

HOUSE BILL No. 2551

By Committee on K-12 Education Budget

1-25

1 AN ACT concerning education; relating to remote learning; prohibiting the
2 state department of education from enforcing remote learning
3 limitations and discontinuing such limitations; amending K.S.A. 2021
4 Supp. 72-5132 and repealing the existing section; also repealing K.S.A.
5 2021 Supp. 72-5180.

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

8 New Section 1. No school district shall be subject to the provisions of
9 K.S.A. 72-5180, prior to its repeal. The state department of education shall
10 not adjust the state aid of any school district pursuant to K.S.A. 72-5180,
11 prior to its repeal.

12 Sec. 2. K.S.A. 2021 Supp. 72-5132 is hereby amended to read as
13 follows: 72-5132. As used in the Kansas school equity and enhancement
14 act, K.S.A. 72-5131 et seq., and amendments thereto:

15 (a) "Adjusted enrollment" means the enrollment of a school district,
16 ~~excluding the remote enrollment determined pursuant to K.S.A. 2021-~~
17 ~~Supp. 72-5180, and amendments thereto,~~ adjusted by adding the following
18 weightings, if any, to the enrollment of a school district: At-risk student
19 weighting; bilingual weighting; career technical education weighting;
20 high-density at-risk student weighting; high enrollment weighting; low
21 enrollment weighting; school facilities weighting; ancillary school
22 facilities weighting; cost-of-living weighting; special education and related
23 services weighting; and transportation weighting.

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

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

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, ~~except as provided in K.S.A. 2021 Supp. 72-~~
43 ~~5180, and amendments thereto:~~

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

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

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

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

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

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

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

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

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

43 (iii) the enrollment in the third preceding school year minus the

1 enrollment in such school year of preschool-aged at-risk students, if any.

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

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

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

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

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

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

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

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

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

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

1 (2) an amount equal to any remaining proceeds from taxes levied
2 under authority of K.S.A. 72-7056 and 72-7072, 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)(1) "Remote enrollment" means the number of students regularly~~
5 ~~enrolled in kindergarten and grades one through 12 in the school district~~
6 ~~who attended school through remote learning in excess of the remote~~
7 ~~learning limitations provided in K.S.A. 2021 Supp. 72-5180, and~~
8 ~~amendments thereto.~~

9 ~~(2) This subsection shall not apply in any school year prior to the~~
10 ~~2021-2022 school year.~~

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

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

20 ~~(3) This subsection shall not apply in any school year prior to the~~
21 ~~2021-2022 school year.~~

22 (ee) "School district" means a school district organized under the
23 laws of this state that is maintaining public school for a school term in
24 accordance with the provisions of K.S.A. 72-3115, and amendments
25 thereto.

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

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

31 ~~(ff)(dd)~~ "September 20" has its usual meaning, except that in any year
32 in which September 20 is not a day on which school is maintained, it
33 means the first day after September 20 on which school is maintained.

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

39 ~~(hh)(ff)~~ "State board" means the state board of education.

40 ~~(ii)(gg)~~ "State foundation aid" means the amount of aid distributed to
41 a school district as determined by the state board pursuant to K.S.A. 72-
42 5134, and amendments thereto.

43 ~~(jj)(hh)~~ (1) "Student" means any person who is regularly enrolled in a

1 school district and attending kindergarten or any of the grades one through
2 12 maintained by the school district or who is regularly enrolled in a
3 school district and attending kindergarten or any of the grades one through
4 12 in another school district in accordance with an agreement entered into
5 under authority of K.S.A. 72-13,101, and amendments thereto, or who is
6 regularly enrolled in a school district and attending special education
7 services provided for preschool-aged exceptional children by the school
8 district.

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

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

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

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

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

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

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

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

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

42 (F) A student enrolled in a school district and attending a non-virtual
43 school and also attending a virtual school shall be counted as that

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

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

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

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

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

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

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

19 (ii) This subparagraph shall not apply to:

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

22 (b) a student who attended public school in Kansas during school
 23 year 2016-2017 and who attended public school in Kansas during the
 24 immediately preceding school year.

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

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

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

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

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

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

39 ~~(kk)(ii)~~ "Total foundation aid" means an amount equal to the product
 40 obtained by multiplying the BASE aid by the adjusted enrollment of a
 41 school district.

42 ~~(H)(jj)~~ "Transportation weighting" means an addend component
 43 assigned to the enrollment of school districts pursuant to K.S.A. 72-5148,

1 and amendments thereto, on the basis of costs attributable to the provision
2 or furnishing of transportation.

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

5 Sec. 3. K.S.A. 2021 Supp. 72-5132 and 72-5180 are hereby repealed.

6 Sec. 4. This act shall take effect and be in force from and after its
7 publication in the Kansas register.