SENATE BILL No. 19
By Legislative Educational Planning Committee

1-14

AN ACT concerning school districts; relating to school finance; amending K.S.A. 2010 Supp. 72-6407, 72-6433d and 74-4939a and repealing the existing sections.

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

Section 1. K.S.A. 2010 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) The following shall be counted as one pupil:
(i) A pupil in attendance full time shall be counted as one pupil;
and
(ii) except as provided in subparagraph (B), a pupil enrolled in a district and attending special education and related services, provided for by the district.
(B) The following shall be counted as 1/2 pupil:
(i) A pupil attending kindergarten;
(ii) a pupil enrolled in a district and attending special education and related services for preschool-aged exceptional children provided for by the district; and
(iii) 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.
(C) The following shall be counted as two pupils:
(i) 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; and
(ii) 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.

(D) A pupil in attendance part time shall be counted as that proportion of one pupil (to the nearest 1/10) that the pupil's attendance bears to full-time attendance. A pupil attending kindergarten shall be counted as 1/2 pupil.

(E) 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 5/6 time, otherwise the pupil shall be counted as that proportion of one pupil (to the nearest 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.

(F) 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 5/6 time, otherwise the pupil shall be counted as that proportion of one pupil (to the nearest 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.

(G) 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 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.

(H) 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 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 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 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. Riddel 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) The following shall not be counted:

(A) A pupil residing at the Flint Hills job corps center shall not be counted;

(B) except as provided in paragraph (2), a pupil confined in and receiving educational services provided for by a district at a juvenile detention facility shall not be counted; and

(C) 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.

(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, KPERS weighting and transportation weighting to
enrollment; or (2) adjusted enrollment as determined under K.S.A. 2010
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. 2010
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. 2010 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. 2010 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. 2010 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

(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 to which the provisions of

(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

(x) "KPERS weighting" means an addend component assigned to
enrollment of districts on the basis of costs attributable to school
districts' employer contributions to the Kansas public employees
retirement system.

Sec. 2. K.S.A. 2010 Supp. 72-6433d is hereby amended to read as
follows: 72-6433d. (a) (1) The provisions of this subsection shall apply in
any school year in which the amount of base state aid per pupil is $4,433
or less.

(2) The board of any school district may adopt a local option budget
which does not exceed the local option budget calculated as if the base
state aid per pupil was $4,433 or which does not exceed an amount as
authorized by K.S.A. 72-6433, and amendments thereto, whichever is
greater.

(b) (1) The provisions of this subsection shall apply in any school
year in which the amount appropriated for state aid for special education
and related services is less than the amount appropriated for state aid for
special education and related services in school year 2008-2009.

(2) The board of education of any school district may adopt a local
option budget which does not exceed the local option budget calculated
as if the district received state aid for special education and related
services equal to the amount of state aid for special education and related
services received in school year 2008-2009, or which does not exceed an
amount as authorized by K.S.A. 72-6433, and amendments thereto,
whichever is greater.

(c) The board of education of any school district may exercise the authority granted under subsection (a) or (b) or both subsections (a) and (b).

(d) To the extent that the provisions of K.S.A. 72-6433, and amendments thereto, conflict with this section, this section shall control.

(e) The provisions of this section shall expire on June 30, 2012.

(f) The local option budget of a school district adopting a local option budget under this section shall be determined as follows:

(1) Determine the adjusted enrollment of the school district, excluding special education weighting;

(2) multiply the number determined under paragraph (1) by $4,433;

(3) add the amount of state aid for special education or related services received by the school district in school year 2009-2010 to the product obtained under paragraph (2);

(4) add the amount disbursed to the school district in the current school year under K.S.A. 2010 Supp. 74-4939a, and amendments thereto; and

(5) multiply the sum obtained under paragraph (4) by the percentage of the state financial aid stated in the local option budget resolution adopted by the board of education. The resulting product is the local option budget of the school district.

Sec. 3. K.S.A. 2010 Supp. 74-4939a is hereby amended to read as follows: 74-4939a. On and after the effective date of this act for each fiscal year commencing with fiscal year 2005, notwithstanding the provisions of K.S.A. 74-4939, and amendments thereto, or any other statute, all moneys appropriated for the department of education from the state general fund commencing with fiscal year 2005, and each ensuing fiscal year thereafter, by appropriation act of the legislature, in the KPERS — employer contributions account and all moneys appropriated for the department of education from the state general fund or any special revenue fund for each fiscal year commencing with fiscal year 2005, and each ensuing fiscal year thereafter, by any such appropriation act in that account or any other account for payment of employer contributions for school districts, shall be distributed by the department of education to school districts in accordance with this section. Notwithstanding the provisions of K.S.A. 74-4939, and amendments thereto, the department of education shall disburse to each school district that is an eligible employer as specified in subsection (1) of K.S.A. 74-4931, and amendments thereto, an amount certified by the board of trustees of the Kansas public employees retirement system which is equal to the participating employer’s obligation of such school district to the system in accordance with policies and procedures which are hereby authorized and
directed to be adopted by the department of education for the purposes of
this section and in accordance with any requirements prescribed by the
board of trustees of the Kansas public employees retirement system.
Upon receipt of each such disbursement of moneys, the school district
shall deposit the entire amount thereof into the general fund of the
school district and transfer an equal amount to the special retirement
contributions fund of the school district, which shall be established by the
school district in accordance with such policies and procedures and which
shall be used for the sole purpose of receiving such disbursements from
the department of education and making the remittances to the system in
accordance with this section and such policies and procedures. Upon
receipt of each such disbursement of moneys from the department of
education, the school district shall remit, in accordance with the
provisions of such policies and procedures and in the manner and on the
date or dates prescribed by the board of trustees of the Kansas public
employees retirement system, an equal amount to the Kansas public
employees retirement system from the special retirement contributions
fund of the school district to satisfy such school district's obligation as a
participating employer. Notwithstanding the provisions of K.S.A. 74-
4939, and amendments thereto, each school district that is an eligible
employer as specified in subsection (1) of K.S.A. 74-4931, and
amendments thereto, shall show within the budget of such school district
all amounts received from disbursements into the special retirement
contributions fund of such school district. Notwithstanding the provisions
of any other statute, no official action of the school board of such school
district shall be required to approve a remittance to the system in
accordance with this section and such policies and procedures. All
remittances of moneys to the system by a school district in accordance
with this subsection and such policies and procedures shall be deemed to
be expenditures of the school district.

Sec. 4. K.S.A. 2010 Supp. 72-6407, 72-6433d and 74-4939a are
hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its
publication in the statute book.