

**SENATE BILL No. 386**

By Committee on Education

1-23

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1 AN ACT concerning education; relating to the Kansas school equity and  
2 enhancement act; requiring school district enrollment to be determined  
3 using the current school year or preceding school year enrollment;  
4 ~~requiring any school district that closed a school building in the~~  
5 ~~preceding school year to use current school year enrollment~~; amending  
6 K.S.A. 2023 Supp. 72-5132 and repealing the existing section.  
7

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

9 Section 1. K.S.A. 2023 Supp. 72-5132 is hereby amended to read as  
10 follows: 72-5132. As used in the Kansas school equity and enhancement  
11 act, K.S.A. 72-5131 et seq., and amendments thereto:

12 (a) "Adjusted enrollment" means the enrollment of a school district,  
13 excluding the remote enrollment determined pursuant to K.S.A. 2023  
14 Supp. 72-5180, and amendments thereto, adjusted by adding the following  
15 weightings, if any, to the enrollment of a school district: At-risk student  
16 weighting; bilingual weighting; career technical education weighting;  
17 high-density at-risk student weighting; high enrollment weighting; low  
18 enrollment weighting; school facilities weighting; ancillary school  
19 facilities weighting; cost-of-living weighting; special education and related  
20 services weighting; and transportation weighting.

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

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

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

33 (d) "At-risk student weighting" means an addend component assigned  
34 to the enrollment of school districts pursuant to K.S.A. 72-5151(a), and

1 amendments thereto, on the basis of costs attributable to the maintenance  
2 of at-risk educational programs by such school districts.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

40 (l) (I) "Enrollment" means, except as provided in K.S.A. 2023 Supp.  
41 72-5180, and amendments thereto, *whichever is the greater of:*

42 (⊕)(A) *The number of students regularly enrolled in kindergarten and*  
43 *grades one through 12 in the school district on September 20 of the*

1 *current school year plus the number of preschool-aged at-risk students*  
2 *regularly enrolled in the school district on September 20 of the current*  
3 *school year;*

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

13 (2) If the enrollment in a school district in the preceding school year  
14 has decreased from enrollment in the second preceding school year, the  
15 enrollment of the school district in the current school year means the sum  
16 of:

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

21 ~~(B) 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 ~~(C) 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) or (B); 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 {year};~~

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; or~~

11 **(D) for school year 2024-2025, the number of preschool-aged at-**  
 12 **risk students regularly enrolled in the school district on September 20 of**  
 13 **the current school year and the arithmetic mean of the sum of:**

14 **(i) The number of students regularly enrolled in kindergarten and**  
 15 **grades one through 12 in the school district on September 20 of the**  
 16 **preceding school year; and**

17 **(ii) the number of students regularly enrolled in kindergarten and**  
 18 **grades one through 12 in the school district on September 20 of the**  
 19 **second preceding school year}.**

20 ~~(4)(2) The~~When enrollment is determined under paragraph (1), ~~(2) or~~  
 21 ~~(3), except~~ if the school district begins to offer kindergarten on a full-time  
 22 basis in such school year, students regularly enrolled in kindergarten in the  
 23 school district in the preceding school year shall be counted as one student  
 24 regardless of actual attendance during such preceding school year.

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

30 ~~(4) If a school district closed any school building that was an~~  
 31 ~~attendance center pursuant to K.S.A. 72-1431, and amendments thereto, in~~  
 32 ~~the preceding school year, such school district shall determine enrollment~~  
 33 ~~pursuant to paragraph (1)(A) in the current school year.~~

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

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

1 imposed under the provisions of the public law and rules and regulations  
2 thereunder.

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

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

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

17 (r) "High enrollment weighting" means an addend component  
18 assigned to the enrollment of school districts pursuant to K.S.A. 72-  
19 5149(b), and amendments thereto, on the basis of costs attributable to  
20 maintenance of educational programs by such school districts.

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

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

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

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

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

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

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

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

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

7 (u) "Low enrollment weighting" means an addend component  
8 assigned to the enrollment of school districts pursuant to K.S.A. 72-  
9 5149(a), and amendments thereto, on the basis of costs attributable to  
10 maintenance of educational programs by such school districts.

11 (v) "Operating expenses" means the total expenditures and lawful  
12 transfers from the general fund of a school district during a school year for  
13 all purposes, except expenditures for the purposes specified in K.S.A. 72-  
14 5168, and amendments thereto.

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

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

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

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

29 (aa) (1) "Remote enrollment" means the number of students regularly  
30 enrolled in kindergarten and grades one through 12 in the school district  
31 who attended school through remote learning in excess of the remote  
32 learning limitations provided in K.S.A. 2023 Supp. 72-5180, and  
33 amendments thereto.

34 (2) This subsection shall not apply in any school year prior to the  
35 2021-2022 school year.

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

43 (2) "Remote learning" does not include virtual school as such term is

1 defined in K.S.A. 72-3712, and amendments thereto.

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

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

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

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

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

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

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

22 (ii) "State foundation aid" means the amount of aid distributed to a  
23 school district as determined by the state board pursuant to K.S.A. 72-  
24 5134, and amendments thereto.

25 (jj) (1) "Student" means any person who is regularly enrolled in a  
26 school district and attending kindergarten or any of the grades one through  
27 12 maintained by the school district or who is regularly enrolled in a  
28 school district and attending kindergarten or any of the grades one through  
29 12 in another school district in accordance with an agreement entered into  
30 under authority of K.S.A. 72-13,101, and amendments thereto, or who is  
31 regularly enrolled in a school district and attending special education  
32 services provided for preschool-aged exceptional children by the school  
33 district.

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

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

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

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

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

43 (ii) a preschool-aged at-risk student enrolled in a school district and

1 receiving services under an approved at-risk student assistance plan  
2 maintained by the school district.

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

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

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

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

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

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

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

40 This subparagraph shall not apply to:

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

43 (ii) a student who attended public school in Kansas during school



1 year 2016-2017 and who attended public school in Kansas during the  
2 immediately preceding school year.

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

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

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

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

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

14 (5) A student enrolled in a school district who attends school through  
15 remote learning shall be counted in accordance with the provisions of this  
16 section and K.S.A. 2023 Supp. 72-5180, and amendments thereto.

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

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

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

26 Sec. 2. K.S.A. 2023 Supp. 72-5132 is hereby repealed.

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