

HOUSE BILL No. 2040

By Committee on Education

1-17

1 AN ACT concerning education; relating to the Kansas school equity and
2 enhancement act; authorizing the use of current-year student enrollment
3 to determine state foundation aid; amending K.S.A. 2022 Supp. 72-
4 5132 and repealing the existing section.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 2022 Supp. 72-5132 is hereby amended to read as
8 follows: 72-5132. As used in the Kansas school equity and enhancement
9 act, K.S.A. 72-5131 et seq., and amendments thereto:

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

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

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

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

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

35 (e) "Base aid for student excellence" or "BASE aid" means an amount
36 appropriated by the legislature in a fiscal year for the designated year. The

1 amount of BASE aid shall be as follows:

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

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

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

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

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

7 (6) for school year 2023-2024, and each school year thereafter, the

8 BASE aid shall be the BASE aid amount for the immediately preceding
9 school year plus an amount equal to the average percentage increase in the
10 consumer price index for all urban consumers in the midwest region as
11 published by the bureau of labor statistics of the United States department
12 of labor during the three immediately preceding school years rounded to
13 the nearest whole dollar amount.

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

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

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

21 (i) "Categorical fund" means and includes the following funds of a
22 school district: Adult education fund; adult supplementary education fund;
23 at-risk education fund; bilingual education fund; career and postsecondary
24 education fund; driver training fund; educational excellence grant program
25 fund; extraordinary school program fund; food service fund; parent
26 education program fund; preschool-aged at-risk education fund;
27 professional development fund; special education fund; and summer
28 program fund.

29 (j) "Cost-of-living weighting" means an addend component assigned
30 to the enrollment of school districts pursuant to K.S.A. 72-5159, and
31 amendments thereto, on the basis of costs attributable to the cost of living
32 in such school districts.

33 (k) "Current school year" means the school year during which state
34 foundation aid is determined by the state board under K.S.A. 72-5134, and
35 amendments thereto.

36 (l) (I) "Enrollment" means, except as provided in K.S.A. 2022 Supp.
37 72-5180, and amendments thereto, *whichever is the greater of:*

38 (A) *The number of students regularly enrolled in kindergarten and*
39 *grades one through 12 in the school district on September 20 of the*
40 *current school year plus the number of preschool-aged at-risk students*
41 *regularly enrolled in the school district on September 20 of the current*
42 *school year;*

43 (B) *the number of students regularly enrolled in kindergarten and*

1 grades one through 12 in the school district on September 20 of the
 2 preceding school year plus the number of preschool-aged at-risk students
 3 regularly enrolled in the school district on September 20 of the current
 4 school year, ~~except a student who is a foreign exchange student shall not~~
 5 ~~be counted unless such student is regularly enrolled in the school district~~
 6 ~~on September 20 and attending kindergarten or any of the grades one~~
 7 ~~through 12 maintained by the school district for at least one semester or~~
 8 ~~two quarters, or the equivalent thereof.~~

9 (2) ~~If the enrollment in a school district in the preceding school year~~
 10 ~~has decreased from enrollment in the second preceding school year, the~~
 11 ~~enrollment of the school district in the current school year means the sum~~
 12 ~~of:~~

13 ~~(A)(C) the enrollment in sum of:~~

14 ~~(i) The number of students regularly enrolled in kindergarten and~~
 15 ~~grades one through 12 on September 20 of the second preceding school~~
 16 ~~year, excluding students under paragraph (2)(B), minus enrollment in the~~
 17 ~~preceding school year of preschool-aged at-risk students, if any clause (ii),~~
 18 ~~plus enrollment in the current school year the number of preschool-aged~~
 19 ~~at-risk students, if any regularly enrolled in the school district on~~
 20 ~~September 20 of the current school year; and~~

21 ~~(B)(ii) the adjusted enrollment in the second preceding school year of~~
 22 ~~any students participating in the tax credit for low income students~~
 23 ~~scholarship program pursuant to K.S.A. 72-4351 et seq., and amendments~~
 24 ~~thereto, in the preceding school year, if any, plus the adjusted enrollment in~~
 25 ~~the preceding school year of preschool-aged at-risk students who are~~
 26 ~~participating in the tax credit for low income students scholarship program~~
 27 ~~pursuant to K.S.A. 72-4351 et seq., and amendments thereto, in the current~~
 28 ~~school year, if any; or~~

29 ~~(D) for any school district that has a military student, as that term~~
 30 ~~is defined in K.S.A. 72-5139, and amendments thereto, enrolled in such~~
 31 ~~district, and that received federal impact aid for the preceding school year,~~
 32 ~~if the enrollment in such school district in the preceding school year has~~
 33 ~~decreased from enrollment in the second preceding school year, the~~
 34 ~~enrollment of the school district in the current school year means~~
 35 ~~whichever is the greater of:~~

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

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

42 ~~(i)(a) The enrollment of the number of students regularly enrolled in~~
 43 ~~kindergarten and grades one through 12 in the school district in on~~

1 *September 20 of the preceding school year minus the enrollment in such*
2 *school year of preschool-aged at-risk students, if any;*

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

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

11 ~~(4)(2)~~ *When enrollment is determined under paragraph (1), (2) or*
12 ~~(3),~~ *except if the school district begins to offer kindergarten on a full-time*
13 *basis in such school year, students regularly enrolled in kindergarten in the*
14 *school district in the preceding school year shall be counted as one student*
15 *regardless of actual attendance during such preceding school year.*

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

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

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

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

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

42 (q) "High-density at-risk student weighting" means an addend
43 component assigned to the enrollment of school districts pursuant to

1 K.S.A. 72-5151(b), and amendments thereto, on the basis of costs
2 attributable to the maintenance of at-risk educational programs by such
3 school districts.

4 (r) "High enrollment weighting" means an addend component
5 assigned to the enrollment of school districts pursuant to K.S.A. 72-
6 5149(b), and amendments thereto, on the basis of costs attributable to
7 maintenance of educational programs by such school districts.

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

10 (t) "Local foundation aid" means the sum of the following amounts:

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

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

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

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

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

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

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

37 (u) "Low enrollment weighting" means an addend component
38 assigned to the enrollment of school districts pursuant to K.S.A. 72-
39 5149(a), and amendments thereto, on the basis of costs attributable to
40 maintenance of educational programs by such school districts.

41 (v) "Operating expenses" means the total expenditures and lawful
42 transfers from the general fund of a school district during a school year for
43 all purposes, except expenditures for the purposes specified in K.S.A. 72-

1 5168, and amendments thereto.

2 (w) "Preceding school year" means the school year immediately
3 before the current school year.

4 (x) "Preschool-aged at-risk student" means an at-risk student who has
5 attained the age of three years, is under the age of eligibility for attendance
6 at kindergarten, and has been selected by the state board in accordance
7 with guidelines governing the selection of students for participation in
8 head start programs.

9 (y) "Preschool-aged exceptional children" means exceptional
10 children, except gifted children, who have attained the age of three years
11 but are under the age of eligibility for attendance at kindergarten.
12 "Exceptional children" and "gifted children" mean the same as those terms
13 are defined in K.S.A. 72-3404, and amendments thereto.

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

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

21 (2) This subsection shall not apply in any school year prior to the
22 2021-2022 school year.

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

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

32 (3) This subsection shall not apply in any school year prior to the
33 2021-2022 school year.

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

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

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

43 (ff) "September 20" has its usual meaning, except that in any year in

1 which September 20 is not a day on which school is maintained, it means
2 the first day after September 20 on which school is maintained.

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

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

9 (ii) "State foundation aid" means the amount of aid distributed to a
10 school district as determined by the state board pursuant to K.S.A. 72-
11 5134, and amendments thereto.

12 (jj) (1) "Student" means any person who is regularly enrolled in a
13 school district and attending kindergarten or any of the grades one through
14 12 maintained by the school district or who is regularly enrolled in a
15 school district and attending kindergarten or any of the grades one through
16 12 in another school district in accordance with an agreement entered into
17 under authority of K.S.A. 72-13,101, and amendments thereto, or who is
18 regularly enrolled in a school district and attending special education
19 services provided for preschool-aged exceptional children by the school
20 district.

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

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

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

26 (B) The following shall be counted as $\frac{1}{2}$ student:

27 (i) A student enrolled in a school district and attending special
28 education and related services for preschool-aged exceptional children
29 provided for by the school district; and

30 (ii) a preschool-aged at-risk student enrolled in a school district and
31 receiving services under an approved at-risk student assistance plan
32 maintained by the school district.

33 (C) A student in attendance part-time shall be counted as that
34 proportion of one student, to the nearest $\frac{1}{10}$, that the student's attendance
35 bears to full-time attendance.

36 (D) A student enrolled in and attending an institution of
37 postsecondary education that is authorized under the laws of this state to
38 award academic degrees shall be counted as one student if the student's
39 postsecondary education enrollment and attendance together with the
40 student's attendance in either of the grades 11 or 12 is at least $\frac{5}{6}$ time,
41 otherwise the student shall be counted as that proportion of one student, to
42 the nearest $\frac{1}{10}$, that the total time of the student's postsecondary education
43 attendance and attendance in grades 11 or 12, as applicable, bears to full-

1 time attendance.

2 (E) A student enrolled in and attending a technical college, a career
3 technical education program of a community college or other approved
4 career technical education program shall be counted as one student, if the
5 student's career technical education attendance together with the student's
6 attendance in any of grades nine through 12 is at least $\frac{5}{6}$ time, otherwise
7 the student shall be counted as that proportion of one student, to the
8 nearest $\frac{1}{10}$, that the total time of the student's career technical education
9 attendance and attendance in any of grades nine through 12 bears to full-
10 time attendance.

11 (F) A student enrolled in a school district and attending a non-virtual
12 school and also attending a virtual school shall be counted as that
13 proportion of one student, to the nearest $\frac{1}{10}$, that the student's attendance at
14 the non-virtual school bears to full-time attendance.

15 (G) A student enrolled in a school district and attending special
16 education and related services provided for by the school district and also
17 attending a virtual school shall be counted as that proportion of one
18 student, to the nearest $\frac{1}{10}$, that the student's attendance at the non-virtual
19 school bears to full-time attendance.

20 (H) A student enrolled in a school district and attending school on a
21 part-time basis through remote learning and also attending school in
22 person on a part-time basis shall be counted as that proportion of one
23 student, to the nearest $\frac{1}{10}$, that the student's in-person attendance bears to
24 full-time attendance.

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

27 This subparagraph shall not apply to:

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

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

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

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

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

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

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

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

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

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

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

13 Sec. 2. K.S.A. 2022 Supp. 72-5132 is hereby repealed.

14 Sec. 3. This act shall take effect and be in force from and after its
15 publication in the statute book.