

As Amended by House Committee

Session of 2008

SENATE BILL No. 401

By Legislative Educational Planning Committee
(By request of the 2010 Commission)

1-3

11 AN ACT concerning school districts; relating to school finance; amend-
12 ing K.S.A. 2007 Supp. 72-6407 and 72-8187 and repealing the existing
13 sections.

14

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

16 Section 1. K.S.A. 2007 Supp. 72-6407 is hereby amended to read as
17 follows: 72-6407. (a) (1) "Pupil" means any person who is regularly en-
18 rolled in a district and attending kindergarten or any of the grades one
19 through 12 maintained by the district or who is regularly enrolled in a
20 district and attending kindergarten or any of the grades one through 12
21 in another district in accordance with an agreement entered into under
22 authority of K.S.A. 72-8233, and amendments thereto, or who is regularly
23 enrolled in a district and attending special education services provided
24 for preschool-aged exceptional children by the district.

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

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

15 (3) A pupil residing at the Flint Hills job corps center shall not be
16 counted. A pupil confined in and receiving educational services provided
17 for by a district at a juvenile detention facility shall not be counted. A
18 pupil enrolled in a district but housed, maintained, and receiving edu-
19 cational services at a state institution *or at a psychiatric residential treat-*
20 *ment facility or a youth residential center* shall not be counted. A pupil
21 enrolled in a virtual school in a district but who is not a resident of the
22 state 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 (d) “Preschool-aged at-risk pupil” means an at-risk pupil who has
30 attained the age of four years, is under the age of eligibility for attendance
31 at kindergarten, and has been selected by the state board in accordance
32 with guidelines consonant with guidelines governing the selection of pu-
33 pils for participation in head start programs.

34 (e) “Enrollment” means: (1) (A) Subject to the provisions of para-
35 graph (1)(B), for districts scheduling the school days or school hours of
36 the school term on a trimestral or quarterly basis, the number of pupils
37 regularly enrolled in the district on September 20 plus the number of
38 pupils regularly enrolled in the district on February 20 less the number
39 of pupils regularly enrolled on February 20 who were counted in the
40 enrollment of the district on September 20; and for districts not specified
41 in this paragraph (1), the number of pupils regularly enrolled in the dis-
42 trict on September 20; (B) a pupil who is a foreign exchange student shall
43 not be counted unless such student is regularly enrolled in the district on

- 1 September 20 and attending kindergarten or any of the grades one
2 through 12 maintained by the district for at least one semester or two
3 quarters or the equivalent thereof;
- 4 (2) if enrollment in a district in any school year has decreased from
5 enrollment in the preceding school year, enrollment of the district in the
6 current school year means whichever is the greater of (A) enrollment in
7 the preceding school year minus enrollment in such school year of pre-
8 school-aged at-risk pupils, if any such pupils were enrolled, plus enroll-
9 ment in the current school year of preschool-aged at-risk pupils, if any
10 such pupils are enrolled, or (B) the sum of enrollment in the current
11 school year of preschool-aged at-risk pupils, if any such pupils are enrolled
12 and the average (mean) of the sum of (i) enrollment of the district in the
13 current school year minus enrollment in such school year of preschool-
14 aged at-risk pupils, if any such pupils are enrolled and (ii) enrollment in
15 the preceding school year minus enrollment in such school year of pre-
16 school-aged at-risk pupils, if any such pupils were enrolled and (iii) en-
17rollment in the school year next preceding the preceding school year
18 minus enrollment in such school year of preschool-aged at-risk pupils, if
19 any such pupils were enrolled; or
- 20 (3) the number of pupils as determined under K.S.A. 72-6447 or
21 K.S.A. 2007 Supp. 72-6448, and amendments thereto.
- 22 (f) “Adjusted enrollment” means enrollment adjusted by adding at-
23 risk pupil weighting, program weighting, low enrollment weighting, if any,
24 density at-risk weighting, if any, nonproficient pupil weighting, if any, high
25 enrollment weighting, if any, declining enrollment weighting, if any,
26 school facilities weighting, if any, ancillary school facilities weighting, if
27 any, cost of living weighting, if any, special education and related services
28 weighting, and transportation weighting to enrollment.
- 29 (g) “At-risk pupil weighting” means an addend component assigned
30 to enrollment of districts on the basis of enrollment of at-risk pupils.
- 31 (h) “Program weighting” means an addend component assigned to
32 enrollment of districts on the basis of pupil attendance in educational
33 programs which differ in cost from regular educational programs.
- 34 (i) “Low enrollment weighting” means an addend component as-
35 signed to enrollment of districts pursuant to K.S.A. 72-6412, and amend-
36 ments thereto, on the basis of costs attributable to maintenance of edu-
37 cational programs by such districts in comparison with costs attributable
38 to maintenance of educational programs by districts having to which high
39 enrollment weighting is assigned pursuant to K.S.A. 2007 Supp. 72-
40 6442b, and amendments thereto.
- 41 (j) “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 (k) “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 (l) “Cost of living weighting” means an addend component assigned
5 to enrollment of districts to which the provisions of K.S.A. 2007 Supp.
6 72-6449, and amendments thereto, apply on the basis of costs attributable
7 to the cost of living in the district.
- 8 (m) “Ancillary school facilities weighting” means an addend compo-
9 nent assigned to enrollment of districts to which the provisions of K.S.A.
10 72-6441, and amendments thereto, apply on the basis of costs attributable
11 to commencing operation of new school facilities. Ancillary school facil-
12 ities weighting may be assigned to enrollment of a district only if the
13 district has levied a tax under authority of K.S.A. 72-6441, and amend-
14 ments thereto, and remitted the proceeds from such tax to the state trea-
15 surer. Ancillary school facilities weighting is in addition to assignment of
16 school facilities weighting to enrollment of any district eligible for such
17 weighting.
- 18 (n) “Juvenile detention facility” has the meaning ascribed thereto by
19 72-8187, and amendments thereto.
- 20 (o) “Special education and related services weighting” means an ad-
21 dend component assigned to enrollment of districts on the basis of costs
22 attributable to provision of special education and related services for pu-
23 pils determined to be exceptional children.
- 24 (p) “Virtual school” means any kindergarten or grades one through
25 12 course offered for credit that uses distance-learning technologies
26 which predominantly use internet-based methods to deliver instruction
27 and for which the course content is available on an “anytime, anyplace”
28 basis, but the instruction occurs asynchronously with the teacher and
29 pupil in separate locations, not necessarily located within a local education
30 agency.
- 31 (q) “Declining enrollment weighting” means an addend component
32 assigned to enrollment of districts to which the provisions of K.S.A. 2007
33 Supp. 72-6451, and amendments thereto, apply on the basis of reduced
34 revenues attributable to the declining enrollment of the district.
- 35 (r) “High enrollment weighting” means an addend component as-
36 signed to enrollment of districts pursuant to K.S.A. 2007 Supp. 72-6442b,
37 and amendments thereto, on the basis of costs attributable to mainte-
38 nance of educational programs by such districts as a correlate to low
39 enrollment weighting assigned to enrollment of districts pursuant to
40 K.S.A. 72-6412, and amendments thereto.
- 41 (s) “High density at-risk pupil weighting” means an addend compo-
42 nent assigned to enrollment of districts to which the provisions of K.S.A.
43 2007 Supp. 72-6455, and amendments thereto, apply.

- 1 (t) “Nonproficient pupil” means a pupil who is not eligible for free
2 meals under the national school lunch act and who has scored less than
3 proficient on the mathematics or reading state assessment during the
4 preceding school year and who is enrolled in a district which maintains
5 an approved proficiency assistance plan.
- 6 (u) “Nonproficient pupil weighting” means an addend component
7 assigned to enrollment of districts on the basis of enrollment of nonprof-
8 icient pupils pursuant to K.S.A. 2007 Supp. 72-6454, and amendments
9 thereto.
- 10 (v) “Psychiatric residential treatment facility” ~~has the meaning and~~
11 **“youth residential center” have the meanings** ascribed thereto by
12 K.S.A. 72-8187, and amendments thereto.
- 13 Sec. 2. K.S.A. 2007 Supp. 72-8187 is hereby amended to read as
14 follows: 72-8187. (a) In each school year, to the extent that appropriations
15 are available, each school district which has provided educational services
16 for pupils residing at the Flint Hills job corps center, for pupils housed
17 at a psychiatric residential treatment facility **or a youth residential cen-**
18 **ter** or for pupils confined in a juvenile detention facility is eligible to
19 receive a grant of state moneys in an amount to be determined by the
20 state board of education.
- 21 (b) In order to be eligible for a grant of state moneys provided for by
22 this section, each school district which has provided educational services
23 for pupils residing at the Flint Hills job corps center, for pupils housed
24 at a psychiatric residential treatment facility **or a youth residential cen-**
25 **ter** or for pupils confined in a juvenile detention facility shall submit to
26 the state board of education an application for a grant and shall certify
27 the amount expended, and not reimbursed or otherwise financed, in the
28 school year for the services provided. The application and certification
29 shall be prepared in such form and manner as the state board shall require
30 and shall be submitted at a time to be determined and specified by the
31 state board. Approval by the state board of applications for grants of state
32 moneys is prerequisite to the award of grants.
- 33 (c) Each school district which is awarded a grant under this section
34 shall make such periodic and special reports of statistical and financial
35 information to the state board as it may request.
- 36 (d) All moneys received by a school district under authority of this
37 section shall be deposited in the general fund of the school district and
38 shall be considered reimbursement of the district for the purpose of the
39 school district finance and quality performance act.
- 40 (e) The state board of education shall approve applications of school
41 districts for grants, determine the amount of grants and be responsible
42 for payment of grants to school districts. In determining the amount of a
43 grant which a school district is eligible to receive, the state board shall

1 compute the amount of state financial aid the district would have received
2 on the basis of enrollment of pupils residing at the Flint Hills job corps
3 center, housed at a psychiatric residential treatment facility **or a youth**
4 **residential center** or confined in a juvenile detention facility if such
5 pupils had been counted as two pupils under the school district finance
6 and quality performance act and compare such computed amount to the
7 amount certified by the district under subsection (b). The amount of the
8 grant the district is eligible to receive shall be an amount equal to the
9 lesser of the amount computed under this subsection or the amount cer-
10 tified under subsection (b). If the amount of appropriations for the pay-
11 ment of grants under this section is insufficient to pay in full the amount
12 each school district is determined to be eligible to receive for the school
13 year, the state board shall prorate the amount appropriated among all
14 school districts which are eligible to receive grants of state moneys in
15 proportion to the amount each school district is determined to be eligible
16 to receive.

17 (f) On or before July 1 of each year, the secretary of social and re-
18 habilitation services shall submit to the Kansas department of education
19 a list of facilities which have been certified and licensed as psychiatric
20 residential treatment facilities.

21 (g) As used in this section:

22 (1) “Enrollment” means the number of pupils who are: (A) Residing
23 at the Flint Hills job corps center ~~or who are~~, confined in a juvenile
24 detention facility ~~and~~ *or residing at a psychiatric residential treatment*
25 *facility* **or a youth residential center**; and (B) for whom a school district
26 is providing educational services on September 20, on November 20, or
27 on April 20 of a school year, whichever is the greatest number of pupils;

28 (2) “juvenile detention facility” means any public or private facility
29 which is used for the lawful custody of accused or adjudicated juvenile
30 offenders and which shall not be a jail; and

31 (3) “psychiatric residential treatment facility” means a facility which
32 provides psychiatric services to individuals under the age of 21 and which
33 conforms with the regulations of the centers for medicare/medicaid serv-
34 ices, is licensed by the Kansas department of health and environment and
35 is certified by the Kansas department of social and rehabilitation services
36 pursuant to subsection (f).

37 (4) **“youth residential center” means a youth residential center**
38 **II which provides educational services at the center.**

39 Sec. 3. K.S.A. 2007 Supp. 72-6407 and 72-8187 are hereby repealed.

40 Sec. 4. This act shall take effect and be in force from and after its
41 publication in the statute book.