

**HOUSE BILL No. 2106**

By Committee on K-12 Education Budget

1-30

1 AN ACT concerning education; relating to the base aid for student  
2 excellence under the Kansas school equity and enhancement act;  
3 making and concerning appropriations for the fiscal years ending June  
4 30, 2020, and June 30, 2021, for the department of education;  
5 amending K.S.A. 72-5132 and repealing the existing section.  
6

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

8 Section 1.

9 DEPARTMENT OF EDUCATION

10 (a) There is appropriated for the above agency from the state general  
11 fund for the fiscal year ending June 30, 2020, the following:

12 State foundation aid (652-00-1000-0820).....\$2,317,774,923

13 *Provided*, That any unencumbered balance in the state foundation aid  
14 account in excess of \$100 as of June 30, 2019, is hereby reappropriated for  
15 fiscal year 2020.

16 Sec. 2.

17 DEPARTMENT OF EDUCATION

18 (a) There is appropriated for the above agency from the state general  
19 fund for the fiscal year ending June 30, 2021, the following:

20 State foundation aid (652-00-1000-0820).....\$2,395,359,946

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

24 Sec. 3. K.S.A. 72-5132 is hereby amended to read as follows: 72-  
25 5132. As used in the Kansas school equity and enhancement act, K.S.A.  
26 72-5131 et seq., and amendments thereto:

27 (a) "Adjusted enrollment" means the enrollment of a school district  
28 adjusted by adding the following weightings, if any, to the enrollment of a  
29 school district: At-risk student weighting; bilingual weighting; career  
30 technical education weighting; high-density at-risk student weighting; high  
31 enrollment weighting; low enrollment weighting; school facilities  
32 weighting; ancillary school facilities weighting; cost-of-living weighting;  
33 special education and related services weighting; and transportation  
34 weighting.

35 (b) "Ancillary school facilities weighting" means an addend  
36 component assigned to the enrollment of school districts pursuant to

1 K.S.A. 72-5158, and amendments thereto, on the basis of costs attributable  
2 to commencing operation of one or more new school facilities by such  
3 school districts.

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

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

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

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

- 19 (1) ~~For school year 2018-2019, \$4,165;~~
- 20 ~~(2)~~—For school year 2019-2020, \$4,302\$4,436;
- 21 ~~(3)~~(2) for school year 2020-2021, \$4,439\$4,569;
- 22 ~~(4)~~(3) for school year 2021-2022, \$4,576\$4,706;
- 23 ~~(5)~~(4) for school year 2022-2023, \$4,713\$4,846; and
- 24 ~~(6)~~(5) for school year 2023-2024, and each school year thereafter, the

25 BASE aid shall be the BASE aid amount for the immediately preceding  
26 school year plus an amount equal to the average percentage increase in the  
27 consumer price index for all urban consumers in the midwest region as  
28 published by the bureau of labor statistics of the United States department  
29 of labor during the three immediately preceding school years rounded to  
30 the nearest whole dollar amount.

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

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

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

38 (i) "Categorical fund" means and includes the following funds of a  
39 school district: Adult education fund; adult supplementary education fund;  
40 at-risk education fund; bilingual education fund; career and postsecondary  
41 education fund; driver training fund; educational excellence grant program  
42 fund; extraordinary school program fund; food service fund; parent  
43 education program fund; preschool-aged at-risk education fund;

1 professional development fund; special education fund; and summer  
2 program fund.

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

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

10 (l) "Enrollment" means:

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

20 (2) If the enrollment in a school district in the preceding school year  
21 has decreased from enrollment in the second preceding school year, the  
22 enrollment of the school district in the current school year means the sum  
23 of:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

43 (r) "High enrollment weighting" means an addend component

1 assigned to the enrollment of school districts pursuant to K.S.A. 72-  
2 5149(b), and amendments thereto, on the basis of costs attributable to  
3 maintenance of educational programs by such school districts.

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

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

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

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

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

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

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

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

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

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

36 (u) "Low enrollment weighting" means an addend component  
37 assigned to the enrollment of school districts pursuant to K.S.A. 72-  
38 5149(a), and amendments thereto, on the basis of costs attributable to  
39 maintenance of educational programs by such school districts.

40 (v) "Operating expenses" means the total expenditures and lawful  
41 transfers from the general fund of a school district during a school year for  
42 all purposes, except expenditures for the purposes specified in K.S.A. 72-  
43 5168, and amendments thereto.

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

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

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

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

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

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

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

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

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

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

33 (gg) "State foundation aid" means the amount of aid distributed to a  
34 school district as determined by the state board pursuant to K.S.A. 72-  
35 5134, and amendments thereto.

36 (hh) (1) "Student" means any person who is regularly enrolled in a  
37 school district and attending kindergarten or any of the grades one through  
38 12 maintained by the school district or who is regularly enrolled in a  
39 school district and attending kindergarten or any of the grades one through  
40 12 in another school district in accordance with an agreement entered into  
41 under authority of K.S.A. 72-13,101, and amendments thereto, or who is  
42 regularly enrolled in a school district and attending special education  
43 services provided for preschool-aged exceptional children by the school

1 district.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33 Sec. 4. K.S.A. 72-5132 is hereby repealed.

34 Sec. 5. This act shall take effect and be in force from and after its  
35 publication in the statute book.