

Proposed Amendments to SB 251  
May 19, 2017  
Senate Select Committee on Education Finance  
Prepared by: Office of Revisor of Statutes  
# 5  
Replace Low and High Enrollment Weighting  
with a Sparsity Weighting

Session of 2017

**SENATE BILL No. 251**

By Committee on Ways and Means

5-18

1 AN ACT concerning education; relating to the instruction and financing  
2 thereof; making and concerning appropriations for the fiscal years  
3 ending June 30, 2018, and June 30, 2019, for the department of  
4 education; creating the Kansas school equity and enhancement act;  
5 amending K.S.A. 12-17,115 and 72-8803 and K.S.A. 2016 Supp. 10-  
6 1116a, 12-1677, 12-1770a, 12-1775a, 12-1776a, 72-978, 72-1046b, 72-  
7 1398, 72-1414, 72-1923, 72-3712, 72-3715, 72-5333b, 72-64b01, 72-  
8 64c03, 72-64c05, 72-6622, 72-6624, 72-6625, 72-6757, 72-67,115, 72-  
9 7535, 72-8187, 72-8190, 72-8230, 72-8233, 72-8236, 72-8249, 72-  
10 8250, 72-8251, 72-8302, 72-8309, 72-8316, 72-8415b, 72-8801, 72-  
11 8804, 72-8908, 72-9509, 72-9609, 72-99a02, 72-99a02, as amended by  
12 section 92 of this act, 72-99a04, 74-4939a, 74-8925, 74-99b43, 75-  
13 2319, 79-201x, 79-213, 79-2001 and 79-2925b and repealing the  
14 existing sections; also repealing K.S.A. 2016 Supp. 46-1133, 72-6482  
15 and 75-2319, as amended by section 46 of Senate Substitute for  
16 Substitute for House Bill No. 2052.

17

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

19 Section 1.

20

DEPARTMENT OF EDUCATION

21 (a) There is appropriated for the above agency from the state general  
22 fund for the fiscal year ending June 30, 2018, the following:

23 Operating expenditures (including official  
24 hospitality) (652-00-1000-0053).....\$12,515,606

25 *Provided*, That any unencumbered balance in the operating expenditures  
26 (including official hospitality) account in excess of \$100 as of June 30,  
27 2017, is hereby reappropriated for fiscal year 2018.

28 Special education services  
29 aid (652-00-1000-0700).....\$435,980,455

30 *Provided*, That any unencumbered balance in the special education  
31 services aid account in excess of \$100 as of June 30, 2017, is hereby  
32 reappropriated for fiscal year 2018: *Provided further*; That expenditures  
33 shall not be made from the special education services aid account for the  
34 provision of instruction for any homebound or hospitalized child unless  
35 the categorization of such child as exceptional is conjoined with the  
36 categorization of the child within one or more of the other categories of

1 technology coordinator fund of the department of education: *Provided*,  
 2 That the department of education shall provide information and data  
 3 regarding the number of school districts served and cost savings attained  
 4 by such school districts in order to assess the cost effectiveness of having  
 5 this education technology coordinator position: *Provided further*; That such  
 6 information and data shall be available by the department of education by  
 7 the end of the fiscal year 2019.

8 New Sec. 3. Sections 3 through 47, and amendments thereto, shall be  
 9 known and may be cited as the Kansas school equity and enhancement act.

10 New Sec. 4. As used in the Kansas school equity and enhancement  
 11 act, section 3 et seq., and amendments thereto:

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

sparsity

20 (b) "Ancillary school facilities weighting" means an addend  
 21 component assigned to the enrollment of school districts pursuant to  
 22 section 30, and amendments thereto, on the basis of costs attributable to  
 23 commencing operation of one or more new school facilities by such school  
 24 districts.

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

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

33 (d) "At-risk student weighting" means an addend component assigned  
 34 to the enrollment of school districts pursuant to section 23(a), and  
 35 amendments thereto, on the basis of costs attributable to the maintenance  
 36 of at-risk educational programs by such school districts.

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

40 (1) For school year 2017-2018, \$4,006;

41 (2) for school year 2018-2019, \$4,080; and

42 (3) for school year 2019-2020, and each school year thereafter, the  
 43 BASE aid shall be the BASE aid amount for the immediately preceding

1 operating expenses are paid and in which is deposited all amounts of state  
2 foundation aid provided under this act, payments under K.S.A. 72-7105a,  
3 and amendments thereto, payments of federal funds made available under  
4 the provisions of title I of public law 874, except amounts received for  
5 assistance in cases of major disaster and amounts received under the low-  
6 rent housing program and such other moneys as are provided by law.

7 (q) "General fund budget" means the amount budgeted for operating  
8 expenses in the general fund of a school district.

9 (r) "High-density at-risk student weighting" means an addend  
10 component assigned to the enrollment of school districts pursuant to  
11 section 23(b), and amendments thereto, on the basis of costs attributable to  
12 the maintenance of at-risk educational programs by such school districts.

13 ~~(s) "High enrollment weighting" means an addend component~~  
14 ~~assigned to the enrollment of school districts pursuant to section 21(b), and~~  
15 ~~amendments thereto, on the basis of costs attributable to maintenance of~~  
16 ~~educational programs by such school districts.~~

17 (t) "Juvenile detention facility" means the same as such term is  
18 defined in K.S.A. 72-8187, and amendments thereto.

19 (u) "Local foundation aid" means the sum of the following amounts:

20 (1) An amount equal to any unexpended and unencumbered balance  
21 remaining in the general fund of the school district, except moneys  
22 received by the school district and authorized to be expended for the  
23 purposes specified in section 40, and amendments thereto;

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

27 (3) an amount equal to the amount deposited in the general fund in  
28 the current school year from moneys received in such school year by the  
29 school district under the provisions of K.S.A. 72-1046a(a), and  
30 amendments thereto;

31 (4) an amount equal to the amount deposited in the general fund in  
32 the current school year from moneys received in such school year by the  
33 school district pursuant to contracts made and entered into under authority  
34 of K.S.A. 72-6757, and amendments thereto;

35 (5) an amount equal to the amount credited to the general fund in the  
36 current school year from moneys distributed in such school year to the  
37 school district under the provisions of articles 17 and 34 of chapter 12 of  
38 the Kansas Statutes Annotated, and amendments thereto, and under the  
39 provisions of articles 42 and 51 of chapter 79 of the Kansas Statutes  
40 Annotated, and amendments thereto;

41 (6) an amount equal to the amount of payments received by the  
42 school district under the provisions of K.S.A. 72-979, and amendments  
43 thereto;

1 (7) an amount equal to the amount of any grant received by the  
2 school district under the provisions of K.S.A. 72-983, and amendments  
3 thereto; and

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

6 ~~(v) "Low enrollment weighting" means an addend component~~  
7 ~~assigned to the enrollment of school districts pursuant to section 21(a), and~~  
8 ~~amendments thereto, on the basis of costs attributable to maintenance of~~  
9 ~~educational programs by such school districts.~~

10 (w) "Operating expenses" means the total expenditures and lawful  
11 transfers from the general fund of a school district during a school year for  
12 all purposes, except expenditures for the purposes specified in section 40,  
13 and amendments thereto.

14 (x) "Preceding school year" means the school year immediately  
15 before the current school year.

16 (y) "Preschool-aged at-risk student" means an at-risk student who has  
17 attained the age of four years, is under the age of eligibility for attendance  
18 at kindergarten, and has been selected by the state board in accordance  
19 with guidelines governing the selection of students for participation in  
20 head start programs.

21 (z) "Preschool-aged exceptional children" means exceptional  
22 children, except gifted children, who have attained the age of three years  
23 but are under the age of eligibility for attendance at kindergarten. The  
24 terms "exceptional children" and "gifted children" have the same meaning  
25 as those terms are defined in K.S.A. 72-962, and amendments thereto.

26 (aa) "Psychiatric residential treatment facility" means the same as  
27 such term is defined in K.S.A. 72-8187, and amendments thereto.

28 (bb) "School district" means a school district organized under the  
29 laws of this state that is maintaining public school for a school term in  
30 accordance with the provisions of K.S.A. 72-1106, and amendments  
31 thereto.

32 (cc) "School facilities weighting" means an added component  
33 assigned to the enrollment of school districts pursuant to section 28, and  
34 amendments thereto, on the basis of costs attributable to commencing  
35 operation of one or more new school facilities by such school districts.

36 (dd) "School year" means the 12-month period ending June 30.

37 (ee) "September 20" has its usual meaning, except that in any year in  
38 which September 20 is not a day on which school is maintained, it means  
39 the first day after September 20 on which school is maintained.

40 (ff) "Special education and related services weighting" means an  
41 addend component assigned to the enrollment of school districts pursuant  
42 to section 29, and amendments thereto, on the basis of costs attributable to  
43 the maintenance of special education and related services by such school

"Sparsity weighting" means an addend component assigned to the enrollment of school districts pursuant to section 21, and amendments thereto, on the basis of costs attributable to the population density of the school district.  
(gg)

1 transportation.

2 (d) As used in this section:

3 (1) "Curve of best fit" means the curve on a density-cost graph drawn  
 4 so the sum of the distances squared from such line to each of the points  
 5 plotted on the graph is the least possible.

6 (2) "Density-cost graph" means a drawing having: (A) A horizontal or  
 7 base line divided into equal intervals of density, beginning with zero on the  
 8 left; and (B) a scale for per-student cost of transportation to be shown on a  
 9 line perpendicular to the base line at the left end thereof, such scale to  
 10 begin with zero dollars at the base line ascending by equal per-student cost  
 11 intervals.

12 (3) "Index of density" means the number of students who are  
 13 included in the enrollment of a school district in the current school year,  
 14 are residing the designated distance or more by the usually traveled road  
 15 from the school building they attend, and for whom transportation is being  
 16 made available on regular school routes by the school district, divided by  
 17 the number of square miles of territory in the school district.

18 New Sec. 21. (a) ~~The low enrollment weighting of each school~~  
 19 ~~district shall be determined by the state board as follows:~~

20 ~~(1) For school districts with an enrollment of fewer than 100 students,~~  
 21 ~~multiply the enrollment of the school district by 1.014331. The resulting~~  
 22 ~~product is the low enrollment weighting of the school district;~~

23 ~~(2) for school districts with an enrollment of at least 100 students, but~~  
 24 ~~fewer than 300 students:~~

25 ~~(A) Subtract 100 from the enrollment of the school district;~~  
 26 ~~(B) multiply the difference obtained under subsection (a)(2)(A) by~~  
 27 ~~9.655;~~

28 ~~(C) subtract the product obtained under subsection (a)(2)(B) from~~  
 29 ~~7,337;~~

30 ~~(D) divide the difference obtained under subsection (a)(2)(C) by~~  
 31 ~~3,642.4;~~

32 ~~(E) subtract one from the quotient obtained under subsection (a)(2)~~  
 33 ~~(D); and~~

34 ~~(F) multiply the difference obtained under subsection (a)(2)(E) by the~~  
 35 ~~enrollment of the school district. The resulting product is the low~~  
 36 ~~enrollment weighting of the school district;~~

37 ~~(3) for school districts with an enrollment of at least 300 students, but~~  
 38 ~~fewer than 1,622 students:~~

39 ~~(A) Subtract 300 from the enrollment of the school district;~~  
 40 ~~(B) multiply the difference obtained under subsection (a)(3)(A) by~~  
 41 ~~1.2375;~~

42 ~~(C) subtract the product obtained under subsection (a)(3)(B) from~~  
 43 ~~5,406;~~

(a) Except as provided in subsection (b), the sparsity weighting of each school district shall be determined by the state board as follows:

(1) Determine the area of the school district in square miles;

(2) divide the number determined in subsection (a)(1) by the enrollment of the school district;

(3) multiply the number determined under subsection (a)(2) by 0.4. The resulting product is the sparsity weighting of the school district.

(b) (1) For school year 2017-2018, if a school district received low enrollment weighting in school year 2016-2017, such school district shall either receive an amount equal to the product determined under subsection (a)(3), or ½ of that portion of such school district's general state aid for school year 2016-2017 that was attributable to the school district's low enrollment weighting, whichever is greater.

(2) For school year 2018-2019, and each school year thereafter, the sparsity weighting shall be the product determined under subsection (a)(3).

1 ~~(D) divide the difference obtained under subsection (a)(3)(C) by~~  
2 ~~3,642.4;~~

3 ~~(E) subtract one from the quotient obtained under subsection (c)(D);~~  
4 ~~and~~

5 ~~(F) multiply the difference obtained under subsection (a)(3)(E) by the~~  
6 ~~enrollment of the school district. The resulting product is the low~~  
7 ~~enrollment weighting of the school district.~~

8 ~~(b) For school districts with an enrollment of at least 1,622 students,~~  
9 ~~multiply the enrollment of the school district by 0.03504. The resulting~~  
10 ~~product is the high enrollment weighting of the school district.~~

11 New Sec. 22. (a) The bilingual weighting of each school district shall  
12 be determined by the state board as follows:

13 (1) Determine the full-time equivalent enrollment in approved  
14 programs of bilingual education during the preceding school year and  
15 multiply such enrollment by 0.361;

16 (2) determine the number of students enrolled in approved programs  
17 of bilingual education during the preceding school year and multiply such  
18 enrollment by 0.185; and

19 (3) the bilingual weighting shall be either the amount determined  
20 under paragraph (1) or (2), whichever is greater.

21 (b) In recognition of the continuing work of the state board in  
22 evaluating bilingual educational programs and to allow the legislature time  
23 to review the bilingual weighting to ensure that the weighting is  
24 reasonably calculated to have students meet or exceed the educational goal  
25 set forth in K.S.A. 2016 Supp. 72-1127(c), and amendments thereto, the  
26 provisions of this section shall expire on July 1, 2020.

27 New Sec. 23. (a) The at-risk student weighting of each school district  
28 shall be determined by the state board as follows:

29 (1) Determine the number of at-risk students included in the  
30 enrollment of the school district; and

31 (2) for a school district with an enrollment that consists of 10% or  
32 more at-risk students, multiply the number determined under subsection  
33 (a)(1) by 0.456. The resulting sum is the at-risk student weighting of the  
34 school district; or

35 (3) for a school district with an enrollment that consists of less than  
36 10% at-risk students, multiply the number of students equal to 10% of  
37 such school district's enrollment by 0.456. The resulting sum is the at-risk  
38 student weighting of the school district. A school district whose at-risk  
39 student weighting is determined pursuant to this paragraph shall submit a  
40 report to the state board in such form and manner as required by the state  
41 board that identifies those students enrolled in such school district who are  
42 receiving at-risk program services and the criteria each such student  
43 satisfies in order to receive at-risk program services. The state board shall

1 and total funds per student;  
 2 (3) total capital outlay funds, including a showing of such funding  
 3 provided by federal sources, state sources and local sources, and capital  
 4 outlay funds per student;  
 5 (4) total bond and interest funds, including a showing of such funding  
 6 provided by federal sources, state sources and local sources, and bond and  
 7 interest funds per student;  
 8 (5) total of all other funds not described in paragraphs (2), (3) and (4),  
 9 excluding fund transfers, including a showing of such funding provided by  
 10 federal sources, state sources and local sources, and total funds per  
 11 student;

- 12 (6) general fund moneys attributable to the following:  
 13 (A) BASE aid;  
 14 (B) ~~high enrollment weighting;~~  
 15 ~~(C) low enrollment weighting;~~  
 16 (D) school facilities weighting;  
 17 (E) transportation weighting;  
 18 (F) at-risk student weighting;  
 19 (G) preschool-aged at-risk student weighting;  
 20 (H) high-density at-risk student weighting;  
 21 (I) career technical education weighting;  
 22 (J) special education and related services weighting;  
 23 (K) bilingual weighting;  
 24 (L) ancillary school facilities weighting;  
 25 (M) cost-of-living weighting;  
 26 (N) declining enrollment weighting; and  
 27 (O) virtual school state aid; and

sparsity

- 28 (7) total expenditures from each of the following funds:  
 29 (A) At-risk education fund;  
 30 (B) preschool-aged at-risk education fund;  
 31 (C) bilingual education fund;  
 32 (D) career and postsecondary education fund;  
 33 (E) special education fund;  
 34 (F) virtual school fund; and  
 35 (G) special retirement contributions fund.

36 New Sec. 44. (a) (1) On or before July 1, 2020, the legislature shall  
 37 review the school year 2019-2020 BASE aid amount and shall evaluate  
 38 whether such BASE aid amount is reasonably calculated to have all  
 39 students meet or exceed the educational goal set forth in K.S.A. 2016  
 40 Supp. 72-1127(c), and amendments thereto.

41 (2) Such evaluation shall be based on a successful school model that  
 42 identifies successful school districts based on the percentage of at-risk  
 43 students in such districts in relation to the following outcomes:

**Redesignate subelements accordingly**

- 1 (A) The percentage of students at grade level on state math and
- 2 English language arts assessments;
- 3 (B) the percentage of students that are college and career ready on
- 4 state math and English language arts assessments;
- 5 (C) the average composite ACT score; and
- 6 (D) the four-year graduation rate.

7 (3) Such evaluation shall identify school districts that exceeded  
 8 expected outcomes and shall also identify school districts that have an  
 9 average scaled difference on the outcome measures greater than or equal to  
 10 one standard deviation from the average scaled difference of all districts.  
 11 Those school districts that are identified as successful school districts in  
 12 relation to other similarly situated districts may be used to evaluate  
 13 whether the BASE aid amount is reasonably calculated to ensure that  
 14 students will continue to meet or exceed the educational goal set forth in  
 15 K.S.A. 2016 Supp. 72-1127(c), and amendments thereto.

16 (b) The senate standing committee on education shall review the ~~low~~  
 17 ~~enrollment weighting and the high enrollment weighting, as such terms are~~  
 18 ~~defined in section 4, and amendments thereto, and alternatives to such~~  
 19 ~~weightings, including, but not limited to, a sparsity weighting.~~ Such  
 20 review shall occur during the 2018 regular legislative session to ensure  
 21 that such ~~weightings are~~ reasonably calculated to have students meet or  
 22 exceed the goal set forth in K.S.A. 2016 Supp. 72-1127(c), and  
 23 amendments thereto. The provisions of this subsection shall expire on July  
 24 1, 2018.

25 New Sec. 45. The legislative post audit committee shall direct the  
 26 legislative division of post audit to conduct the following performance  
 27 audits in the fiscal year specified:

28 (a) A performance audit of transportation services funding. The audit  
 29 should include a comparison of the amount of transportation services  
 30 funding school districts receive to the cost of providing transportation  
 31 services. This performance audit shall be conducted during fiscal year  
 32 2018, and the final audit report shall be submitted to the legislature on or  
 33 before January 15, 2018.

34 (b) A performance audit of at-risk education funding. The audit  
 35 should evaluate the method of counting students for at-risk education  
 36 funding, the level of the at-risk student weighting and high-density at-risk  
 37 student weighting under the act and how school districts are expending  
 38 moneys provided for at-risk education. This performance audit shall be  
 39 conducted during fiscal year 2020, and the final audit report shall be  
 40 submitted to the legislature on or before January 15, 2020.

41 (c) A performance audit of bilingual education funding. The audit  
 42 should evaluate the method of counting students for bilingual education  
 43 funding, the level of the bilingual weighting under the act and how school

sparsity weighting, as such term is

weighting, including, but not limited to the low enrollment weighting and the high enrollment weighting as such weightings existed in K.S.A. 72-6412 and K.S.A. 72-6442b, prior to their repeal.

weighting is