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

New Section 1. As used in this act:
(a) "Program" means the autism scholarship program.
(b) "Eligible student" means an exceptional child who: (1) Has been identified as having autism or an autism spectrum disorder; (2) has an individual education plan in effect which provides for services which cost in excess of $25,000; and (3) was enrolled in public school in the previous school year or is eligible to enter public school in the school year in which a scholarship is first sought for such child.
(c) "Parent" includes a guardian, custodian or other person with authority to act on behalf of the child.
(d) "Resident school district" means the school district in which the student resides.
(e) "State board" means the state board of education.
(f) "Participating school" means: (1) Any elementary or secondary school operated by a school district or other public entity; (2) any non-public elementary or secondary school that has notified the state board of the school’s intention to participate in the program and which complies with the requirements of the program.

New Sec. 2. (a) There is hereby established the autism scholarship program. The program shall be administered by the state board.
(b) Any parent of an eligible student shall qualify for a scholarship from the state board if:
(1) The eligible student has had an individual education plan written in accordance with the rules of the state board;
(2) the student has been accepted for admission at a participating school; and
(3) the parent has submitted an application for a scholarship in the manner specified by the state board.
(c) Any student participating in the program shall comply fully with a participating school’s written code of conduct and shall remain in attendance throughout the school year, unless excused by the school for
illness or other good cause. However, a parent may transfer an eligible student to a public school or another participating school at any time. The scholarship amount shall be prorated between participating schools according to the period of attendance at each school.

(d) A parent’s decision for their child to participate in the program constitutes a non-public placement for purposes of the individuals with disabilities education act (20 U.S.C. § 1400 et seq.).

(e) At any time, an eligible student’s parent may remove such student from the participating school and place such student in another participating school or in a public school.

New Sec. 3. (a) The state board shall notify the resident school district that an eligible student has requested an autism scholarship. Within three business days of receipt of such notice, the district shall provide the state board and the participating school a copy of such student’s most current individual education plan.

(b) The resident school district shall prepare an individual education plan for each eligible student residing in the district. The resident school district shall determine the estimated cost of providing services under the individual education plan for each eligible student. Written notice of the estimated cost of the services to be provided to the eligible student shall be provided to the state board. The resident school district also shall provide such student’s parent with a timely written explanation of the estimation of the cost of the services to be provided to the eligible student.

(c) The maximum scholarship granted to an eligible student shall be an amount equal to the lesser of:

1. The estimated cost of the services to be provided under the individual education plan for the eligible student; or
2. An amount equal to the sum of:
   (A) The amount of the base state aid per pupil; plus
   (B) $20,000; plus
   (C) An amount equal to 75% of the amount of the cost of the tuition and educational services provided by the participating school to the eligible student which exceeds the sum of paragraphs (A) and (B).

(d) Subject to the limitations provided in subsection (c), the state board shall certify to the director of accounts and reports the amount of the scholarship to be awarded for each eligible student. The director of accounts and reports shall issue a warrant on the state treasurer payable to the parent of each eligible student awarded a scholarship under the program in the amount certified by the state board.

(e) The autism scholarship shall remain in force until the eligible student returns to a public school, graduates from high school or reaches 21 years of age, whichever comes first.

New Sec. 4. Although a student’s individual education plan is used in
calculating the amount of the scholarship, nothing in this act shall be construed as requiring the participating school to abide by the individual education plan. The parent and the participating school mutually shall determine the best services and educational plan for the student.

New Sec. 5. (a) A resident school district annually shall notify the parents of an eligible student of the autism scholarship program and offer such student’s parents an opportunity to enroll such student in a participating school of their choice.

(b) It shall be the responsibility of a parent to apply for admission to a participating school and to apply for an autism scholarship.

(c) The resident school district shall provide a participating school that has admitted an eligible student with a complete copy of such student’s school records, while complying with the family educational rights and privacy act (20 U.S.C. § 1232g).

(d) Transportation shall be provided for an eligible student in the same manner and funded in the same manner as provided for the transportation of children under K.S.A. 72-961, and amendments thereto.

(e) Except as provided in subsection (d) an eligible student enrolled in and attending a participating school shall not be counted as a pupil when determining the enrollment of the resident district for the purposes of determining the amount of state financial aid of the resident school district.

(f) If the parent of an eligible student participating in this program requests that such student take the statewide assessments, the resident school district shall provide locations and times for such student to take such assessments if they are not offered at such student’s participating school.

New Sec. 6. The state board shall adopt rules and regulations that it deems necessary to implement the provisions of this act, including, but not limited to:

(a) Requirements relating to the eligibility and participation of non-public schools;

(b) the calculation and awarding of scholarships;

(c) procedures relating to the submission and approval of applications for scholarships; and

(d) procedures and safeguards relating to the issuance of vouchers to insure that moneys awarded as scholarships are used for the purpose for which awarded.

New Sec. 7. (a) The state board shall not be liable for claims based on the award of or use of an autism scholarship.

(b) The state board may bar a school from participation in the program if the state board establishes that the participating school:

(1) Has intentionally and substantially misrepresented information required under section 8, and amendments thereto; or
(2) has failed to refund to the state any scholarship overpayments in a timely manner.

(c) If the state board decides to bar a participating school from the program, it shall notify eligible students and their parents of this decision as quickly as possible.

New Sec. 8. (a) To be eligible to participate in the autism scholarship program, a non-public school shall operate in this state and demonstrate:

(1) That it is in compliance with all health and safety laws or codes that apply to non-public schools;
(2) that it holds a valid occupancy permit if required;
(3) that it will not discriminate in admissions on the basis of race, color, national origin or religion; and
(4) that it is in compliance with all state laws that apply to non-public schools regarding criminal background checks for employees.

(b) To ensure that public funds are spent appropriately, all participating non-public schools shall submit a financial information report for the school, conducted by a certified public accountant. Such report shall:

(1) Be limited in scope to those records that are necessary for the state board to make payments to schools for scholarships;
(2) comply with uniform financial accounting standards established by the state board; and
(3) certify that the financial information report is free of material misstatements.

(c) To receive $50,000 or more during the school year, a non-public school must demonstrate its ability to pay any funds owed to the state, by:

(1) Filing with the state board, prior to the start of the school year, a surety bond payable to the state in an amount equal to the aggregate amount of the autism scholarships expected to be paid during the school year to students admitted to the participating non-public school; or
(2) filing with the state board, prior to the start of the school year, financial information that demonstrates the school has the ability to pay an aggregate amount equal to the amount of the autism scholarships expected to be paid during the school year to students admitted to the participating non-public school.

(d) All participating schools shall:

(1) Regularly report the student’s progress to the parent; and
(2) ensure that the person providing special education or related services holds the appropriate license issued by the state board.

(e) A participating non-public school is autonomous and not an agent of the state or federal government therefore:

(1) The state board or any other state agency may not in any way regulate the educational program of a participating non-public school that
accepts an autism scholarship;
(2) the creation of the autism scholarship program does not expand
the regulatory authority of the state, its officers or any school district to
impose any additional regulation of non-public schools beyond those
reasonably necessary to enforce the requirements of the program; and
(3) participating non-public schools shall be given the maximum
freedom to provide for the educational needs of their students without
governmental control.

New Sec. 9. (a) The state board shall conduct a study of the program
with funds other than state funds. The state board may accept grants to
assist in funding this study.
(b) The study shall assess:
(1) The level of participating student’s satisfaction with the program;
(2) the level of parental satisfaction with the program;
(3) the percentage of participating students who were victimized
because of their special needs status at their resident school district
compared to the percentage so victimized at their participating school;
(4) the percentage of participating students who exhibited behavioral
problems at their resident school district compared to the percentage
exhibiting behavioral problems at their participating school;
(5) the class size experienced by participating students at their
resident school district and at their participating school; and
(6) the fiscal impact to the state and resident school districts of the
program.
(c) The study shall apply appropriate analytical and behavioral
sciences methodologies to ensure public confidence. A final report
evaluating the program shall be submitted to the legislature. Prior to
receiving the final report, the legislature may require periodic updates
regarding the study. The data and methodology used in the study must be
made available for public review while complying with the requirements
of the family educational rights and privacy act (20 U.S.C. § 1232g).
(d) The public and non-public participating schools from which
students transfer to participate in the program shall provide student
assessment scores and any other data necessary to complete this study.

Sec. 10. K.S.A. 2011 Supp. 72-6407 is hereby amended to read as
follows: 72-6407. (a) (1) "Pupil" means any person who is regularly
enrolled in a district and attending kindergarten or any of the grades one
through 12 maintained by the district or who is regularly enrolled in a
district and attending kindergarten or any of the grades one through 12 in
another district in accordance with an agreement entered into under
authority of K.S.A. 72-8233, and amendments thereto, or who is regularly
enrolled in a district and attending special education services provided for
preschool-aged exceptional children by the district.
(2) Except as otherwise provided in paragraph (3) of this subsection, a pupil in attendance full time shall be counted as one pupil. A pupil in attendance part-time shall be counted as that proportion of one pupil (to the nearest $\frac{1}{10}$) that the pupil's attendance bears to full-time attendance. A pupil attending kindergarten shall be counted as $\frac{1}{2}$ pupil. A pupil enrolled in and attending an institution of postsecondary education which is authorized under the laws of this state to award academic degrees shall be counted as one pupil if the pupil's postsecondary education enrollment and attendance together with the pupil's attendance in either of the grades 11 or 12 is at least $\frac{5}{6}$ time, otherwise the pupil shall be counted as that proportion of one pupil (to the nearest $\frac{1}{10}$) that the total time of the pupil's postsecondary education attendance and attendance in grade 11 or 12, as applicable, bears to full-time attendance. A pupil enrolled in and attending an area vocational school, area vocational-technical school or approved vocational education program shall be counted as one pupil if the pupil's vocational education enrollment and attendance together with the pupil's attendance in any of grades nine through 12 is at least $\frac{5}{6}$ time, otherwise the pupil shall be counted as that proportion of one pupil (to the nearest $\frac{1}{10}$) that the total time of the pupil's vocational education attendance and attendance in any of grades nine through 12 bears to full-time attendance. A pupil enrolled in a district and attending a non-virtual school and also attending a virtual school shall be counted as that proportion of one pupil (to the nearest $\frac{1}{10}$) that the pupil's attendance at the non-virtual school bears to full-time attendance. Except as provided by this section for preschool-aged exceptional children and virtual school pupils, a pupil enrolled in a district and attending special education and related services, provided for by the district shall be counted as one pupil. A pupil enrolled in a district and attending special education and related services provided for by the district and also attending a virtual school shall be counted as that proportion of one pupil (to the nearest $\frac{1}{10}$) that the pupil's attendance at the non-virtual school bears to full-time attendance. A pupil enrolled in a district and attending special education and related services for preschool-aged exceptional children provided for by the district shall be counted as $\frac{1}{2}$ pupil. A preschool-aged at-risk pupil enrolled in a district and receiving services under an approved at-risk pupil assistance plan maintained by the district shall be counted as $\frac{1}{2}$ pupil. A pupil in the custody of the secretary of social and rehabilitation services or in the custody of the commissioner of juvenile justice and enrolled in unified school district No. 259, Sedgwick county, Kansas, but housed, maintained, and receiving educational services at the Judge James V. Riddle Boys Ranch, shall be counted as two pupils. Except as provided in section 1 of chapter 76 of the 2009 Session Laws of the state of Kansas, and amendments thereto, a pupil in the custody of the secretary of social and
rehabilitation services or in the custody of the commissioner of juvenile
justice and enrolled in unified school district No. 409, Atchison, Kansas,
but housed, maintained and receiving educational services at the youth
residential center located on the grounds of the former Atchison juvenile
correctional facility, shall be counted as two pupils.

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

(4) A pupil participating in the autism scholarship program shall not
be counted.

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

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

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

(e) "Enrollment" means: (1) (A) Subject to the provisions of
paragraph (1)(B), for districts scheduling the school days or school hours
of the school term on a trimestral or quarterly basis, the number of pupils
regularly enrolled in the district on September 20 plus the number of
pupils regularly enrolled in the district on February 20 less the number of
pupils regularly enrolled on February 20 who were counted in the
enrollment of the district on September 20; and for districts not specified
in this paragraph (1), the number of pupils regularly enrolled in the district
on September 20; (B) a pupil who is a foreign exchange student shall not
be counted unless such student is regularly enrolled in the district on
September 20 and attending kindergarten or any of the grades one through
12 maintained by the district for at least one semester or two quarters or
the equivalent thereof;

(2) if enrollment in a district in any school year has decreased from
enrollment in the preceding school year, enrollment of the district in the
current school year means whichever is the greater of: (A) Enrollment in
the preceding school year minus enrollment in such school year of
preschool-aged at-risk pupils, if any such pupils were enrolled, plus
enrollment in the current school year of preschool-aged at-risk pupils, if
any such pupils are enrolled; or (B) the sum of enrollment in the current
school year of preschool-aged at-risk pupils, if any such pupils are
enrolled and the average (mean) of the sum of: (i) Enrollment of the
district in the current school year minus enrollment in such school year of
preschool-aged at-risk pupils, if any such pupils are enrolled and;
(ii) enrollment in the preceding school year minus enrollment in such school
year of preschool-aged at-risk pupils, if any such pupils were enrolled; and
(iii) enrollment in the school year next preceding the preceding school year
minus enrollment in such school year of preschool-aged at-risk pupils, if
any such pupils were enrolled; or

(3) the number of pupils as determined under K.S.A. 72-6447 or

(f) "Adjusted enrollment" means: (1) Enrollment adjusted by adding
at-risk pupil weighting, program weighting, low enrollment weighting, if
any, high density at-risk pupil weighting, if any, medium density at-risk
pupil weighting, if any, nonproficient pupil weighting, if any, high
enrollment weighting, if any, declining enrollment weighting, if any,
school facilities weighting, if any, ancillary school facilities weighting, if
any, cost of living weighting, if any, special education and related services
weighting, and transportation weighting to enrollment; or (2) adjusted
enrollment as determined under K.S.A. 2011 Supp. 72-6457 or 72-6458,
and amendments thereto.

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

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

(i) "Low enrollment weighting" means an addend component
assigned to enrollment of districts pursuant to K.S.A. 72-6412, and
amendments thereto, on the basis of costs attributable to maintenance of
educational programs by such districts in comparison with costs
attributable to maintenance of educational programs by districts having to
which high enrollment weighting is assigned pursuant to K.S.A. 2011
Supp. 72-6442b, and amendments thereto.

(j) "School facilities weighting" means an addend component
assigned to enrollment of districts on the basis of costs attributable to
commencing operation of new school facilities.

(k) "Transportation weighting" means an addend component assigned
to enrollment of districts on the basis of costs attributable to the provision
or furnishing of transportation.

(l) "Cost of living weighting" means an addend component assigned
to enrollment of districts to which the provisions of K.S.A. 2011 Supp. 72-
6449, and amendments thereto, apply on the basis of costs attributable to
the cost of living in the district.

(m) "Ancillary school facilities weighting" means an addend component assigned to enrollment of districts to which the provisions of K.S.A. 72-6441, and amendments thereto, apply on the basis of costs attributable to commencing operation of new school facilities. Ancillary school facilities weighting may be assigned to enrollment of a district only if the district has levied a tax under authority of K.S.A. 72-6441, and amendments thereto, and remitted the proceeds from such tax to the state treasurer. Ancillary school facilities weighting is in addition to assignment of school facilities weighting to enrollment of any district eligible for such weighting.

(n) "Juvenile detention facility" has the meaning ascribed thereto by K.S.A. 72-8187, and amendments thereto.

(o) "Special education and related services weighting" means an addend component assigned to enrollment of districts on the basis of costs attributable to provision of special education and related services for pupils determined to be exceptional children.

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

(q) "Declining enrollment weighting" means an addend component assigned to enrollment of districts to which the provisions of K.S.A. 2011 Supp. 72-6451, and amendments thereto, apply on the basis of reduced revenues attributable to the declining enrollment of the district.

(r) "High enrollment weighting" means an addend component assigned to enrollment of districts pursuant to K.S.A. 2011 Supp. 72-6442b, and amendments thereto, on the basis of costs attributable to maintenance of educational programs by such districts as a correlate to low enrollment weighting assigned to enrollment of districts pursuant to K.S.A. 72-6412, and amendments thereto.

(s) "High density at-risk pupil weighting" means an addend component assigned to enrollment of districts to which the provisions of K.S.A. 2011 Supp. 72-6455, and amendments thereto, apply.

(t) "Nonproficient pupil" means a pupil who is not eligible for free meals under the national school lunch act and who has scored less than proficient on the mathematics or reading state assessment during the
preceding school year and who is enrolled in a district which maintains an
approved proficiency assistance plan.
(u) "Nonproficient pupil weighting" means an addend component
assigned to enrollment of districts on the basis of enrollment of
nonproficient pupils pursuant to K.S.A. 2011 Supp. 72-6454, and
amendments thereto.
(v) "Psychiatric residential treatment facility" has the meaning
ascribed thereto by K.S.A. 72-8187, and amendments thereto.
(w) "Medium density at-risk pupil weighting" means an addend
component assigned to enrollment of districts to which the provisions of
Sec. 11. K.S.A. 2011 Supp. 72-6407 is hereby repealed.
Sec. 12. This act shall take effect and be in force from and after its
publication in the statute book.