HOUSE BILL No. 2582

By Committee on K-12 Education Budget

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AN ACT concerning education; relating to the Kansas school equity and enhancement act; creating the behavioral health intervention weighting; amending K.S.A. 2019 Supp. 72-5131, 72-5132 and 72-5171 and repealing the existing sections.

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

New Section 1. (a) The behavioral health intervention weighting of each school district shall be determined by the state board as follows:

- (1) Determine the aggregate amount of salaries, wages and benefits for all behavioral health intervention team liaisons employed by the school district for the current school year;
 - (2) multiply the amount determined under paragraph (1) by 50%;
 - (3) multiply the product calculated under paragraph (2) by 50%;
 - (4) add the products calculated under paragraphs (2) and (3); and
- (5) divide the amount calculated under paragraph (4) by the amount of BASE aid for the current school year. The resulting quotient is the behavioral health intervention weighting of the school district.
- (b) The behavioral health intervention weighting may be assigned to the enrollment of a school district for the current school year only if the school district has a behavioral health intervention team program available to at least a portion of the students enrolled in the district for such current school year.
- (c) The behavioral health intervention team program shall be administered to improve social-emotional wellness and outcomes for students by increasing schools' access to counselors, social workers and psychologists. To implement and operate the program, a school district shall enter into the necessary memorandums of understanding and other necessary agreements with participating community mental health centers and the appropriate state agencies, including the department of health and environment. Behavioral health intervention teams shall consist of behavioral health intervention team liaisons employed by the school district, and clinical therapists and case managers employed by the participating community mental health center.
- (d) (1) All moneys received by a school district that are attributable to the behavioral health intervention weighting shall be expended solely to implement and administer the behavioral health intervention team program

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 in accordance with the provisions of this section and in accordance with memorandums of understanding and other agreements entered into pursuant to subsection (c).

- (2) Of the moneys received by a school district that are attributable to the behavioral health intervention weighting, an amount equal to the amount calculated under subsection (a)(3) shall be paid by the school district to the participating community mental health center pursuant to the agreement between the school district and the community mental health center required under subsection (c).
- (3) There is hereby established in every school district a behavioral health intervention fund, which shall consist of all moneys deposited therein or transferred thereto according to law. The expenses of a school district directly attributable to the behavioral health intervention team program shall be paid from the behavioral health intervention fund.
- (e) Each behavioral health intervention team liaison shall have obtained at least a bachelor's degree.
- (f) (1) School districts shall prioritize services under the behavioral health intervention team program as follows:
- (A) First, for students who are in the custody of the secretary for children and families;
- (B) second, for students receiving services through family preservation or the family first prevention services act (P.L. 115-123) or any associated programs administered by the Kansas department for children and families; and
 - (C) third, all other students.
- (2) The Kansas department for children and families, or the case management contractor, shall notify the school district upon enrollment of a child in such school district that such child is in the custody of the secretary for children and families or is receiving services through those programs described in paragraph (1)(B).
- (g) The state board shall maintain a database of students referred to the behavioral health intervention team program. The database shall be accessible through a website to allow members of a school district's behavioral health intervention team to access and enter information on the students' enrollment and behavioral health information.
- (h) The provisions of this section shall be a part of and supplemental to the Kansas school equity and enhancement act.
- Sec. 2. K.S.A. 2019 Supp. 72-5131 is hereby amended to read as follows: 72-5131. K.S.A. 72-5131 through 72-5176, and amendments thereto, and K.S.A. 2019 Supp. 72-5178 and 72-5179, and amendments thereto, and section 1, and amendments thereto, shall be known and may be cited as the Kansas school equity and enhancement act.
 - Sec. 3. K.S.A. 2019 Supp. 72-5132 is hereby amended to read as

follows: 72-5132. As used in the Kansas school equity and enhancement act, K.S.A. 72-5131 et seq., and amendments thereto:

- (a) "Adjusted enrollment" means the enrollment of a school district adjusted by adding the following weightings, if any, to the enrollment of a school district: At-risk student weighting; behavioral health intervention weighting; bilingual weighting; career technical education weighting; high-density at-risk student weighting; high enrollment weighting; low enrollment weighting; school facilities weighting; ancillary school facilities weighting; cost-of-living weighting; special education and related services weighting; and transportation weighting.
- (b) "Ancillary school facilities weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 72-5158, and amendments thereto, on the basis of costs attributable to commencing operation of one or more new school facilities by such school districts.
- (c) (1) "At-risk student" means a student who is eligible for free meals under the national school lunch act, and who is enrolled in a school district that maintains an approved at-risk student assistance program.
- (2) The term "at-risk student" shall not include any student enrolled in any of the grades one through 12 who is in attendance less than full time, or any student who is over 19 years of age. The provisions of this paragraph shall not apply to any student who has an individualized education program.
- (d) "At-risk student weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 72-5151(a), and amendments thereto, on the basis of costs attributable to the maintenance of at-risk educational programs by such school districts.
- (e) "Base aid for student excellence" or "BASE aid" means an amount appropriated by the legislature in a fiscal year for the designated year. The amount of BASE aid shall be as follows:
 - (1) For school year 2018-2019, \$4,165;
 - (2) for school year 2019-2020, \$4,436;
 - (3) for school year 2020-2021, \$4,569;
 - (4) for school year 2021-2022, \$4,706;
 - (5) for school year 2022-2023, \$4,846; and
- (6) for school year 2023-2024, and each school year thereafter, the BASE aid shall be the BASE aid amount for the immediately preceding school year plus an amount equal to the average percentage increase in the consumer price index for all urban consumers in the midwest region as published by the bureau of labor statistics of the United States department of labor during the three immediately preceding school years rounded to the nearest whole dollar amount.
 - (f) "Behavioral health intervention weighting" means an addend

 component assigned to the enrollment of school districts pursuant to section 1, and amendments thereto, on the basis of costs attributable to maintenance of behavioral health intervention team programs by such school districts.

- (f)(g) "Bilingual weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 72-5150, and amendments thereto, on the basis of costs attributable to the maintenance of bilingual educational programs by such school districts.
 - $\frac{g}{h}$ "Board" means the board of education of a school district.
- (h)(i) "Budget per student" means the general fund budget of a school district divided by the enrollment of the school district.
- (i)(j) "Categorical fund" means and includes the following funds of a school district: Adult education fund; adult supplementary education fund; at-risk education fund; bilingual education fund; career and postsecondary education fund; driver training fund; educational excellence grant program fund; extraordinary school program fund; food service fund; parent education program fund; preschool-aged at-risk education fund; professional development fund; special education fund; and summer program fund.
- $\frac{f}{f}(k)$ "Cost-of-living weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 72-5159, and amendments thereto, on the basis of costs attributable to the cost of living in such school districts.
- (k)(l) "Current school year" means the school year during which state foundation aid is determined by the state board under K.S.A. 72-5134, and amendments thereto.
 - (1)(m) "Enrollment" means:
- (1) The number of students regularly enrolled in kindergarten and grades one through 12 in the school district on September 20 of the preceding school year plus the number of preschool-aged at-risk students regularly enrolled in the school district on September 20 of the current school year, except a student who is a foreign exchange student shall not be counted unless such student is regularly enrolled in the school district on September 20 and attending kindergarten or any of the grades one through 12 maintained by the school district for at least one semester or two quarters, or the equivalent thereof.
- (2) If the enrollment in a school district in the preceding school year has decreased from enrollment in the second preceding school year, the enrollment of the school district in the current school year means the sum of:
- (A) The enrollment in the second preceding school year, excluding students under paragraph (2)(B), minus enrollment in the preceding school year of preschool-aged at-risk students, if any, plus enrollment in the

 current school year of preschool-aged at-risk students, if any; and

- (B) the adjusted enrollment in the second preceding school year of any students participating in the tax credit for low income students scholarship program pursuant to K.S.A. 72-4351 et seq., and amendments thereto, in the preceding school year, if any, plus the adjusted enrollment in the preceding school year of preschool-aged at-risk students who are participating in the tax credit for low income students scholarship program pursuant to K.S.A. 72-4351 et seq., and amendments thereto, in the current school year, if any.
- (3) For any school district that has a military student, as that term is defined in K.S.A. 72-5139, and amendments thereto, enrolled in such district, and that received federal impact aid for the preceding school year, if the enrollment in such school district in the preceding school year has decreased from enrollment in the second preceding school year, the enrollment of the school district in the current school year means whichever is the greater of:
 - (A) The enrollment determined under paragraph (2); or
- (B) the sum of the enrollment in the preceding school year of preschool-aged at-risk students, if any, and the arithmetic mean of the sum of:
- (i) The enrollment of the school district in the preceding school year minus the enrollment in such school year of preschool-aged at-risk students, if any;
- (ii) the enrollment in the second preceding school year minus the enrollment in such school year of preschool-aged at-risk students, if any; and
- (iii) the enrollment in the third preceding school year minus the enrollment in such school year of preschool-aged at-risk students, if any.
- (4) The enrollment determined under paragraph (1), (2) or (3), except if the school district begins to offer kindergarten on a full-time basis in such school year, students regularly enrolled in kindergarten in the school district in the preceding school year shall be counted as one student regardless of actual attendance during such preceding school year.
- (m)(n) "February 20" has its usual meaning, except that in any year in which February 20 is not a day on which school is maintained, it means the first day after February 20 on which school is maintained.
- (n)(o) "Federal impact aid" means an amount equal to the federally qualified percentage of the amount of moneys a school district receives in the current school year under the provisions of title I of public law 874 and congressional appropriations therefor, excluding amounts received for assistance in cases of major disaster and amounts received under the low-rent housing program. The amount of federal impact aid shall be determined by the state board in accordance with terms and conditions

 imposed under the provisions of the public law and rules and regulations thereunder.

- (o)(p) "General fund" means the fund of a school district from which operating expenses are paid and in which is deposited all amounts of state foundation aid provided under this act, payments under K.S.A. 72-528, and amendments thereto, payments of federal funds made available under the provisions of title I of public law 874, except amounts received for assistance in cases of major disaster and amounts received under the low-rent housing program and such other moneys as are provided by law.
- (p)(q) "General fund budget" means the amount budgeted for operating expenses in the general fund of a school district.
- $\frac{(q)}{(r)}$ "High-density at-risk student weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 72-5151(b), and amendments thereto, on the basis of costs attributable to the maintenance of at-risk educational programs by such school districts.
- (r)(s) "High enrollment weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 72-5149(b), and amendments thereto, on the basis of costs attributable to maintenance of educational programs by such school districts.
- $\frac{(s)}{(t)}$ "Juvenile detention facility" means the same as such term is defined in K.S.A. 72-1173, and amendments thereto.
- (+)(u) "Local foundation aid" means the sum of the following amounts:
- (1) An amount equal to any unexpended and unencumbered balance remaining in the general fund of the school district, except moneys received by the school district and authorized to be expended for the purposes specified in K.S.A. 72-5168, and amendments thereto;
- (2) an amount equal to any remaining proceeds from taxes levied under authority of K.S.A. 72-7056 and 72-7072, and amendments thereto, prior to their repeal;
- (3) an amount equal to the amount deposited in the general fund in the current school year from moneys received in such school year by the school district under the provisions of K.S.A. 72-3123(a), and amendments thereto;
- (4) an amount equal to the amount deposited in the general fund in the current school year from moneys received in such school year by the school district pursuant to contracts made and entered into under authority of K.S.A. 72-3125, and amendments thereto;
- (5) an amount equal to the amount credited to the general fund in the current school year from moneys distributed in such school year to the school district under the provisions of articles 17 and 34 of chapter 12 of the Kansas Statutes Annotated, and amendments thereto, and under the

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provisions of articles 42 and 51 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto;

- (6) an amount equal to the amount of payments received by the school district under the provisions of K.S.A. 72-3423, and amendments thereto;
- (7) an amount equal to the amount of any grant received by the school district under the provisions of K.S.A. 72-3425, and amendments thereto; and
- (8) an amount equal to 70% of the federal impact aid of the school district.
- $\frac{\text{(u)}(v)}{\text{(u)}(v)}$ "Low enrollment weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 72-5149(a), and amendments thereto, on the basis of costs attributable to maintenance of educational programs by such school districts.
- (v)(w) "Operating expenses" means the total expenditures and lawful transfers from the general fund of a school district during a school year for all purposes, except expenditures for the purposes specified in K.S.A. 72-5168, and amendments thereto.
- $\frac{(w)}{(x)}$ "Preceding school year" means the school year immediately before the current school year.
- (x)(y) "Preschool-aged at-risk student" means an at-risk student who has attained the age of three years, is under the age of eligibility for attendance at kindergarten, and has been selected by the state board in accordance with guidelines governing the selection of students for participation in head start programs.
- (y)(z) "Preschool-aged exceptional children" means exceptional children, except gifted children, who have attained the age of three years but are under the age of eligibility for attendance at kindergarten. The terms "exceptional children" and "gifted children" have the same meaning as those terms are defined in K.S.A. 72-3404, and amendments thereto.
- (z)(aa) "Psychiatric residential treatment facility" means the same as such term is defined in K.S.A. 72-1173, and amendments thereto.
- (aa)(bb) "School district" means a school district organized under the laws of this state that is maintaining public school for a school term in accordance with the provisions of K.S.A. 72-3115, and amendments thereto
- (bb)(cc) "School facilities weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 72-5156, and amendments thereto, on the basis of costs attributable to commencing operation of one or more new school facilities by such school districts.
 - (ee)(dd) "School year" means the 12-month period ending June 30.
- (dd)(ee) "September 20" has its usual meaning, except that in any year in which September 20 is not a day on which school is maintained, it

means the first day after September 20 on which school is maintained.

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

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

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

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

- (2) (A) Except as otherwise provided in this subsection, the following shall be counted as one student:
 - (i) A student in attendance full-time; and
- (ii) a student enrolled in a school district and attending special education and related services, provided for by the school district.
 - (B) The following shall be counted as $\frac{1}{2}$ student:
- (i) A student enrolled in a school district and attending special education and related services for preschool-aged exceptional children provided for by the school district; and
- (ii) a preschool-aged at-risk student enrolled in a school district and receiving services under an approved at-risk student assistance plan maintained by the school district.
- (C) A student in attendance part-time shall be counted as that proportion of one student (to the nearest $^{1}/_{10}$) that the student's attendance bears to full-time attendance.
- (D) A student enrolled in and attending an institution of postsecondary education that is authorized under the laws of this state to award academic degrees shall be counted as one student if the student's postsecondary education enrollment and attendance together with the student's attendance in either of the grades 11 or 12 is at least $^{5}/_{6}$ time, otherwise the student shall be counted as that proportion of one student (to the nearest $^{1}/_{10}$) that the total time of the student's postsecondary education attendance and attendance in grades 11 or 12, as applicable, bears to full-time attendance.

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

- (F) A student enrolled in a school district and attending a non-virtual school and also attending a virtual school shall be counted as that proportion of one student (to the nearest $^{1}/_{10}$) that the student's attendance at the non-virtual school bears to full-time attendance.
- (G) A student enrolled in a school district and attending special education and related services provided for by the school district and also attending a virtual school shall be counted as that proportion of one student (to the nearest $^{1}/_{10}$) that the student's attendance at the non-virtual school bears to full-time attendance.
- (H) (i) Except as provided in clause (ii), a student enrolled in a school district who is not a resident of Kansas shall be counted as follows:
 - (a) For school year 2018-2019, one student;
 - (b) for school years 2019-2020 and 2020-2021, $\frac{3}{4}$ of a student; and
- (c) for school year 2021-2022 and each school year thereafter, 1/2 of a student.
 - (ii) This subparagraph (H) shall not apply to:
 - (a) A student whose parent or legal guardian is an employee of the school district where such student is enrolled; or
 - (b) a student who attended public school in Kansas during school year 2016-2017 and who attended public school in Kansas during the immediately preceding school year.
 - (3) The following shall not be counted as a student:
 - (A) An individual residing at the Flint Hills job corps center;
 - (B) except as provided in paragraph (2), an individual confined in and receiving educational services provided for by a school district at a juvenile detention facility; and
 - (C) an individual enrolled in a school district but housed, maintained and receiving educational services at a state institution or a psychiatric residential treatment facility.
 - (4) A student enrolled in virtual school pursuant to K.S.A. 72-3711 et seq., and amendments thereto, shall be counted in accordance with the provisions of K.S.A. 72-3715, and amendments thereto.
 - (ii)(jj) "Total foundation aid" means an amount equal to the product obtained by multiplying the BASE aid by the adjusted enrollment of a

1 school district.

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

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

- Sec. 4. K.S.A. 2019 Supp. 72-5171 is hereby amended to read as follows: 72-5171. (a) On or before January 15 of each year, the state department of education shall prepare and submit a financial accountability report on school district funding for each school district to the governor and the legislature.
- (b) Each report shall contain the information described in subsection (c) for the school district in terms of actual dollar amounts for the second and immediately preceding school years and budgeted dollar amounts for the current school year.
- (c) Each report shall contain the following information for the school district:
- (1) Full-time equivalent enrollment and the virtual student full-time equivalent enrollment;
- (2) demographic information, including, but not limited to, gender, race, ethnicity, students who are economically disadvantaged, migrants, English language learners and students with disabilities;
- (3) total general and supplemental general funds, including a showing of funding provided by federal sources, state sources and local sources, and total funds per student;
- (4) total capital outlay funds, including a showing of such funding provided by federal sources, state sources and local sources, and capital outlay funds per student;
- (5) total bond and interest funds, including a showing of such funding provided by federal sources, state sources and local sources, and bond and interest funds per student;
- (6) total of all other funds not described in paragraphs (3), (4) and (5), excluding fund transfers, including a showing of such funding provided by federal sources, state sources and local sources, and total funds per student;
- (7) total funds per student of all funds described in paragraphs (3) through (6);
 - (8) general fund moneys attributable to the following:
- 40 (A) BASE aid;
 - (B) high enrollment weighting;
- 42 (C) low enrollment weighting;
 - (D) school facilities weighting;

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- 1 (E) transportation weighting:
- 2 at-risk student weighting: (F)
 - preschool-aged at-risk student weighting: (G)
- (H) high-density at-risk student weighting: 4 5
 - (I) career technical education weighting;
- 6 special education and related services weighting; (J)
- 7 (K) bilingual weighting;

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- 8 ancillary school facilities weighting; (L)
- 9 cost-of-living weighting; (M)
- declining enrollment weighting; and 10 (N)
- behavioral health intervention weighting; and 11 (O)
 - virtual school state aid; (P)
- total expenditures on the following: 13 (9)
 - At-risk education programs and services; (A)
- preschool-aged at-risk education programs and services; 15 (B)
 - bilingual education programs and services: (C)
- 17 career and technical education programs and services; (D)
 - special education and related services; and (E)
- 19 (F) behavioral health intervention team programs; and
- 20 (G)virtual school programs and services;
- 21 (10)total expenditures from the special retirement contributions fund;
 - (11)expenditures and fund transfers from the supplemental general fund for those programs and services set forth in paragraph (9) and any other accounting category for which there is an expenditure or transfer from such fund;
 - (12) total expenditures from any fund for expenses incurred as a result of the school district's participation in any legal proceeding challenging the constitutional adequacy of any school finance laws under section 6 of article 6 of the constitution of the state of Kansas, regardless of whether such school district was a named party in such legal proceedings, and including any dues, fees or other expenses incurred by such school district as a result of its membership in any organization that participates in any legal proceeding challenging the constitutional adequacy of any school finance laws under section 6 of article 6 of the constitution of the state of Kansas, and the aggregate amount of such expenditures made on and after July 1, 2010; and
 - (13) general obligation bond indebtedness.
 - (d) All reports prepared pursuant to this section shall be published in accordance with K.S.A. 2019 Supp. 72-1181, and amendments thereto.
 - (e) The state board shall provide uniform guidelines for what constitutes total expenditures for the programs and services listed under subsection (c)(9).
- 43 Sec. 5. K.S.A. 2019 Supp. 72-5131, 72-5132 and 72-5171 are hereby

- 1 repealed.
- 2 Sec. 6. This act shall take effect and be in force from and after its
- 3 publication in the statute book.