indicate any capacity lim-

(continued)

itations that need to be taken into account when making selections.

- c. Thereafter, each team is limited to two pages per project in which they express interest. In these pages, consultants shall:
 - i. Describe the approach they plan to execute to deliver success on the project.
 - ii. Present the relevant qualifications and experience of the people they are proposing will provide the services.
 - iii. Provide the firm’s familiarity with KDOT and the project area.
 - d. Finally, consultants are limited to a single, on-page descriptions of general qualifications (“Past Performance” selection plus “Approach to Quality Control” section) regardless of the number of projects in which they are expressing interest.
7. Table 3 lists the evaluation criteria and associated weights which will be used to make a selection.
8. Although not anticipated at this time, KDOT reserves the right to interview for the requested services associated with any of the listed projects prior to making final selections.

Table 2: Proposal Content

| Section | Description of Intent | Page Limit |
|--|--|---|
| Cover Letter | | 1 Page |
| Consultant Project Interest and Preference | Fill out “May 2023 Construction Inspections Interest & Preference Form” and submit with your proposal. | 1 Page |
| Project Approach | Describe how your firm will meet the fluctuating inspection needs of the project. | 2 Pages per project in which team is interested |
| Qualifications and Experience | For key personnel to be assigned to the project provide names, qualifications, education, training, and expertise. Identify their area(s) of responsibility and percent of their time dedicated to the project. List work for which you do not have in-house capability and name the firm you propose to subcontract with. | |
| Familiarity with KDOT and Project Area | Describe team’s familiarity with KDOT’s inspection processes and standards. Describe familiarity with the project area and any identified special site conditions. | 1 Page total |
| Past Performance | Describe team’s past performance with respect to ability to meet project schedules; quality of work; and ability to control costs on similar transportation projects, especially those performed for KDOT. Include three references and contact information. | |
| Approach to Quality Control | Describe methods or procedures your firm will use to provide all services with professional quality and technical accuracy. | |

Table 3: Evaluation Factors

| Evaluation Factor | Weight |
|---|--------|
| The quality and completeness of the response | 10% |
| Availability to respond to the work | 20% |
| Qualifications and experience of project manager and other key project team members proposed for services | 20% |
| Past performance history for similar projects/services for KDOT | 20% |
| Understanding of the project area | 10% |
| Understanding of KDOT contract administration and closeout procedures | 20% |

Contract Terms and Conditions

A standard KDOT agreement for engineering and technical services will be used for professional services projects. The following special attachments will need to be provided by the selected consultant and all subconsultants with the signed work order following negotiations and will become attachments to the contract.

- Special Attachment No. 8 (“Tax Clearance Certificate”)
- Special Attachment No. 10 (“Policy Regarding Sexual Harassment”)

Special Contract Conditions

Batch RFP.

Questions

All questions regarding this RFP shall be emailed to KDOT.DesignContracts@ks.gov.

Questions can be submitted until June 14, 2023; answers will be provided to all pre-qualified consultants on June 21, 2023.

Marcia Turner, P.E. Contracts Manager
 Division of Engineering and Design
 Department of Transportation

Doc. No. 051213

State of Kansas

**Department for Aging and Disability Services
 Department of Health and Environment
 Division of Health Care Finance**

**Notice of Final Nursing Facility Medicaid Rates for State Fiscal Year 2024;
 Methodology for Calculating Rates, and Rate Justifications;
 Response to Written Comments;
 Notice of Intent to Amend the Medicaid State Plan**

Under the Medicaid program, 42 U.S.C. 1396 et seq., the State of Kansas pays nursing facilities, nursing facilities for mental health, and hospital long-term care units (hereafter collectively referred to as nursing facilities) a daily rate for care provided to residents who are eligible for Medicaid benefits. The Secretary of Aging and Disability Services administers the nursing facility program, which includes hospital long-term care units, and the nursing facility for mental health program. The Secretary acts on behalf of the Kansas Department of Health and Environment Division of Health Care Finance (DHCF), the single state Medicaid agency.

As required by 42 U.S.C. 1396a(a)(13), as amended by Section 4711 of the Balanced Budget Act of 1997, P.L. No.

105-33, 101 Stat. 251, 507-08 (August 5, 1997), the Secretary of the Kansas Department for Aging and Disability Services (KDADS) is publishing the final Medicaid per diem rates for Medicaid-certified nursing facilities for State Fiscal Year 2024, the methodology underlying the establishment of the nursing facility rates, and the justifications for those rates. KDADS and DHCF are also providing notice of the state’s intent to submit amendments to the Medicaid State Plan to the U. S. Department of Health and Human Services’ Centers for Medicare and Medicaid Services (CMS) on or before September 30, 2023.

I. Methodology Used to Calculate Medicaid Per Diem Rates for Nursing Facilities.

In general, the state uses a prospective, cost-based, facility-specific rate-setting methodology to calculate nursing facility Medicaid per diem rates, including the rates listed in this notice. The state’s rate-setting methodology is contained primarily in the following described documents and authorities and in the exhibits, attachments, regulations, or other authorities referenced in them:

- A. The following portions of the Kansas Medicaid State Plan maintained by DHCF are being revised:
 - 1. Attachment 4.19D, Part I, Subpart C, Exhibit C-1, inclusive;

The text of the portions of the Medicaid State Plan identified above in section IA.1, but not the documents, authorities and the materials incorporated therein by reference, is reprinted in this notice. The Medicaid State Plan provisions set out in this notice appears in the version which the state currently intends to submit to CMS on or before September 30, 2023. The Medicaid State Plan amendment that the state ultimately submits to CMS may differ from the version contained in this notice.

Copies of the documents and authorities containing the state’s rate-setting methodology are available upon written request. A request for copies will be treated as a request for public records under the Kansas Open Records Act, K.S.A. 45-215 et seq. The state may charge a fee for copies, in accordance with Executive Order 18-05. Written requests for copies should be sent to:

Secretary of Aging and Disability Services
 New England Building, Second Floor
 503 S. Kansas Ave.
 Topeka, KS 66603-3404
 Fax: 785-296-0767

A.1 Attachment 4.19D, Part I, Subpart C, Exhibit C-1: Methods and Standards for Establishing Payment Rates for Nursing Facilities

Under the Medicaid program, the State of Kansas pays nursing facilities (NF), nursing facilities for mental health (NFMH), and hospital long-term care units (hereafter collectively referred to as nursing facilities) a daily rate for care provided to residents who are eligible for Medicaid benefits. The narrative explanation of the nursing facility reimbursement formula is divided into 11 sections. The sections are: Cost Reports, Rate Determination, Quarterly Case Mix Index Calculation, Resident Days, Inflation Factors, Upper Payment Limits, Quarterly Case Mix Rate Adjustment, Real and Personal Property Fee, Incentive Factors, Rate Effective Date, and Retroactive Rate Adjustments.

1. Cost Reports

The Nursing Facility Financial and Statistical Report (MS2004) is the uniform cost report. It is included in Kansas Administrative Regulation (K.A.R.) 129-10-17. It organizes the commonly incurred business expenses of providers into three reimbursable cost centers (operating, indirect health care, and direct health care). Ownership costs (i.e., mortgage interest, depreciation, lease, and amortization of leasehold improvements) are reported but reimbursed through the real and personal property fee. There is a non-reimbursable/non-resident related cost center so that total operating expenses can be reconciled to the providers’ accounting records.

All cost reports are desk reviewed by agency auditors. Adjustments are made, when necessary, to the reported costs in arriving at the allowable historic costs for the rate computations.

Calendar Year End Cost Reports

All providers that have operated a facility for 12 or more months on December 31 shall file a calendar year cost report. The requirements for filing the calendar year cost report are found in K.A.R. 129-10-17.

When a non-arms length or related party change of provider takes place or an owner of the real estate assumes the operations from a lessee, the facility will be treated as an ongoing operation. In this situation, the related provider or owner shall be required to file the calendar year end cost report. The new operator or owner is responsible for obtaining the cost report information from the prior operator for the months during the calendar year in which the new operator was not involved in running the facility. The cost report information from the old and new operators shall be combined to prepare a 12-month calendar year end cost report.

Projected Cost Reports

The filing of projected cost reports are limited to: 1) newly constructed facilities; 2) existing facilities new to the Medicaid program; or 3) a provider re-entering the Medicaid program that has not actively participated or billed services for 24 months or more. The requirements are found in K.A.R. 129-10-17.

2. Rate Determination

Rates for Existing Nursing Facilities

Medicaid rates for Kansas NFs are determined using a prospective, facility-specific rate-setting system. The rate is determined from the base cost data submitted by the provider. The current base cost data is the combined calendar year cost data from each available report submitted by the current provider during 2020, 2021, and 2022.

If the current provider has not submitted a calendar year report during the base cost data period, the cost data submitted by the previous provider for that same period will be used as the base cost data. Once the provider completes their first 24 months in the program, their first calendar year cost report will become the provider’s base cost data.

The allowable expenses are divided into three cost centers. The cost centers are Operating, Indirect Health Care and Direct Health Care. They are defined in K.A.R. 129-10-18.

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The allowable historic per diem cost is determined by dividing the allowable resident related expenses in each cost center by resident days. Before determining the per diem cost, each year's cost data is adjusted from the midpoint of that year to December 31, 2023. The resident days and inflation factors used in the rate determination will be explained in greater detail in the following sections.

The inflated allowable historic per diem cost for each cost center is then compared to the cost center upper payment limit. The allowable per diem rate is the lesser of the inflated allowable historic per diem cost in each cost center or the cost center upper payment limit. Each cost center has a separate upper payment limit. If each cost center upper payment limit is exceeded, the allowable per diem rate is the sum of the three cost center upper payment limits. There is also a separate upper payment limit for owner, related party, administrator, and co-administrator compensation. The upper payment limits will be explained in more detail in a separate section.

The case mix of the residents adjusts the Direct Health Care cost center. The reasoning behind a case mix payment system is that the characteristics of the residents in a facility should be considered in determining the payment rate. The idea is that certain resident characteristics can be used to predict future costs to care for residents with those same characteristics. For these reasons, it is desirable to use the case mix classification for each facility in adjusting provider rates.

There are add-ons to the allowable per diem rate. The add-ons consist of the incentive factor, the real and personal property fee, and per diems to cover costs not included in the cost report data. The incentive factor and real and personal property fee are explained in separate sections of this exhibit. The rate components are explained in separate subparts of Attachment 4.19D of the State Plan. The add-ons plus the allowable per diem rate equal the total per diem rate.

Rates for New Construction and New Facilities (New Enrollment Status)

The per diem rate for newly constructed nursing facilities, or new facilities to the Kansas Medical Assistance program shall be based on a projected cost report submitted in accordance with K.A.R. 129-10-17.

The cost information from the projected cost report and the first historic cost report covering the projected cost report period shall be adjusted to December 31, 2023. This adjustment will be based on the IHS Global Insight, National Skilled Nursing Facility Market Basket Without Capital Index (IHS Index). The IHS indices listed in the latest available quarterly publication will be used to adjust the reported cost data from the midpoint of the cost report period to December 31, 2023. The provider shall remain in new enrollment status until the base data period is reestablished. During this time, the adjusted cost data shall be used to determine all rates for the provider. Any additional factor for inflation that is applied to cost data for established providers shall be applied to the adjusted cost data for each provider in new enrollment status.

Rates for Facilities Recognized as a Change of Provider (Change of Provider Status)

The payment rate for the first 24 months of operation shall be based on the base cost data of the previous owner or provider. This base cost data shall include data from each calendar year cost report that was filed by the previous provider from 2020-2022. If base cost data is not available, the most recent calendar year data for the previous provider shall be used. Beginning with the first day of the 25th month of operation the payment rate shall be based on the historical cost data for the first calendar year submitted by the new provider.

All data used to set rates for facilities recognized as a change-of-provider shall be adjusted to December 31, 2023. This adjustment will be based on the IHS Index. The IHS indices listed in the latest available quarterly publication will be used to adjust the reported cost data from the midpoint of the cost report period to December 31, 2023. The provider shall remain in change-of-provider status until the base data period is reestablished. During this time, the adjusted cost data shall be used to determine all rates for the provider. Any additional factor for inflation that is applied to cost data for established providers shall be applied to the adjusted cost data for each provider in change of provider status.

Rates for Facilities Re-entering the Program (Reenrollment Status)

The per diem rate for each provider reentering the Medicaid program shall be determined from a projected cost report if the provider has not actively participated in the program by the submission of any current resident service billings to the program for 24 months or more. The per diem rate for all other providers reentering the program shall be determined from the base cost data filed with the agency or the most recent cost report filed preceding the base cost data period.

All cost data used to set rates for facilities reentering the program shall be adjusted to December 31, 2023. This adjustment will be based on the S&P Global Index. The S&P Global indices listed in the latest available quarterly publication will be used to adjust the reported cost data from the midpoint of the cost report period to December 31, 2023. The provider shall remain in reenrollment status until the base data period is reestablished. During this time, the adjusted cost data shall be used to determine all rates for the provider. Any additional factor for inflation that is applied to cost data for established providers shall be applied to the adjusted cost data for each provider in reenrollment status.

3. Quarterly Case Mix Index Calculation

Providers are required to submit to the agency the uniform assessment instrument, which is the Minimum Data Set (MDS), for each resident in the facility. The MDS assessments are maintained in a computer database.

The Resource Utilization Groups-III (RUG-III) Version 5.20, 34 group, index maximizer model is used as the resident classification system to determine all case-mix indices, using data from the MDS submitted by each facility. Standard Version 5.20 (Set D01) case mix indices developed by the Centers for Medicare and Medicaid Services (CMS) shall be the basis for calculating facility average case mix indices to be used to adjust the Direct Health Care costs in the determination of upper payment limits

and rate calculation. Resident assessments that cannot be classified will be assigned the lowest CMI for the State.

Each resident in the facility on the first day of each calendar quarter with a completed and submitted assessment shall be assigned a RUG-III 34 group calculated on the resident's most current assessment available on the first day of each calendar quarter. This RUG-III group shall be translated to the appropriate CMI. From the individual resident case mix indices, three average case mix indices for each Medicaid nursing facility shall be determined four times per year based on the assessment information available on the first day of each calendar quarter.

The facility-wide average CMI is the simple average, carried to four decimal places, of all resident case mix indices. The Medicaid-average CMI is the simple average, carried to four decimal places, of all indices for residents, including those receiving hospice services, where Medicaid is known to be a per diem payer source on the first day of the calendar quarter or at any time during the preceding quarter. The private-pay/other average CMI is the simple average, carried to four decimal places, of all indices for residents where neither Medicaid nor Medicare were known to be the payer source on the first day of the calendar quarter or at any time during the preceding quarter. Case mix indices for ventilator-dependent residents for whom additional reimbursement has been determined shall be excluded from the average CMI calculations.

Rates will be adjusted for case mix twice annually using case mix data from the two quarters preceding the rate effective date. The case mix averages used for the rate adjustments will be the simple average of the case mix averages for each quarter. The resident listing cut-off for calculating the average CMIs for each quarter will be the first day of the quarter. The following are the dates for the resident listings and the rate periods in which the average Medicaid CMIs will be used in the semi-annual rate-setting process.

| <u>Rate Effective Date</u> | <u>Cut-Off Dates for Quarterly CMI</u> |
|----------------------------|--|
| July 1 | January 1 and April 1 |
| January 1 | July 1 and October 1 |

The resident listings will be distributed to providers prior to the dates the semi-annual case mix adjusted rates are determined. This will allow the providers time to review the resident listings and make corrections before they are notified of new rates. The cut off schedule may need to be modified in the event accurate resident listings and Medicaid CMI scores cannot be obtained from the MDS database.

4. Resident Days

Facilities with 60 beds or less

For facilities with 60 beds or less, the allowable historic per diem costs for all cost centers are determined by dividing the allowable resident related expenses by the actual resident days during the cost report period(s) used to establish the base cost data.

Facilities with more than 60 beds

For facilities with more than 60 beds, the allowable historic per diem costs for the Direct Health Care cost center and for food and utilities in the Indirect Health Care cost center are determined by dividing the allowable resident related expenses by the actual resident days during the

cost report period(s) used to establish the base cost data. The allowable historic per diem cost for the Operating and Indirect Health Care Cost Centers less food and utilities is subject to an 85% minimum occupancy rule. For these providers, the greater of the actual resident days for the cost report period(s) used to establish the base cost data or the 85% minimum occupancy based on the number of licensed bed days during the cost report period(s) used to establish the base cost data is used as the total resident days in the rate calculation for the Operating cost center and the Indirect Health Care cost center less food and utilities. All licensed beds are required to be certified to participate in the Medicaid program.

There are two exceptions to the 85% minimum occupancy rule for facilities with more than 60 beds. The first is that it does not apply to a provider who is allowed to file a projected cost report for an interim rate. Both the rates determined from the projected cost report and the historic cost report covering the projected cost report period are based on the actual resident days for the period.

The second exception is for the first cost report filed by a new provider who assumes the rate of the previous provider. If the 85% minimum occupancy rule was applied to the previous provider's rate, it is also applied when the rate is assigned to the new provider. However, when the new provider files a historic cost report for any part of the first 12 months of operation, the rate determined from the cost report will be based on actual days and not be subject to the 85% minimum occupancy rule for the months in the first year of operation. The 85% minimum occupancy rule is then reapplied to the rate when the new provider reports resident days and costs for the 13th month of operation and after.

5. Inflation Factors

Inflation will be applied to the allowable reported costs from the calendar year cost report(s) used to determine the base cost data from the midpoint of each cost report period to December 31, 2023. The inflation will be based on the S&P Global, CMS Nursing Home without Capital Market Basket index.

The S&P Global, CMS Nursing Home without Capital Market Basket Indices listed in the latest available quarterly publication will be used to determine the inflation tables for the payment schedules processed during the payment rate period. This may require the use of forecasted factors in the inflation table. The inflation tables will not be revised until the next payment rate period.

The inflation factor will not be applied to the following costs:

1. Owner/Related Party Compensation
2. Interest Expense
3. Real and Personal Property Taxes

6. Upper Payment Limits

There are three types of upper payment limits that will be described. One is the owner/related party/administrator/co-administrator limit. The second is the real and personal property fee limit. The last type of limit is an upper payment limit for each cost center. The upper payment limits are in effect during the payment rate period unless otherwise specified by a State Plan amendment.

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Owner/Related Party/Administrator/Co-Administrator Limits

Since salaries and other compensation of owners are not subject to the usual market constraints, specific limits are placed on the amounts reported. First, amounts paid to non-working owners and directors are not an allowable cost. Second, owners and related parties who perform resident related services are limited to a salary chart based on the Kansas Civil Service classifications and wages for comparable positions. Owners and related parties who provide resident related services on less than a full time basis have their compensation limited by the percent of their total work time to a standard work week. A standard work week is defined as 40 hours. The owners and related parties must be professionally qualified to perform services which require licensure or certification.

The compensation paid to owners and related parties shall be allocated to the appropriate cost center for the type of service performed. Each cost center has an expense line for owner/related party compensation. There is also a cost report schedule titled, "Statement of Owners and Related Parties." This schedule requires information concerning the percent of ownership (if over five percent), the time spent in the function, the compensation, and a description of the work performed for each owner and/or related party. Any salaries reported in excess of the Kansas Civil Service based salary chart are transferred to the Operating cost center where the excess is subject to the Owner/Related Party/Administrator/Co-Administrator per diem compensation limit.

Schedule C is an array of non-owner administrator and co-administrator salaries. The schedule includes the calendar year 2022 historic cost reports in the database from all active nursing facility providers. The salary information in the array is not adjusted for inflation. The per diem data is calculated using an 85% minimum occupancy level for those providers in operation for more than 12 months with more than 60 beds. Schedule C for the owner/related party/administrator/co-administrator per diem compensation limit is the first schedule run during the rate setting.

Schedule C is used to set the per diem limitation for all non-owner administrator and co-administrator salaries and owner/related party compensation in excess of the civil service based salary limitation schedule. The per diem limit for a 50-bed or larger home is set at the 90th percentile on all salaries reported for non-owner administrators and co-administrators. A limitation table is then established for facilities with less than 50 beds. This table begins with a reasonable salary per diem for an administrator of a 15-bed or less facility. The per diem limit for a 15-bed or less facility is inflated based on the State of Kansas annual cost of living allowance for classified employees for the rate period. A linear relationship is then established between the compensation of the administrator of the 15-bed facility and the compensation of the administrator of a 50-bed facility. The linear relationship determines the per diem limit for the facilities between 15 and 50 beds.

The per diem limits apply to the non-owner administrators and co-administrators and the compensation paid to owners and related parties who perform an admin-

istrative function or consultant type of service. The per diem limit also applies to the salaries in excess of the civil service based salary chart in other cost centers that are transferred to the operating cost center.

Real and Personal Property Fee Limit

The property component of the reimbursement methodology consists of the real and personal property fee that is explained in more detail in a later section. The upper payment limit is 105% of the median determined from a total resident day-weighted array of the property fees in effect April 1, 2023.

Cost Center Upper Payment Limits

Schedule B is an array of all per diem costs for each of the three cost centers-Operating, Indirect Health Care, and Direct Health Care. The schedule includes a per diem determined from the base cost data from all active nursing facility providers. Projected cost reports are excluded when calculating the limit.

The per diem expenses for the Operating cost center and the Indirect Health Care cost center less food and utilities are subject to the 85% minimum occupancy for facilities over 60 beds. All previous desk review and field audit adjustments are considered in the per diem expense calculations. The costs are adjusted by the owner/related party/administrator/co-administrator limit.

Prior to the Schedule B arrays, the cost data on certain expense lines is adjusted from the midpoint of the cost report period to December 31, 2023. This will bring the costs reported by the providers to a common point in time for comparisons. The inflation will be based on the S&P Global, CMS Nursing Home Without Capital Market Basket Index.

Certain costs are exempt from the inflation application when setting the upper payment limits. They include owner/related party compensation, interest expense, and real and personal property taxes.

Schedule B is the median compilations. These compilations are needed for setting the upper payment limit for each cost center. The median for each cost center is weighted based on total resident days. The upper payment limits will be set using the following:

| | |
|----------------------|--------------------|
| Operating | 110% of the median |
| Indirect Health Care | 115% of the median |
| Direct Health Care | 130% of the median |

Direct Health Care Cost Center Limit

The Kansas reimbursement methodology has a component for a case mix payment adjustment. The Direct Health Care cost center rate component and upper payment limit are adjusted by the facility average CMI.

For the purpose of setting the upper payment limit in the Direct Health Care cost center, the facility cost report period CMI and the statewide average CMI will be calculated. The facility cost report period CMI is the resident day-weighted average of the quarterly facility-wide average case mix indices, carried to four decimal places. The quarters used in this average will be the quarters that most closely coincide with the financial and statistical reporting period. For example, a 01/01/20XX-12/31/20XX financial and statistical reporting period would use the facility-wide average case mix indices for quarters beginning 04/01/XX, 07/01/XX, 10/01/XX and 01/01/XY. The

statewide average CMI is the resident day-weighted average, carried to four decimal places, of the facility cost report period case mix indices for all Medicaid facilities.

The statewide average CMI and facility cost report period CMI are used to set the upper payment limit for the Direct Health Care cost center. The limit is based on all facilities with a historic cost report in the database. There are three steps in establishing the base upper payment limit.

The first step is to normalize each facility's inflated Direct Health Care costs to the statewide average CMI. This is done by dividing the statewide average CMI for the cost report year by the facility's cost report period CMI, then multiplying this answer by the facility's inflated costs. This step is repeated for each cost report year for which data is included in the base cost data.

The second step is to determine per diem costs and array them to determine the median. The per diem cost is determined by dividing the total of each provider's inflated case mix adjusted base direct health care costs by the total days provided during the base cost data period. The median is located using a day-weighted methodology. That is, the median cost is the per diem cost for the facility in the array at which point the cumulative total of all resident days first equals or exceeds half the number of the total resident days for all providers. The facility with the median resident day in the array sets the median inflated direct health care cost. For example, if there are eight million resident days, the facility in the array with the 4 millionth day would set the median.

The final step in calculating the base Direct Health Care upper payment limit is to apply the percentage factor to the median cost. For example, if the median cost is \$80 and the upper payment limit is based on 130% of the median, then the upper payment limit for the statewide average CMI would be \$104 ($D=130\% \times \80).

7. Quarterly Case Mix Rate Adjustment

The allowance for the Direct Health Care cost component will be based on the average Medicaid CMI in the facility. The first step in calculating the allowance is to determine the Allowable Direct Health Care Per Diem Cost. This is the lesser of the facility's per diem cost from the base cost data period or the Direct Health Care upper payment limit. Because the direct health care costs were previously adjusted for the statewide average CMI, the Allowable Direct Health Care Per Diem Cost corresponds to the statewide average CMI.

The next step is to determine the Medicaid acuity adjusted allowable Direct Health Care cost. The facility's Medicaid CMI is determined by averaging the facility average Medicaid CMI from the two quarters preceding the rate effective date. The facility's Medicaid CMI is then divided by the statewide average CMI for the cost data period. Finally, this result, is then multiplied by the Allowable Direct Health Care per diem cost. The result is referred to as the Medicaid Acuity Adjustment.

The Medicaid Acuity Adjustment is calculated semi-annually to account for changes in the Medicaid CMI. To illustrate this calculation, take the following situation: The facility's direct health care per diem cost is \$80.00, the Direct Health Care per diem limit is \$104.00, and these are both tied to a statewide average CMI of 1.000, and the facility's current Medicaid CMI is 0.9000. Since the

per diem costs are less than the limit the Allowable Direct Health Care Cost is \$80.00, and this is matched with the statewide average CMI of 1.0000. To calculate the Medicaid Acuity Adjustment, first divide the Medicaid CMI by the statewide average CMI, then multiply the result by the Allowable Direct Health Care Cost. In this case that would result in \$72.00 ($0.9000/1.0000 \times \80.00). Because the facility's current Medicaid CMI is less than the statewide average CMI the Medicaid Acuity Adjustment moves the direct health care per diem down proportionally. In contrast, if the Medicaid CMI for the next semi-annual adjustment rose to 1.1000, the Medicaid Acuity Adjustment would be \$88.00 ($1.1000/1.0000 \times \80.00). Again the Medicaid Acuity Adjustment changes the Allowable Direct Health Care Per Diem Cost to match the current Medicaid CMI.

8. Real and Personal Property Fee

The property component of the reimbursement methodology consists of the real and personal property fee (property fee). The property fee is paid in lieu of an allowable cost of mortgage interest, depreciation, lease expense and/or amortization of leasehold improvements. The fee is facility specific and does not change as a result of a change of ownership, change in lease, or with re-enrollment in the Medicaid program. The original property fee was comprised of two components, a property allowance and a property value factor. The differentiation of the fee into these components was eliminated effective July 1, 2002. At that time each facility's fee was re-established based on the sum of the property allowance and value factor. The providers receive the lower of the inflated property fee or the upper payment limit.

For providers re-enrolling in the Kansas Medical Assistance program or providers enrolling for the first time but operating in a facility that was previously enrolled in the program, the property fee shall be the sum of the last effective property allowance and the last effective value factor for that facility. The property fee will be inflated to 12/31/08 and then compared to the upper payment limit. The property fee will be the lower of the facility-specific inflated property fee or the upper payment limit.

Providers entering the Kansas Medical Assistance program for the first time, who are operating in a building for which a fee has not previously been established, shall have a property fee calculated from the ownership costs reported on the cost report. This fee shall include appropriate components for rent or lease expense, interest expense on real estate mortgage, amortization of leasehold improvements, and depreciation on buildings and equipment. The process for calculating the property fee for providers entering the Kansas Medical Assistance program for the first time is explained in greater detail in K.A.R. 129-10-25.

There is a provision for changing the property fee. This is for a rebasing when capital expenditure thresholds are met (\$25,000 for homes under 51 beds and \$50,000 for homes over 50 beds). The original property fee remains constant but the additional factor for the rebasing is added. The property fee rebasing is explained in greater detail in K.A.R. 129-10-25. The rebased property fee is subject to the upper payment limit.

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9. Incentive Factors

An incentive factor will be awarded to both NF and NF-MH providers that meet certain outcome measures criteria. The criteria for NF and NF-MH providers will be determined separately based on arrays of outcome measures for each provider group.

Nursing Facility Quality and Efficiency Incentive Factor

The Nursing Facility Incentive Factor is a per diem amount determined by four per diem add-ons providers can earn for various outcomes measures. Providers that maintain a case mix adjusted staffing ratio at or above the 75th percentile will earn a \$3.00 per diem add-on. Providers that fall below the 75th percentile staffing ratio but improve their staffing ratio by 10% or more will earn a \$0.50 per diem add-on. Providers that achieve a staff retention rate at or above the 75th percentile will earn a \$2.50 per diem add-on as long as contracted labor costs do not exceed 10% of the provider’s total direct health care labor costs. Providers that have a staff retention rate lower than the 75th percentile but that increase their staff retention rate by 10% or more will receive a per diem add-on of \$0.50 as long as contracted labor costs do not exceed 10% of the provider’s total direct health care labor costs. Providers that have a Medicaid occupancy percentage of 65% or more will receive a \$0.75 per diem add-on. Finally, providers that maintain quality measures at or above the 75th percentile will earn a \$1.25 per diem add-on. The total of all the per diem add-ons a provider qualifies for will be their incentive factor.

The table below summarizes the incentive factor outcomes and per diem add-ons:

| Incentive Outcome | Incentive Add-ons |
|--|-------------------|
| CMI adjusted staffing ratio ≥ 75th percentile (5.60), or CMI adjusted staffing < 75th percentile but improved ≥ 10% | \$3.00 \$0.50 |
| Staff retention rate ≥ 75th percentile, 71% Contracted labor < 10% of total direct health care labor costs or Staff retention rate < 75th percentile but increased ≥ 10% Contracted labor < 10% of total direct health care labor costs | \$2.50 \$0.50 |
| Medicaid occupancy ≥ 65% | \$0.75 |
| Quality Measures ≥ 75th percentile (580) | \$1.25 |
| Total Incentive Add-on Available | \$7.50 |

The Culture Change/Person-Centered Care Incentive Program

The Culture Change/Person-Centered Care Incentive Program (PEAK 2.0) includes nine different incentive levels to recognize homes that are either pursuing culture change, have made major achievements in the pursuit of culture change, have met minimum competencies in person-centered care, have sustained person-centered care, or are mentoring others in person-centered care.

Each incentive level has a specific pay-for-performance incentive per diem attached to it that homes can earn by meeting defined outcomes. The first six levels (Level 0 – Level 5) are intended to encourage quality improvement for homes that have not yet met the minimum competency requirements for a person-centered care home.

Level 6 recognizes those homes that have attained a minimum level of core competency in person-centered care. Level 7 and Level 8 are reserved for those homes that have demonstrated sustained person-centered care for multiple years and have gone on to mentor other

homes in their pursuit of person-centered care. The table below provides a brief overview of each of the levels.

| Level & Per Diem Incentive | Summary of Required Nursing Home Action | Incentive Duration |
|--|--|---|
| Level 0: The Foundation \$0.50 Per Medicaid Resident Per Day (PMRPD) | Home completes a self-evaluation tool according to the enrollment instructions. Home participates in all required activities noted in the Foundation timeline and Workbook. Homes that do not complete the requirements at this level must sit out for the remainder of the program year. At successful completion of the Foundation level, homes move to Level 1. | Available beginning July 1 of the enrollment year. Incentive granted for one full fiscal year, provided the home participates in program activities. Homes’ incentive may be dropped mid-year for non-participation. Receipt of incentive also based on survey eligibility. |
| Level 1: 0-2 Cores \$0.75 PMRPD | Home completes a self-evaluation tool (annually). Home submits an action plan addressing at least 2 of the total 12 PEAK cores. A home can turn in additional action plans mid-year at their discretion. Homes are eligible for level 1 incentive by passing the Foundation level and/or sustaining practices in 1-2 cores. Level 1 homes undergo an in-person or Zoom evaluation with the PEAK team. 20-25 homes are selected for a random site visit. Homes must participate in the random site visit, if selected, to continue incentive payment. Action planned cores are evaluated within the same fiscal year. Previously passed cores will be re-evaluated every 2 years for sustainability. Level is adjusted based on the evaluation results and KDADS’ guidance. | Available beginning July 1 of the enrollment year. Incentive granted for one full fiscal year. Receipt of incentive also based on survey eligibility. |
| Level 2: 3-4 Cores \$1.00 PMRPD | Home completes a self-evaluation tool (annually). Home submits an action plan addressing at least 2 of the total 12 PEAK cores. A home can turn in additional action plans mid-year at their discretion. Homes are eligible for level 2 incentive by passing and/or sustaining 3-4 cores. Level 2 homes undergo an in-person or Zoom evaluation with the PEAK team. 20-25 homes are selected for a random site visit. Homes must participate in the random site visit, if selected, to continue incentive payment. Action planned cores are evaluated within the same fiscal year. Previously passed cores will be re-evaluated every 2 years for sustainability. Level is adjusted based on the evaluation results and KDADS’ guidance. | Available beginning July 1 of the enrollment year. Incentive granted for one full fiscal year. Receipt of incentive also based on survey eligibility. |
| Level 3: 5-6 Cores \$1.25 PMRPD | Home completes a self-evaluation tool (annually). Home submits an action plan addressing at least 2 of the total 12 PEAK cores. A home can turn in additional action plans mid-year at their discretion. Homes are eligible for level 3 incentive by passing and/or sustaining 5-6 cores. Level 3 homes undergo an in-person or Zoom evaluation with the PEAK team. 20-25 homes are selected for a random site visit. Homes must participate in the random site visit, if selected, to continue incentive payment. Action planned cores are evaluated within the same fiscal year. Previously passed cores will be re-evaluated every 2 years for sustainability. Level is adjusted based on the evaluation results and KDADS’ guidance. | Available beginning July 1 of the enrollment year. Incentive granted for one full fiscal year. Receipt of incentive also based on survey eligibility. |

| | | |
|--|---|--|
| Level 4: 7-8 Cores \$1.50 PMRPD | Home completes a self- evaluation tool (annually). Home submits an action plan addressing at least 2 of the total 12 PEAK cores. A home can turn in additional action plans mid-year at their discretion. Homes are eligible for level 4 incentive by passing and/ or sustaining 7-8 cores. Level 4 homes undergo an in-person or Zoom evaluation with the PEAK team. 20-25 homes are selected for a random site visit. Homes must participate in the random site visit, if selected, to continue incentive payment. Action planned cores are evaluated within the same fiscal year. Previously passed cores will be re-evaluated every 2 years for sustainability. Level is adjusted based on the evaluation results and KDADS' guidance. | Available beginning July 1 of the enrollment year. Incentive granted for one full fiscal year. Receipt of incentive also based on survey eligibility. |
| Level 5: 9-11 Cores \$1.75 PMRPD | Home completes a self- evaluation tool (annually). Home submits an action plan addressing at least 2 of the total 12 PEAK cores. A home can turn in additional action plans mid-year at their discretion. Homes are eligible for level 5 incentive by passing and/ or sustaining 9-11 cores. Level 5 homes undergo an in-person or Zoom evaluation with the PEAK team. 20-25 homes are selected for a random site visit. Homes must participate in the random site visit, if selected, to continue incentive payment. Action planned cores are evaluated within the same fiscal year. Previously passed cores will be re-evaluated every 2 years for sustainability. Level is adjusted based on the evaluation results and KDADS' guidance. | Available beginning July 1 of the enrollment year. Incentive granted for one full fiscal year. Receipt of incentive also based on survey eligibility. |
| Level 6: 12 Cores Person-Centered Care Home \$2.00 PMRPD | Home completes a self- evaluation tool (annually). Homes are eligible for level 6 by demonstrating minimum competency as a person-centered care home (passes all 12 core areas or 90% of the PEAK practices). The home does this by passing a full on-site visit to evaluate all 12 PEAK core areas. KDADS and KSU will facilitate a full on-site visit to evaluate PEAK practices. KDADS will make final determination of movement to level 6. | Available beginning July 1 following confirmed minimum competency of person-centered practice. Incentive is granted for one full fiscal year. Receipt of incentive also based on survey eligibility. |
| Level 7: 12 Cores Sustained Person-Centered Care Home \$2.50 PMRPD | Home completes a self- evaluation tool (annually). Homes are eligible for level 7 by demonstrating minimum competency as a person-centered care home (passes all 12 core areas or 90% of the PEAK practices) two consecutive years. The home does this by passing a full on-site visit to evaluate all 12 PEAK core areas. KDADS and KSU will facilitate a full on-site visit to evaluate PEAK practices. KDADS will make final determination of movement to level 7. | Available beginning July 1 following confirmation of the upkeep of minimum person-centered care competencies in all 12 PEAK cores for the second consecutive year. Incentive is granted for two fiscal years. Renewable biannually. Receipt of incentive also based on survey eligibility. |

| | | |
|--|--|--|
| Level 8: 12 Cores Mentor Home \$3.00 PMRPD | Home completes a self- evaluation tool (annually). Homes are eligible for level 8 by demonstrating minimum competency as a person-centered care home (passes all 12 core areas or 90% of the PEAK practices) two consecutive years and meeting the minimum mentoring activities, as directed in the mentoring log. The home does this by passing a full on-site visit to evaluate all 12 PEAK core areas. KDADS and KSU will facilitate a full on-site visit to evaluate PEAK practices bi-annually and turning in a mentor log. KDADS will make final determination of movement to level 8. | Available beginning July 1 following confirmation of mentor home standards (upkeep of minimum person-centered care competencies in all 12 PEAK cores and mentoring points). Incentive is granted for two fiscal years. Renewable bi-annually. Receipt of incentive also based on survey eligibility. |
|--|--|--|

Nursing Facility for Mental Health Quality and Efficiency Incentive Factor

The Quality and Efficiency Incentive plan for Nursing Facilities for Mental Health (NFMH) will be established separately from nursing facilities. Nursing Facilities for Mental Health serve people who often do not need the NF level of care on a long-term basis. There is a desire to provide incentive for NFMHs to work cooperatively and in coordination with Community Mental Health Centers to facilitate the return of persons to the community.

The Quality and Efficiency Incentive Factor is a per diem add-on ranging from zero to seven dollars and fifty cents. It is designed to encourage quality care, efficiency and cooperation with discharge planning. The incentive factor is determined by five outcome measures: case-mix adjusted nurse staffing ratio; operating expense; staff turnover rate; staff retention rate; and occupancy rate. Each provider is awarded points based on their outcomes measures and the total points for each provider determine the per diem incentive factor included in the provider's rate calculation.

Providers may earn up to two incentive points for their case mix adjusted nurse staffing ratio. They will receive two points if their case-mix adjusted staffing ratio equals or exceeds 3.29, which is 120% of the statewide NFMH median of 2.74. They will receive one point if the ratio is less than 120% of the NFMH median but greater than or equal to 3.01, which is 110% of the statewide NFMH median. Providers with staffing ratios below 110% of the NFMH median will receive no points for this incentive measure.

NFMH providers may earn one point for low occupancy outcomes measures. If they have total occupancy less than 90% they will earn a point.

NFMH providers may earn one point for low operating expense outcomes measures. The provider will earn one point if the per diem operating expenses are below \$34.40, or 90% of the statewide median of \$38.22.

NFMH providers may earn up to two points for the turnover rate outcomes measure. Providers with direct health care staff turnover equal to or below 44%, the 75th percentile statewide, will earn two points as long as contracted labor costs do not exceed 10% of the provider's total direct health care labor costs. Providers with direct health care staff turnover greater than 44% but equal to or below 60%, the 50th percentile statewide, will earn

(continued)

one point as long as contracted labor costs do not exceed 10% of the provider’s total direct health care labor costs.

Finally, NFMH providers may earn up to two points for the retention rate outcomes measure. Providers with staff retention rates at or above 84%, the 75th percentile statewide will earn two points. Providers with staff retention rates below 84% but at or above 69%, the 50th percentile statewide, will earn one point.

The table below summarizes the incentive factor outcomes and points:

| Quality/Efficiency Outcome | Incentive Points |
|--|------------------|
| CMI adjusted staffing ratio ≥ 120% (3.29) of NF-MH median (2.74), or | 2, or |
| CMI adjusted staffing ratio between 110% (3.01) and 120% | 1 |
| Total occupancy ≤ 90% | 1 |
| Operating expenses < \$34.40, 90% of NF-MH median, \$38.22 | 1 |
| Staff turnover rate ≤ 75th percentile, 44% | 2, or |
| Staff turnover rate ≤ 50th percentile, 60% | 1 |
| Contracted labor < 10% of total direct health care labor costs | |
| Staff retention ≥ 75th percentile, 84% | 2, or |
| Staff retention ≥ 50th percentile, 69% | 1 |
| Total Incentive Points Available | 8 |

Schedule E is an array containing the incentive points awarded to each NFMH provider for each quality and efficiency incentive outcome. The total of these points will be used to determine each provider’s incentive factor based on the following table.

| Total Incentive Points | Incentive Factor Per Diem |
|------------------------|---------------------------|
| Tier 1: 6-8 points | \$7.50 |
| Tier 2: 5 points | \$5.00 |
| Tier 3: 4 points | \$2.50 |
| Tier 4: 0-3 points | \$0.00 |

The survey and certification performance of each NF and NFMH provider will be reviewed quarterly to determine each provider’s eligibility for incentive factor payments. In order to qualify for an incentive, factor a home must not have received any health care survey deficiency of scope and severity level “H” or higher during the survey review period. Homes that receive “G” level deficiencies, but no “H” level or higher deficiencies, and that correct the “G” level deficiencies within 30 days of the survey, will be eligible to receive 50% of the calculated incentive factor. Homes that receive no deficiencies higher than scope and severity level “F” will be eligible to receive 100% of the calculated incentive factor. The survey and certification review period will be the 12-month period ending one quarter prior to the incentive eligibility review date. The following table lists the incentive eligibility review dates and corresponding review period end dates.

| Incentive Eligibility Effective Date | Review Period End Date |
|--------------------------------------|------------------------|
| July 1 | March 31st |
| October 1 | June 30th |
| January 1 | September 30th |
| April 1 | December 31st |

10. Rate Effective Date

Rate effective dates are determined in accordance with K.A.R. 129-10-19. The rate may be revised for an add-on reimbursement factor (i.e., rebased property fee), desk review adjustment or field audit adjustment.

11. Retroactive Rate Adjustments

Retroactive adjustments, as in a retrospective system, are made for the following three conditions:

A retroactive rate adjustment and direct cash settlement is made if the agency determines that the base year cost report data used to determine the prospective payment rate was in error. The prospective payment rate period is adjusted for the corrections.

If a projected cost report is approved to determine an interim rate, a settlement is also made after a historic cost report is filed for the same period.

All settlements are subject to upper payment limits. A provider is considered to be in projection status if they are operating on a projected rate and they are subject to the retroactive rate adjustment.

A.2 Medicaid Add-On

To compensate and incentivize providers with high Medicaid participation a per diem add-on has been determined and will be paid to each Medicaid provider in SFY24. The per diem will be added to the nursing facility Medicaid per diem rate.

1. Qualifying Providers

All providers currently enrolled in the Medicaid program will be eligible for the add-on.

2. Medicaid Add-On Calculation:

Funds allocated for the add-on were divided by Medicaid bed days reported in CY22 nursing facility cost reports which resulted in a flat rate of \$19.58 per Medicaid resident day. Each facility’s Medicaid rate will be determined by adding \$19.58 to the facility’s base SFY24 per diem rate.

II. Medicaid Per Diem Rates for Kansas Nursing Facilities

A. Cost Center Limitations

The state establishes the following cost center limitations which are used in setting rates effective July 1, 2023.

| Cost Center | Limit Formula | Per Day Limit |
|--------------------------------|-------------------------|---------------|
| Operating | 110% of the Median Cost | \$55.15 |
| Indirect Health Care | 115% of the Median Cost | \$68.78 |
| Direct Health Care | 130% of the Median Cost | \$186.15 |
| Real and Personal Property Fee | 105% of the Median Fee | \$10.47 |

These amounts were determined according to the “Reimbursement Limitations” section. The Direct Health-care Limit is calculated based on a CMI of 1.0813, which is the statewide average for the three-year base cost data period.

B. Case Mix Index

These final rates are based upon each nursing facility’s Medicaid CMI calculated as the average of the quarterly Medicaid CMI averages with a cutoff dates of January 1, 2023 and April 1, 2023. The CMI calculations use the July 1, 2014 Kansas Medicaid/Medikan CMI Table. In Section II.C below, each nursing facility’s Medicaid average CMI is listed beside its per diem rate.

C. Rates

The following list includes the calculated Medicaid rate for each nursing facility provider currently enrolled in the Medicaid program and the Medicaid case mix index used to determine each rate.

| Facility Name | City | Daily Rate* | Medicaid CMI | Facility Name | City | Daily Rate* | Medicaid CMI |
|---------------------------------------|------------------|-------------|--------------|---------------------------------------|---------------|-------------|--------------|
| Village Manor | Abilene | 310.22 | 0.9025 | Fowler Residential Care | Fowler | 312.95 | 0.8965 |
| Life Care Center of Andover | Andover | 222.87 | 0.9937 | Frankfort Community Care Home, Inc. | Frankfort | 301.74 | 0.9667 |
| Anthony Community Care Center | Anthony | 241.22 | 0.8333 | Medicalodges Frontenac | Frontenac | 245.74 | 0.9732 |
| Arkansas City Presbyterian Manor | Arkansas City | 295.75 | 1.0184 | Galena Nursing Home | Galena | 251.99 | 1.1371 |
| Medicalodges Health Care Ctr Arkansas | Arkansas City | 245.54 | 0.9871 | Garden Valley Retirement Village | Garden City | 228.10 | 1.0897 |
| Arma Operator, LLC | Arma | 266.71 | 1.3527 | Recover Care Meadowbrook Rehab, LLC | Gardner | 354.03 | 1.1594 |
| Atchison Senior Village | Atchison | 312.88 | 1.0554 | Anderson County Hospital | Garnett | 321.41 | 0.9011 |
| Dooley Center | Atchison | 289.65 | 0.7696 | Parkview Heights | Garnett | 303.89 | 0.9319 |
| Medicalodges Atchison | Atchison | 287.06 | 1.0525 | The Nicol Home, Inc. | Glasco | 251.60 | 0.9433 |
| Attica Long Term Care | Attica | 313.32 | 0.8639 | Medicalodges Goddard | Goddard | 272.70 | 1.0324 |
| Good Samaritan Society-Atwood | Atwood | 311.63 | 1.0472 | Bethesda Home | Goessel | 314.72 | 0.9130 |
| Lake Point Nursing Center | Augusta | 247.71 | 1.0501 | Topside Manor, Inc | Goodland | 273.42 | 0.9868 |
| Baldwin Healthcare and Rehab Center | Baldwin City | 278.01 | 1.2676 | Azria Health Great Bend | Great Bend | 271.81 | 1.2200 |
| Quaker Hill Manor | Baxter Springs | 249.23 | 1.1029 | Medicalodges Great Bend | Great Bend | 271.34 | 0.8726 |
| Catholic Care Center Inc. | Bel Aire | 320.38 | 1.0339 | Haviland Operator, LLC | Haviland | 198.96 | 0.7046 |
| Belleville Healthcare and Rehab Ctr | Belleville | 287.85 | 1.3086 | Ascension Living Via Christi Village | Hays | 311.28 | 1.0466 |
| Hilltop Lodge Health and Rehab | Beloit | 288.93 | 1.2535 | Good Samaritan Society-Hays | Hays | 264.55 | 0.9998 |
| Mitchell County Hospital LTCU | Beloit | 312.40 | 0.8943 | Diversicare of Haysville | Haysville | 231.77 | 1.2017 |
| Bonner Springs Nursing and Rehab Ctr | Bonner Springs | 283.45 | 1.0333 | Legacy at Herington | Herington | 303.57 | 1.0658 |
| Hill Top House | Bucklin | 300.12 | 0.9196 | Schowalter Villa | Hesston | 344.76 | 1.0568 |
| Buhler Sunshine Home, Inc. | Buhler | 292.24 | 0.9427 | Maple Heights Nursing and Rehab Ctr | Hiawatha | 232.02 | 0.8914 |
| Life Care Center of Burlington | Burlington | 279.73 | 1.0683 | Dawson Place, Inc. | Hill City | 237.01 | 0.8888 |
| Eastridge Nursing Home | Centralia | 345.45 | 1.0770 | Parkside Homes, Inc. | Hillsboro | 297.89 | 0.9658 |
| Diversicare of Chanute | Chanute | 247.69 | 1.1754 | Salem Home | Hillsboro | 267.28 | 0.9834 |
| Heritage Health Care Center | Chanute | 226.93 | 1.0483 | Medicalodges Jackson County | Holton | 263.15 | 1.0469 |
| Chapman Valley Manor | Chapman | 268.62 | 0.8923 | Mission Village Living Center | Horton | 250.70 | 1.0330 |
| Cheney Golden Age Home Inc. | Cheney | 273.74 | 0.9480 | Sheridan County Hospital | Hoxie | 321.69 | 0.9982 |
| Cherryvale Care Center | Cherryvale | 230.56 | 0.9204 | Pioneer Manor | Hugoton | 306.90 | 0.8446 |
| The Shepherd's Center | Cimarron | 270.27 | 0.8305 | Diversicare of Hutchinson | Hutchinson | 277.23 | 1.1287 |
| Advena Living of Clay Center | Clay Center | 269.88 | 0.9073 | Good Sam Society-Hutchinson Village | Hutchinson | 292.27 | 0.9852 |
| Clay Center Presbyterian Manor | Clay Center | 316.87 | 0.9606 | Hutchinson Operator, LLC | Hutchinson | 283.05 | 1.3440 |
| Clearwater Nursing and Rehab | Clearwater | 280.70 | 0.9985 | Wesley Towers | Hutchinson | 307.84 | 0.8782 |
| Park Villa Nursing Home | Clyde | 274.17 | 1.0755 | Medicalodges Independence | Independence | 243.86 | 0.9906 |
| Medicalodges Coffeyville on Midland | Coffeyville | 275.78 | 1.0334 | Montgomery Place Nursing Center, LLC | Independence | 241.42 | 1.0461 |
| Medicalodges Iola | Iola | 266.19 | 0.9988 | Pleasant View Home | Inman | 293.58 | 0.8904 |
| Colby Operator, LLC | Colby | 325.92 | 1.2577 | Stanton County Hospital- LTCU | Johnson | 315.47 | 0.9585 |
| Prairie Senior Living Complex | Colby | 337.90 | 1.1451 | Valley View Senior Life | Junction City | 276.00 | 1.0187 |
| Pioneer Lodge | Coldwater | 270.15 | 0.8681 | Ignite Med Resort Rainbow Blvd, LLC | Kansas City | 309.40 | 1.1987 |
| Medicalodges Columbus | Columbus | 318.04 | 1.1304 | Lifecare Center of Kansas City | Kansas City | 283.67 | 1.0360 |
| Sunset Home, Inc. | Concordia | 272.99 | 1.0647 | Medicalodges Post Acute Care Center | Kansas City | 273.64 | 1.0008 |
| Spring View Manor Healthcare & Rehab | Conway Springs | 294.35 | 1.2888 | Providence Place LTCU | Kansas City | 329.25 | 1.0717 |
| Chase County Care and Rehab | Cottonwood Falls | 351.38 | 1.1951 | Riverbend Post Acute Rehabilitation | Kansas City | 278.26 | 1.3223 |
| Diversicare of Council Grove | Council Grove | 247.36 | 1.0717 | The Healthcare Resort of Kansas City | Kansas City | 310.34 | 1.2343 |
| Hilltop Manor Nursing Center | Cunningham | 248.63 | 0.9938 | The Wheatlands | Kingman | 249.30 | 0.8938 |
| Derby Health and Rehabilitation | Derby | 308.73 | 1.0793 | Medicalodges Kinsley | Kinsley | 287.15 | 0.9855 |
| Westview of Derby Rehab and Health | Derby | 220.40 | 0.9907 | Kiowa District Manor | Kiowa | 322.47 | 0.9949 |
| Hillside Village | DeSoto | 262.37 | 1.0162 | Locust Grove Village | Lacrosse | 258.20 | 0.8471 |
| Manor of the Plains | Dodge City | 324.17 | 0.9479 | High Plains Retirement Village | Lakin | 317.59 | 1.0067 |
| Sunporch of Dodge City | Dodge City | 274.75 | 0.8437 | Lansing Care and Rehab | Lansing | 305.36 | 1.2136 |
| Trinity Manor | Dodge City | 276.73 | 1.1502 | Diversicare of Larned | Larned | 217.21 | 0.9851 |
| Downs Care and Rehab | Downs | 298.20 | 1.2311 | Lawrence Presbyterian Manor | Lawrence | 331.42 | 0.9957 |
| Anew Healthcare Easton | Easton | 251.83 | 1.1365 | Medicalodges Leavenworth | Leavenworth | 274.84 | 0.9750 |
| Edwardsville Care and Rehab | Edwardsville | 200.29 | 0.8095 | The Healthcare Resort of Leawood | Leawood | 333.55 | 1.3600 |
| Kaw River Care and Rehab | Edwardsville | 304.97 | 1.2442 | Delmar Gardens of Lenexa | Lenexa | 239.29 | 1.0219 |
| Parkway Care and Rehab | Edwardsville | 249.24 | 1.2196 | Lakeview Village | Lenexa | 370.91 | 1.2426 |
| El Dorado Care and Rehab | El Dorado | 338.33 | 1.2433 | Westchester Village of Lenexa | Lenexa | 359.11 | 1.2080 |
| Lakepoint Nursing Center-El Dorado | El Dorado | 251.60 | 1.0074 | Leonardville Nursing Home | Leonardville | 286.67 | 0.9784 |
| Good Samaritan Society-Ellis | Ellis | 256.14 | 0.9451 | Wichita County Health Center | Leoti | 337.45 | 1.0667 |
| Good Sam Society-Ellsworth Village | Ellsworth | 288.93 | 1.0604 | Good Samaritan Society-Liberal | Liberal | 297.19 | 1.0881 |
| Emporia Presbyterian Manor | Emporia | 284.36 | 0.8842 | Wheatridge Park Care Center | Liberal | 268.75 | 1.1305 |
| Flint Hills Care and Rehab Center | Emporia | 239.19 | 1.1378 | Lincoln Park Manor, Inc. | Lincoln | 263.04 | 0.9530 |
| Holiday Resort | Emporia | 275.41 | 1.0315 | Bethany Home Association | Lindsborg | 319.13 | 0.9857 |
| Enterprise Estates Nursing Center, I | Enterprise | 243.16 | 1.0016 | Linn Community Nursing Home | Linn | 265.85 | 0.9939 |
| Eskridge Care and Rehab | Eskridge | 239.57 | 0.9572 | Sandstone Heights Nursing Home | Little River | 306.62 | 0.9054 |
| Medicalodges Eudora | Eudora | 253.63 | 0.9326 | Logan Manor Community Health Service | Logan | 260.60 | 0.9097 |
| Eureka Nursing Center | Eureka | 228.17 | 0.9808 | Louisburg Healthcare and Rehab Center | Louisburg | 300.40 | 1.2938 |
| Kansas Soldiers' Home | Fort Dodge | 307.11 | 0.9329 | Ascension Living Via Christi Village | Manhattan | 294.30 | 1.0258 |
| Medicalodges Fort Scott | Fort Scott | 248.46 | 1.0065 | | | | |

(continued)

| Facility Name | City | Daily Medicaid | | Facility Name | City | Daily Medicaid | |
|---------------------------------------|-----------------|----------------|--------|--|------------------|----------------|--------|
| | | Rate* | CMI | | | Rate* | CMI |
| Meadowlark Hills Retirement Community | Manhattan | 311.44 | 0.9483 | Prairie Sunset Manor | Pretty Prairie | 297.05 | 1.3550 |
| St. Luke Living Center | Marion | 287.50 | 0.9841 | Protection Valley Manor | Protection | 232.96 | 0.8142 |
| Riverview Estates, Inc. | Marquette | 256.25 | 0.8150 | Richmond Healthcare and Rehab Center | Richmond | 262.27 | 1.2277 |
| Cambridge Place | Marysville | 270.95 | 1.0559 | Fountainview Nursing and Rehab Center | Rose Hill | 254.24 | 1.1028 |
| McPherson Operator, LLC | McPherson | 310.30 | 1.1690 | Rossville Healthcare and Rehab Center | Rossville | 266.96 | 1.2217 |
| The Cedars, Inc. | McPherson | 298.03 | 0.9986 | Russell Regional Hospital | Russell | 313.80 | 0.8784 |
| Meade District Hospital, LTCU | Meade | 309.27 | 0.8660 | Wheatland Nursing and Rehab Center | Russell | 227.30 | 0.9519 |
| Merriam Gardens Healthcare & Rehab | Merriam | 295.72 | 1.2755 | Apostolic Christian Home | Sabetha | 269.27 | 0.9058 |
| Minneapolis Healthcare and Rehab | Minneapolis | 268.97 | 1.2532 | Sabetha Nursing Center | Sabetha | 254.10 | 1.0501 |
| Minneola District Hospital-LTCU | Minneola | 314.22 | 0.9206 | Kenwood View Health and Rehab Center | Salina | 269.79 | 1.4126 |
| Bethel Home, Inc. | Montezuma | 305.90 | 1.0617 | Pinnacle Park Nursing and Rehabilitation | Salina | 272.33 | 1.3439 |
| Moran Manor | Moran | 248.83 | 1.0063 | Salina Presbyterian Manor | Salina | 295.32 | 0.9131 |
| Moundridge Manor, Inc. | Moundridge | 282.99 | 0.8699 | Salina Windsor SNF OPCO, LLC | Salina | 234.60 | 1.0079 |
| Pine Village | Moundridge | 297.02 | 1.0313 | Smoky Hill Rehabilitation Center | Salina | 237.72 | 1.0372 |
| Villa Maria, Inc. | Mulvane | 296.69 | 1.0650 | Satanta Dist. Hosp. LTCU | Satanta | 309.43 | 0.9087 |
| Neodesha Care and Rehab | Neodesha | 286.27 | 1.2869 | Park Lane Nursing Home | Scott City | 315.20 | 1.0469 |
| Ness County Hospital Dist.#2 | Ness City | 307.03 | 0.8350 | Pleasant Valley Manor | Sedan | 212.92 | 0.9667 |
| Kansas Christian Home | Newton | 292.26 | 1.0802 | Diversicare of Sedgwick | Sedgwick | 298.69 | 1.1568 |
| Newton Presbyterian Manor | Newton | 324.14 | 0.9673 | Crestview Nursing & Residential Living | Seneca | 248.19 | 0.9210 |
| Paramount Community Living and Rehab | Newton | 312.33 | 1.1047 | Life Care Center of Seneca | Seneca | 236.10 | 1.1884 |
| Bethel Care Center | North Newton | 348.55 | 1.0909 | Brookdale Rosehill | Shawnee | 361.14 | 1.1566 |
| Andbe Home, Inc. | Norton | 247.84 | 0.8974 | Sharon Lane Health and Rehabilitation | Shawnee | 260.67 | 1.0172 |
| Anew Healthcare | Nortonville | 248.64 | 1.0628 | Shawnee Gardens Healthcare and Rehab | Shawnee | 282.75 | 1.2942 |
| Logan County Senior Living | Oakley | 325.79 | 0.9884 | Smith Center Operator, LLC | Smith Center | 263.68 | 1.2585 |
| Good Samaritan Society-Decatur Co. | Oberlin | 294.33 | 0.8979 | Sunporch of Smith County | Smith Center | 309.65 | 1.0859 |
| Aberdeen Village, Inc. | Olathe | 334.12 | 1.0056 | Mennonite Friendship Manor, Inc. | South Hutchinson | 327.78 | 1.0352 |
| Azria Health at Olathe | Olathe | 271.36 | 1.1399 | Southwinds at Spearville | Spearville | 266.07 | 1.3100 |
| Evergreen Community of Johnson Count | Olathe | 333.32 | 1.0218 | Spring Hill Care and Rehab | Spring Hill | 292.85 | 1.1493 |
| Good Samaritan Society-Olathe | Olathe | 315.01 | 0.9564 | Cheyenne County Village, Inc. | St. Francis | 321.45 | 0.9681 |
| Nottingham Health & Rehab | Olathe | 359.03 | 1.1163 | Community Hospital of Onaga, LTCU | St. Mary's | 318.37 | 0.9232 |
| The Healthcare Resort of Olathe | Olathe | 312.70 | 1.3563 | Prairie Mission Retirement Village | St. Paul | 238.82 | 0.9635 |
| Villa St. Francis Catholic Care Ctr. | Olathe | 332.49 | 1.2003 | Leisure Homestead at Stafford | Stafford | 245.17 | 0.8618 |
| Onaga Operator, LLC | Onaga | 270.89 | 1.1796 | Sterling Village | Sterling | 298.73 | 0.9441 |
| Osage Nursing and Rehab Center | Osage City | 228.20 | 0.9542 | Solomon Valley Manor | Stockton | 285.14 | 1.0801 |
| Life Care Center of Osawatomie | Osawatomie | 334.40 | 1.2458 | Tonganoxie Terrace | Tonganoxie | 275.96 | 1.1874 |
| Parkview Health and Rehab LLC | Osborne | 233.93 | 1.1671 | Brewster Health Center | Topeka | 309.17 | 0.9129 |
| Heritage Gardens Health and Rehab | Oskaloosa | 304.73 | 1.0958 | Brighton Place North | Topeka | 135.37 | 0.6493 |
| Oswego Operator, LLC | Oswego | 283.83 | 1.3837 | Brighton Place West Health Center | Topeka | 193.89 | 0.9483 |
| Rock Creek of Ottawa | Ottawa | 267.32 | 1.2701 | Countryside Health Center | Topeka | 141.06 | 0.6826 |
| Brookside Manor | Overbrook | 235.46 | 1.0287 | Halstead Health and Rehab Center | Halstead | 260.14 | 1.0324 |
| Brookdale Overland Park | Overland Park | 353.16 | 1.1900 | Holiday Resort of Salina | Salina | 246.09 | 0.9765 |
| Colonial Village | Overland Park | 332.40 | 1.1255 | Legacy on 10th Ave. | Topeka | 248.02 | 0.9699 |
| Delmar Gardens of Overland Park | Overland Park | 287.97 | 1.1409 | Lexington Park Nursing and Post Acute | Topeka | 268.21 | 0.8913 |
| Garden Terrace at Overland Park | Overland Park | 289.78 | 1.0493 | McCrite Plaza Health Center | Topeka | 319.30 | 1.1457 |
| KPC Promise Hospital of Overland Park | Overland Park | 351.67 | 1.6071 | Pioneer Ridge Retirement Community | Lawrence | 228.76 | 0.9616 |
| Overland Park Center for Rehab & HC | Overland Park | 307.66 | 1.0452 | Providence Living Center | Topeka | 204.24 | 0.7440 |
| Overland Park Nursing and Rehab | Overland Park | 325.85 | 1.2023 | Ranch House Senior Living | Topeka | 249.10 | 0.9096 |
| Shawnee Post Acute Rehab Center | Overland Park | 304.76 | 1.2322 | Recover-Care Plaza West Care Center | Topeka | 271.28 | 1.2559 |
| Stratford Commons Rehab & HCC | Overland Park | 336.47 | 1.1438 | Rolling Hills Health Center | Topeka | 244.51 | 0.9588 |
| Tallgrass Creek, Inc. | Overland Park | 326.27 | 0.9800 | Stoneybrook Retirement Community | Topeka | 255.73 | 1.0524 |
| Villa Saint Joseph | Overland Park | 302.17 | 1.0076 | Tanglewood Nursing and Rehabilitation | Topeka | 229.94 | 1.0841 |
| Village Shalom, Inc. | Overland Park | 319.93 | 0.9267 | The Gardens at Aldersgate | Topeka | 312.20 | 1.3194 |
| Anew Healthcare-Oxford | Oxford | 336.56 | 1.1837 | The Healthcare Resort of Topeka | Topeka | 292.71 | 1.3280 |
| Medicalodges Paola | Paola | 179.87 | 0.7535 | Topeka Center for Rehab and Healthcare | Topeka | 286.35 | 1.3903 |
| North Point Skilled Nursing Center | Paola | 237.38 | 1.0749 | Topeka Presbyterian Manor Inc. | Topeka | 323.60 | 0.9839 |
| Elmhaven East | Parsons | 241.35 | 0.9170 | Twin Oaks Health and Rehab | Lansing | 271.92 | 1.0816 |
| Good Samaritan Society-Parsons | Parsons | 265.84 | 0.9468 | Valley Health Care Center | Topeka | 214.88 | 0.6347 |
| Parsons Presbyterian Manor | Parsons | 327.23 | 1.0194 | Western Prairie Senior Living | Ulysses | 265.82 | 0.9861 |
| Access Mental Health | Peabody | 179.29 | 0.6265 | Greeley County Hospital, LTCU | Tribune | 295.50 | 0.8749 |
| Peabody Operator, LLC | Peabody | 232.80 | 1.0676 | Trego Co. Lemke Memorial LTCU | Wakeeney | 306.83 | 0.8912 |
| Phillips County Retirement Center | Phillipsburg | 261.10 | 0.8807 | Wakefield Care and Rehab | Wakefield | 295.43 | 1.2077 |
| Ascension Living Via Christi Village | Pittsburg | 283.83 | 0.9932 | Good Samaritan Society-Valley Vista | Wamego | 286.17 | 0.9831 |
| Medicalodges Pittsburg South | Pittsburg | 298.83 | 1.1318 | Wathena Healthcare and Rehab Center | Wathena | 294.35 | 1.3052 |
| Pittsburg Care and Rehab | Pittsburg | 245.35 | 1.1181 | Botkin Care and Rehab | Wellington | 261.41 | 1.1436 |
| Rooks County Senior Services, Inc. | Plainville | 307.82 | 0.9919 | Summer Operator, LLC | Wellington | 286.51 | 1.1271 |
| The Village at Mission | Prairie Village | 351.62 | 1.1374 | Wellsville Manor | Wellsville | 227.92 | 0.9514 |
| Grand Plains-Skilled Nursing | Pratt | 277.15 | 0.9942 | Westy Community Care Home | Westmoreland | 249.05 | 0.8025 |
| Pratt Operator, LLC | Pratt | 258.64 | 1.1704 | Wheat State Manor | Whitewater | 279.21 | 0.9717 |

| Facility Name | City | Daily Medicaid Rate* | CMI |
|---|--------------|----------------------|--------|
| Ascension Living Via Christi Village | Wichita | 309.93 | 1.0422 |
| Ascension Living Via Christi Village | Wichita | 310.93 | 0.9798 |
| Avita Health & Rehab of Reeds Cove | Wichita | 296.69 | 1.1114 |
| Azria Health Wichita | Wichita | 345.92 | 1.1612 |
| Caritas Center | Wichita | 313.09 | 0.9281 |
| Family Health & Rehabilitation Center | Wichita | 320.07 | 1.1147 |
| Homestead Health Center, Inc. | Wichita | 303.05 | 0.9502 |
| Lakepoint Wichita LLC | Wichita | 263.48 | 0.9729 |
| Legacy at College Hill | Wichita | 248.82 | 1.0374 |
| Life Care Center of Wichita | Wichita | 296.55 | 1.1347 |
| Lincoln Care and Rehab | Wichita | 290.62 | 1.1314 |
| Medicalodges Wichita | Wichita | 271.78 | 0.9145 |
| Meridian Rehab and Health Care Center | Wichita | 212.62 | 0.9913 |
| Mount St Mary | Wichita | 316.59 | 0.9618 |
| Orchard Gardens | Wichita | 253.11 | 1.1261 |
| Regent Park Rehab and Healthcare | Wichita | 336.09 | 1.1291 |
| Sandpiper Healthcare and Rehab Center | Wichita | 231.93 | 1.2656 |
| Seville Operator, LLC | Wichita | 339.53 | 1.2223 |
| The Health Care Center at Larkfield Pl | Wichita | 343.03 | 1.1359 |
| Wichita Center for Rehab and Healthcare | Wichita | 298.17 | 1.3269 |
| Wichita Presbyterian Manor | Wichita | 309.97 | 1.0065 |
| Wilson Care and Rehab | Wilson | 314.73 | 1.1913 |
| F W Huston Medical Center | Winchester | 193.63 | 0.7986 |
| Cumbernauld Village, Inc. | Winfield | 320.74 | 1.0527 |
| Kansas Veterans' Home | Winfield | 306.37 | 0.9255 |
| Winfield Rest Haven II LLC | Winfield | 327.08 | 0.9817 |
| Winfield Senior Living Community | Winfield | 248.62 | 1.0887 |
| Yates Operator, LLC | Yates Center | 254.88 | 1.2605 |

III. Justifications for the Rates

1. The final rates are calculated according to the rate-setting methodology in the Kansas Medicaid State Plan and pending amendments thereto.
2. The final rates are calculated according to a methodology which satisfies the requirements of K.S.A. 39-708c(x) and the DHCF regulations in K.A.R. Article 129-10 implementing that statute and applicable federal law.
3. The State's analyses project that the rates:
 - a. Would result in payment, in the aggregate of 100.43%* of the Medicaid day weighted average inflated allowable nursing facility costs statewide; and
 - b. Would result in a maximum allowable rate of \$320.55 (for a CMI of 1.0813); with the total average allowable cost being \$282.59*.
 - c. Average Payment rate July 1, 2023 \$276.36
 - d. Average payment rate July 1, 2022 \$230.02
 - Amount of change \$46.34
 - Percent of change 20.15%
4. Estimated annual aggregate expenditures in the Medicaid nursing facility services payment program will increase approximately \$83.9 million.
5. The state estimates that the rates will continue to make quality care and services available under the Medicaid State Plan at least to the extent that care and services are available to the general population in the geographic area. The state's analyses indicate:
 - a. Service providers operating a total of 300 nursing facilities and hospital-based long-term care units (representing 99.7% of all the licensed nursing facilities and long-term care units in Kansas) participate in the Medicaid program;
 - b. There is at least one Medicaid-certified nursing facility and/or nursing facility for mental health,

- c. The statewide average occupancy rate for nursing facilities participating in Medicaid is 77.30%;
 - d. The statewide average Medicaid occupancy rate for participating facilities is 59.03%; and
 - e. The rates would cover 94.66%* of the estimated Medicaid direct health care costs incurred by participating nursing facilities statewide.
6. Federal Medicaid regulations at 42 C.F.R. 447.272 impose an aggregate upper payment limit that states may pay for Medicaid nursing facility services. The state's analysis indicates that the methodology will result in compliance with the federal regulation.
 7. The Federal fiscal impact for Fee for Service is as follows:

| Fee-For-Service Only | Estimated Federal Financial Participation |
|---------------------------|---|
| FFY 2023 (July-Sept 2023) | \$281,569 |
| FFY 2024 (Oct-June) | \$888,448 |

IV. Response to Comments Received

The state did not receive formal comments to its Proposed Nursing Facility rates published on April 6, 2023 in the Kansas Register.

V. Notice of Intent to Amend the Medicaid State Plan

The state intends to submit Medicaid State Plan amendments to CMS on or before September 30, 2023.

*Includes Medicaid Add-On; see A.2.

Laura Howard
Secretary
Department for Aging and Disability Services

Sarah Fertig
State Medicaid Director
Division of Health Care Finance
Department of Health and Environment

Doc. No. 051207

(Published in the Kansas Register June 8, 2023.)

City of Haven, Kansas

Notice of Intent to Seek Private Placement General Obligation Bonds, Series 2023

Notice is hereby given that the City of Haven, Kansas (the "Issuer") proposes to seek a private placement of the above-referenced bonds (the "Bonds"). The maximum aggregate principal amount of the Bonds shall not exceed \$450,000. The proposed sale of the Bonds is in all respects subject to approval of a bond purchase agreement between the Issuer and the purchaser of the Bonds and the passage of an ordinance and adoption of a resolution by the governing body authorizing the issuance of the Bonds and the execution of various documents necessary to deliver the Bonds.

Dated June 5, 2023.

Leslie Atherton
Clerk
City of Haven, Kansas

Doc. No. 051214

(Published in the Kansas Register June 8, 2023.)

City of Hays, Kansas**Notice of Intent to Seek Private Placement
General Obligation Bonds, Series 2023-A**

Notice is hereby given that the City of Hays, Kansas (the "Issuer") proposes to seek a private placement of the above-referenced bonds (the "Bonds"). The maximum aggregate principal amount of the Bonds shall not exceed \$470,000. The proposed sale of the Bonds is in all respects subject to approval of a bond purchase agreement between the Issuer and the purchaser of the Bonds and the passage of an ordinance and adoption of a resolution by the governing body authorizing the issuance of the Bonds and the execution of various documents necessary to deliver the Bonds.

Dated May 25, 2023.

Brenda Kitchen
City Clerk
City of Hays, Kansas

Doc. No. 051205

(Published in the Kansas Register June 8, 2023.)

City of White City, Kansas**Notice of Intent to Seek Private Placement
General Obligation Bonds, Series 2023**

Notice is hereby given that the City of White City, Kansas (the "Issuer") proposes to seek a private placement of the above-referenced bonds (the "Bonds"). The maximum aggregate principal amount of the Bonds shall not exceed \$235,000. The proposed sale of the Bonds is in all respects subject to approval of a bond purchase agreement between the Issuer and the purchaser of the Bonds and the passage of an ordinance and adoption of a resolution by the governing body authorizing the issuance of the Bonds and the execution of various documents necessary to deliver the Bonds.

Dated June 7, 2023.

Susan McKenzie
Clerk
City of White City, Kansas

Doc. No. 051212

(Published in the Kansas Register June 8, 2023.)

**Unified School District No. 360,
Sumner County, Kansas (Caldwell)****Summary Notice of Bond Sale
\$5,990,000
General Obligation Bonds, Series 2023****(General Obligation Bonds Payable
from Unlimited Ad Valorem Taxes)****Bids**

Subject to the Notice of Bond Sale dated May 25, 2023 (the "Notice"), facsimile and electronic bids will be received on behalf of the Clerk of Unified School District No. 360, Sumner County, Kansas (Caldwell) (the "Is-

suer") in the case of facsimile bids, at the address set forth below, and in the case of electronic bids, through PARITY® until 11:00 a.m. (Central Time) June 26, 2023, for the purchase of the above-referenced bonds (the "Bonds"). No bid of less than 103% of the principal amount of the Bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details

The Bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The Bonds will be dated July 19, 2023, and will become due on September 1 in the years as follows:

| Year | Principal Amount* | Year | Principal Amount* |
|------|-------------------|------|-------------------|
| 2024 | \$ 55,000 | 2037 | \$245,000 |
| 2025 | 95,000 | 2038 | 255,000 |
| 2026 | 105,000 | 2039 | 270,000 |
| 2027 | 115,000 | 2040 | 290,000 |
| 2028 | 125,000 | 2041 | 305,000 |
| 2029 | 140,000 | 2042 | 320,000 |
| 2030 | 150,000 | 2043 | 340,000 |
| 2031 | 165,000 | 2044 | 360,000 |
| 2032 | 175,000 | 2045 | 380,000 |
| 2033 | 190,000 | 2046 | 400,000 |
| 2034 | 200,000 | 2047 | 420,000 |
| 2035 | 215,000 | 2048 | 445,000 |
| 2036 | 230,000 | | |

* Subject to change, see the Notice

The Bonds will bear interest from the date thereof at rates to be determined when the Bonds are sold as hereinafter provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning on March 1, 2024.

Book-Entry-Only System

The Bonds shall be registered under a book-entry-only system administered through DTC.

Paying Agent and Bond Registrar

Treasurer of the State of Kansas, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied (in the manner set forth in the Notice) by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States of America or a wire transfer in Federal Reserve funds immediately available for use by the Issuer in the amount of \$119,800.

Delivery

The Issuer will pay for preparation of the Bonds and will deliver the same properly prepared, executed, and registered without cost to the successful bidder on or about July 19, 2023, to DTC for the account of the successful bidder.

Assessed Valuation and Indebtedness

The Equalized Assessed Tangible Valuation for Computation of Bonded Debt Limitations for the year 2022 is \$20,013,617. The total general obligation indebtedness of the Issuer as of the Dated Date, including the Bonds being sold, is \$5,990,000.

Approval of Bonds

The Bonds will be sold subject to the legal opinion of Gilmore & Bell, P.C., Wichita, Kansas, Bond Counsel to the Issuer, whose approving legal opinion as to the validity of the Bonds will be furnished and paid for by the Issuer, printed on the Bonds, and delivered to the successful bidder as and when the Bonds are delivered.

Additional Information

Additional information regarding the Bonds may be obtained from the undersigned, or from the Financial Advisor at the addresses set forth below:

Issuer

Unified School District No. 360 District Office
Attn: Skyler Mendez, Clerk
22 N. Webb
Caldwell, KS 67022
620-845-2511
Fax: 620-845-2610
smendez@usd360.com

Financial Advisor

Piper Sandler & Co.
Attn: Dustin Avey
11635 Rosewood St.
Leawood, KS 66211
913-345-3375
Fax: 913-345-3393
dustin.avey@psc.com

Dated May 25, 2023.

Skyler Mendez
Clerk
Unified School District No. 360

Doc. No. 051204

State of Kansas

Secretary of State

Certification of New State Laws

I, Scott Schwab, Secretary of State of the State of Kansas, do hereby certify that the following bill is a correct copy of the original enrolled bill now on file in my office.

Scott Schwab
Secretary of State

(Published in the Kansas Register June 8, 2023.)

(Editor's Note: Sections of the following bill were vetoed by the governor. The line-item vetoes are indicated in double-strike type. The vetoes were sustained by the Legislature. The governor's line-item veto message is printed immediately following the bill.)

House Substitute for Senate Bill No. 113

AN ACT concerning education; making and concerning appropriations for the fiscal years ending June 30, 2023, June 30, 2024, and June 30, 2025, for the state department of education; requiring school districts to submit a notice of intent to dispose of a school district building to the legislature; establishing a state option to acquire such school district buildings; authorizing certain students to participate in activities that are regulated by the Kansas state high school activities association; authorizing certain nonpublic school students who enroll part-time in a school district to participate in nonpublic school activities; authorizing any student with a parent or guardian employed by a school district to enroll in and attend such school district without en-

tering the school district's open-seat lottery process; requiring school districts to give priority to nonresident military students under the school district's open-seat lottery process; requiring consideration of homelessness when determining enrollment status of a student under school district open-enrollment procedures; authorizing members of school district boards of education to receive compensation from the school district for work and duties performed; providing for additional student eligibility and increasing the tax credit for contributions made pursuant to the tax credit for low income students scholarship program; establishing the special education and related services funding task force; extending the high-density at-risk student weighting sunset date; authorizing the use of current-year or preceding year student enrollment to determine state foundation aid under the Kansas school equity and enhancement act; continuing a district's low enrollment weighting factor if the district accepts students from another school district under certain circumstances; continuing the 20 mill statewide levy for schools; increasing the number of school districts that qualify to finance a cost-of-living weighting and increasing the maximum amount of such weighting; amending K.S.A. 72-1137, 72-3123, as amended by section 16 of chapter 94 of the 2022 Session Laws of Kansas, 72-3216, 72-4357, 72-5149 and 72-5159 and K.S.A. 2022 Supp. 72-3126, 72-4352, 72-5132, 72-5142, 72-5151 and 72-5462 and repealing the existing sections.

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

New Section 1.

DEPARTMENT OF EDUCATION

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

Table with 2 columns: Description and Amount. Rows include KPERS - school employer contributions - USDs (\$5,929,175) and Supplemental state aid (652-00-1000-0840) (\$541,000).

(b) On the effective date of this act, of the \$37,714,422 appropriated for the above agency for the fiscal year ending June 30, 2023, by section 2(a) of chapter 94 of the 2022 Session Laws of Kansas from the state general fund in the KPERS - school employer contributions - non-USDs account (652-00-1000-0100), the sum of \$8,039,460 is hereby lapsed.

(c) On the effective date of this act, of the \$2,524,235,833 appropriated for the above agency for the fiscal year ending June 30, 2023, by section 3(a) of chapter 114 of the 2021 Session Laws of Kansas from the state general fund in the state foundation aid account (652-00-1000-0820), the sum of \$79,307,834 is hereby lapsed.

New 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, 2024, the following:

Table with 2 columns: Description and Amount. Row includes Operating expenditures (including official hospitality) (652-00-1000-0053) \$14,712,912.

Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2023, is hereby reappropriated for fiscal year 2024.

Table with 2 columns: Description and Amount. Row includes Center for READing (652-00-1000-0080) \$80,000.

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

Table with 2 columns: Description and Amount. Row includes KPERS - school employer contributions - non-USDs (652-00-1000-0100) \$29,810,273.

Provided, That any unencumbered balance in the KPERS-school employer contributions - non-USDs account in excess of \$100 as of June 30, 2023, is hereby reappropriated for fiscal year 2024.

(continued)

KPERS – school employer contributions-USDs (652-00-1000-0110)\$531,880,516

Provided, That any unencumbered balance in the KPERS-school employer contributions – USDs account in excess of \$100 as of June 30, 2023, is hereby reappropriated for fiscal year 2024.

ACT and workkeys assessments program (652-00-1000-0140)\$2,800,000
Special education services aid (652-00-1000-0700)\$528,018,516

Provided, That any unencumbered balance in the special education services aid in excess of \$100 as of June 30, 2023, is hereby reappropriated for fiscal year 2024: Provided further, That expenditures shall not be made from the special education services aid account for the provision of instruction for any homebound or hospitalized child unless the categorization of such child as exceptional is conjoined with the categorization of the child within one or more of the other categories of exceptionality: And provided further, That expenditures shall be made from this account for grants to school districts in amounts determined pursuant to and in accordance with the provisions of K.S.A. 72-3425, and amendments thereto: And provided further, That expenditures shall be made from the amount remaining in this account, after deduction of the expenditures specified in the foregoing provisios, for payments to school districts in amounts determined pursuant to and in accordance with the provisions of K.S.A. 72-3422, and amendments thereto.

Career and technical education transportation state aid (652-00-1000-0190)\$1,482,338
Juvenile transitional crisis center pilot (652-00-1000-0210)\$300,000
Education commission of the states (652-00-1000-0220).....\$67,700
School safety hotline (652-00-1000-0230)\$10,000
School safety and security grants (652-00-1000-0235).....\$5,000,000

Provided, That expenditures shall be made from the school safety and security grants account for fiscal year 2024 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; acquisition of communication devices and equipment necessary for the effective communication between law enforcement, security services and school; acquisition of naloxone hydrochloride products for use by approved professionals; and salaries and wages, and associated fringe benefits, for newly created positions of school resource officers and the costs associated with any newly created school resource officers provided by the city or county of such school district: Provided further, That all moneys expended for school safety and security grants for fiscal year 2024 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.

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, 2023, is hereby reappropriated for fiscal year 2024: 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
Eduable deaf-blind and severely handicapped children’s programs aid (652-00-1000-0630).....\$110,000
Governor’s teaching excellence scholarships and awards (652-00-1000-0770)\$360,693
State foundation aid (652-00-1000-0820)\$47,899,069
Supplemental state aid (652-00-1000-0840)\$577,309
Professional development state aid (652-00-1000-0860)\$1,770,000
Computer science education advancement grant (652-00-1000-0920)\$1,000,000

Provided, That expenditures shall be made by the above agency from the computer science education advancement grant account for fiscal year 2024 to provide grants to high-quality professional learning providers to develop and implement teacher professional development programs

for the computer science courses as established in K.S.A. 2022 Supp. 72-3258, and amendments thereto.

Career technical education pilot (652-00-1000-0940).....\$40,000

Provided, That expenditures shall be made by the above agency from the career technical education pilot account for fiscal year 2024 to distribute the stipends required to be provided to the Washburn institute of technology and to participating high schools that are served by the Washburn institute of technology service area pursuant to the secondary career technical education credentialing and student transitioning to employment success pilot program as established in K.S.A. 2022 Supp. 72-3822, and amendments thereto.

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

School district capital outlay state aid fund..... No limit
School district capital improvements fund (652-00-2880)..... No limit

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

Educational technology coordinator fund (652-00-2157) No limit

Provided, That expenditures shall be made by the above agency for the fiscal year ending June 30, 2024, 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 2024 in order to assess the cost effectiveness of the position of educational technology coordinator.

Communities in schools program fund (652-00-2221)..... No limit
Inservice education workshop fee fund (652-00-2230)..... No limit

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

Federal indirect cost reimbursement fund (652-00-2312)..... No limit
Conversion of materials and equipment fund (652-00-2420) No limit
School bus safety fund (652-00-2532) No limit
State safety fund (652-00-2538)..... No limit

Provided, That notwithstanding the provisions of K.S.A. 8-272, and amendments thereto, or any other statute, funds shall be distributed during fiscal year 2024 as soon as moneys are available.

Motorcycle safety fund (652-00-2633) No limit
Teacher and administrator fee fund (652-00-2723)..... No limit
Service clearing fund (652-00-2869)..... No limit
ARPA supplemental (652-00-3028-0529)..... No limit
Reimbursement for services fund (652-00-3056) No limit
ESSA – student support academic enrichment – federal fund (652-00-3113)..... No limit
Educationally deprived children – state operations – federal fund (652-00-3131)..... No limit
Food assistance – federal fund (652-00-3230)..... No limit
Elementary and secondary school aid – federal fund (652-00-3233)..... No limit
Education of handicapped children fund – federal (652-00-3234) No limit
Community-based child abuse prevention – federal fund (652-00-3319)..... No limit
TANF children’s programs – federal fund (652-00-3323)..... No limit
21st century community learning centers – federal fund (652-00-3519)..... No limit

| | |
|---|----------|
| State assessments – federal fund (652-00-3520) | No limit |
| Rural and low-income schools program – federal fund (652-00-3521) | No limit |
| Language assistance state grants – federal fund (652-00-3522) | No limit |
| State grants for improving teacher quality – federal fund (652-00-3526) | No limit |
| State grants for improving teacher quality – federal fund – state operations (652-00-3527) | No limit |
| Food assistance – school breakfast program – federal fund (652-00-3529) | No limit |
| Food assistance – national school lunch program – federal fund (652-00-3530) | No limit |
| Food assistance – child and adult care food program – federal fund (652-00-3531) | No limit |
| Elementary and secondary school aid – federal fund – local education agency fund (652-00-3532) | No limit |
| Education of handicapped children fund – state operations – federal fund (652-00-3534) | No limit |
| Education of handicapped children fund – preschool – federal fund (652-00-3535) | No limit |
| Education of handicapped children fund – preschool state operations – federal (652-00-3536) | No limit |
| Elementary and secondary school aid – federal fund – migrant education fund (652-00-3537) | No limit |
| Elementary and secondary school aid – federal fund – migrant education – state operations (652-00-3538) | No limit |
| Vocational education title II – federal fund (652-00-3539) | No limit |
| Vocational education title II – federal fund – state operations (652-00-3540) | No limit |
| Educational research grants and projects fund (652-00-3592) | No limit |
| ARPA agency state fiscal recovery fund (652-00-3756) | No limit |
| ARPA capital projects fund (652-00-3761) | No limit |
| Local school district contribution program checkoff fund (652-00-7005) | No limit |

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, 2024, any moneys in such fund where a taxpayer fails to designate a unified school district on such taxpayer’s individual income tax return may be expended by the above agency to distribute to unified school districts.

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| Governor’s teaching excellence scholarships program repayment fund (652-00-7221) | 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.

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| Private donations, gifts, grants and bequests fund (652-00-7307) | No limit |
| Family and children investment fund (652-00-7375) | No limit |

(c) There is appropriated for the above agency from the children’s initiatives fund for the fiscal year ending June 30, 2024, the following:

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|---|-----------|
| 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, 2023, is hereby reappropriated for fiscal year 2024.

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|-------------------------------------|--------------|
| CIF grants (652-00-2000-2408) | \$23,720,493 |
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Provided, That any unencumbered balance in the CIF grants account in excess of \$100 as of June 30, 2023, is hereby reappropriated for fiscal year 2024.

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|---|-------------|
| Parent education program (652-00-2000-2510) | \$9,437,635 |
|---|-------------|

Provided, That any unencumbered balance in the parent education program account in excess of \$100 as of June 30, 2023, is hereby reappropriated for fiscal year 2024: *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.

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|--------------------------------------|-------------|
| Pre-K pilot (652-00-2000-2535) | \$4,200,000 |
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Provided, That any unencumbered balance in the pre-K pilot account in excess of \$100 as of June 30, 2023, is hereby reappropriated for fiscal year 2024.

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|---|-------------|
| Early childhood infrastructure (652-00-2000-2555) | \$1,400,773 |
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Provided, That any unencumbered balance in the early childhood infrastructure account in excess of \$100 as of June 30, 2023, is hereby reappropriated for fiscal year 2024.

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| Imagination library (652-00-2000-2560) | \$1,500,000 |
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Provided, That any unencumbered balance in the imagination library account in excess of \$100 as of June 30, 2023, is hereby reappropriated for fiscal year 2024.

(d) On July 1, 2023, 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, 2024, and June 30, 2024, 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, 2023, and quarterly thereafter, the director of accounts and reports shall transfer \$81,250 from the state highway fund (276-00-4100-4100) of the department of transportation to the school bus safety fund (652-00-2532-2300) of the department of education.

(g) On July 1, 2023, 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, 2023, 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, 2024, the following:

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| Children’s cabinet administration (652-00-7000-7001) | \$268,534 |
|--|-----------|

Provided, That any unencumbered balance in the children’s cabinet administration account in excess of \$100 as of June 30, 2023, is hereby reappropriated for fiscal year 2024.

(j) During the fiscal year ending June 30, 2024, 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 2024 from the state general fund for the department of education to another item of appropriation for fiscal year 2024 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.

(continued)

(k) There is appropriated for the above agency from the expanded lottery act revenues fund for the fiscal year ending June 30, 2024, the following:

KPERS – school employer contribution (652-00-1700-1700)\$43,788,676

Provided, That during the fiscal year ending June 30, 2024, the amount appropriated from the expanded lottery act revenues fund in the KPERS – school employer contribution account (652-00-1700-1700) for the department of education shall be for the purpose of reducing the unfunded actuarial liability of the Kansas public employees retirement system attributable to the state of Kansas and participating employers under K.S.A. 74-4931, and amendments thereto, in accordance with K.S.A. 74-8768, and amendments thereto.

(l) During the fiscal year ending June 30, 2024, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or from any special revenue fund or funds for the above agency for fiscal year 2024 as authorized by this or other appropriation act of the 2023 regular session of the legislature, expenditures shall be made by the above agency from such moneys for fiscal year 2024 to survey school districts and submit to the senate committee on education and the house of representatives committees on education and K-12 education budget a list of all school districts that used curriculum and training materials that include the three cueing systems model of reading or visual memory program in the preceding school year.

New 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, 2025, the following:

State foundation aid (652-00-1000-0820) \$ 2,825,725,000

Provided, That any unencumbered balance in the state foundation aid account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Supplemental state aid (652-00-1000-0840)\$590,000,000

Provided, That any unencumbered balance in the supplemental state aid account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Special education services aid (652-00-1000-0700)\$535,518,818

Provided, That any unencumbered balance in the special education services aid account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025: 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.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2025, 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) Within 30 days after the board of education of a school district adopts a resolution to dispose of a school district building pursuant to K.S.A. 72-3216, and amendments thereto, such board of education shall submit written notice of its intention to dispose of such building to the legislature. Such notice shall be filed with the chief clerk of the house of representatives and the secretary of the senate and shall contain the following:

(1) A description of the school district’s use of such building immediately prior to the decision to dispose of such building;

(2) the reason for such building’s disuse and the decision to dispose of such building;

(3) the legal description of the real property to be disposed of; and
(4) a copy of the resolution adopted by the board of education.

(b) (1) If the notice required under subsection (a) is received by the legislature during a regular legislative session, then the legislature shall have 45 days to adopt a concurrent resolution in accordance with subsection (c) stating the legislature’s intention for the state to acquire such building.

(2) If the notice required under subsection (a) is received when the legislature is not in regular session, then the legislature shall have 45 days from the commencement of the next regular session to adopt a concurrent resolution in accordance with subsection (c) stating the legislature’s intention for the state to acquire such building.

(3) If the legislature does not adopt a concurrent resolution in accordance with subsection (c) within the 45-day period, then the school district may proceed with the disposition of such school district building in accordance with state law.

(c) The legislature may adopt a concurrent resolution stating the legislature’s intention that the state acquire the school district building. Such concurrent resolution shall include:

(1) The name of the school district that owns such building;

(2) the information contained in the written notice as described in subsection (a)(1) through (3); and

(3) the state agency that intends to acquire such building and the intended use of such building upon acquisition.

(d) Upon adoption of a concurrent resolution in accordance with subsection (c), the state agency named in such resolution shall have 180 days to complete the acquisition of such school district building and take title to the real property. Upon request of the state agency acquiring the school district building, the legislative coordinating council may extend the 180-day period for a period of not more than 60 days. The board of education of the school district shall not sell, gift, lease or otherwise convey such building or any of the real property described in the written notice or take any action or refrain from taking any action that would diminish the value of such property during the 180-day period or any extension thereof. If the state agency does not take title to the property within the 180-day period or any extension thereof, then the school district may proceed with disposition of such school district building in accordance with state law and any written agreements entered into between such state agency and the school district.

(e) For purposes of this section, the term “state agency” means any state agency, department, authority, institution, division, bureau or other state governmental entity.

New Sec. 5. (a) Any student who meets the requirements of this section shall be permitted to participate in any activities offered by a school district that are regulated, supervised, promoted and developed by the activities association referred to in K.S.A. 72-7114, and amendments thereto. A student shall be permitted to participate in any such activities if such student:

(1) Is a resident of the school district;

(2) is enrolled and attending a nonpublic elementary or secondary school;

(3) complies with the requirements of K.S.A. 72-6262, and amendments thereto, prior to participation in any such activity;

(4) meets any applicable age and eligibility requirements set forth by the activities association referred to in K.S.A. 72-7114, and amendments thereto, that are not otherwise in conflict with this section;

(5) pays any fees required by the school district for participation in such activity if such fees are generally imposed upon all other students who participate in such activity; and

(6) seeks participation at the appropriate school of the school district that corresponds to where such student resides within the school district’s respective school attendance boundaries established by the board of education of the school district.

(b) (1) Any student attending a home school who seeks to participate in an activity in the student’s resident school district shall be deemed to meet any academic eligibility requirements established by the activities association for participation in an activity if:

(A) The student is maintaining satisfactory progress towards achievement or promotion to the next grade level; and

(B) the parent, teacher or organization that provides instruction to the student submits an affidavit or transcript to the activities association indicating the student meets the academic eligibility requirements of subparagraph (A).

(2) Upon submission of an affidavit, the student attending a home school shall be deemed to meet any academic eligibility requirements established by the activities association and shall retain such academic eligibility during the activity season for which such affidavit is submitted.

(c) The board of education of a school district may require a student who participates in an activity pursuant to this section to enroll in a particular course or complete a particular course as a condition of participation, if such requirement is imposed upon all other students who participate in such activity.

(d) Except as provided in subsection (b), any student who seeks to participate in an activity pursuant to this section shall be subject to any tryout or other participation requirements that are otherwise applicable to all other students for participation in the activity.

(e) This section shall take effect on and after July 1, 2023.

New Sec. 6. (a) The activities association referred to in K.S.A. 72-7114, and amendments thereto, shall not prohibit a student primarily enrolled in and attending a nonpublic school who enrolls part time in a public school from participating in any activity available to such student as part of such student's primary enrollment and attendance at a nonpublic school.

(b) This section shall take effect on and after July 1, 2023.

New Sec. 7. (a) There is hereby established the special education and related services funding task force. The task force shall be composed of 11 members, as follows:

(1) Two members appointed by the speaker of the house of representatives;

(2) two members appointed by the president of the senate;

(3) one member appointed by the minority leader of the house of representatives;

(4) one member appointed by the minority leader of the senate;

(5) one member appointed by the state board of education;

(6) two members appointed by the state department of education who are professionals in the field of special education and related services;

(7) one member appointed by the state department of education who is a professional in early childhood developmental services and provides services for a tiny-K program; and

(8) one member who shall be a parent of a student who receives special education services. In calendar year 2023, and every second succeeding calendar year thereafter, such member shall be appointed by the speaker of the house of representatives. In calendar year 2024, and every second succeeding calendar year thereafter, such member shall be appointed by the president of the senate.

(b) Members shall be appointed to the task force on or before July 1, 2023. The speaker of the house of representatives shall designate one member appointed by the speaker of the house of representatives to call the first meeting of the task force. Any vacancy in the membership of the task force shall be filled by appointment in the same manner prescribed by this section for the original appointment.

(c) (1) If approved by the legislative coordinating council, members of the task force attending meetings authorized by the task force shall be paid amounts for expenses, mileage and subsistence as provided in K.S.A. 75-3223(e), and amendments thereto.

(2) The members of the task force shall select a chairperson and vice chairperson from the membership of the task force.

(3) The task force may meet at any time and at any place within the state on the call of the chairperson. A quorum of the task force shall be six members. All actions of the task force shall be by motion adopted by a majority of those voting members present when there is a quorum.

(4) In accordance with K.S.A. 46-1204, and amendments thereto, the legislative coordinating council may provide for such professional services as may be requested by the task force.

(5) The staff of the office of revisor of statutes, the legislative research department and the division of legislative administrative services shall provide such assistance as may be requested by the task force. The state board of education shall provide consultants and assistance when requested by the task force. The state board of education and school districts shall provide any information or documentation requested by the task force.

(d) The special education and related services funding task force shall:

(1) Study and make recommendations for changes in the existing formula for funding of special education and related services;

(2) conduct hearings and receive and consider suggestions from teachers, parents, the department of education, the state board of edu-

cation, other governmental officers and agencies and the general public concerning funding for special education and related services; and

(3) make and submit reports to the legislature on the work of the task force concerning recommendations of the task force. Such reports shall include recommendations for legislative changes and be submitted to the legislature on or before January 14 of each year.

Sec. 8. K.S.A. 72-1137 is hereby amended to read as follows: 72-1137. In addition to the officers provided for in this act, the board of education of any school district may appoint other officers and employees to serve at the pleasure of the board. Such officers and employees shall receive compensation fixed by the board. ~~No member of a board of education shall receive compensation from the school district for any work or duties performed by him. Members of a board of education of a school district may receive compensation from the school district for the work and duties performed by such board members.~~

Sec. 9. K.S.A. 72-3123, as amended by section 16 of chapter 94 of the 2022 Session Laws of Kansas, is hereby amended to read as follows: 72-3123. (a) Beginning in school year 2024-2025, any child of school age pursuant to K.S.A. 72-3118, and amendments thereto, may attend a school operated by a school district where such child does not reside if such school district has open seats as determined pursuant to this section.

(b) The board of education of any school district shall permit non-resident students to enroll in and attend the schools of the district if such school district has open seats as determined pursuant to this section.

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

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

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

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

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

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

(C) Number of open seats available to nonresident students.

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

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

(4) If the number of applications for a grade level in a school building is less than the number of available seats for such grade level in such school building, the nonresident students shall be accepted for enrollment and attendance at such school district. If the number of applications for a grade level in a school building is greater than the number of available seats for such grade level in such school building, the school district shall randomly select nonresident students using a confidential lottery process. Such process shall be completed on or before July 15 of each year.

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

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

(2) *Subject to capacity, school districts shall give priority to any nonresident student who is a military student as defined in K.S.A. 72-5139, and amendments thereto. Priority shall be given when the military student is first accepted and, if necessary, at any other time the school district considers transfer applications. Any such military student shall not be subject to the open seat lottery.*

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

(continued)

(4) Any nonresident student who has a parent or person acting as parent employed by a school district shall be permitted to enroll in and attend such school district as if the student is a resident of the school district. Any such student shall not be subject to the open-seat lottery established pursuant to subsection (d) when enrolling in and attending the school district where the parent or person acting as parent is employed.

(5) Any child who is experiencing homelessness shall be permitted to enroll in and attend the school district of origin or the school district of residence.

(f) A school district shall not:

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

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

(g) A nonresident student who has been accepted for enrollment and attendance at a receiving school district shall be permitted to continue such enrollment and attendance in such school district until such student graduates from high school, unless such student is no longer in good standing. A receiving school district may deem a nonresident student as not in good standing in accordance with such school district's nonresident transfer policy. *Prior to making any determination to deem a nonresident student as not in good standing, a district shall consider a student's status as a homeless child and the resulting factors of homelessness on such student's standing.*

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

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

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

(k) Each school district board of education shall submit to the state department of education the school district's policy adopted pursuant to K.S.A. 2022 Supp. 72-3126, and amendments thereto, the number of nonresident student transfers approved and denied by such board in each grade level and whether the denials were based on capacity or in accordance with the policy adopted pursuant to section 9 K.S.A. 2022 Supp. 72-3126, and amendments thereto. The state department of education shall collect and report such data on such department's website and make such data available to the legislative division of post audit.

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

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

(m) Nothing in this section shall be construed to exempt any nonresident student who transfers to a receiving school district pursuant to this section from the policies and requirements of the activities association referred to in K.S.A. 72-7114, and amendments thereto.

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

Sec. 10. K.S.A. 2022 Supp. 72-3126 is hereby amended to read as follows: 72-3126. (a) (1) On or before January 1, 2024, each board of education of a school district shall adopt a policy to determine the number of nonresident students that the school district has the capacity to accept in each grade level for each school of the school district pursuant to K.S.A. 72-3123, and amendments thereto. Such policies shall clearly specify the reasons that the board may use to deny continued enrollment of a nonresident student who is not in good standing. Such

reasons for a denial of continued enrollment may include, but shall not be limited to, the nonresident student's record of school absenteeism and repeated suspensions or expulsions.

(2) A school district's policy adopted pursuant to this section shall consider the adverse impact of homelessness on a student's attendance and any resulting suspensions or expulsions before making a determination on the continued enrollment of a student who is homeless. A district shall consider the obstacles a homeless student faces to arrive at school on time or each day due to housing instability, lack of transportation or lack of other basic resources that can hinder consistent attendance.

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

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

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

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

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

Sec. 11. K.S.A. 72-3216 is hereby amended to read as follows: 72-3216. (a) (1) Subject to ~~provision paragraph (2) of this subsection~~, every unified school district shall maintain, offer and teach kindergarten and grades one through 12 and shall offer and teach at least 30 units of instruction for ~~pupils~~ students enrolled in grades nine through 12 in each high school operated by the board of education. The units of instruction, to qualify for the purpose of this section, shall have the prior approval of the state board of education.

(2) Any unified school district which has discontinued kindergarten, any grade or unit of instruction under authority of K.S.A. 72-13,101, and amendments thereto, and has entered into an agreement with another unified school district for the provision of kindergarten or any such grade or unit of instruction has complied with the kindergarten, grade and unit of instruction requirements of this section.

(b) The board of education shall adopt all necessary rules and regulations for the government and conduct of its schools, consistent with the laws of the state.

(c) The board of education may divide the district into subdistricts for purposes of attendance by pupils.

(d) The board of education shall have the title to and the care and keeping of all school buildings and other school property belonging to the district. The board may open any or all school buildings for community purposes and may adopt rules and regulations governing use of school buildings for those purposes. School buildings and other school properties no longer needed by the school district may be disposed of by the board upon the affirmative recorded vote of not less than a majority of the members of the board at a regular meeting. *Subject to the provisions of section 4, and amendments thereto*, the board may dispose of the property in such manner and upon such terms and conditions as the board deems to be in the best interest of the school district. Conveyances of school buildings and other school properties shall be executed by the president of the board and attested by the clerk.

(e) The board shall have the power to acquire personal and real property by purchase, gift or the exercise of the power of eminent domain in accordance with K.S.A. 72-1144, and amendments thereto.

Sec. 12. On and after July 1, 2023, K.S.A. 2022 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 quali-

fied school and, if applicable, the costs of transportation to a qualified school if provided by such qualified school.

- (d) "Eligible student" means a child who:
- (1) Resides in Kansas; and
 - (2) (A) (i) ~~Is eligible for free or reduced-price meals under the national school lunch act~~ *Has an annual family income that is less than or equal to 250% of the federal poverty guidelines as determined annually in the federal register by the United States department of health and human services under 42 U.S.C. § 9902(2); and*
 - (ii) (a) was enrolled in kindergarten or any of the grades one through eight in any public school in the previous school year in which an educational scholarship is first sought for the child; or
 - (b) is eligible to be enrolled in any public school in the school year in which an educational scholarship is first sought for the child and the child is seven years of age or under; or
 - (B) *has received an educational scholarship under the program and has not graduated from high school or reached the age of 21 years.*
- (e) "Parent" includes a guardian, custodian or other person with authority to act on behalf of the child.
- (f) "Program" means the tax credit for low income students scholarship program established in K.S.A. 72-4351 through 72-4357, and amendments thereto.
- (g) "Public school" means any school operated by a unified school district under the laws of this state.
- (h) "Qualified school" means any nonpublic school that:
- (1) Provides education to elementary or secondary students;
 - (2) *is accredited by the state board or a national or regional accrediting agency that is recognized by the state board for the purpose of satisfying the teaching performance assessment for professional licensure or is working in good faith toward such accreditation;*
 - (3) has notified the state board of its intention to participate in the program; and
 - (4) complies with the requirements of the program.
- (i) "Scholarship granting organization" means an organization that complies with the requirements of this program and provides educational scholarships to eligible students or to qualified schools in which parents have enrolled eligible students.
- (j) "School district" or "district" means any unified school district organized and operating under the laws of this state.
- (k) "School year" means the same as in K.S.A. 72-5132, and amendments thereto.
- (l) "Secretary" means the secretary of revenue.
- (m) "State board" means the state board of education.

Sec. 13. On and after July 1, 2023, K.S.A. 72-4357 is hereby amended to read as follows: 72-4357. (a) (1) There shall be allowed a credit against the corporate income tax liability imposed upon a taxpayer pursuant to the Kansas income tax act, the privilege tax liability imposed upon a taxpayer pursuant to the privilege tax imposed upon any national banking association, state bank, trust company or savings and loan association pursuant to article 11 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, and the premium tax liability imposed upon a taxpayer pursuant to the premiums tax and privilege fees imposed upon an insurance company pursuant to K.S.A. 40-252, and amendments thereto, for tax years commencing after December 31, 2014, and ending before January 1, 2017, an amount equal to 70% of the amount contributed to a scholarship granting organization authorized pursuant to K.S.A. 72-4351 et seq., and amendments thereto.

(2) There shall be allowed a credit against the tax liability imposed upon a taxpayer pursuant to the Kansas income tax act, the privilege tax liability imposed upon a taxpayer pursuant to the privilege tax imposed upon any national banking association, state bank, trust company or savings and loan association pursuant to article 11 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, and the premium tax liability imposed upon a taxpayer pursuant to the premiums tax and privilege fees imposed upon an insurance company pursuant to K.S.A. 40-252, and amendments thereto;

(A) For tax years commencing after December 31, 2016, and ending before January 1, 2022, an amount equal to 70% of the amount contributed to a scholarship granting organization authorized pursuant to K.S.A. 72-4351 et seq., and amendments thereto; and

(B) *for tax years commencing after December 31, 2022, an amount equal to 75% of the amount contributed to a scholarship granting organization authorized pursuant to K.S.A. 72-4351 et seq., and amendments thereto.*

(3) In no event shall the total amount of contributions for any taxpayer allowed under this subsection exceed \$500,000 for any tax year.

(b) The credit shall be claimed and deducted from the taxpayer's tax liability during the tax year in which the contribution was made to any such scholarship granting organization.

(c) For each tax year, in no event shall the total amount of credits allowed under this section exceed \$10,000,000 for any one tax year. Except as otherwise provided, the allocation of such tax credits for each scholarship granting organization shall be determined by the scholarship granting organization in consultation with the secretary, and such determination shall be completed prior to the issuance of any tax credits pursuant to this section.

(d) If the amount of any such tax credit claimed by a taxpayer exceeds the taxpayer's income, privilege or premium tax liability, such excess amount may be carried over for deduction from the taxpayer's income, privilege or premium tax liability in the next succeeding year or years until the total amount of the credit has been deducted from tax liability.

(e) The secretary shall adopt rules and regulations regarding filing of documents that support the amount of credit claimed pursuant to this section.

~~Sec. 14. On and after July 1, 2023, K.S.A. 2022 Supp. 72-5132 is hereby amended to read as follows: 72-5132. As used in the Kansas school equity and enhancement act, K.S.A. 72-5131 et seq., and amendments thereto:~~

~~(a) "Adjusted enrollment" means the enrollment of a school district, excluding the remote enrollment determined pursuant to K.S.A. 2022 Supp. 72-5180, and amendments thereto, adjusted by adding the following weightings, if any, to the enrollment of a school district: At-risk student weighting, bilingual weighting, career technical education weighting, high-density at-risk student weighting, high enrollment weighting, low enrollment weighting, school facilities weighting, ancillary school facilities weighting, cost-of-living weighting, special education and related services weighting, and transportation weighting.~~

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

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

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

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

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

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

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

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

~~(4) for school year 2021-2022, \$4,706;~~

~~(5) for school year 2022-2023, \$4,846; and~~

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

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

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

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

~~(i) "Categorical fund" means and includes the following funds of a school district: Adult education fund; adult supplementary education~~

(continued)

fund; at-risk education fund; bilingual education fund; career and post-secondary 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)(1) “Enrollment” means, except as provided in K.S.A. 2022 Supp. 72-5180, and amendments thereto, whichever is the greater of:

(1)(A) The number of students regularly enrolled in kindergarten and grades one through 12 in the school district on September 20 of the current 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;

(B) except as provided in paragraph (4), 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, or

(A)(C) 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)(i) The enrollment amounts determined under paragraph (2) subparagraphs (A) or (B); or

(B)(ii) the sum of the enrollment in the preceding school year of the number of preschool-aged at-risk students regularly enrolled in the school district on September 20 of the preceding school year, if any, and the arithmetic mean of the sum of:

(i)(a) The enrollment of the number of students regularly enrolled in kindergarten and grades one through 12 in the school district in on September 20 of the preceding school year minus the enrollment in such school year of preschool-aged at-risk students, if any;

(ii)(b) the enrollment in the number of students regularly enrolled in kindergarten and grades one through 12 in the school district on September 20 of the second preceding school year minus the enrollment in such school year of preschool-aged at-risk students, if any; and

(iii)(c) the enrollment in the number of students regularly enrolled in kindergarten and grades one through 12 in the school district on September 20 of the third preceding school year minus the enrollment in such school year of preschool-aged at-risk students, if any.

(4)(2) The enrollment is 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.

(3) A foreign exchange student shall not be counted in the enrollment of a school district unless such student was regularly enrolled on September 20 and attending kindergarten or any of the grades one through 12 maintained by the district for at least one semester or two quarters, or the equivalent thereof.

(4) If a school district closed any school building pursuant to K.S.A. 72-1431, and amendments thereto, in the preceding school year, such school district shall determine enrollment pursuant to paragraph (1)(A) in the current school year.

(m) “February 20” has its usual meaning, except that in any year in which February 20 is not a day on which school is maintained, it means the first day after February 20 on which school is maintained.

(n) “Federal impact aid” means an amount equal to the federally qualified percentage of the amount of moneys a school district receives in the current school year under the provisions of title I of public law 874 and congressional appropriations therefor, excluding amounts received for assistance in cases of major disaster and amounts received under the low-rent housing program. The amount of federal impact aid shall be determined by the state board in accordance with terms and conditions imposed under the provisions of the public law and rules and regulations thereunder.

(o) “General fund” means the fund of a school district from which operating expenses are paid and in which is deposited all amounts of state foundation aid provided under this act, payments under K.S.A. 72-528, and amendments thereto, payments of federal funds made available under the provisions of title I of public law 874, except amounts received for assistance in cases of major disaster and amounts received under the low-rent housing program and such other moneys as are provided by law.

(p) “General fund budget” means the amount budgeted for operating expenses in the general fund of a school district.

(q) “High-density at-risk student weighting” means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 72-5151(b), and amendments thereto, on the basis of costs attributable to the maintenance of at-risk educational programs by such school districts.

(r) “High enrollment weighting” means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 72-5149(b), and amendments thereto, on the basis of costs attributable to maintenance of educational programs by such school districts.

(s) “Juvenile detention facility” means the same as such term is defined in K.S.A. 72-1173, and amendments thereto.

(t) “Local foundation aid” means the sum of the following amounts:

(1) An amount equal to any unexpended and unencumbered balance remaining in the general fund of the school district, except moneys received by the school district and authorized to be expended for the purposes specified in K.S.A. 72-5168, and amendments thereto;

(2) an amount equal to any remaining proceeds from taxes levied under authority of K.S.A. 72-7056 and 72-7072, prior to their repeal;

(3) an amount equal to the amount deposited in the general fund in the current school year from moneys received in such school year by the school district under the provisions of K.S.A. 72-3123(a), and amendments thereto;

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

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

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

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

(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. “Exceptional children” and “gifted children” mean the same as those terms are defined in K.S.A. 72-3404, and amendments thereto.

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

(aa) (1) “Remote enrollment” means the number of students regularly enrolled in kindergarten and grades one through 12 in the school district who attended school through remote learning in excess of the remote learning limitations provided in K.S.A. 2022 Supp. 72-5180, and amendments thereto.

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

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

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

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

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

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

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

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

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

(hh) “State board” means the state board of education.

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

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

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

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

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

(B) The following shall be counted as 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 pro-

portion of one student, to the nearest $\frac{1}{100}$, 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 $\frac{1}{100}$, 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 $\frac{1}{100}$, 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 $\frac{1}{100}$, that the student’s attendance at the non-virtual school bears to full-time attendance.

(G) A student enrolled in a school district and attending special education and related services provided for by the school district and also attending a virtual school shall be counted as that proportion of one student, to the nearest $\frac{1}{100}$, 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 $\frac{1}{100}$, that the student’s in-person attendance bears to full-time attendance.

(I) A student enrolled in a school district who is not a resident of Kansas shall be counted as $\frac{1}{2}$ of a student.

This subparagraph shall not apply to:

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

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

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

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

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

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

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

(5) A student enrolled in a school district who attends school through remote learning shall be counted in accordance with the provisions of this section and K.S.A. 2022 Supp. 72-5180, and amendments thereto.

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

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

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

Sec. 15. On and after July 1, 2023, K.S.A. 2022 Supp. 72-5142 is hereby amended to read as follows: 72-5142. (a) The board of education of each school district shall levy an ad valorem tax upon the taxable tangible property of the school district in the school years specified in subsection (b) for the purpose of:

(1) Financing that portion of the school district’s general fund budget that is not financed from any other source provided by law;

(2) paying a portion of the costs of operating and maintaining pub-

(continued)

lic schools in partial fulfillment of the constitutional obligation of the legislature to finance the educational interests of the state; and

(3) with respect to any redevelopment school district established prior to July 1, 1997, pursuant to K.S.A. 12-1771, and amendments thereto, paying a portion of the principal and interest on bonds issued by cities under authority of K.S.A. 12-1774, and amendments thereto, for the financing of redevelopment projects upon property located within the school district.

(b) The tax required under subsection (a) shall be levied at a rate of 20 mills in the school years ~~2021-2022~~ 2023-2024 and ~~2022-2023~~ 2024-2025.

(c) The proceeds from the tax levied by a district under authority of this section, except the proceeds of such tax levied for the purpose described in subsection (a)(3), shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state school district finance fund.

(d) No school district shall proceed under K.S.A. 79-1964, 79-1964a or 79-1964b, and amendments thereto.

Sec. 16. On and after July 1, 2023, K.S.A. 72-5149 is hereby amended to read as follows: 72-5149. (a) *Except as provided in subsection (c)*, the low enrollment weighting of each school district shall be determined by the state board as follows:

(1) For school districts with an enrollment of fewer than 100 students, multiply the enrollment of the school district by 1.014331. The resulting product is the low enrollment weighting of the school district;

(2) for school districts with an enrollment of at least 100 students, but fewer than 300 students:

(A) Subtract 100 from the enrollment of the school district;

(B) multiply the difference obtained under subsection (a)(2)(A) by 9.655;

(C) subtract the product obtained under subsection (a)(2)(B) from 7,337;

(D) divide the difference obtained under subsection (a)(2)(C) by 3,642.4;

(E) subtract one from the quotient obtained under subsection (a)(2)(D); and

(F) multiply the difference obtained under subsection (a)(2)(E) by the enrollment of the school district. The resulting product is the low enrollment weighting of the school district;

(3) for school districts with an enrollment of at least 300 students, but fewer than 1,622 students:

(A) Subtract 300 from the enrollment of the school district;

(B) multiply the difference obtained under subsection (a)(3)(A) by 1.2375;

(C) subtract the product obtained under subsection (a)(3)(B) from 5,406;

(D) divide the difference obtained under subsection (a)(3)(C) by 3,642.4;

(E) subtract one from the quotient obtained under subsection (a)(3)(D); and

(F) multiply the difference obtained under subsection (a)(3)(E) by the enrollment of the school district. The resulting product is the low enrollment weighting of the school district.

(b) For school districts with an enrollment of at least 1,622 students, multiply the enrollment of the school district by 0.03504. The resulting product is the high enrollment weighting of the school district.

(c) *Any school district that receives the low enrollment weighting and attaches territory of all or part of a disorganized school district or accepts students in the current school year who attended a school building that was closed by another school district pursuant to K.S.A. 72-1431, and amendments thereto, in the preceding school year shall maintain the low enrollment weighting factor such school district received in the school year immediately preceding such attachment or acceptance for the next three succeeding school years or may receive the low enrollment weighting factor determined pursuant to subsection (a), whichever is greater.*

Sec. 17. On and after July 1, 2023, K.S.A. 2022 Supp. 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 student 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 student weighting pursuant to this section shall spend any money attributable to the school district's high-density at-risk student 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 student weighting does not spend such money on such best practices, the state board shall notify the school district that it shall repay such money to the school district's at-risk education fund. On or before January 15 of each year, the state board shall notify the house and senate standing committees on education, or any successor committees, which school districts had to repay such money and the amount of money such school district repaid for the preceding school year. If a school district does not spend such money on such best practices for three consecutive years, the school district shall not qualify to receive the high-density at-risk student weighting in the succeeding school year.

(5) The provisions of this subsection shall expire on July 1, ~~2024~~ 2027.

(c) The purpose of the at-risk student weighting and the high-density at-risk student weighting is to provide students identified as eligible to receive at-risk programs and services with evidence-based educational services in addition to regular instructional services.

(d) Upon a school district's receipt of state foundation aid, that portion of such state foundation aid that is directly attributable to such school district's at-risk student weighting and high-density at-risk student weighting, if any, shall be transferred to the district's at-risk education fund established under K.S.A. 72-5153, and amendments thereto.

Sec. 18. On and after July 1, 2023, K.S.A. 72-5159 is hereby amended to read as follows: 72-5159. (a) Subject to subsection (b), the board of education of a school district may levy a tax on the taxable tangible property within the school district for the purpose of financing the costs incurred by the state that are attributable directly to assignment of the cost-of-living weighting to the enrollment of the school district.

(b) The state board shall determine whether a school district may levy a tax under this section as follows:

(1) Determine the statewide average appraised value of single family residences for the calendar year preceding the current school year;

(2) multiply the amount determined under subsection (b)(1) by ~~1.25~~ 1.15;

(3) determine the average appraised value of single family residences in each school district for the calendar year preceding the current school year; and

(4) subtract the amount determined under subsection (b)(2) from the amount determined under subsection (b)(3). If the amount deter-

mined for the school district is a positive number and the school district has adopted a local option budget in an amount equal to at least 31% of the total foundation aid for the school district, the school district qualifies for assignment of cost-of-living weighting and may levy a tax on the taxable tangible property of the school district for the purpose of financing the costs that are attributable directly to assignment of the cost-of-living weighting to the enrollment of the school district.

(c) (1) No tax may be levied under this section unless the board of education adopts a resolution authorizing such a tax levy and publishes the resolution at least once in a newspaper having general circulation in the school district. Except as provided by subsection (e), the resolution shall be published in substantial compliance with the following form:

Unified School District No. _____,
_____ County, Kansas.

RESOLUTION

Be It Resolved that:

The board of education of the above-named school district shall be authorized to levy an ad valorem tax in an amount not to exceed the amount necessary to finance the costs attributable directly to the assignment of cost-of-living weighting to the enrollment of the school district. The ad valorem tax authorized by this resolution may be levied unless a petition in opposition to the same, signed by not less than 5% of the qualified electors of the school district, is filed with the county election officer of the home county of the school district within 30 days after the publication of this resolution. If a petition is filed, the county election officer shall submit the question of whether the levy of such a tax shall be authorized in accordance with the provisions of this resolution to the electors of the school district at the next general election of the school district, as is specified by the board of education of the school district.

CERTIFICATE

This is to certify that the above resolution was duly adopted by the board of education of Unified School District No. _____,
_____ County, Kansas, on the ____ day of _____, (year) ____.

Clerk of the board of education.

(2) All of the blanks in the resolution shall be filled appropriately. If no petition as specified above is filed in accordance with the provisions of the resolution, the resolution authorizing the ad valorem tax levy shall become effective. If a petition is filed as provided in the resolution, the board may notify the county election officer to submit the question of whether such tax levy shall be authorized. If the board fails to notify the county election officer within 30 days after a petition is filed, the resolution shall be deemed abandoned and of no force and effect and no like resolution shall be adopted by the board within the nine months following publication of the resolution. If a majority of the votes cast in an election conducted pursuant to this provision is in favor of the resolution, such resolution shall be effective on the date of such election. If a majority of the votes cast is not in favor of the resolution, the resolution shall be deemed of no force and effect and no like resolution shall be adopted by the board within the nine months following such election.

(d) There is hereby established in every school district a cost-of-living fund, which shall consist of all moneys deposited therein or transferred thereto in accordance with law. All moneys derived from a tax imposed pursuant to this section shall be credited to the cost-of-living fund. The proceeds from the tax levied by a school district credited to the cost-of-living fund shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state school district finance fund.

(e) In determining the amount produced by the tax levied by the school district under the authority of this section, the state board shall include any moneys apportioned to the cost-of-living fund of the school district from taxes levied under the provisions of K.S.A. 79-5101 et seq. and 79-5118 et seq., and amendments thereto.

(f) The cost-of-living weighting of a school district shall be determined by the state board in each school year in which such weighting may be assigned to the enrollment of the school district as follows:

(1) Divide the amount determined under subsection (b)(4) by the amount determined under subsection (b)(2);

(2) multiply the quotient determined under subsection (f)(1) by 0.095 0.115;

(3) multiply the school district's total foundation aid for the current school year, excluding the amount determined under this provision, by

the lesser of the product determined under subsection (f)(2) or ~~0.05~~ the cost-of-living weighting cap which shall be:

(A) 0.07 in school year 2023-2024; and

(B) for school year 2024-2025, and each school year thereafter, the amount of the cost-of-living weighting cap 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 10th of a percentage; and

(4) divide the product determined under subsection (f)(3) by the BASE aid for the current school year. The quotient is the cost-of-living weighting of the school district.

Sec. 19. K.S.A. 2022 Supp. 72-5462 is hereby amended to read as follows: 72-5462. (a) There is hereby established in the state treasury the school district capital improvements fund. The fund shall consist of all amounts transferred thereto under the provisions of subsection (c).

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

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

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

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

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

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

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

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

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

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

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

(C) determine a state aid percentage factor for each school district by assigning a state aid computation percentage to the amount of the lowest AVPP shown on the schedule and decreasing the state aid computation percentage assigned to the amount of the lowest AVPP by

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(f) Each year, the state board of education shall prepare and submit a report to the legislature that includes information on school district

elections held on or after July 1, 2016, to approve the issuance of general obligation bonds and the amount of payments school districts were approved to receive from the school district capital improvements fund pursuant to subsection (b)(5)(D).

Sec. 20. K.S.A. 72-1137, 72-3123, as amended by section 16 of chapter 94 of the 2022 Session Laws of Kansas, and 72-3216 and K.S.A. 2022 Supp. 72-3126 and 72-5462 are hereby repealed.

Sec. 21. On and after July 1, 2023, K.S.A. 72-4357, 72-5149 and 72-5159 and K.S.A. 2022 Supp. 72-4352, ~~72-5132~~, 72-5142 and 72-5151 are hereby repealed.

Sec. 22. This act shall take effect and be in force from and after its publication in the Kansas register.

Doc. No. 051210

State of Kansas

Office of the Governor

Message from the Governor Regarding House Substitute for Senate Bill 113

I first ran to be the “Education Governor” because I was committed to ensuring Kansas students receive the world-class education to which they are entitled. I knew that young Kansans deserved better than crowded classrooms, four-day school weeks, and sliding test scores – and that if we wanted to build a stronger workforce and economy for generations to come, we needed to get back to investing in our students. Over the past five years, I’ve worked with the Legislature to do exactly that: we’ve fully funded our schools every year I’ve been in office, defended against attacks on public schools, and empowered parents and teachers to help our students succeed. Now, it’s clear – Kansas is back on the right track.

We have the opportunity to continue that progress with elements of House Substitute for Senate Bill 113. It extends the high-density at-risk weighting and the 20 mills school statewide property tax levy – both of which are vital to providing adequate funding for Kansas students. SB 113 also provides essential funding for school safety that will allow districts to purchase communications equipment to better coordinate with law enforcement agencies and naloxone to combat the fentanyl crisis affecting too many of our young people. Through the omnibus budget bill, Senate Bill 25, I also was proud to secure new funding for the Mental Health Intervention Team Pilot Program, which provides crucial mental health services to our students.

However, I’m disappointed that this bill fails to provide substantial increases to special education, something that’s critical to the success of every Kansas student. As the state continues not to meet its statutory obligation to fully fund special education, districts must move funding from their general fund budgets to pay for critical services for special education students, in essence limiting their ability to invest in teacher salary increases, create innovative approaches to curriculum, and expand career and technical education opportunities. While I’ll continue to push the federal government to keep its end of the bargain, the Legislature should have done more to increase special education funding in the meantime. When legislators return in 2024, they need to correct their mistake and put Kansas on track to fully fund special education.

The process by which SB 113 was passed also raises concerns. The Legislature continues a pattern of bundling appropriations and policy provisions into one bill, limiting the ability for the public and their elected representatives to weigh in on each individual element of legislation. The appropriations for our public school system belong with the remainder of the state’s budget and should be evaluated through the normal appropriations process. Instead, the Legislature has decided to “log-roll” unpopular provisions into this bill – provisions that would not withstand scrutiny or pass muster on their own. The Legislature included provisions in this bill that never received a public hearing, were never worked by a legislative committee, nor passed through even one chamber of the Legislature prior to being included in this bill. This process lacks public transparency and prevents the collaboration that could prevent unintended consequences of hastily crafted legislation. The Legislature must end its practice of “logrolling” education funding bills that have such critical consequences for our children, families, and the state.

The “logrolling” process resulted in the inclusion of several elements of this bill that would harm public students and schools. The provisions permitting nonpublic school students to participate in public school activities and expanding the low-income tax credit scholarship program are not policies widely supported by Kansans and would not receive the same support if not tied to education funding. The measure that gives the Legislature the first right of refusal to purchase school buildings creates significant constitutional and local control questions and will likely lead to litigation. Of most concern, though, are changes in appropriations caused by altering the school finance distribution to schools in Section 14.

The current school finance formula was approved by the Kansas Supreme Court in the *Gannon* case. Changes to this formula run the risk of noncompliance and jeopardize our track record of constitutionally funding schools. SB 113 specifically changes the method by which school districts must determine their enrollment and thus the amount of funding appropriated by the state. Under current law, school districts may use the enrollment of one of the two preceding years to determine the level of state aid they are subject to receive. This essential element of our finance formula was crafted to ensure that districts with declining enrollment, especially rural districts, can properly account for this decline and make financial plans to ensure their own sustainability. SB 113 changes the formula so that districts must use the current year or the previous year’s enrollment when determining state aid.

For districts experiencing declining enrollment, this change precipitates immediate funding adjustments that districts would be required to make in the upcoming school year rather than over the next few years as is dictated by current law. This provision would be enacted after many school districts have finalized their budget and signed contracts with teachers based on existing appropriations. These districts are already preparing for the budget impacts of declining enrollment, but the decision to rapidly speed up the fiscal effect of declining enrollment leaves districts in an untenable situation

where they must significantly cut budgets in a matter of weeks. These districts have been operating in good faith and within the bounds of current law when determining their budgets and enrollment for the upcoming school year. This provision pulls the rug out from underneath rural school districts at the 11th hour. If this provision were enacted, it would bring dangerous and devastating consequences for our rural districts.

I will not allow this to happen to our rural schools, which are essential to the fabric of Kansas. As Governor, I have always been committed to ensuring that our rural schools are properly supported to serve their communities. This provision jeopardizes the vitality of our rural communities and threatens the economic engines of many small towns.

In addition, the current method for determining enrollment was approved by the Kansas Supreme Court in the *Gannon* case; changing one of the primary building blocks of the school finance formula in *Gannon* would raise questions over the state’s compliance with the case.

Therefore, I have chosen to line-item veto Section 14 of SB 113.

Throughout the legislative debate over this bill, SB 113 was categorized as an appropriations bill. During the House debate, a legislator moved to amend the finance formula provisions of the bill, which was ruled a violation of the chamber rules because the net effect of the amendment would have caused a change to the appropriations in the state foundation aid line-item. That appropriation would have very real consequences for our schools, as the finance formula operationally determines the amount of state funds appropriated to school districts through the proper budget line-items.

Therefore, pursuant to Article 2, Section 14(b) of the Constitution of the State of Kansas, I hereby return House Substitute for Senate Bill 113 with my signature approving the bill, except for the items enumerated below.

Appropriations through Changes to the Definition of Enrollment in the Kansas School Equity and Enhancement Act

- *Sec. 1(c) has been vetoed in its entirety.*
- *The portion of Sec. 2(a) that reads as follows has been line-item vetoed:*
 - State foundation aid (652-00-1000-0820) \$47,899,069
- *Sec. 14 has been vetoed in its entirety.*

The changes made to the school finance formula in this section will have immediate devastating effects on rural schools because it will prevent them from properly planning for budgetary impacts caused by this change, precipitating funding reductions caused by declining enrollment. Should the Legislature want to make these changes to the finance formula, they should utilize the proper process and consult with affected school districts. This appropriation provision was hastily altered without the ability for districts to weigh in or consult with their elected representatives.

The items line-item vetoed in Sec. 1 and Sec. 2 ensure that our schools remain funded and that the alterations in appropriations caused by the changes to the finance formula are also removed.

- *The portion of Sec. 21 that reads as follows has been line-item vetoed:*
 - 72-5132,

This statutory reference to the appropriation is required to be struck, otherwise the entirety of the finance formula would be repealed from state law. In combination with Sec. 14, this line-item protects existing appropriations and ensures that the current formula remains intact.

Dated May 18, 2023.

Laura Kelly
Governor

Doc. No. 051211

INDEX TO ADMINISTRATIVE REGULATIONS

This index lists in numerical order the new, amended, and revoked administrative regulations with a future effective date and the *Kansas Register* issue in which the regulation can be found. A complete listing and the complete text of all currently effective regulations required to be published in the *Kansas Administrative Regulations* can be found at https://www.sos.ks.gov/pubs/pubs_kar.aspx.

AGENCY 91: DEPARTMENT OF EDUCATION

| Reg. No. | Action | Register |
|----------|---------|-----------------|
| 91-42-1 | Amended | V. 42, Issue 21 |
| 91-42-2 | Amended | V. 42, Issue 21 |

AGENCY 111: KANSAS LOTTERY

A complete index listing all regulations filed by the Kansas Lottery from 1988 through 2000 can be found in the Vol. 19, No. 52, December 28, 2000 *Kansas Register*. A list of regulations

filed from 2001 through 2003 can be found in the Vol. 22, No. 52, December 25, 2003 *Kansas Register*. A list of regulations filed from 2004 through 2005 can be found in the Vol. 24, No. 52, December 29, 2005 *Kansas Register*. A list of regulations filed from 2006 through 2007 can be found in the Vol. 26, No. 52, December 27, 2007 *Kansas Register*. A list of regulations filed from 2008 through November 2009 can be found in the Vol. 28, No. 53, December 31, 2009 *Kansas Register*. A list of regulations filed from December 1, 2009, through December 21, 2011, can be found in the Vol. 30, No. 52, December 29, 2011 *Kansas Register*. A list of regulations filed from December 22, 2011, through November 6, 2013, can be found in the Vol. 32, No. 52, December 26, 2013 *Kansas Register*. A list of regulations filed from November 7, 2013, through December 31, 2015, can be found in the Vol. 34, No. 53, December 31, 2015 *Kansas Register*. A list of regulations filed from 2016 through 2017, can be found in the Vol. 36, No. 52, December 28, 2017 *Kansas Register*. A list of regulations filed from 2018 through 2019, can be found in the Vol. 38, No. 52, December 26, 2019 *Kansas Register*. A list of regulations filed from 2020 through 2021, can be found in the Vol. 40, No. 52, December 30,

2021 *Kansas Register*.

| Reg. No. | Action | Register |
|------------|---------|-----------------|
| 111-2-329 | New | V. 41, Issue 40 |
| 111-4-3547 | Amended | V. 41, Issue 33 |
| 111-4-3681 | Amended | V. 41, Issue 6 |
| 111-4-3695 | New | V. 41, Issue 6 |
| 111-4-3696 | New | V. 41, Issue 6 |
| 111-4-3697 | New | V. 41, Issue 6 |
| 111-4-3698 | New | V. 41, Issue 6 |
| 111-4-3699 | New | V. 41, Issue 6 |
| 111-4-3700 | New | V. 41, Issue 6 |
| 111-4-3701 | New | V. 41, Issue 6 |
| 111-4-3702 | New | V. 41, Issue 6 |
| 111-4-3703 | New | V. 41, Issue 9 |
| 111-4-3704 | New | V. 41, Issue 9 |
| 111-4-3705 | New | V. 41, Issue 9 |
| 111-4-3706 | New | V. 41, Issue 9 |
| 111-4-3707 | New | V. 41, Issue 9 |
| 111-4-3708 | Amended | V. 41, Issue 19 |
| 111-4-3709 | Amended | V. 41, Issue 19 |
| 111-4-3710 | New | V. 41, Issue 19 |
| 111-4-3711 | New | V. 41, Issue 19 |
| 111-4-3712 | New | V. 41, Issue 19 |
| 111-4-3713 | Amended | V. 41, Issue 29 |
| 111-4-3714 | New | V. 41, Issue 19 |
| 111-4-3715 | New | V. 41, Issue 24 |
| 111-4-3716 | New | V. 41, Issue 24 |
| 111-4-3717 | New | V. 41, Issue 24 |

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| 111-4-3718 | New | V. 41, Issue 29 | 111-15-1 | Amended | V. 41, Issue 33 | 111-19-154 | New | V. 42, Issue 22 |
| 111-4-3719 | New | V. 41, Issue 29 | 111-15-3 | Amended | V. 41, Issue 33 | 111-302-4 | Amended | V. 42, Issue 18 |
| 111-4-3720 | New | V. 41, Issue 29 | 111-18-3 | Amended | V. 41, Issue 29 | 111-501-6 | Amended | V. 41, Issue 24 |
| 111-4-3721 | New | V. 41, Issue 29 | 111-18-8 | New | V. 41, Issue 29 | 111-501-45a | New | V. 41, Issue 51 |
| 111-4-3722 | New | V. 41, Issue 29 | 111-19-2a | Amended | V. 41, Issue 12 | 111-501-122 | Amended | V. 41, Issue 29 |
| 111-4-3723 | New | V. 41, Issue 33 | 111-19-121 | New | V. 41, Issue 9 | 111-501-123 | Amended | V. 41, Issue 24 |
| 111-4-3724 | New | V. 41, Issue 33 | 111-19-122 | New | V. 41, Issue 9 | 111-501-124 | Amended | V. 41, Issue 24 |
| 111-4-3725 | New | V. 41, Issue 33 | 111-19-123 | New | V. 41, Issue 12 | 111-501-125 | Amended | V. 41, Issue 24 |
| 111-4-3726 | New | V. 41, Issue 33 | 111-19-124 | New | V. 41, Issue 24 | 111-501-126 | Amended | V. 41, Issue 24 |
| 111-4-3727 | New | V. 41, Issue 40 | 111-19-125 | New | V. 41, Issue 24 | 111-501-127 | Amended | V. 41, Issue 24 |
| 111-4-3728 | New | V. 41, Issue 44 | 111-19-126 | New | V. 41, Issue 29 | 111-501-148a | New | V. 41, Issue 51 |
| 111-4-3729 | New | V. 41, Issue 44 | 111-19-127 | New | V. 41, Issue 29 | 111-501-154 | Amended | V. 41, Issue 33 |
| 111-4-3730 | New | V. 41, Issue 51 | 111-19-128 | New | V. 41, Issue 29 | 111-501-155 | Amended | V. 41, Issue 33 |
| 111-4-3731 | New | V. 41, Issue 51 | 111-19-129 | New | V. 41, Issue 29 | 111-601-51 | New | V. 42, Issue 11 |
| 111-4-3732 | New | V. 41, Issue 51 | 111-19-130 | New | V. 41, Issue 29 | 111-601-52 | New | V. 42, Issue 11 |
| 111-4-3733 | New | V. 41, Issue 51 | 111-19-131 | New | V. 41, Issue 33 | 111-601-53 | New | V. 42, Issue 11 |
| 111-4-3734 | New | V. 41, Issue 51 | 111-19-132 | New | V. 41, Issue 33 | 111-601-54 | New | V. 42, Issue 11 |
| 111-4-3735 | New | V. 41, Issue 51 | 111-19-133 | New | V. 41, Issue 40 | 111-601-55 | New | V. 42, Issue 11 |
| 111-4-3736 | New | V. 41, Issue 51 | 111-19-134 | New | V. 41, Issue 44 | 111-701-1 | New | V. 41, Issue 35 |
| 111-4-3737 | New | V. 41, Issue 51 | 111-19-135 | New | V. 41, Issue 44 | 111-701-20 | New | V. 41, Issue 35 |
| 111-4-3738 | New | V. 41, Issue 51 | 111-19-136 | New | V. 41, Issue 44 | 111-701-30 | New | V. 41, Issue 35 |
| 111-4-3739 | New | V. 41, Issue 51 | 111-19-137 | Amended | V. 41, Issue 51 | 111-701-31 | New | V. 41, Issue 35 |
| 111-4-3740 | New | V. 42, Issue 7 | 111-19-138 | New | V. 41, Issue 51 | 111-701-32 | New | V. 41, Issue 35 |
| 111-4-3741 | New | V. 42, Issue 15 | 111-19-139 | New | V. 41, Issue 51 | 111-701-33 | New | V. 41, Issue 35 |
| 111-4-3742 | New | V. 42, Issue 15 | 111-19-140 | New | V. 41, Issue 51 | 111-701-34 | New | V. 41, Issue 35 |
| 111-4-3743 | New | V. 42, Issue 18 | 111-19-141 | New | V. 41, Issue 51 | 111-701-35 | New | V. 41, Issue 35 |
| 111-4-3744 | New | V. 42, Issue 22 | 111-19-142 | New | V. 42, Issue 21 | 111-701-36 | New | V. 41, Issue 35 |
| 111-4-3745 | New | V. 42, Issue 22 | 111-19-143 | New | V. 42, Issue 11 | 111-701-50 | New | V. 41, Issue 35 |
| 111-4-3746 | New | V. 42, Issue 22 | 111-19-144 | New | V. 42, Issue 11 | 111-701-60 | New | V. 41, Issue 35 |
| 111-4-3747 | New | V. 42, Issue 22 | 111-19-145 | New | V. 42, Issue 15 | 111-701-70 | New | V. 41, Issue 35 |
| 111-4-3748 | New | V. 42, Issue 22 | 111-19-146 | New | V. 42, Issue 15 | | | |
| 111-5-230 | Amended | V. 42, Issue 18 | 111-19-147 | New | V. 42, Issue 15 | | | |
| 111-5-248 | New | V. 41, Issue 12 | 111-19-148 | New | V. 42, Issue 15 | | | |
| 111-5-249 | New | V. 42, Issue 15 | 111-19-149 | New | V. 42, Issue 18 | | | |
| 111-9-229 | New | V. 41, Issue 12 | 111-19-150 | New | V. 42, Issue 18 | | | |
| 111-9-230 | New | V. 41, Issue 12 | 111-19-151 | New | V. 42, Issue 18 | | | |
| 111-9-231 | New | V. 41, Issue 51 | 111-19-152 | New | V. 42, Issue 18 | | | |
| 111-9-232 | New | V. 41, Issue 51 | 111-19-153 | New | V. 42, Issue 22 | | | |

**AGENCY 129: DEPARTMENT OF
HEALTH AND ENVIRONMENT -
DIVISION OF HEALTH CARE FINANCE**

| Reg. No. | Action | Register |
|-----------------|---------------|-----------------|
| 129-6-88 | Amended | V. 42, Issue 22 |

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