

HOUSE BILL No. 2493

By Select Committee on School Finance

2-21

9 AN ACT relating to schools; concerning school finance; increasing base
10 state aid per pupil; increasing funding for special education; eliminat-
11 ing transportation, correlation and low enrollment weighting; elimi-
12 nating local option budgets; amending K.S.A. 72-979 and 72-6410 and
13 K.S.A. 2004 Supp. 72-978 and 72-6407 and repealing the existing sec-
14 tions; also repealing K.S.A. 72-6411, 72-6412, 72-6433, 72-6433b, 72-
15 6435, 72-6441, 72-6442, 72-6443 and 72-6444 and K.S.A. 2004 Supp.
16 72-6425 and 72-6434.
17

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

19 New Section 1. Commencing in the school year 2005-2006:

20 (a) Base state aid per pupil shall increase to \$5,070;

21 (b) special education shall be increased as provided in K.S.A. 2004
22 Supp. 72-978 and K.S.A. 72-979, and amendments thereto;

23 (c) local option budgets shall be eliminated except to pay transpor-
24 tation costs of pupils; and

25 (d) low enrollment, correlation, school facilities, ancillary school fa-
26 cilities and transportation weightings shall be eliminated.

27 New Sec. 2. (a) Commencing with the 2005-2006 school year, school
28 districts may establish a limited local option budget which may be ex-
29 pended solely for costs relating to the transportation of pupils.

30 (b) The action of approving a levy for a limited local option budget
31 shall require the approval of a majority of the school board members.

32 (c) In each school year, the board of every district that has adopted
33 a limited local option budget may levy an ad valorem tax on the taxable
34 tangible property of the district for the purpose of paying transportation
35 costs of pupils and for the purpose of paying a portion of the principal
36 and interest on bonds issued by cities under authority of K.S.A. 12-1774,
37 and amendments thereto, for the financing of redevelopment projects
38 upon property located within the district.

39 (d) The proceeds from the tax levied by a district under authority of
40 this section, except the proceeds of such tax levied for the purpose of
41 paying a portion of the principal and interest on bonds issued by cities
42 under authority of K.S.A. 12-1774, and amendments thereto, for the fi-
43 nancing of redevelopment projects upon property located within the dis-

1 trict, shall be deposited in the limited local option budget fund of the
2 district and may be expended solely to pay transportation costs of pupils.

3 (e) No district shall proceed under K.S.A. 79-1964, 79-1964a or 79-
4 1964b, and amendments thereto.

5 Sec. 3. K.S.A. 2004 Supp. 72-978 is hereby amended to read as fol-
6 lows: 72-978. ~~(a) (1) In each school year, in accordance with appropria-~~
7 ~~tions for special education and related services provided under this act,~~
8 ~~each school district which has provided special education and related~~
9 ~~services in compliance with the provisions of this act~~

10 (a) *Each year, the state board of education shall determine the amount*
11 *of state aid for the provision of special education and related services each*
12 *school district shall receive for the ensuing school year. The amount of*
13 *such state aid shall be computed by the state board as provided in this*
14 *section. The state board shall:*

15 (1) *Determine the total amount of general fund of all school districts;*

16 (2) *subtract from the amount determined in paragraph (1) the total*
17 *amount attributable to assignment of program weighting, special educa-*
18 *tion weighting and at-risk pupil weighting to enrollment of all school*
19 *districts;*

20 (3) *divide the remainder obtained in paragraph (2) by the total num-*
21 *ber of pupils enrolled in all school districts on September 20;*

22 (4) *determine the total full-time equivalent enrollment of exceptional*
23 *children in special education services provided by all school districts;*

24 (5) *multiply the amount of the quotient obtained in paragraph (3) by*
25 *the full-time equivalent enrollment determined in paragraph (4);*

26 (6) *determine the amount of federal funds received by all school dis-*
27 *tricts for the provision of special education services;*

28 (7) *determine the amount of revenue received by all school districts*
29 *rendered under contracts with the state institutions for the provisions of*
30 *special education services by the state institution;*

31 (8) *add the amounts determined under paragraphs (6) and (7) to the*
32 *amount of the product obtained under paragraph (5);*

33 (9) *determine the total amount of expenditures of all school districts*
34 *for the provision of special education services;*

35 (10) *subtract the amount of the sum obtained under paragraph (8)*
36 *from the amount determined under paragraph (9); and*

37 (11) *multiply the remainder obtained under paragraph (10) by 100%.*
38 *The computed amount is the amount of state aid for the provision of*
39 *special education aid a school district is entitled to receive for the ensuing*
40 *school year.*

41 (b) *Each school district shall be entitled to receive:*

42 ~~(A)~~ (1) *Reimbursement for actual travel allowances paid to special*
43 *teachers at not to exceed the rate specified under K.S.A. 75-3203, and*

1 amendments thereto, for each mile actually traveled during the school
2 year in connection with duties in providing special education or related
3 services for exceptional children; such reimbursement shall be computed
4 by the state board by ascertaining the actual travel allowances paid to
5 special teachers by the school district for the school year and shall be in
6 an amount equal to ~~80%~~ 100% of such actual travel allowances;

7 ~~(B)~~ (2) reimbursement in an amount equal to ~~80%~~ 100% of the actual
8 travel expenses incurred for providing transportation for exceptional chil-
9 dren to special education or related services; such reimbursement shall
10 not be paid if such child has been counted in determining the transpor-
11 tation weighting of the district under the provisions of the school district
12 finance and quality performance act;

13 ~~(C)~~ (3) reimbursement in an amount equal to ~~80%~~ 100% of the actual
14 expenses incurred for the maintenance of an exceptional child at some
15 place other than the residence of such child for the purpose of providing
16 special education or related services; such reimbursement shall not ex-
17 ceed \$600 per exceptional child per school year; and

18 ~~(D)~~ (4) except for those school districts entitled to receive reimburse-
19 ment under subsection ~~(b)~~ or (c) or (d), after subtracting the amounts of
20 reimbursement under paragraphs ~~(A)~~, ~~(B)~~ and ~~(C)~~ (1), (2) or (3) of this
21 subsection ~~(a)~~ from the total amount appropriated for special education
22 and related services under this act, an amount which bears the same
23 proportion to the remaining amount appropriated as the number of full-
24 time equivalent special teachers who are qualified to provide special ed-
25 ucation or related services to exceptional children and are employed by
26 the school district for approved special education or related services bears
27 to the total number of such qualified full-time equivalent special teachers
28 employed by all school districts for approved special education or related
29 services.

30 ~~(2)~~ Each special teacher who is qualified to assist in the provision of
31 special education or related services to exceptional children shall be
32 counted as $\frac{2}{5}$ full-time equivalent special teacher who is qualified to pro-
33 vide special education or related services to exceptional children.

34 ~~(b)~~ (c) Each school district which has paid amounts for the provision
35 of special education and related services under an interlocal agreement
36 shall be entitled to receive reimbursement under subsection ~~(a)(1)(D)~~
37 (b)(4). The amount of such reimbursement for the district shall be the
38 amount which bears the same relation to the aggregate amount available
39 for reimbursement for the provision of special education and related serv-
40 ices under the interlocal agreement, as the amount paid by such district
41 in the current school year for provision of such special education and
42 related services bears to the aggregate of all amounts paid by all school
43 districts in the current school year who have entered into such interlocal

1 agreement for provision of such special education and related services.
2 ~~(c)~~ (d) Each contracting school district which has paid amounts for
3 the provision of special education and related services as a member of a
4 cooperative shall be entitled to receive reimbursement under subsection
5 ~~(a)(1)(D)~~ (b)(4). The amount of such reimbursement for the district shall
6 be the amount which bears the same relation to the aggregate amount
7 available for reimbursement for the provision of special education and
8 related services by the cooperative, as the amount paid by such district
9 in the current school year for provision of such special education and
10 related services bears to the aggregate of all amounts paid by all contract-
11 ing school districts in the current school year by such cooperative for
12 provision of such special education and related services.

13 ~~(d)~~ (e) No time spent by a special teacher in connection with duties
14 performed under a contract entered into by the Kansas juvenile correc-
15 tional complex, the Atchison juvenile correctional facility, the Beloit ju-
16 venile correctional facility, the Larned juvenile correctional facility, or the
17 Topeka juvenile correctional facility and a school district for the provision
18 of special education services by such state institution shall be counted in
19 making computations under this section.

20 Sec. 4. K.S.A. 72-979 is hereby amended to read as follows: 72-979.

21 (a) Payments ~~under this act~~ of state aid for the provision of special edu-
22 cation and related services shall be made in the manner and at such times
23 during each school year as are determined by the state board. All amounts
24 received by a district under this section shall be deposited in the general
25 fund of the district and transferred to its special education fund. If any
26 district is paid more than it is entitled to receive under any distribution
27 made under this act, the state board shall notify the district of the amount
28 of such overpayment, and such district shall remit the same to the state
29 board. The state board shall remit any moneys so received to the state
30 treasurer in accordance with the provisions of K.S.A. 75-4215, and
31 amendments thereto. Upon receipt of each such remittance, the state
32 treasurer shall deposit the entire amount in the state treasury to the credit
33 of the state general fund. If any such district fails so to remit, the state
34 board shall deduct the excess amounts so paid from future payments
35 becoming due to such district. If any district is paid less than the amount
36 to which it is entitled under any distribution made under this act, the
37 state board shall pay the additional amount due at any time within the
38 school year in which the underpayment was made or within 60 days after
39 the end of such school year. *If the amount of appropriations for state aid*
40 *for the provision of special education and related services is insufficient*
41 *to pay in full the amount of state aid each school district is entitled to*
42 *receive for the school year, the state board shall prorate the amount ap-*
43 *propriated among all school districts.*

1 (b) The state board shall prescribe all forms necessary for reporting
2 under this act.

3 (c) Every board shall make such periodic and special reports of in-
4 formation to the state board as it may request in order to carry out its
5 responsibilities under this act.

6 Sec. 5. K.S.A. 2004 Supp. 72-6407 is hereby amended to read as
7 follows: 72-6407. (a) (1) "Pupil" means any person who is regularly en-
8 rolled in a district and attending kindergarten or any of the grades one
9 through 12 maintained by the district or who is regularly enrolled in a
10 district and attending kindergarten or any of the grades one through 12
11 in another district in accordance with an agreement entered into under
12 authority of K.S.A. 72-8233, and amendments thereto, or who is regularly
13 enrolled in a district and attending special education services provided
14 for preschool-aged exceptional children by the district.

15 (2) Except as otherwise provided in paragraph (3) of this subsection,
16 a pupil in attendance full time shall be counted as one pupil. A pupil in
17 attendance part time shall be counted as that proportion of one pupil (to
18 the nearest $\frac{1}{10}$) that the pupil's attendance bears to full-time attendance.
19 A pupil attending kindergarten shall be counted as $\frac{1}{2}$ pupil. A pupil en-
20 rolled in and attending an institution of postsecondary education which
21 is authorized under the laws of this state to award academic degrees shall
22 be counted as one pupil if the pupil's postsecondary education enrollment
23 and attendance together with the pupil's attendance in either of the
24 grades 11 or 12 is at least $\frac{5}{6}$ time, otherwise the pupil shall be counted
25 as that proportion of one pupil (to the nearest $\frac{1}{10}$) that the total time of
26 the pupil's postsecondary education attendance and attendance in grade
27 11 or 12, as applicable, bears to full-time attendance. A pupil enrolled in
28 and attending an area vocational school, area vocational-technical school
29 or approved vocational education program shall be counted as one pupil
30 if the pupil's vocational education enrollment and attendance together
31 with the pupil's attendance in any of grades nine through 12 is at least $\frac{5}{6}$
32 time, otherwise the pupil shall be counted as that proportion of one pupil
33 (to the nearest $\frac{1}{10}$) that the total time of the pupil's vocational education
34 attendance and attendance in any of grades nine through 12 bears to full-
35 time attendance. A pupil enrolled in a district and attending special ed-
36 ucation and related services, except special education and related services
37 for preschool-aged exceptional children, provided for by the district shall
38 be counted as one pupil. A pupil enrolled in a district and attending
39 special education and related services for preschool-aged exceptional chil-
40 dren provided for by the district shall be counted as $\frac{1}{2}$ pupil. A preschool-
41 aged at-risk pupil enrolled in a district and receiving services under an
42 approved at-risk pupil assistance plan maintained by the district shall be
43 counted as $\frac{1}{2}$ pupil. A pupil in the custody of the secretary of social and

1 rehabilitation services and enrolled in unified school district No. 259,
2 Sedgwick county, Kansas, but housed, maintained, and receiving educa-
3 tional services at the Judge James V. Riddel Boys Ranch, shall be counted
4 as two pupils.

5 (3) A pupil residing at the Flint Hills job corps center shall not be
6 counted. A pupil confined in and receiving educational services provided
7 for by a district at a juvenile detention facility shall not be counted. A
8 pupil enrolled in a district but housed, maintained, and receiving edu-
9 cational services at a state institution shall not be counted. A pupil en-
10 rolled in a virtual school in a district but who is not a resident of the state
11 of Kansas shall not be counted.

12 (b) "Preschool-aged exceptional children" means exceptional chil-
13 dren, except gifted children, who have attained the age of three years but
14 are under the age of eligibility for attendance at kindergarten.

15 (c) "At-risk pupils" means pupils who are eligible for free meals un-
16 der the national school lunch act and who are enrolled in a district which
17 maintains an approved at-risk pupil assistance plan.

18 (d) "Preschool-aged at-risk pupil" means an at-risk pupil who has
19 attained the age of four years, is under the age of eligibility for attendance
20 at kindergarten, and has been selected by the state board in accordance
21 with guidelines consonant with guidelines governing the selection of pu-
22 pils for participation in head start programs. The state board shall select
23 not more than 5,500 preschool-aged at-risk pupils to be counted in any
24 school year.

25 (e) "Enrollment" means: (1) For districts scheduling the school days
26 or school hours of the school term on a trimestral or quarterly basis, the
27 number of pupils regularly enrolled in the district on September 20 plus
28 the number of pupils regularly enrolled in the district on February 20
29 less the number of pupils regularly enrolled on February 20 who were
30 counted in the enrollment of the district on September 20; and for dis-
31 tricts not specified in this clause (1), the number of pupils regularly en-
32 rolled in the district on September 20; (2) if enrollment in a district in
33 any school year has decreased from enrollment in the preceding school
34 year, enrollment of the district in the current school year means which-
35 ever is the greater of (A) enrollment in the preceding school year minus
36 enrollment in such school year of preschool-aged at-risk pupils, if any
37 such pupils were enrolled, plus enrollment in the current school year of
38 preschool-aged at-risk pupils, if any such pupils are enrolled, or (B) the
39 sum of enrollment in the current school year of preschool-aged at-risk
40 pupils, if any such pupils are enrolled and the average (mean) of the sum
41 of (i) enrollment of the district in the current school year minus enroll-
42 ment in such school year of preschool-aged at-risk pupils, if any such
43 pupils are enrolled and (ii) enrollment in the preceding school year minus

1 enrollment in such school year of preschool-aged at-risk pupils, if any
2 such pupils were enrolled and (iii) enrollment in the school year next
3 preceding the preceding school year minus enrollment in such school year
4 of preschool-aged at-risk pupils, if any such pupils were enrolled; or (3)
5 the number of pupils as determined under K.S.A. 72-6447, and amend-
6 ments thereto.

7 (f) “Adjusted enrollment” means enrollment adjusted by adding at-
8 risk pupil weighting, program weighting, ~~low enrollment weighting, if any,~~
9 ~~correlation weighting, if any, school facilities weighting, if any, ancillary~~
10 ~~school facilities weighting, if any, and~~ special education and related serv-
11 ices weighting, ~~and transportation weighting~~ to enrollment.

12 (g) “At-risk pupil weighting” means an addend component assigned
13 to enrollment of districts on the basis of enrollment of at-risk pupils.

14 (h) “Program weighting” means an addend component assigned to
15 enrollment of districts on the basis of pupil attendance in educational
16 programs which differ in cost from regular educational programs.

17 ~~(i) “Low enrollment weighting” means an addend component as-~~
18 ~~signed to enrollment of districts having under 1,725 enrollment on the~~
19 ~~basis of costs attributable to maintenance of educational programs by such~~
20 ~~districts in comparison with costs attributable to maintenance of educa-~~
21 ~~tional programs by districts having 1,725 or over enrollment.~~

22 ~~—(j) “School facilities weighting” means an addend component as-~~
23 ~~signed to enrollment of districts on the basis of costs attributable to com-~~
24 ~~mencing operation of new school facilities. School facilities weighting may~~
25 ~~be assigned to enrollment of a district only if the district has adopted a~~
26 ~~local option budget and budgeted therein the total amount authorized for~~
27 ~~the school year. School facilities weighting may be assigned to enrollment~~
28 ~~of the district only in the school year in which operation of a new school~~
29 ~~facility is commenced and in the next succeeding school year.~~

30 ~~—(k) “Transportation weighting” means an addend component as-~~
31 ~~signed to enrollment of districts on the basis of costs attributable to the~~
32 ~~provision or furnishing of transportation.~~

33 ~~—(l) “Correlation weighting” means an addend component assigned to~~
34 ~~enrollment of districts having 1,725 or over enrollment on the basis of~~
35 ~~costs attributable to maintenance of educational programs by such dis-~~
36 ~~tricts as a correlate to low enrollment weighting assigned to enrollment~~
37 ~~of districts having under 1,725 enrollment.~~

38 ~~—(m) “Ancillary school facilities weighting” means an addend compo-~~
39 ~~nent assigned to enrollment of districts to which the provisions of K.S.A.~~
40 ~~72-6441, and amendments thereto, apply on the basis of costs attributable~~
41 ~~to commencing operation of new school facilities. Ancillary school facil-~~
42 ~~ities weighting may be assigned to enrollment of a district only if the~~
43 ~~district has levied a tax under authority of K.S.A. 72-6441, and amend-~~

1 ~~ments thereto, and remitted the proceeds from such tax to the state trea-~~
 2 ~~surer. Ancillary school facilities weighting is in addition to assignment of~~
 3 ~~school facilities weighting to enrollment of any district eligible for such~~
 4 ~~weighting.~~

5 ~~(i)~~ (i) “Juvenile detention facility” means: (1) Any secure public or
 6 private facility which is used for the lawful custody of accused or adju-
 7 dicated juvenile offenders and which shall not be a jail;

8 (2) any level VI treatment facility licensed by the Kansas department
 9 of health and environment which is a psychiatric residential treatment
 10 facility for individuals under the age of 21 which conforms with the reg-
 11 ulations of the centers for medicare/medicaid services and the joint com-
 12 mission on accreditation of health care organizations governing such fa-
 13 cilities; and

14 (3) the Forbes Juvenile Attention Facility, the Sappa Valley Youth
 15 Ranch of Oberlin, Salvation Army/Koch Center Youth Services, the Clar-
 16 ence M. Kelley Youth Center, the Clarence M. Kelley Transitional Living
 17 Center, Trego County Secure Care Center, St. Francis Academy at At-
 18 chison, St. Francis Academy at Ellsworth, St. Francis Academy at Salina,
 19 St. Francis Center at Salina, King’s Achievement Center, and Liberty
 20 Juvenile Services and Treatment.

21 ~~(j)~~ (j) “Special education and related services weighting” means an
 22 addend component assigned to enrollment of districts on the basis of costs
 23 attributable to provision of special education and related services for pu-
 24 pils determined to be exceptional children.

25 ~~(k)~~ (k) “Virtual school” means any kindergarten or grades one
 26 through 12 course offered for credit that uses distance-learning technol-
 27 ogies which predominantly use internet-based methods to deliver instruc-
 28 tion and for which the course content is available on an “anytime, any-
 29 place” basis, but the instruction occurs asynchronously with the teacher
 30 and pupil in separate locations, not necessarily located within a local ed-
 31 ucation agency.

32 Sec. 6. K.S.A. 72-6410 is hereby amended to read as follows: 72-
 33 6410. (a) “State financial aid” means an amount equal to the product
 34 obtained by multiplying base state aid per pupil by the adjusted enroll-
 35 ment of a district.

36 (b) “Base state aid per pupil” means an amount of state financial aid
 37 per pupil. Subject to the other provisions of this subsection, the amount
 38 of base state aid per pupil is ~~\$3,890~~ \$5,070. The amount of base state aid
 39 per pupil is subject to reduction commensurate with any reduction under
 40 K.S.A. 75-6704, and amendments thereto, in the amount of the approp-
 41 riation from the state general fund for general state aid. If the amount
 42 of appropriations for general state aid is insufficient to pay in full the
 43 amount each district is entitled to receive for any school year, the amount

1 of base state aid per pupil for such school year is subject to reduction
2 commensurate with the amount of the insufficiency.

3 (c) “Local effort” means the sum of an amount equal to the proceeds
4 from the tax levied under authority of K.S.A. 72-6431, and amendments
5 thereto, and an amount equal to any unexpended and unencumbered
6 balance remaining in the general fund of the district, except amounts
7 received by the district and authorized to be expended for the purposes
8 specified in K.S.A. 72-6430, and amendments thereto, and an amount
9 equal to any unexpended and unencumbered balances remaining in the
10 program weighted funds of the district, except any amount in the voca-
11 tional education fund of the district if the district is operating an area
12 vocational school, and an amount equal to any remaining proceeds from
13 taxes levied under authority of K.S.A. 72-7056 and 72-7072, and amend-
14 ments thereto, prior to the repeal of such statutory sections, and an
15 amount equal to the amount deposited in the general fund in the current
16 school year from amounts received in such year by the district under the
17 provisions of subsection (a) of K.S.A. 72-1046a, and amendments thereto,
18 and an amount equal to the amount deposited in the general fund in the
19 current school year from amounts received in such year by the district
20 pursuant to contracts made and entered into under authority of K.S.A.
21 72-6757, and amendments thereto, and an amount equal to the amount
22 credited to the general fund in the current school year from amounts
23 distributed in such year to the district under the provisions of articles 17
24 and 34 of chapter 12 of Kansas Statutes Annotated and under the pro-
25 visions of articles 42 and 51 of chapter 79 of Kansas Statutes Annotated,
26 and an amount equal to the amount of payments received by the district
27 under the provisions of K.S.A. 72-979, and amendments thereto, and an
28 amount equal to the amount of a grant, if any, received by the district
29 under the provisions of K.S.A. 72-983, and amendments thereto, and an
30 amount equal to 75% of the federal impact aid of the district.

31 (d) “Federal impact aid” means an amount equal to the federally
32 qualified percentage of the amount of moneys a district receives in the
33 current school year under the provisions of title I of public law 874 and
34 congressional appropriations therefor, excluding amounts received for as-
35 sistance in cases of major disaster and amounts received under the low-
36 rent housing program. The amount of federal impact aid defined herein
37 as an amount equal to the federally qualified percentage of the amount
38 of moneys provided for the district under title I of public law 874 shall
39 be determined by the state board in accordance with terms and conditions
40 imposed under the provisions of the public law and rules and regulations
41 thereunder.

42 Sec. 7. K.S.A. 72-979, 72-6410, 72-6411, 72-6412, 72-6433, 72-
43 6433b, 72-6435, 72-6441, 72-6442, 72-6443 and 72-6444 and K.S.A. 2004

- 1 Supp. 72-978, 72-6407, 72-6425 and 72-6434 are hereby repealed.
- 2 Sec. 8. This act shall take effect and be in force from and after its
- 3 publication in the statute book.