

SENATE BILL No. 194

By Legislative Committee on Post Audit

2-4

9 AN ACT concerning school districts; relating to school finance; relating
10 to the at-risk weighting; amending K.S.A. 2008 Supp. 72-6407 and 72-
11 6414 and repealing the existing sections.
12

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

14 Section 1. K.S.A. 2008 Supp. 72-6407 is hereby amended to read as
15 follows: 72-6407. (a) (1) "Pupil" means any person who is regularly en-
16 rolled in a district and attending kindergarten or any of the grades one
17 through 12 maintained by the district or who is regularly enrolled in a
18 district and attending kindergarten or any of the grades one through 12
19 in another district in accordance with an agreement entered into under
20 authority of K.S.A. 72-8233, and amendments thereto, or who is regularly
21 enrolled in a district and attending special education services provided
22 for preschool-aged exceptional children by the district.

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

1 school and also attending a virtual school shall be counted as that pro-
2 portion of one pupil (to the nearest $\frac{1}{10}$) that the pupil's attendance at the
3 non-virtual school bears to full-time attendance. Except as provided by
4 this section for preschool-aged exceptional children and virtual school
5 pupils, a pupil enrolled in a district and attending special education and
6 related services, provided for by the district shall be counted as one pupil.
7 A pupil enrolled in a district and attending special education and related
8 services provided for by the district and also attending a virtual school
9 shall be counted as that proportion of one pupil (to the nearest $\frac{1}{10}$ that
10 the pupil's attendance at the non-virtual school bears to full-time attend-
11 ance. A pupil enrolled in a district and attending special education and
12 related services for preschool-aged exceptional children provided for by
13 the district shall be counted as $\frac{1}{2}$ pupil. A preschool-aged at-risk pupil
14 enrolled in a district and receiving services under an approved at-risk
15 pupil assistance plan maintained by the district shall be counted as $\frac{1}{2}$
16 pupil. A pupil in the custody of the secretary of social and rehabilitation
17 services or in the custody of the commissioner of juvenile justice and
18 enrolled in unified school district No. 259, Sedgwick county, Kansas, but
19 housed, maintained, and receiving educational services at the Judge James
20 V. Riddel Boys Ranch, shall be counted as two pupils.

21 (3) A pupil residing at the Flint Hills job corps center shall not be
22 counted. A pupil confined in and receiving educational services provided
23 for by a district at a juvenile detention facility shall not be counted. A
24 pupil enrolled in a district but housed, maintained, and receiving edu-
25 cational services at a state institution or a psychiatric residential treatment
26 facility shall not be counted.

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

30 (c) "At-risk pupils" means pupils who are *under age 21*, eligible for
31 free meals under the national school lunch act and ~~who are~~ enrolled in a
32 district which maintains an approved at-risk pupil assistance plan.

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

38 (e) "Enrollment" means: (1) (A) Subject to the provisions of para-
39 graph (1)(B), for districts scheduling the school days or school hours of
40 the school term on a trimestral or quarterly basis, the number of pupils
41 regularly enrolled in the district on September 20 plus the number of
42 pupils regularly enrolled in the district on February 20 less the number
43 of pupils regularly enrolled on February 20 who were counted in the

- 1 enrollment of the district on September 20; and for districts not specified
2 in this paragraph (1), the number of pupils regularly enrolled in the dis-
3 trict on September 20; (B) a pupil who is a foreign exchange student shall
4 not be counted unless such student is regularly enrolled in the district on
5 September 20 and attending kindergarten or any of the grades one
6 through 12 maintained by the district for at least one semester or two
7 quarters or the equivalent thereof;
- 8 (2) if enrollment in a district in any school year has decreased from
9 enrollment in the preceding school year, enrollment of the district in the
10 current school year means whichever is the greater of (A) enrollment in
11 the preceding school year minus enrollment in such school year of pre-
12 school-aged at-risk pupils, if any such pupils were enrolled, plus enroll-
13 ment in the current school year of preschool-aged at-risk pupils, if any
14 such pupils are enrolled, or (B) the sum of enrollment in the current
15 school year of preschool-aged at-risk pupils, if any such pupils are enrolled
16 and the average (mean) of the sum of (i) enrollment of the district in the
17 current school year minus enrollment in such school year of preschool-
18 aged at-risk pupils, if any such pupils are enrolled and (ii) enrollment
19 in the preceding school year minus enrollment in such school year of
20 preschool-aged at-risk pupils, if any such pupils were enrolled and (iii)
21 enrollment in the school year next preceding the preceding school year
22 minus enrollment in such school year of preschool-aged at-risk pupils, if
23 any such pupils were enrolled; or
- 24 (3) the number of pupils as determined under K.S.A. 72-6447 or
25 K.S.A. 2008 Supp. 72-6448, and amendments thereto.
- 26 (f) “Adjusted enrollment” means: (1) Enrollment adjusted by adding
27 at-risk pupil weighting, program weighting, low enrollment weighting, if
28 any, high density at-risk pupil weighting, if any, medium density at-risk
29 pupil weighting, if any, nonproficient pupil weighting, if any, high en-
30 rollment weighting, if any, declining enrollment weighting, if any, school
31 facilities weighting, if any, ancillary school facilities weighting, if any, cost
32 of living weighting, if any, special education and related services weight-
33 ing, and transportation weighting to enrollment; or (2) adjusted enroll-
34 ment as determined under K.S.A. 2008 Supp. 72-6457 or 72-6458, and
35 amendments thereto.
- 36 (g) “At-risk pupil weighting” means an addend component assigned
37 to enrollment of districts on the basis of enrollment of at-risk pupils.
- 38 (h) “Program weighting” means an addend component assigned to
39 enrollment of districts on the basis of pupil attendance in educational
40 programs which differ in cost from regular educational programs.
- 41 (i) “Low enrollment weighting” means an addend component as-
42 signed to enrollment of districts pursuant to K.S.A. 72-6412, and amend-
43 ments thereto, on the basis of costs attributable to maintenance of edu-

1 cational programs by such districts in comparison with costs attributable
2 to maintenance of educational programs by districts having to which high
3 enrollment weighting is assigned pursuant to K.S.A. 2008 Supp. 72-
4 6442b, and amendments thereto.

5 (j) “School facilities weighting” means an addend component as-
6 signed to enrollment of districts on the basis of costs attributable to com-
7 mencing operation of new school facilities.

8 (k) “Transportation weighting” means an addend component as-
9 signed to enrollment of districts on the basis of costs attributable to the
10 provision or furnishing of transportation.

11 (l) “Cost of living weighting” means an addend component assigned
12 to enrollment of districts to which the provisions of K.S.A. 2008 Supp.
13 72-6449, and amendments thereto, apply on the basis of costs attributable
14 to the cost of living in the district.

15 (m) “Ancillary school facilities weighting” means an addend compo-
16 nent assigned to enrollment of districts to which the provisions of K.S.A.
17 72-6441, and amendments thereto, apply on the basis of costs attributable
18 to commencing operation of new school facilities. Ancillary school facil-
19 ities weighting may be assigned to enrollment of a district only if the
20 district has levied a tax under authority of K.S.A. 72-6441, and amend-
21 ments thereto, and remitted the proceeds from such tax to the state trea-
22 surer. Ancillary school facilities weighting is in addition to assignment of
23 school facilities weighting to enrollment of any district eligible for such
24 weighting.

25 (n) “Juvenile detention facility” has the meaning ascribed thereto by
26 72-8187, and amendments thereto.

27 (o) “Special education and related services weighting” means an ad-
28 dend component assigned to enrollment of districts on the basis of costs
29 attributable to provision of special education and related services for pu-
30 pils determined to be exceptional children.

31 (p) “Virtual school” means any school or educational program that:
32 (1) Is offered for credit; (2) uses distance-learning technologies which
33 predominately use internet-based methods to deliver instruction; (3) in-
34 volves instruction that occurs asynchronously with the teacher and pupil
35 in separate locations; (4) requires the pupil to make academic progress
36 toward the next grade level and matriculation from kindergarten through
37 high school graduation; (5) requires the pupil to demonstrate competence
38 in subject matter for each class or subject in which the pupil is enrolled
39 as part of the virtual school; and (6) requires age-appropriate pupils to
40 complete state assessment tests.

41 (q) “Declining enrollment weighting” means an addend component
42 assigned to enrollment of districts to which the provisions of K.S.A. 2008
43 Supp. 72-6451, and amendments thereto, apply on the basis of reduced

1 revenues attributable to the declining enrollment of the district.

2 (r) “High enrollment weighting” means an addend component
3 assigned to enrollment of districts pursuant to K.S.A. 2008 Supp. 72-6442b,
4 and amendments thereto, on the basis of costs attributable to mainte-
5 nance of educational programs by such districts as a correlate to low
6 enrollment weighting assigned to enrollment of districts pursuant to
7 K.S.A. 72-6412, and amendments thereto.

8 (s) “High density at-risk pupil weighting” means an addend compo-
9 nent assigned to enrollment of districts to which the provisions of K.S.A.
10 2008 Supp. 72-6455, and amendments thereto, apply.

11 (t) “Nonproficient pupil” means a pupil who is not eligible for free
12 meals under the national school lunch act and who has scored less than
13 proficient on the mathematics or reading state assessment during the
14 preceding school year and who is enrolled in a district which maintains
15 an approved proficiency assistance plan.

16 (u) “Nonproficient pupil weighting” means an addend component
17 assigned to enrollment of districts on the basis of enrollment of nonprof-
18 icient pupils pursuant to K.S.A. 2008 Supp. 72-6454, and amendments
19 thereto.

20 (v) “Psychiatric residential treatment facility” has the meaning as-
21 cribed thereto by K.S.A. 72-8187, and amendments thereto.

22 (w) “Medium density at-risk pupil weighting” means an addend com-
23 ponent assigned to enrollment of districts to which the provisions of
24 K.S.A. 2008 Supp. 72-6459, and amendments thereto, apply.

25 Sec. 2. K.S.A. 2008 Supp. 72-6414 is hereby amended to read as
26 follows: 72-6414. (a) The at-risk pupil weighting of each district shall be
27 determined by the state board ~~by multiplying the number of at-risk pupils~~
28 ~~included in enrollment of the district by .278 for school year 2006-2007,~~
29 ~~by .378 for school year 2007-2008 and by .456 for school year 2008-2009~~
30 ~~and each school year thereafter as follows:~~

31 (1) *Compute the full-time equivalent enrollment of at-risk pupils; and*

32 (2) *multiply the number determined under paragraph (1) by .456.*

33 The product is the at-risk pupil weighting of the district.

34 (b) Except as provided in subsection (d), of the amount a district
35 receives from the at-risk pupil weighting, an amount produced by a pupil
36 weighting of .01 shall be used by the district for achieving mastery of
37 basic reading skills by completion of the third grade in accordance with
38 standards and outcomes of mastery identified by the state board under
39 K.S.A. 72-7534, and amendments thereto.

40 (c) A district shall include such information in its at-risk pupil assis-
41 tance plan as the state board may require regarding the district’s reme-
42 diation strategies and the results thereof in achieving the third grade
43 reading standards and outcomes of mastery identified by the state board.

- 1 The reporting requirements shall include information documenting re-
2 mediation strategies and improvement made by pupils who performed
3 below the expected standard on the second grade diagnostic reading test
4 prescribed by the state board.
- 5 (d) A district whose pupils substantially achieve the state board stan-
6 dards and outcomes of mastery of reading skills upon completion of third
7 grade may be released, upon request, by the state board from the require-
8 ments of subsection (b).
- 9 (e) (1) A district may expend amounts received from the at-risk pupil
10 weighting to pay for the cost of providing full-day kindergarten to any
11 pupil enrolled in the district and attending full-day kindergarten whether
12 or not such pupil is an at-risk pupil.
- 13 (2) Nothing in this subsection shall be construed as requiring school
14 districts to provide full-day kindergarten nor as requiring any pupil to
15 attend full-day kindergarten.
- 16 (3) As used in this subsection (e):
- 17 (A) "District" means any school district which offers both full-day and
18 half-day kindergarten.
- 19 (B) "Cost" means that portion of the cost of providing full-day kin-
20 dergarten which is not paid by the state.
- 21 (f) A school district may expend amounts received from the at-risk
22 weighting to pay the cost of providing preschool-aged at-risk, bilingual
23 and vocational education programs and services.
- 24 Sec. 3. K.S.A. 2008 Supp. 72-6407 and 72-6414 are hereby repealed.
- 25 Sec. 4. This act shall take effect and be in force from and after its
26 publication in the statute book.