

## SENATE BILL No. 509

By Committee on Education

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9 AN ACT concerning school finance; relating to at-risk pupils; amending  
10 K.S.A. 72-6419 and 72-6447 and K.S.A. 2005 Supp. 72-978, 72-6407,  
11 72-6409 and 72-6414a and repealing the existing sections; also repeal-  
12 ing K.S.A. 2005 Supp. 72-6414.  
13

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

15 New Section 1. (a) Within the limits of appropriations therefor, the  
16 state board shall distribute moneys for at-risk education programs based  
17 on the full-time equivalent enrollment of at-risk pupils in each district.

18 (b) Payments for the provision of at-risk education programs shall be  
19 made in the manner and at such times during each school year as deter-  
20 mined by the state board. All amounts received by a district under this  
21 section shall be deposited in the at-risk education fund of the district. If  
22 any district is paid more than it is entitled to receive, the state board shall  
23 notify the district of the amount of such overpayment, and such district  
24 shall remit the same to the state board. The state board shall remit any  
25 moneys so received to the state treasurer in accordance with the provi-  
26 sions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each  
27 such remittance, the state treasurer shall deposit the entire amount in the  
28 state treasury to the credit of the state general fund. If any such district  
29 fails so to remit, the state board shall deduct the excess amounts so paid  
30 from future payments becoming due to such district. If any district is paid  
31 less than the amount to which it is entitled under any distribution made  
32 under this act, the state board shall pay the additional amount due at any  
33 time within the school year in which the underpayment was made or  
34 within 60 days after the end of such school year. If the amount of appro-  
35 priations for the provision of at-risk education programs is insufficient to  
36 pay in full the amount each school district is entitled to receive for the  
37 school year, the state board shall prorate the amount appropriated among  
38 all school districts.

39 (b) The state board shall prescribe all forms necessary for reporting  
40 under this section.

41 (c) Every board shall make such periodic and special reports of in-  
42 formation to the state board as it may request.

43 Sec. 2. K.S.A. 2005 Supp. 72-978 is hereby amended to read as fol-

1 lows: 72-978. (a) Each year, the state board of education shall determine  
2 the amount of state aid for the provision of special education and related  
3 services each school district shall receive for the ensuing school year. The  
4 amount of such state aid shall be computed by the state board as provided  
5 in this section. The state board shall:

6 (1) Determine the total amount of general fund and local option  
7 budgets of all school districts;

8 (2) subtract from the amount determined in paragraph (1) the total  
9 amount attributable to assignment of transportation weighting, program  
10 weighting, special education weighting and at-risk pupil ~~weighting~~ *fund-*  
11 *ing* to enrollment of all school districts;

12 (3) divide the remainder obtained in paragraph (2) by the total num-  
13 ber of full-time equivalent pupils enrolled in all school districts on Sep-  
14 tember 20;

15 (4) determine the total full-time equivalent enrollment of exceptional  
16 children receiving special education and related services provided by all  
17 school districts;

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

20 (6) determine the amount of federal funds received by all school dis-  
21 tricts for the provision of special education and related services;

22 (7) determine the amount of revenue received by all school districts  
23 rendered under contracts with the state institutions for the provisions of  
24 special education and related services by the state institution;

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

27 (9) determine the total amount of expenditures of all school districts  
28 for the provision of special education and related services;

29 (10) subtract the amount of the sum obtained under paragraph (8)  
30 from the amount determined under paragraph (9); and

31 (11) (A) for school year 2005-2006, multiply the remainder obtained  
32 under paragraph (10) by 89.3%, except such limitation is suspended if  
33 there is a transfer of moneys pursuant to subsection (b) of section 25; and

34 (B) for school year 2006-2007 and each school year thereafter, mul-  
35 tiple the remainder obtained under paragraph (10) by 92%.

36 The computed amount is the amount of state aid for the provision of  
37 special education and related services aid a school district is entitled to  
38 receive for the ensuing school year.

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

40 (1) Reimbursement for actual travel allowances paid to special teach-  
41 ers at not to exceed the rate specified under K.S.A. 75-3203, and amend-  
42 ments thereto, for each mile actually traveled during the school year in  
43 connection with duties in providing special education or related services

1 for exceptional children; such reimbursement shall be computed by the  
2 state board by ascertaining the actual travel allowances paid to special  
3 teachers by the school district for the school year and shall be in an  
4 amount equal to 80% of such actual travel allowances;

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

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

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

27 Each special teacher who is qualified to assist in the provision of special  
28 education or related services to exceptional children shall be counted as  
29  $\frac{2}{3}$  full-time equivalent special teacher who is qualified to provide special  
30 education or related services to exceptional children.

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

42 (d) Each contracting school district which has paid amounts for the  
43 provision of special education and related services as a member of a co-

1 operative shall be entitled to receive reimbursement under subsection  
2 (b)(4). The amount of such reimbursement for the district shall be the  
3 amount which bears the same relation to the aggregate amount available  
4 for reimbursement for the provision of special education and related serv-  
5 ices by the cooperative, as the amount paid by such district in the current  
6 school year for provision of such special education and related services  
7 bears to the aggregate of all amounts paid by all contracting school dis-  
8 tricts in the current school year by such cooperative for provision of such  
9 special education and related services.

10 (e) No time spent by a special teacher in connection with duties per-  
11 formed under a contract entered into by the Kansas juvenile correctional  
12 complex, the Atchison juvenile correctional facility, the Beloit juvenile  
13 correctional facility, the Larned juvenile correctional facility, or the To-  
14 peka juvenile correctional facility and a school district for the provision  
15 of special education services by such state institution shall be counted in  
16 making computations under this section.

17 Sec. 3. K.S.A. 2005 Supp. 72-6407 is hereby amended to read as  
18 follows: 72-6407. (a) (1) "Pupil" means any person who is regularly en-  
19 rolled in a district and attending kindergarten or any of the grades one  
20 through 12 maintained by the district or who is regularly enrolled in a  
21 district and attending kindergarten or any of the grades one through 12  
22 in another district in accordance with an agreement entered into under  
23 authority of K.S.A. 72-8233, and amendments thereto, or who is regularly  
24 enrolled in a district and attending special education services provided  
25 for preschool-aged exceptional children by the district.

26 (2) Except as otherwise provided in paragraph (3) of this subsection,  
27 a pupil in attendance full time shall be counted as one pupil. A pupil in  
28 attendance part time shall be counted as that proportion of one pupil (to  
29 the nearest  $\frac{1}{10}$ ) that the pupil's attendance bears to full-time attendance.  
30 A pupil attending kindergarten shall be counted as  $\frac{1}{2}$  pupil. A pupil en-  
31 rolled in and attending an institution of postsecondary education which  
32 is authorized under the laws of this state to award academic degrees shall  
33 be counted as one pupil if the pupil's postsecondary education enrollment  
34 and attendance together with the pupil's attendance in either of the  
35 grades 11 or 12 is at least  $\frac{5}{6}$  time, otherwise the pupil shall be counted  
36 as that proportion of one pupil (to the nearest  $\frac{1}{10}$ ) that the total time of  
37 the pupil's postsecondary education attendance and attendance in grade  
38 11 or 12, as applicable, bears to full-time attendance. A pupil enrolled in  
39 and attending an area vocational school, area vocational-technical school  
40 or approved vocational education program shall be counted as one pupil  
41 if the pupil's vocational education enrollment and attendance together  
42 with the pupil's attendance in any of grades nine through 12 is at least  $\frac{5}{6}$   
43 time, otherwise the pupil shall be counted as that proportion of one pupil

1 (to the nearest  $\frac{1}{10}$ ) that the total time of the pupil's vocational education  
2 attendance and attendance in any of grades nine through 12 bears to full-  
3 time attendance. A pupil enrolled in a district and attending special ed-  
4 ucation and related services, except special education and related services  
5 for preschool-aged exceptional children, provided for by the district shall  
6 be counted as one pupil. A pupil enrolled in a district and attending  
7 special education and related services for preschool-aged exceptional chil-  
8 dren provided for by the district shall be counted as  $\frac{1}{2}$  pupil. A preschool-  
9 aged at-risk pupil enrolled in a district and receiving services under an  
10 approved at-risk pupil assistance plan maintained by the district shall be  
11 counted as  $\frac{1}{2}$  pupil. A pupil in the custody of the secretary of social and  
12 rehabilitation services and enrolled in unified school district No. 259,  
13 Sedgwick county, Kansas, but housed, maintained, and receiving educa-  
14 tional services at the Judge James V. Riddel Boys Ranch, shall be counted  
15 as two pupils.

16 (3) A pupil residing at the Flint Hills job corps center shall not be  
17 counted. A pupil confined in and receiving educational services provided  
18 for by a district at a juvenile detention facility shall not be counted. A  
19 pupil enrolled in a district but housed, maintained, and receiving educa-  
20 tional services at a state institution shall not be counted. A pupil en-  
21 rolled in a virtual school in a district but who is not a resident of the state  
22 of Kansas shall not be counted.

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

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

29 (c) "*At-risk pupil*" means a pupil who scores below proficient on the  
30 mathematics and reading state assessments and who is enrolled in a dis-  
31 trict which maintains an approved at-risk pupil assistance plan.

32 (d) "Preschool-aged at-risk pupil" means ~~an at-risk~~ a pupil who has  
33 attained the age of four years, is under the age of eligibility for attendance  
34 at kindergarten, and has been selected by the state board in accordance  
35 with guidelines consonant with guidelines governing the selection of pu-  
36 pils for participation in head start programs.

37 (e) "Enrollment" means: (1) (A) Subject to the provisions of para-  
38 graph (1)(B), for districts scheduling the school days or school hours of  
39 the school term on a trimestral or quarterly basis, the number of pupils  
40 regularly enrolled in the district on September 20 plus the number of  
41 pupils regularly enrolled in the district on February 20 less the number  
42 of pupils regularly enrolled on February 20 who were counted in the  
43 enrollment of the district on September 20; and for districts not specified

1 in this paragraph (1), the number of pupils regularly enrolled in the dis-  
 2 trict on September 20; (B) a pupil who is a foreign exchange student shall  
 3 not be counted unless such student is regularly enrolled in the district on  
 4 September 20 and attending kindergarten or any of the grades one  
 5 through 12 maintained by the district for at least one semester or two  
 6 quarters or the equivalent thereof;

7 (2) if enrollment in a district in any school year has decreased from  
 8 enrollment in the preceding school year, enrollment of the district in the  
 9 current school year means whichever is the greater of (A) enrollment in  
 10 the preceding school year minus enrollment in such school year of pre-  
 11 school-aged at-risk pupils, if any such pupils were enrolled, plus enroll-  
 12 ment in the current school year of preschool-aged at-risk pupils, if any  
 13 such pupils are enrolled, or (B) the sum of enrollment in the current  
 14 school year of preschool-aged at-risk pupils, if any such pupils are enrolled  
 15 and the average (mean) of the sum of (i) enrollment of the district in the  
 16 current school year minus enrollment in such school year of preschool-  
 17 aged at-risk pupils, if any such pupils are enrolled and (ii) enrollment in  
 18 the preceding school year minus enrollment in such school year of pre-  
 19 school-aged at-risk pupils, if any such pupils were enrolled and (iii) en-  
 20 rollment in the school year next preceding the preceding school year  
 21 minus enrollment in such school year of preschool-aged at-risk pupils, if  
 22 any such pupils were enrolled; or

23 (3) the number of pupils as determined under K.S.A. 72-6447 or  
 24 K.S.A. 2005 Supp. 72-6448, and amendments thereto.

25 (f) “Adjusted enrollment” means enrollment adjusted by adding ~~at-~~  
 26 ~~risk pupil weighting~~, program weighting, low enrollment weighting, if any,  
 27 correlation weighting, if any, declining enrollment weighting, if any,  
 28 school facilities weighting, if any, ancillary school facilities weighting, if  
 29 any, cost of living weighting, if any, special education and related services  
 30 weighting, and transportation weighting to enrollment.

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

33 ~~—(h) “Program weighting” means an addend component assigned to~~  
 34 ~~enrollment of districts on the basis of pupil attendance in educational~~  
 35 ~~programs which differ in cost from regular educational programs.~~

36 ~~(i) “Low enrollment weighting” means an addend component as-~~  
 37 ~~signed to enrollment of districts having under 1,662 enrollment on the~~  
 38 ~~basis of costs attributable to maintenance of educational programs by such~~  
 39 ~~districts in comparison with costs attributable to maintenance of educa-~~  
 40 ~~tional programs by districts having 1,662 or over enrollment.~~

41 ~~(j) (i) “School facilities weighting” means an addend component as-~~  
 42 ~~signed to enrollment of districts on the basis of costs attributable to com-~~  
 43 ~~mencing operation of new school facilities.~~

- 1     ~~(j)~~ (j) “Transportation weighting” means an addend component  
2 assigned to enrollment of districts on the basis of costs attributable to the  
3 provision or furnishing of transportation.
- 4     ~~(k)~~ (k) “Cost of living weighting” means an addend component  
5 assigned to enrollment of districts to which the provisions of K.S.A. 2005  
6 Supp. 72-6449, and amendments thereto, apply on the basis of costs at-  
7 tributable to the cost of living in the district.
- 8     ~~(l)~~ (l) “Ancillary school facilities weighting” means an addend com-  
9 ponent assigned to enrollment of districts to which the provisions of  
10 K.S.A. 72-6441, and amendments thereto, apply on the basis of costs  
11 attributable to commencing operation of new school facilities. Ancillary  
12 school facilities weighting may be assigned to enrollment of a district only  
13 if the district has levied a tax under authority of K.S.A. 72-6441, and  
14 amendments thereto, and remitted the proceeds from such tax to the  
15 state treasurer. Ancillary school facilities weighting is in addition to as-  
16 signment of school facilities weighting to enrollment of any district eli-  
17 gible for such weighting.
- 18     ~~(m)~~ (m) “Juvenile detention facility” means: (1) Any secure public or  
19 private facility which is used for the lawful custody of accused or adju-  
20 dicated juvenile offenders and which shall not be a jail;
- 21     (2) any level VI treatment facility licensed by the Kansas department  
22 of health and environment which is a psychiatric residential treatment  
23 facility for individuals under the age of 21 which conforms with the reg-  
24 ulations of the centers for medicare/medicaid services and the joint com-  
25 mission on accreditation of health care organizations governing such fa-  
26 cilities; and
- 27     (3) the Forbes Juvenile Attention Facility, the Sappa Valley Youth  
28 Ranch of Oberlin, Salvation Army/Koch Center Youth Services, the Clar-  
29 ence M. Kelley Youth Center, the Clarence M. Kelley Transitional Living  
30 Center, Trego County Secure Care Center, St. Francis Academy at At-  
31 chison, St. Francis Academy at Ellsworth, St. Francis Academy at Salina,  
32 St. Francis Center at Salina, King’s Achievement Center, and Liberty  
33 Juvenile Services and Treatment.
- 34     ~~(n)~~ (n) “Special education and related services weighting” means an  
35 addend component assigned to enrollment of districts on the basis of costs  
36 attributable to provision of special education and related services for pu-  
37 pils determined to be exceptional children.
- 38     ~~(o)~~ (o) “Virtual school” means any kindergarten or grades one  
39 through 12 course offered for credit that uses distance-learning technol-  
40 ogies which predominantly use internet-based methods to deliver instruc-  
41 tion and for which the course content is available on an “anytime, any-  
42 place” basis, but the instruction occurs asynchronously with the teacher  
43 and pupil in separate locations, not necessarily located within a local ed-

1 ucation agency.

2 ~~(p)~~ (p) “Declining enrollment weighting” means an addend compo-  
 3 nent assigned to enrollment of districts to which the provisions of K.S.A.  
 4 2005 Supp. 72-6451, and amendments thereto, apply on the basis of re-  
 5 duced revenues attributable to the declining enrollment of the district.

6 ~~(q)~~ (q) “Correlation weighting” means an addend component as-  
 7 signed to enrollment of districts having 1,662 or over enrollment on the  
 8 basis of costs attributable to maintenance of educational programs by such  
 9 districts as a correlate to low enrollment weighting assigned to enrollment  
 10 of districts having under 1,662 enrollment.

11 Sec. 4. K.S.A. 2005 Supp. 72-6409 is hereby amended to read as  
 12 follows: 72-6409. (a) “General fund” means the fund of a district from  
 13 which operating expenses are paid and in which is deposited the proceeds  
 14 from the tax levied under K.S.A. 72-6431, and amendments thereto, all  
 15 amounts of general state aid under this act, payments under K.S.A. 72-  
 16 7105a, and amendments thereto, payments of federal funds made avail-  
 17 able under the provisions of title I of public law 874, except amounts  
 18 received for assistance in cases of major disaster and amounts received  
 19 under the low-rent housing program, and such other moneys as are pro-  
 20 vided by law.

21 (b) “Operating expenses” means the total expenditures and lawful  
 22 transfers from the general fund of a district during a school year for all  
 23 purposes, except expenditures for the purposes specified in K.S.A. 72-  
 24 6430, and amendments thereto.

25 (c) “General fund budget” means the amount budgeted for operating  
 26 expenses in the general fund of a district.

27 (d) “Budget per pupil” means the general fund budget of a district  
 28 divided by the enrollment of the district.

29 (e) “Program weighted fund” means and includes the following funds  
 30 of a district: Vocational education fund, ~~at-risk education fund~~ and bilin-  
 31 gual education fund.

32 (f) “Categorical fund” means and includes the following funds of a  
 33 district: Special education fund, *at-risk education fund*, food service fund,  
 34 driver training fund, adult education fund, adult supplementary education  
 35 fund, area vocational school fund, professional development fund, parent  
 36 education program fund, summer program fund, extraordinary school  
 37 program fund, and educational excellence grant program fund.

38 Sec. 5. K.S.A. 2005 Supp. 72-6414a is hereby amended to read as  
 39 follows: 72-6414a. (a) There is hereby established in every district a fund  
 40 which shall be called the at-risk education fund, which fund shall consist  
 41 of all moneys deposited therein or transferred thereto according to law.  
 42 ~~Notwithstanding any other provision of law,~~ All moneys received by the  
 43 district from whatever source ~~for to fund~~ at-risk assistance ~~plans or pro-~~

1 grams shall be credited to the at-risk education fund established by this  
2 section *and shall be used solely for the purpose of funding at-risk pro-*  
3 *grams for at-risk pupils as defined by K.S.A. 72-6407, and amendments*  
4 *thereto.* The expenses of a district directly attributable to providing at-  
5 risk ~~assistance or~~ programs *to such at-risk pupils* shall be paid from the  
6 at-risk education fund.

7 *Nothing in this section shall be construed as limiting the authority of a*  
8 *school district to fund or provide at-risk programs for pupils who are not*  
9 *at-risk pupils as defined by K.S.A. 72-6407, and amendments thereto. The*  
10 *expenses of a district directly attributable to providing at-risk programs*  
11 *for such pupils shall be paid from the general fund of the district or from*  
12 *a source other than the at-risk education fund.*

13 (b) Any balance remaining in the at-risk education fund at the end  
14 of the budget year shall be carried forward into the at-risk education fund  
15 for succeeding budget years. Such fund shall not be subject to the pro-  
16 visions of K.S.A. 79-2925 through 79-2937, and amendments thereto. In  
17 preparing the budget of such school district, the amounts credited to and  
18 the amount on hand in the at-risk education fund, and the amount ex-  
19 pended therefrom shall be included in the annual budget for the infor-  
20 mation of the residents of the school district. Interest earned on the in-  
21 vestment of moneys in any such fund shall be credited to that fund.

22 Sec. 6. K.S.A. 72-6419 is hereby amended to read as follows: 72-  
23 6419. ~~(a)~~ On or before October 10 of each school year, the clerk or su-  
24 perintendent of each district shall certify under oath to the state board a  
25 report showing the total enrollment of the district by grades maintained  
26 in the schools of the district and such other reports as the state board  
27 may require. Each ~~such~~ report shall show ~~postsecondary~~ education en-  
28 rollment, vocational education enrollment, special education enrollment,  
29 bilingual education enrollment, and at-risk pupil enrollment in such detail  
30 and form as is specified by the state board *and any other information*  
31 *deemed necessary by the state board.* Upon receipt of such reports, the  
32 state board shall examine the reports and if the state board finds any  
33 errors in any such report, the state board shall consult with the district  
34 officer furnishing the report and make such corrections in the report as  
35 are necessary. One of such district officers shall also certify to the state  
36 board, on or before August 25 of each year, a copy of the budget adopted  
37 by the district.

38 ~~(b) The provisions of this section shall take effect and be in force~~  
39 ~~from and after July 1, 1992.~~

40 Sec. 7. K.S.A. 72-6447 is hereby amended to read as follows: 72-  
41 6447. (a) If the state board of education determines that the enrollment  
42 of a school district in the preceding school year had decreased from the  
43 enrollment in the second preceding school year and that a disaster had

- 1 contributed to such decrease, the enrollment of such district in the second  
2 school year following the school year in which the enrollment of the  
3 school district was first affected by the disaster shall be the greater of:
- 4 (1) The enrollment of preschool-aged at-risk pupils, if any, plus the  
5 average of the enrollment for the current and the preceding three school  
6 years, excluding the enrollment of preschool-age at-risk pupils in each  
7 such year; or
- 8 (2) the enrollment of the district as defined by subsection (e) of  
9 K.S.A. 72-6407, 72-6447 and K.S.A. 2005 Supp. 72-6448, and amend-  
10 ments thereto.
- 11 (b) As used in this section, “disaster” means the occurrence of wide-  
12 spread or severe damage, injury or loss of life or property resulting from  
13 flood, earthquake, tornado, wind, storm, drought, blight or infestation.
- 14 Sec. 8. K.S.A. 72-6419 and 72-6447 and K.S.A. 2005 Supp. 72-978,  
15 72-6407, 72-6409, 72-6414 and 72-6414a are hereby repealed.
- 16 Sec. 9. This act shall take effect and be in force from and after its  
17 publication in the statute book.