

SENATE BILL No. 386

By Committee on Education

1-23

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

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

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

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

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

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

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

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

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

38 (l) (1) "Enrollment" means, except as provided in K.S.A. 2023 Supp.
39 72-5180, and amendments thereto, *whichever is the greater of:*

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

1 *school year;*

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

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

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

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

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

34 (A)(i) ~~The enrollment amounts determined under paragraph (2)~~
35 ~~subparagraphs (A) or (B); or~~

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

40 (i)(a) ~~The enrollment of the number of students regularly enrolled in~~
41 ~~kindergarten and grades one through 12 in the school district in on~~
42 ~~September 20 of the preceding school year minus the enrollment in such~~
43 ~~school year of preschool-aged at-risk students, if any;~~

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

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

9 (4)(2) ~~The~~When enrollment is determined under paragraph (1), ~~(2) or~~
10 ~~(3)~~, except if the school district begins to offer kindergarten on a full-time
11 basis in such school year, students regularly enrolled in kindergarten in the
12 school district in the preceding school year shall be counted as one student
13 regardless of actual attendance during such preceding school year.

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

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

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

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

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

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