AN ACT concerning education; relating to the instruction and financing thereof; making and concerning appropriations for the fiscal years ending June 30, 2020, and June 30, 2021, for the department of education; amending K.S.A. 72-5132 and repealing the existing section.

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

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, 2020, the following:

State foundation aid (652-00-1000-0820)...............................$92,659,017
Provided, That any unencumbered balance in the state foundation aid account in excess of $100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

KPERS – employer contributions – non-USDs (652-00-1000-0100).................$1,597,147
Provided, That any unencumbered balance in the KPERS – employer contributions – non-USDs account in excess of $100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: Provided further, That all expenditures from the KPERS – employer contributions – non-USDs account shall be for payment of participating employers' contributions to the Kansas public employees retirement system as provided in K.S.A. 74-4939, and amendments thereto: And provided further, That expenditures from this account for the payment of participating employers' contributions to the Kansas public employees retirement system may be made regardless of when the liability was incurred.

KPERS – employer contributions – USDs (652-00-1000-0110)..........................$10,261,604
Provided, That any unencumbered balance in the KPERS – employer contributions – USDs account in excess of $100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: Provided further, That all expenditures from the KPERS – employer contributions – USDs account shall be for payment of participating employers' contributions to the Kansas public employees retirement system as provided in K.S.A. 74-4939, and amendments thereto: And provided further, That expenditures
from this account for the payment of participating employers' contributions
to the Kansas public employees retirement system may be made regardless
of when the liability was incurred.

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, 2021, the following:

State foundation aid (652-00-1000-0820).........................$89,659,017

Provided, That any unencumbered balance in the state foundation aid
account in excess of $100 as of June 30, 2020, is hereby reappropriated for
fiscal year 2021.

KPERS – employer

contributions – non-USDs (652-00-1000-0100)..................$3,306,581

Provided, That any unencumbered balance in the KPERS – employer
contributions – non-USDs account in excess of $100 as of June 30, 2020,
is hereby reappropriated for fiscal year 2021: Provided further, That all
expenditures from the KPERS – employer contributions – non-USDs
account shall be for payment of participating employers' contributions to
the Kansas public employees retirement system as provided in K.S.A. 74-
4939, and amendments thereto: And provided further, That expenditures
from this account for the payment of participating employers' contributions
to the Kansas public employees retirement system may be made regardless
of when the liability was incurred.

KPERS – employer

contributions – USDs (652-00-1000-0110).......................$21,247,425

Provided, That any unencumbered balance in the KPERS – employer
contributions – USDs account in excess of $100 as of June 30, 2020, is
hereby reappropriated for fiscal year 2021: Provided further, That all
expenditures from the KPERS – employer contributions – USDs account
shall be for payment of participating employers' contributions to the
Kansas public employees retirement system as provided in K.S.A. 74-
4939, and amendments thereto: And provided further, That expenditures
from this account for the payment of participating employers' contributions
to the Kansas public employees retirement system may be made regardless
of when the liability was incurred.

Sec. 3. On and after July 1, 2019, K.S.A. 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
adjusted by adding the following weightings, if any, to the enrollment of a
school district: At-risk student weighting; bilingual weighting; career
technical education weighting; high-density at-risk student weighting; high
enrollment weighting; low enrollment weighting; school facilities
weighting; ancillary school facilities weighting; cost-of-living weighting; special education and related services weighting; and transportation weighting.

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

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

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

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

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

(1) For school year 2018-2019, $4,165;
(2) for school year 2019-2020, $4,302; $4,436;
(3) for school year 2020-2021, $4,439; $4,569;
(4) for school year 2021-2022, $4,576; $4,706;
(5) for school year 2022-2023, $4,713; $4,846; and
(6) for school year 2023-2024, and each school year thereafter, the BASE aid shall be the BASE aid amount for the immediately preceding school year plus an amount equal to the average percentage increase in the consumer price index for all urban consumers in the midwest region as published by the bureau of labor statistics of the United States department of labor during the three immediately preceding school years rounded to the nearest whole dollar amount.

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

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

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

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

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

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

(l) "Enrollment" means:

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

2. If the enrollment in a school district in the preceding school year has decreased from enrollment in the second preceding school year, the enrollment of the school district in the current school year means the sum of:

   (A) The enrollment in the second preceding school year, excluding students under paragraph (2)(B), minus enrollment in the preceding school year of preschool-aged at-risk students, if any, plus enrollment in the current school year of preschool-aged at-risk students, if any; and

   (B) the adjusted enrollment in the second preceding school year of any students participating in the tax credit for low income students scholarship program pursuant to K.S.A. 72-4351 et seq., and amendments thereto, in the preceding school year, if any, plus the adjusted enrollment in the preceding school year of preschool-aged at-risk students who are participating in the tax credit for low income students scholarship program pursuant to K.S.A. 72-4351 et seq., and amendments thereto, in the current school year, if any.

3. For any school district that has a military student, as that term is defined in K.S.A. 72-5139, and amendments thereto, enrolled in such district, and that received federal impact aid for the preceding school year,
if the enrollment in such school district in the preceding school year has decreased from enrollment in the second preceding school year, the enrollment of the school district in the current school year means whichever is the greater of:

(A) The enrollment determined under paragraph (2); or
(B) the sum of the enrollment in the preceding school year of preschool-aged at-risk students, if any, and the arithmetic mean of the sum of:

(i) The enrollment of the school district in the preceding school year minus the enrollment in such school year of preschool-aged at-risk students, if any;
(ii) the enrollment in the second preceding school year minus the enrollment in such school year of preschool-aged at-risk students, if any;
and
(iii) the enrollment in the third preceding school year minus the enrollment in such school year of preschool-aged at-risk students, if any.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(8) an amount equal to 70% of the federal impact aid of the school
district.

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

(v) "Operating expenses" means the total expenditures and lawful transfers from the general fund of a school district during a school year for all purposes, except expenditures for the purposes specified in K.S.A. 72-5168, and amendments thereto.

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

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

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

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

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

(bb) "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.

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

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

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

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

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

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

(2) (A) Except as otherwise provided in this subsection, the following
shall be counted as one student:
(i) A student in attendance full-time; and
(ii) a student enrolled in a school district and attending special
education and related services, provided for by the school district.

(B) The following shall be counted as \(\frac{1}{2}\) student:
(i) A student enrolled in a school district and attending special
education and related services for preschool-aged exceptional children
provided for by the school district; and
(ii) a preschool-aged at-risk student enrolled in a school district and
receiving services under an approved at-risk student assistance plan
maintained by the school district.

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

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

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

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

(H) (i) Except as provided in clause (ii), a student enrolled in a school district who is not a resident of Kansas shall be counted as follows:

(a) For school year 2018-2019, one student;

(b) for school years 2019-2020 and 2020-2021, \(3/4\) of a student; and

(c) for school year 2021-2022 and each school year thereafter, \(1/2\) of a student.

(ii) This subparagraph (H) shall not apply to:

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

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

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

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

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

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

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

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

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

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

Sec. 4. On and after July 1, 2019, K.S.A. 72-5132 is hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its publication in the Kansas register.