

SENATE BILL No. 436

By Committee on Education

2-13

1 AN ACT concerning education; relating to the definition of at-risk student;
2 amending K.S.A. 2019 Supp. 72-5132 and repealing the existing
3 section.

4
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2019 Supp. 72-5132 is hereby amended to read as
7 follows: 72-5132. As used in the Kansas school equity and enhancement
8 act, K.S.A. 72-5131 et seq., and amendments thereto:

9 (a) "Adjusted enrollment" means the enrollment of a school district
10 adjusted by adding the following weightings, if any, to the enrollment of a
11 school district: At-risk student weighting; bilingual weighting; career
12 technical education weighting; high-density at-risk student weighting; high
13 enrollment weighting; low enrollment weighting; school facilities
14 weighting; ancillary school facilities weighting; cost-of-living weighting;
15 special education and related services weighting; and transportation
16 weighting.

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

22 (c) (1) "At-risk student" means a student who ~~is eligible for free~~
23 ~~meals under the national school lunch act, and who is, in the preceding~~
24 ~~school year, was~~ enrolled in a school district that maintains an approved at-
25 risk student assistance program *and was:*

26 (A) *Attending any of the grades nine through 12 in such school*
27 *district and had a 1.5 cumulative grade point average of 1.5 or below on a*
28 *4.0 scale; or*

29 (B) *attending kindergarten or any of the grades one through eight in*
30 *such school district and was not meeting the appropriate grade-level*
31 *academic standards adopted by the state board.*

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

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

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

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

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

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

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

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

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

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

42 (l) "Enrollment" means:

- 43 (1) The number of students regularly enrolled in kindergarten and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

32 (r) "High enrollment weighting" means an addend component
33 assigned to the enrollment of school districts pursuant to K.S.A. 72-
34 5149(b), and amendments thereto, on the basis of costs attributable to
35 maintenance of educational programs by such school districts.

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

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

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

43 (2) an amount equal to any remaining proceeds from taxes levied

1 under authority of K.S.A. 72-7056 and 72-7072, and amendments thereto,
2 prior to their repeal;

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

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

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

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

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

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

25 (u) "Low enrollment weighting" means an addend component
26 assigned to the enrollment of school districts pursuant to K.S.A. 72-
27 5149(a), and amendments thereto, on the basis of costs attributable to
28 maintenance of educational programs by such school districts.

29 (v) "Operating expenses" means the total expenditures and lawful
30 transfers from the general fund of a school district during a school year for
31 all purposes, except expenditures for the purposes specified in K.S.A. 72-
32 5168, and amendments thereto.

33 (w) "Preceding school year" means the school year immediately
34 before the current school year.

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

40 (y) "Preschool-aged exceptional children" means exceptional
41 children, except gifted children, who have attained the age of three years
42 but are under the age of eligibility for attendance at kindergarten. The
43 terms "exceptional children" and "gifted children" have the same meaning

1 as those terms are defined in K.S.A. 72-3404, and amendments thereto.

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

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

13 (dd) "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 (ee) "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 (ff) "State board" means the state board of education.

22 (gg) "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 (hh) (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
27 at 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) (i) Except as provided in clause (ii), a student enrolled in a school
34 district who is not a resident of Kansas shall be counted as follows:

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

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

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

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

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

42 (b) a student who attended public school in Kansas during school
43 year 2016-2017 and who attended public school in Kansas during the

1 immediately preceding school year.

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

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

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

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

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

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

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

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

22 Sec. 2. K.S.A. 2019 Supp. 72-5132 is hereby repealed.

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