

[As Amended by House Committee of the Whole]

As Amended by House Committee

Session of 2010

HOUSE BILL No. 2601

By Committee on Education

2-2

12 AN ACT concerning school districts; relating to school finance; amend-
13 ing K.S.A. 2009 Supp. ~~72-6407 and 72-6455~~ and **72-6459** and re-
14 pealing the existing sections; also repealing K.S.A. 2009 Supp. 72-6459.
15

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

17 ~~Section 1. K.S.A. 2009 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 a non-virtual~~
4 ~~school and also attending a virtual school shall be counted as that pro-~~
5 ~~portion of one pupil (to the nearest $\frac{1}{10}$) that the pupil's attendance at the~~
6 ~~non-virtual school bears to full-time attendance. Except as provided by~~
7 ~~this section for preschool-aged exceptional children and virtual school~~
8 ~~pupils, a pupil enrolled in a district and attending special education and~~
9 ~~related services, provided for by the district shall be counted as one pupil.~~
10 ~~A pupil enrolled in a district and attending special education and related~~
11 ~~services provided for by the district and also attending a virtual school~~
12 ~~shall be counted as that proportion of one pupil (to the nearest $\frac{1}{10}$) that~~
13 ~~the pupil's attendance at the non-virtual school bears to full-time attend-~~
14 ~~ance. A pupil enrolled in a district and attending special education and~~
15 ~~related services for preschool-aged exceptional children provided for by~~
16 ~~the district shall be counted as $\frac{1}{2}$ pupil. A preschool-aged at-risk pupil~~
17 ~~enrolled in a district and receiving services under an approved at-risk~~
18 ~~pupil assistance plan maintained by the district shall be counted as $\frac{1}{2}$~~
19 ~~pupil. A pupil in the custody of the secretary of social and rehabilitation~~
20 ~~services or in the custody of the commissioner of juvenile justice and~~
21 ~~enrolled in unified school district No. 259, Sedgwick county, Kansas, but~~
22 ~~housed, maintained, and receiving educational services at the Judge James~~
23 ~~V. Riddell Boys Ranch, shall be counted as two pupils. Except as provided~~
24 ~~in section 1 of chapter 76 of the 2009 Session Laws of the state of Kansas,~~
25 ~~and amendments thereto, a pupil in the custody of the secretary of social~~
26 ~~and rehabilitation services or in the custody of the commissioner of ju-~~
27 ~~venile justice and enrolled in unified school district No. 409, Atchison,~~
28 ~~Kansas, but housed, maintained and receiving educational services at the~~
29 ~~youth residential center located on the grounds of the former Atchison~~
30 ~~juvenile correctional facility, shall be counted as two pupils.~~
31 ~~—(3)—A pupil residing at the Flint Hills job corps center shall not be~~
32 ~~counted. A pupil confined in and receiving educational services provided~~
33 ~~for by a district at a juvenile detention facility shall not be counted. A~~
34 ~~pupil enrolled in a district but housed, maintained, and receiving edu-~~
35 ~~cational services at a state institution or a psychiatric residential treatment~~
36 ~~facility shall not be counted.~~
37 ~~—(b)—“Preschool-aged exceptional children” means exceptional chil-~~
38 ~~dren, except gifted children, who have attained the age of three years but~~
39 ~~are under the age of eligibility for attendance at kindergarten.~~
40 ~~—(c)—“At-risk pupils” means pupils who are eligible for free meals un-~~
41 ~~der the national school lunch act and who are enrolled in a district which~~
42 ~~maintains an approved at-risk pupil assistance plan.~~
43 ~~—(d)—“Preschool-aged at-risk pupil” means an at-risk pupil who has~~

1 attained the age of four years, is under the age of eligibility for attendance
2 at kindergarten, and has been selected by the state board in accordance
3 with guidelines consonant with guidelines governing the selection of pu-
4 pils for participation in head start programs.

5 ~~—(c) “Enrollment” means: (1) (A) Subject to the provisions of para-~~
6 ~~graph (1)(B), for districts scheduling the school days or school hours of~~
7 ~~the school term on a trimestral or quarterly basis, the number of pupils~~
8 ~~regularly enrolled in the district on September 20 plus the number of~~
9 ~~pupils regularly enrolled in the district on February 20 less the number~~
10 ~~of pupils regularly enrolled on February 20 who were counted in the~~
11 ~~enrollment of the district on September 20, and for districts not specified~~
12 ~~in this paragraph (1), the number of pupils regularly enrolled in the dis-~~
13 ~~trict on September 20; (B) a pupil who is a foreign exchange student shall~~
14 ~~not be counted unless such student is regularly enrolled in the district on~~
15 ~~September 20 and attending kindergarten or any of the grades one~~
16 ~~through 12 maintained by the district for at least one semester or two~~
17 ~~quarters or the equivalent thereof;~~

18 ~~—(2) if enrollment in a district in any school year has decreased from~~
19 ~~enrollment in the preceding school year, enrollment of the district in the~~
20 ~~current school year means whichever is the greater of (A) enrollment in~~
21 ~~the preceding school year minus enrollment in such school year of pre-~~
22 ~~school aged at-risk pupils, if any such pupils were enrolled, plus enroll-~~
23 ~~ment in the current school year of preschool aged at-risk pupils, if any~~
24 ~~such pupils are enrolled, or (B) the sum of enrollment in the current~~
25 ~~school year of preschool aged at-risk pupils, if any such pupils are enrolled~~
26 ~~and the average (mean) of the sum of (i) enrollment of the district in the~~
27 ~~current school year minus enrollment in such school year of preschool-~~
28 ~~aged at-risk pupils, if any such pupils are enrolled and (ii) enrollment in~~
29 ~~the preceding school year minus enrollment in such school year of pre-~~
30 ~~school aged at-risk pupils, if any such pupils were enrolled and (iii) en-~~
31 ~~rollment in the school year next preceding the preceding school year~~
32 ~~minus enrollment in such school year of preschool aged at-risk pupils, if~~
33 ~~any such pupils were enrolled; or~~

34 ~~—(3) the number of pupils as determined under K.S.A. 72-6447 or~~
35 ~~K.S.A. 2009 Supp. 72-6448, and amendments thereto.~~

36 ~~—(f) “Adjusted enrollment” means: (1) Enrollment adjusted by adding~~
37 ~~at-risk pupil weighting, program weighting, low enrollment weighting, if~~
38 ~~any, high density at-risk pupil weighting, if any, medium density at-risk~~
39 ~~pupil weighting, if any, nonproficient pupil weighting, if any, high en-~~
40 ~~rollment weighting, if any, declining enrollment weighting, if any, school~~
41 ~~facilities weighting, if any, ancillary school facilities weighting, if any, cost~~
42 ~~of living weighting, if any, special education and related services weight-~~
43 ~~ing, and transportation weighting to enrollment; or (2) adjusted enroll-~~

- 1 ment as determined under K.S.A. 2009 Supp. 72-6457 or 72-6458, and
2 amendments thereto.
- 3 —(g) “At-risk pupil weighting” means an addend component assigned
4 to enrollment of districts on the basis of enrollment of at-risk pupils.
- 5 —(h) “Program weighting” means an addend component assigned to
6 enrollment of districts on the basis of pupil attendance in educational
7 programs which differ in cost from regular educational programs.
- 8 —(i) “Low enrollment weighting” means an addend component as-
9 signed to enrollment of districts pursuant to K.S.A. 72-6412, and amend-
10 ments thereto, on the basis of costs attributable to maintenance of edu-
11 cational programs by such districts in comparison with costs attributable
12 to maintenance of educational programs by districts having to which high
13 enrollment weighting is assigned pursuant to K.S.A. 2009 Supp. 72-
14 6442b, and amendments thereto.
- 15 —(j) “School facilities weighting” means an addend component as-
16 signed to enrollment of districts on the basis of costs attributable to com-
17 mencing operation of new school facilities.
- 18 —(k) “Transportation weighting” means an addend component as-
19 signed to enrollment of districts on the basis of costs attributable to the
20 provision or furnishing of transportation.
- 21 —(l) “Cost of living weighting” means an addend component assigned
22 to enrollment of districts to which the provisions of K.S.A. 2009 Supp.
23 72-6449, and amendments thereto, apply on the basis of costs attributable
24 to the cost of living in the district.
- 25 —(m) “Ancillary school facilities weighting” means an addend compo-
26 nent assigned to enrollment of districts to which the provisions of K.S.A.
27 72-6441, and amendments thereto, apply on the basis of costs attributable
28 to commencing operation of new school facilities. Ancillary school facil-
29 ities weighting may be assigned to enrollment of a district only if the
30 district has levied a tax under authority of K.S.A. 72-6441, and amend-
31 ments thereto, and remitted the proceeds from such tax to the state trea-
32 surer. Ancillary school facilities weighting is in addition to assignment of
33 school facilities weighting to enrollment of any district eligible for such
34 weighting.
- 35 —(n) “Juvenile detention facility” has the meaning ascribed thereto by
36 72-8187, and amendments thereto.
- 37 —(o) “Special education and related services weighting” means an ad-
38 dend component assigned to enrollment of districts on the basis of costs
39 attributable to provision of special education and related services for pu-
40 pils determined to be exceptional children.
- 41 —(p) “Virtual school” means any school or educational program that:
42 (1) Is offered for credit, (2) uses distance-learning technologies which
43 predominately use internet-based methods to deliver instruction, (3) in-

- 1 involves instruction that occurs asynchronously with the teacher and pupil
2 in separate locations, (4) requires the pupil to make academic progress
3 toward the next grade level and matriculation from kindergarten through
4 high school graduation; (5) requires the pupil to demonstrate competence
5 in subject matter for each class or subject in which the pupil is enrolled
6 as part of the virtual school; and (6) requires age-appropriate pupils to
7 complete state assessment tests.
- 8 —(q) “Declining enrollment weighting” means an addend component
9 assigned to enrollment of districts to which the provisions of K.S.A. 2009
10 Supp. 72-6451, and amendments thereto, apply on the basis of reduced
11 revenues attributable to the declining enrollment of the district.
- 12 —(r) “High enrollment weighting” means an addend component as-
13 signed to enrollment of districts pursuant to K.S.A. 2009 Supp. 72-6442b,
14 and amendments thereto, on the basis of costs attributable to mainte-
15 nance of educational programs by such districts as a correlate to low
16 enrollment weighting assigned to enrollment of districts pursuant to
17 K.S.A. 72-6412, and amendments thereto.
- 18 —(s) “High density at-risk pupil weighting” means an addend compo-
19 nent assigned to enrollment of districts to which the provisions of K.S.A.
20 2009 Supp. 72-6455, and amendments thereto, apply.
- 21 —(t) “Nonproficient pupil” means a pupil who is not eligible for free
22 meals under the national school lunch act and who has scored less than
23 proficient on the mathematics or reading state assessment during the
24 preceding school year and who is enrolled in a district which maintains
25 an approved proficiency assistance plan.
- 26 —(u) “Nonproficient pupil weighting” means an addend component
27 assigned to enrollment of districts on the basis of enrollment of nonprof-
28 icient pupils pursuant to K.S.A. 2009 Supp. 72-6454, and amendments
29 thereto.
- 30 —(v) “Psychiatric residential treatment facility” has the meaning as-
31 cribed thereto by K.S.A. 72-8187, and amendments thereto.
- 32 —(w) “Medium density at-risk pupil weighting” means an addend com-
33 ponent assigned to enrollment of districts to which the provisions of
34 K.S.A. 2009 Supp. 72-6459, and amendments thereto, apply.
- 35 Sec. 2.—K.S.A. 2009 Supp. 72-6455 is hereby amended to read as
36 follows: 72-6455. (a) As used in this section, school district means any
37 district having: (1) An enrollment of at least 50% at-risk pupils; or (2) an
38 enrollment of at least 35.1% at-risk pupils and an enrollment density of
39 at least 212.1 pupils per square mile.
- 40 —(b) The high density at-risk pupil weighting of each school district
41 shall be determined by the state board by multiplying the number of at-
42 risk pupils by .10. The product is the high density at-risk pupil weighting
43 of the district.

1 ~~—(c) If a school district becomes ineligible for high density at-risk pupil~~
2 ~~weighting because enrollment of at-risk pupils in the district falls below~~
3 ~~the requirements of subsection (a), the high density at-risk pupil weight-~~
4 ~~ing of the district shall be the greater of: (1) The high density at-risk pupil~~
5 ~~weighting in the current school year; (2) the high density at-risk pupil~~
6 ~~weighting in the prior school year; or (3) the average of the high density~~
7 ~~at-risk pupil weighting in the current school year and the preceding two~~
8 ~~school years.~~

9 ~~—The provisions of this subsection shall expire on June 30, 2011.~~

10 ~~*The high density at-risk pupil weighting of each school district shall be*~~
11 ~~*determined by the state board as follows:*~~

12 ~~—(a) If the district has an enrollment more than 44% but less than~~
13 ~~55.5% at-risk pupils, the state board shall:~~

14 ~~—(1) Subtract 44% from the percentage of at-risk enrollment in the~~
15 ~~district;~~

16 ~~—(2) multiply the amount determined under paragraph (1) by .01 in~~
17 ~~school year 2010-2011 and each school year thereafter; and~~

18 ~~—(3) multiply the number of at-risk pupils enrolled in the district by~~
19 ~~the product determined under paragraph (2). The product is the high~~
20 ~~density at-risk pupil weighting of the district.~~

21 ~~—(b) If the district has an enrollment of 55.5% or more at-risk pupils,~~
22 ~~the state board shall multiply the number of at-risk pupils by .01 in school~~
23 ~~year 2010-2011 and each school year thereafter. The product is the high~~
24 ~~density at-risk pupil weighting of the district.~~

25 ~~—(c) If the district has an enrollment of at least 35.1% at-risk pupils~~
26 ~~and an enrollment density of at least 212.1 pupils per square mile, the~~
27 ~~state board shall multiply the number of at-risk pupils by .01 in school~~
28 ~~year 2010-2011 and each school year thereafter. The product is the high~~
29 ~~density at-risk pupil weighting of the district.~~

30 **Section 1. K.S.A. 2009 Supp. 72-6455 is hereby amended to**
31 **read as follows: 72-6455. (a) (1) As used in this section, school dis-**
32 **trict means any district having: (A) An enrollment of at least**
33 **50% at-risk pupils; or (B) an enrollment of at least 35.1% at-**
34 **risk pupils and an enrollment density of at least 212.1 pupils per**
35 **square mile.**

36 ~~(b)~~ **(2) The high density at-risk pupil weighting of each school**
37 **district shall be determined by the state board by multiplying the**
38 **number of at-risk pupils by .10. The product is the high density at-**
39 **risk pupil weighting of the district.**

40 ~~(c)~~ **(3) If a school district becomes ineligible for high density**
41 **at-risk pupil weighting because enrollment of at-risk pupils in the**
42 **district falls below the requirements of paragraph (1) of this subsec-**
43 **tion (a), the high density at-risk pupil weighting of the district shall**

1 **be the greater of: ~~(1)~~ (A) The high density at-risk pupil weighting**
2 **in the current school year; ~~(2)~~ (B) the high density at-risk pupil**
3 **weighting in the prior school year; or ~~(3)~~ (C) the average of the**
4 **high density at-risk pupil weighting in the current school year and**
5 **the preceding two school years.**

6 **The provisions of this ~~subsection~~ paragraph (3) shall expire on**
7 **June 30, 2011.**

8 (4) *This subsection (a) shall expire in the school year in which the*
9 *appropriation for general state aid is sufficient in amount to fund the base*
10 *state aid per pupil at \$4,492, or higher.*

11 (b) (1) *This subsection shall become effective in the school year in*
12 *which the appropriation for general state aid is sufficient in amount to*
13 *fund the base state aid per pupil at \$4,492, or higher, and in each school*
14 *year thereafter.*

15 (2) *The high density at-risk pupil weighting of each school district*
16 *shall be determined by the state board as follows:*

17 (A) ~~If~~ **[Except as provided by paragraph (C), if]** *the district has*
18 *an enrollment of at least 35% but less than 50% at-risk pupils, the state*
19 *board shall:*

20 (i) *Subtract 35% from the percentage of at-risk enrollment in the*
21 *district;*

22 (ii) *multiply the amount determined under paragraph (i) by .007; and*

23 (iii) *multiply the number of at-risk pupils enrolled in the district by*
24 *the product determined under paragraph (ii). The product is the high*
25 *density at-risk pupil weighting of the district.*

26 (B) *If the district has an enrollment of 50% or more at-risk pupils,*
27 *the state board shall multiply the number of at-risk pupils by .105. The*
28 *product is the high density at-risk pupil weighting of the district.*

29 **[(C) If the district has an enrollment of at least 35.1% at-risk**
30 **pupils and an enrollment density of at least 212.1 pupils per square**
31 **mile, the state board shall multiply the number of at-risk pupils by**
32 **.105. The product is the high density at-risk pupil weighting of the**
33 **district.]**

34 **Sec. 2. K.S.A. 2009 Supp. 72-6459 is hereby amended to read**
35 **as follows: 72-6459. (a) As used in this section, “school district”**
36 **means any district having an enrollment of at least 40% but less**
37 **than 50% at-risk pupils.**

38 (b) **The medium density at-risk pupil weighting of each school**
39 **district shall be determined by the state board by multiplying the**
40 **number of at-risk pupils by .06. The product is the medium density**
41 **at-risk pupil weighting of the district.**

42 (c) **If a school district becomes ineligible for medium density**
43 **at-risk pupil weighting because enrollment of at-risk pupils in the**

1 **district falls below the requirement of subsection (a), the medium**
2 **density at-risk pupil weighting of the district shall be the greater**
3 **of: (1) The medium density at-risk pupil weighting in the current**
4 **school year; (2) the medium density at-risk pupil weighting in the**
5 **prior school year; or (3) the average of the medium density at-risk**
6 **pupil weighting in the current school year and the preceding two**
7 **school years.**

8 **The provisions of this subsection shall expire on June 30, 2011.**

9 *(d) This section shall expire in the school year in which the appro-*
10 *riation for general state aid is sufficient in amount to fund the base state*
11 *aid per pupil at \$4,492, or higher.*

12 Sec. 3. K.S.A. 2009 Supp. ~~72-6407~~, 72-6455 and 72-6459 are hereby
13 repealed.

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