

SENATE BILL No. 475

By Committee on Federal and State Affairs

2-7

1 AN ACT concerning education; relating to school districts; eliminating
2 school district open enrollment requirements; authorizing school
3 districts to determine nonresident student enrollment; amending K.S.A.
4 2023 Supp. 72-3122, 72-3124, 72-3127 and 72-5132 and repealing the
5 existing sections; also repealing K.S.A. 2023 Supp. 72-3123 and 72-
6 3126.

7
8 *Be it enacted by the Legislature of the State of Kansas:*

9 Section 1. K.S.A. 2023 Supp. 72-3122 is hereby amended to read as
10 follows: 72-3122.(a) Any child who has attained the age of eligibility for
11 school attendance may attend school in the district where the child lives,
12 if:

13 (1) The child lives with a resident of the district and the resident is the
14 parent, or a person acting as parent, of the child;

15 (2) subject to the provisions of subsection (c), the child lives in the
16 district as a result of placement therein by a district court or by the
17 secretary for children and families; or

18 (3) the child is a homeless child.

19 (b) Any child who has attained the age of eligibility for school
20 attendance may attend school in a school district where the child is not a
21 resident in accordance with K.S.A. 72-13,101, ~~72-3123~~ 72-3124 or 72-
22 3125, and amendments thereto.

23 Sec. 2. K.S.A. 2023 Supp. 72-3124 is hereby amended to read as
24 follows: 72-3124. (a) The board of education of any school district ~~shall~~
25 *may* allow any student who is not a resident of the district to enroll in and
26 attend school in such district ~~pursuant to K.S.A. 72-3123, and amendments~~
27 ~~thereto~~. The board of education of such district may furnish or provide
28 transportation to any nonresident student who is enrolled in and attending
29 school in the district. If the district agrees to furnish or provide
30 transportation to a nonresident student, such transportation shall be
31 furnished or provided until the end of the school year. Prior to providing or
32 furnishing transportation to a nonresident student, the receiving school
33 district shall notify the board of education of the sending school district
34 that transportation will be furnished or provided for such student.

35 (b) Nonresident students shall be counted as regularly enrolled in and
36 attending school in the receiving school district for the purpose of

1 computations under the Kansas school equity and enhancement act, K.S.A.
 2 72-5131 et seq., and amendments thereto, except computation of
 3 transportation weighting under such act, and for the purposes of the
 4 statutory provisions contained in article 64 of chapter 72 of the Kansas
 5 Statutes Annotated, and amendments thereto. Such nonresident student
 6 shall not be charged for the costs of attendance at school.

7 Sec. 3. K.S.A. 2023 Supp. 72-3127 is hereby amended to read as
 8 follows: 72-3127. ~~(a)~~ As used in K.S.A. 72-3122 through 72-3125, and
 9 amendments thereto, ~~and K.S.A. 2023 Supp. 72-3126, and amendments~~
 10 ~~thereto:~~

11 ~~(+)~~(a) "Homeless child" means a child who lacks a fixed, regular and
 12 adequate nighttime residence and whose primary nighttime residence is:

13 ~~(A)~~(1) A supervised publicly or privately operated shelter designed to
 14 provide temporary living accommodations, including welfare hotels,
 15 congregate shelters and transitional housing for the mentally ill;

16 ~~(B)~~(2) an institution that provides a temporary residence for
 17 individuals intended to be institutionalized; or

18 ~~(C)~~(3) a public or private place not designed for, or ordinarily used
 19 as, a regular sleeping accommodation for humans.

20 ~~(2)~~(b) "Nonresident student" or "nonresident transfer student" means
 21 a student who is enrolled and in attendance at or seeking to enroll and
 22 attend a school located in a district where such student is not a resident.

23 ~~(3)~~(c) "Parent" means and includes natural parents, adoptive parents,
 24 stepparents and foster parents.

25 ~~(4)~~(d) "Person acting as parent" means:

26 ~~(A)~~(1) A guardian or conservator; or

27 ~~(B)~~(2) a person, other than a parent, who:

28 ~~(i)~~(A) Is liable by law to maintain, care for or support the child;

29 ~~(ii)~~(B) has actual care and control of the child and is contributing the
 30 major portion of the cost of support of the child;

31 ~~(iii)~~(C) has actual care and control of the child with the written
 32 consent of a person who has legal custody of the child; or

33 ~~(iv)~~(D) has been granted custody of the child by a court of competent
 34 jurisdiction.

35 ~~(5)~~(e) "Receiving school district" means a school district of
 36 nonresidence of a student who attends school in such school district.

37 ~~(6)~~(f) "School district" means a school district organized and
 38 operating under the laws of this state.

39 ~~(7)~~(g) "Sending school district" means a school district of residence
 40 of a student who attends school in a school district not of the student's
 41 residence.

42 ~~(8)~~ "Sibling" means a brother or sister of the whole or half blood,
 43 adoptive brother or sister, a stepbrother or stepsister or a foster brother or

1 ~~foster sister.~~

2 ~~(b) This section shall take effect and be in force from and after July 1,~~
3 ~~2023.~~

4 Sec. 4. K.S.A. 2023 Supp. 72-5132 is hereby amended to read as
5 follows: 72-5132. As used in the Kansas school equity and enhancement
6 act, K.S.A. 72-5131 et seq., and amendments thereto:

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

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

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

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

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

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

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

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

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

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

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

40 (6) for school year 2023-2024, and each school year thereafter, the
41 BASE aid shall be the BASE aid amount for the immediately preceding
42 school year plus an amount equal to the average percentage increase in the
43 consumer price index for all urban consumers in the midwest region as

1 published by the bureau of labor statistics of the United States department
2 of labor during the three immediately preceding school years rounded to
3 the nearest whole dollar amount.

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

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

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

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

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

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

26 (l) "Enrollment" means, except as provided in K.S.A. 2023 Supp. 72-
27 5180, and amendments thereto:

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

37 (2) If the enrollment in a school district in the preceding school year
38 has decreased from enrollment in the second preceding school year, the
39 enrollment of the school district in the current school year means the sum
40 of:

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

1 current school year of preschool-aged at-risk students, if any; and

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

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

17 (A) The enrollment determined under paragraph (2); or

18 (B) the sum of the enrollment in the preceding school year of
19 preschool-aged at-risk students, if any, and the arithmetic mean of the sum
20 of:

21 (i) The enrollment of the school district in the preceding school year
22 minus the enrollment in such school year of preschool-aged at-risk
23 students, if any;

24 (ii) the enrollment in the second preceding school year minus the
25 enrollment in such school year of preschool-aged at-risk students, if any;
26 and

27 (iii) the enrollment in the third preceding school year minus the
28 enrollment in such school year of preschool-aged at-risk students, if any.

29 (4) The enrollment determined under paragraph (1), (2) or (3), except
30 if the school district begins to offer kindergarten on a full-time basis in
31 such school year, students regularly enrolled in kindergarten in the school
32 district in the preceding school year shall be counted as one student
33 regardless of actual attendance during such preceding 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)~~ 72-13,101, and
33 amendments 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~~ *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. 5. K.S.A. 2023 Supp. 72-3122, 72-3123, 72-3124, 72-3126, 72-
27 3127 and 72-5132 are hereby repealed.

28 Sec. 6. This act shall take effect and be in force from and after its
29 publication in the Kansas register.