

SENATE BILL No. 341

By Committee on Education

1-13

1 AN ACT concerning education; relating to the Kansas school equity and
2 enhancement act; removing federal impact aid from the determination
3 of local foundation aid; amending K.S.A. 72-5135 and K.S.A. 2021
4 Supp. 72-5132 and repealing the existing sections.

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

7 Section 1. K.S.A. 2021 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. 2021
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) ~~The term "At-risk student" shall~~ *does* not include any student
28 enrolled in any of the grades one through 12 who is in attendance less than
29 full time, or any student who is over 19 years of age. The provisions of this
30 paragraph shall not apply to any student who has an individualized
31 education program.

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

36 (e) "Base aid for student excellence" or "BASE aid" means an amount

1 appropriated by the legislature in a fiscal year for the designated year. The
2 amount of BASE aid shall be as follows:

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

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

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

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

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

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

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

37 (l) "Enrollment" means, except as provided in K.S.A. 2021 Supp. 72-
38 5180, and amendments thereto:

39 (1) The number of students regularly enrolled in kindergarten and
40 grades one through 12 in the school district on September 20 of the
41 preceding school year plus the number of preschool-aged at-risk students
42 regularly enrolled in the school district on September 20 of the current
43 school year, except a student who is a foreign exchange student shall not

1 be counted unless such student is regularly enrolled in the school district
2 on September 20 and attending kindergarten or any of the grades one
3 through 12 maintained by the school district for at least one semester or
4 two quarters, or the equivalent thereof.

5 (2) If the enrollment in a school district in the preceding school year
6 has decreased from enrollment in the second preceding school year, the
7 enrollment of the school district in the current school year means the sum
8 of:

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

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

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

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

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

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

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

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

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

1 regardless of actual attendance during such preceding school year.

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

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

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

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

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

28 (r) "High enrollment weighting" means an addend component
29 assigned to the enrollment of school districts pursuant to K.S.A. 72-
30 5149(b), and amendments thereto, on the basis of costs attributable to
31 maintenance of educational programs by such school districts.

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

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

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

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

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

1 thereto;

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

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

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

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

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

20 (u) "Low enrollment weighting" means an addend component
21 assigned to the enrollment of school districts pursuant to K.S.A. 72-
22 5149(a), and amendments thereto, on the basis of costs attributable to
23 maintenance of educational programs by such school districts.

24 (v) "Operating expenses" means the total expenditures and lawful
25 transfers from the general fund of a school district during a school year for
26 all purposes, except expenditures for the purposes specified in K.S.A. 72-
27 5168, and amendments thereto.

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

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

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

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

43 (aa) (1) "Remote enrollment" means the number of students regularly

1 enrolled in kindergarten and grades one through 12 in the school district
2 who attended school through remote learning in excess of the remote
3 learning limitations provided in K.S.A. 2021 Supp. 72-5180, and
4 amendments thereto.

5 (2) This subsection shall not apply in any school year prior to the
6 2021-2022 school year.

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

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

16 (3) This subsection shall not apply in any school year prior to the
17 2021-2022 school year.

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

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

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

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

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

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

36 (ii) "State foundation aid" means the amount of aid distributed to a
37 school district as determined by the state board pursuant to K.S.A. 72-
38 5134, and amendments thereto.

39 (jj) (1) "Student" means any person who is regularly enrolled in a
40 school district and attending kindergarten or any of the grades one through
41 12 maintained by the school district or who is regularly enrolled in a
42 school district and attending kindergarten or any of the grades one through
43 12 in another school district in accordance with an agreement entered into

1 under authority of K.S.A. 72-13,101, and amendments thereto, or who is
2 regularly enrolled in a school district and attending special education
3 services provided for preschool-aged exceptional children by the school
4 district.

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

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

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

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

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

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

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

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

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

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

42 (G) A student enrolled in a school district and attending special
43 education and related services provided for by the school district and also

1 attending a virtual school shall be counted as that proportion of one
2 student, to the nearest $\frac{1}{10}$, that the student's attendance at the non-virtual
3 school bears to full-time attendance.

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

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

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

12 ~~(b) for school years 2019-2020 and 2020-2021, $\frac{3}{4}$ of a student; and~~

13 ~~(c) for school year 2021-2022 and each school year thereafter, as $\frac{1}{2}$~~
14 ~~of a student.~~

15 ~~(ii) This subparagraph shall not apply to:~~

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

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

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

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

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

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

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

32 (5) A student enrolled in a school district who attends school through
33 remote learning shall be counted in accordance with the provisions of this
34 section and K.S.A. 2021 Supp. 72-5180, and amendments thereto.

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

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

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

1 Sec. 2. K.S.A. 72-5135 is hereby amended to read as follows: 72-
2 5135. (a) The distribution of state foundation aid under this act shall be
3 made in accordance with appropriation acts each year as provided in this
4 section.

5 (b) (1) In the months of July through May of each school year, the
6 state board shall determine the amount of state foundation aid that will be
7 required by each school district to maintain operations in each such month.
8 In making such determination, the state board shall take into consideration
9 the school district's access to local foundation aid and the obligations of
10 the general fund that must be satisfied during the month. The amount
11 determined by the state board under this provision is the amount of state
12 foundation aid that will be distributed to the school district in the months
13 of July through May.

14 (2) In the month of June of each school year, payment shall be made
15 of the full amount of the state foundation aid determined for the school
16 year less the sum of the monthly payments made in the months of July
17 through May pursuant to subsection (b)(1).

18 (c) Payments of state foundation aid shall be distributed to school
19 districts once each month on the dates prescribed by the state board. The
20 state board shall certify to the director of accounts and reports the amount
21 due as state foundation aid to each school district in each of the months of
22 July through June. Such certification, and the amount of state foundation
23 aid payable from the state general fund, shall be approved by the director
24 of the budget. The director of accounts and reports shall draw warrants on
25 the state treasurer payable to the school district treasurer of each school
26 district, pursuant to vouchers approved by the state board. Upon receipt of
27 such warrant, each school district treasurer shall deposit the amount of
28 state foundation aid in the general fund of the school district, ~~except that~~
29 ~~an amount equal to the amount of federal impact aid not included in the~~
30 ~~local foundation aid of a school district may be disposed of as provided in~~
31 ~~K.S.A. 72-5166(a), and amendments thereto.~~

32 (d) If any amount of state foundation aid that is due to be paid during
33 the month of June of a school year pursuant to the other provisions of this
34 section is not paid on or before June 30 of such school year, then such
35 payment shall be paid on or after the ensuing July 1, as soon as moneys are
36 available therefor. Any payment of state foundation aid that is due to be
37 paid during the month of June of a school year and that is paid to school
38 districts on or after the ensuing July 1 shall be recorded and accounted for
39 by school districts as a receipt for the school year ending on the preceding
40 June 30.

41 Sec. 3. K.S.A. 72-5135 and K.S.A. 2021 Supp. 72-5132 are hereby
42 repealed.

43 Sec. 4. This act shall take effect and be in force from and after its

- 1 publication in the statute book.