

3
4 **SENATE BILL No. 313**

5
6 By Committee on Ways and Means

7
8 2-13
9

10 AN ACT concerning school districts; **establishing the Kansas skills for**
11 **success in school program; making and concerning appropri-**
12 **ations for the fiscal years ending June 30, 2002, and June 30,**
13 **2003, for the department of education;** authorizing boards of ed-
14 ucation to adopt policies providing for school days and school hours in
15 addition to school days and school hours scheduled for the regular
16 school term; **affecting the requirement for reporting children**
17 **who are not attending school as required by law;** amending K.S.A.
18 **46-1208a and 72-1106 and K.S.A. 2000 Supp. 72-1113 and 72-**
19 **6407 and** repealing the existing ~~section~~ sections.

20
21 *Be it enacted by the Legislature of the State of Kansas:*

22 **New Section 1. The provisions of this act apply to school dis-**
23 **tricts, to public schools maintained by school districts, and to pupils**
24 **enrolled in school districts.**

25 **Sec. 2. (a) On or before October 31, 2001, the state depart-**
26 **ment of education, in consultation with the Kansas children's cab-**
27 **inet, the state department of social and rehabilitation services, the**
28 **state department of health and environment, and prekindergarten**
29 **through grade 3 teachers, shall determine a school readiness def-**
30 **inition including indicators which help assess a child's school read-**
31 **iness. In determining the school readiness definition and indica-**
32 **tors, the state department of education is encouraged to also**
33 **consult with individuals and organizations knowledgeable about**
34 **early childhood education and children's health. The school read-**
35 **iness definition along with indicators will be used by the legislature**
36 **to assess the effectiveness of state funded preschool programs in**
37 **the preparation of children for kindergarten. All school districts**
38 **will implement locally developed kindergarten screening proce-**
39 **dures based on the school readiness definition under this section.**

40 **(b) On or before October 31, 2001, the state department of ed-**
41 **ucation shall define a skill set for reading, for writing and for math-**
42 **ematics which a child at the completion of third grade should be**
43 **able to execute if the child has mastered third grade level reading,**

1 writing and mathematics. Such skill sets shall not be minimum
2 level skills, but shall reflect grade level proficiency.

3 (c) The state department of education shall design a third grade
4 accomplishment examination to be administered at the end of each
5 school year, beginning with the 2005-06 school year, to determine
6 whether pupils have achieved mastery of the reading, writing and
7 mathematics skill sets. The examination shall be administered to
8 all third grade pupils upon completion of the grade. The state
9 board of education will determine whether this accomplishment
10 examination is in addition to or in lieu of any other state
11 assessments.

12 (d) On or before October 31, 2001, the state department of ed-
13 ucation shall set a goal that by 2010, not less than 90% of pupils
14 exiting the third grade have acquired the reading, writing and
15 mathematics skill sets to be determined on the basis of the results
16 of the third grade accomplishment examination. In each year, com-
17 mencing in 2003, the state department of education shall report
18 its progress toward achieving the 90% by 2010 goal to the legis-
19 lative educational planning committee. If the goal is not achieved,
20 the state department of education shall establish a new plan to
21 meet the goal.

22 New Sec. 3. (a) School districts shall construct a plan for iden-
23 tifying grade-level markers which indicate whether a child is pro-
24 gressing adequately toward acquisition of the reading, writing and
25 mathematics skill sets designed by the state department of edu-
26 cation and for diagnosing each child's skill level. The school district
27 shall use assessments or disgnostic reviews during kindergarten
28 and each of the grades first, second and third to determine a child's
29 level of performance and to target specialized interventions to
30 bring the child up to grade level in reading, writing and mathe-
31 matics. Each school district's plan shall embed the assessments or
32 disgnostic reviews into the curriculum and implement a measure
33 to check each child's progress during the full or spring semesters
34 or both such semesters. The school district shall establish a plan
35 for providing each child needing assistance with locally deter-
36 mined interventions based on input from teachers and parents for
37 the individual child. The plan may include, but need not be limited
38 to, a restructured school day, additional school days, summer
39 school, individualized instruction and such other interventions as
40 the school district may deem necessary. The plan shall not include
41 a requirement for full-day kindergarten attendance. In addition to
42 the foregoing, the plan providing for interventions shall include
43 implementation of a first grade reading intervention that meets

1 the following specifications: A research-based reading interven-
2 tion method for first-graders with a proven track record of success,
3 with sustained learning over time using a short-term, one-on-one
4 tutoring intervention when deemed necessary or intensive re-
5 search based small group tutoring. The disgnostic reviews of as-
6 sessments may be implemented in addition to current assessments
7 or disgnostic reviews, or in lieu of current assessments or diag-
8 nostic reviews, or, if the district currently has appropriate grade
9 level markers, or offers appropriate diagnostic reviews or assess-
10 ments, or tracking procedures for interventions, the district may
11 continue to use such locally determined practices as long as the
12 district continues to meet quality performance accreditation
13 requirements. School districts shall continue to implement the sec-
14 ond grade reading diagnostic currently required by the state.

15 (b) When a child has been identified as needing assistance, the
16 school district plan shall create a mechanism to track the child's
17 interventions and progress. When a child has accomplished the
18 district-determined level of accomplishment, no further tracking
19 will be necessary unless the child falls behind in another grade. If
20 the child does not accomplish the grade-level markers in reading
21 or writing or math, or any combination thereof, defined by the
22 school district despite intervention, there will be action taken in
23 the best educational interest of the child to reach the grade-level
24 markers. Such action may include, but is not limited to, other more
25 intensive interventions or retention to repeat the grade. The
26 school district will determine the measures by which the child's
27 progress is measured.

28 (c) Local school districts and schools are encouraged to utilize
29 community volunteers or community-based organizations in the
30 carrying out of intervention plans when appropriate.

31 New Sec. 4. The state department of education shall pilot the
32 third grade accomplishment examination in the spring of 2002.
33 The school readiness indicator required by subsection (a) of sec-
34 tion 2, and amendments thereto, shall be developed by the state
35 department of education on or before August 1, 2002. The plans
36 required by subsection (a) of section 3, and amendments thereto,
37 shall be constructed by school districts on or before August 1, 2002.
38 The statewide program shall begin in the 2002-03 school year. In
39 the spring of 2003, each school district will administer the third
40 grade examination to set the school's baseline.

41 Sec. 5. K.S.A. 1208a is hereby amended to read as follows: 46-
42 1208a. (a) The legislative educational planning committee is
43 hereby established and shall be composed of ~~11~~ 15 members, ~~six of~~

1 whom shall be members of the house of representatives and five of whom
2 shall be senators. At least five members of the committee shall be of the
3 minority party, with at least two thereof from each house. Members of
4 the legislative educational planing committee shall be appointed by the
5 legislative coordinating council. The committee shall be permanent with
6 membership changing from time to time as the legislative coordinating
7 council shall determine, as follows: *The chairperson, vice-chairperson and*
8 *ranking minority member of the senate committee on education or their*
9 *designees from such committee; the chairperson, vice-chairperson and*
10 *ranking minority member of the senate committee on ways and means or*
11 *their designees from such committee; the chairperson, vice-chairperson*
12 *and ranking minority member of the house committee on education or*
13 *their designees from such committee; the chairperson, vice-chairperson*
14 *and ranking minority member of the house committee on higher education*
15 *or their designees from such committee; and the chairperson, vice-chair-*
16 *person and ranking minority member of the house committee on appro-*
17 *priations or their designees from such committee. The legislative coordi-*
18 *nating council shall annually designate the chairperson, vice-chairperson*
19 *and ranking minority members of the legislative educational planning*
20 *committee from among the members of the committee.*

21 (b) *The legislative educational planning committee shall be divided into*
22 *three subcommittees as follows: (1) Subcommittee on early childhood; (2)*
23 *subcommittee on kindergarten through 12th grade education; and (3) sub-*
24 *committee on postsecondary education. Members of each subcommittee*
25 *shall be designated by the chairperson, vice-chairperson and ranking mi-*
26 *nority member of the legislative educational planning committee. Three*
27 *members from each subcommittee shall be members of the house of rep-*
28 *resentatives and two members on each subcommittee shall be members of*
29 *the senate. Two members of each subcommittee shall be minority party*
30 *members as follows: One member of each subcommittee shall be a member*
31 *of the minority party of the house of representatives and one member of*
32 *each subcommittee shall be a member of the minority party of the senate.*
33 *The chairperson of each subcommittee shall be selected by the chairperson*
34 *of the legislative educational planning committee. The subcommittee shall*
35 *meet at the request and upon the approval of the chairperson of the leg-*
36 *islative educational planing committee.*

37 ~~(b)~~ (c) **The legislative educational planning committee shall plan**
38 **for public and private postsecondary education in Kansas, includ-**
39 **ing vocational and technical education; explore, study and make rec-**
40 **ommendations concerning all facets of education in Kansas relating to any**
41 **age group; and review implementation of legislation relating to educa-**
42 **tional matters by the department of education. The committee shall**
43 **annually make a report and recommendations to the legislature**

1 and the governor and may cause the same to be published sepa-
2 rately from other documents which are required by law to be sub-
3 mitted to the legislative coordinating council. The reports and rec-
4 ommendations of the committee shall include a developmental
5 schedule for implementation of educational goals established by
6 the committee. The committee shall from time to time update such
7 schedule as new or additional information is developed or refined.

8 ~~(d)~~ (d) The provisions of the acts contained in article 12 of chap-
9 ter 46 of the Kansas Statutes Annotated, and amendments thereto,
10 applicable to special committees shall apply to the legislative ed-
11 ucational planning committee to the extent that the same do not
12 conflict with the specific provisions of this act applicable to the
13 committee.

14 ~~(e)~~ (e) Upon request of the legislative educational planning com-
15 mittee, the state board of regents and the state board of education
16 shall provide consultants from the facilities and staffs of institu-
17 tions and agencies under the respective control and jurisdiction
18 thereof.

19 *The legislative educational planning committee shall request the legis-*
20 *lative post audit committee to direct the post auditor to conduct a per-*
21 *formance audit of the preschool-aged at-risk pupil program to determine*
22 *the efficacy of the program relative to the school readiness definition. The*
23 *legislative educational planning committee shall make such request bi-*
24 *ennially, commencing in July 2004 and concluding in July 2008, and shall*
25 *specify the objectives and scope and direct the details of the audit. In 2006*
26 *the legislative educational planning committee, based on the audits and*
27 *other information received, shall make a recommendation to the legisla-*
28 *ture as to whether the funding should be maintained, enhanced or*
29 *terminated.*

30 ~~(g)~~ (g) *The legislative educational planning committee shall meet upon*
31 *the call of its chairperson. The legislative educational planning com-*
32 *mittee may introduce such legislation as it deems necessary in per-*
33 *forming its functions.*

34 **New Sec. 6.** The state department of education shall report its
35 progress toward implementation of the provisions of this act to the
36 legislative educational planning committee on November 1, 2001,
37 with continuing annual reports and other reports as requested by
38 the chairperson of the legislative educational planning committee.
39 Such annual reports shall include, but not be limited to, data re-
40 lating to and supporting evaluations of all such goals, objectives
41 and outcomes as specified in sections 2 through 4 and amendments
42 thereto to the legislative educational planning committee on or
43 before September 1, 2003, and September 1 of each ensuing fiscal

1 year that the Kansas skills for success in school program is in effect.
2 The legislative educational planning committee shall prepare a re-
3 port evaluating the goals, objectives and desired outcomes as spec-
4 ified in sections 2 through 4 and amendments thereto to the leg-
5 islatre on or before the first day of the 2004, 2006 and 2008
6 legislative sessions.

7 New Sec. 7. The state department of education, the Kansas
8 children's cabinet, the state department of social and rehabilita-
9 tion services, the state department of health and environment,
10 along with any other state agency or state-funded program which
11 impacts early childhood development, must all report in their
12 budget requests how state-funded early childhood programs im-
13 pact the children served by such programs from birth to entry into
14 kindergarten according to the school readiness definition.

15 Sec. 8. K.S.A. 2000 Supp. 72-6407 is hereby amended to read
16 as follows: 72-6407. (a) "Pupil" means any person who is regularly
17 enrolled in a district and attending kindergarten or any of the
18 grades one through 12 maintained by the district or who is regu-
19 larly enrolled in a district and attending kindergarten or any of
20 the grades one through 12 in another district in accordance with
21 an agreement entered into under authority of K.S.A. 72-8233, and
22 amendments thereto, or who is regularly enrolled in a district and
23 attending special education services provided for preschool-aged
24 exceptional children by the district. Except as otherwise provided
25 in this subsection, a pupil in attendance full time shall be counted
26 as one pupil. A pupil in attendance part time shall be counted as
27 that proportion of one pupil (to the nearest $\frac{1}{10}$) that the pupil's
28 attendance bears to full-time attendance. A pupil attending kin-
29 dergarten shall be counted as $\frac{1}{2}$ pupil. A pupil enrolled in and
30 attending an institution of postsecondary education which is au-
31 thorized under the laws of this state to award academic degrees
32 shall be counted as one pupil if the pupil's postsecondary educa-
33 tion enrollment and attendance together with the pupil's attend-
34 ance in either of the grades 11 or 12 is at least $\frac{5}{6}$ time, otherwise
35 the pupil shall be counted as that proportion of one pupil (to the
36 nearest $\frac{1}{10}$) that the total time of the pupil's postsecondary edu-
37 cation attendance and attendance in grade 11 or 12, as applicable,
38 bears to full-time attendance. A pupil enrolled in and attending an
39 area vocational school, area vocational-technical school or ap-
40 proved vocational education program shall be counted as one pupil
41 if the pupil's vocational education enrollment and attendance to-
42 gether with the pupil's attendance in any of grades nine through
43 12 is at least $\frac{5}{6}$ time, otherwise the pupil shall be counted as that

1 **proportion of one pupil (to the nearest $\frac{1}{10}$) that the total time of**
2 **the pupil's vocational education attendance and attendance in any**
3 **of grades nine through 12 bears to full-time attendance. A pupil**
4 **enrolled in a district and attending special education services, ex-**
5 **cept special education services for preschool-aged exceptional**
6 **children, provided for by the district shall be counted as one pupil.**
7 **A pupil enrolled in a district and attending special education serv-**
8 **ices for preschool-aged exceptional children provided for by the**
9 **district shall be counted as $\frac{1}{2}$ pupil. A preschool-aged at-risk pupil**
10 **enrolled in a district and receiving services under an approved at-**
11 **risk pupil assistance plan maintained by the district shall be**
12 **counted as $\frac{1}{2}$ pupil. A pupil in the custody of the secretary of social**
13 **and rehabilitation services and enrolled in unified school district**
14 **No. 259, Sedgwick county, Kansas, but housed, maintained, and**
15 **receiving educational services at the Judge James V. Riddel Boys**
16 **Ranch, shall be counted as two pupils. A pupil residing at the Flint**
17 **Hills job corps center shall not be counted. A pupil confined in and**
18 **receiving educational services provided for by a district at a ju-**
19 **venile detention facility shall not be counted. A pupil confined in**
20 **and receiving educational services provided for by a district at a**
21 **juvenile detention facility shall not be counted. A pupil enrolled**
22 **in a district but housed, maintained, and receiving educational**
23 **services at a state institution shall not be counted.**

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

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

31 **(d) "Preschool-aged at-risk pupil" means an at-risk pupil who**
32 **has attained the age of four years, is under the age of eligibility**
33 **for attendance at kindergarten, and has been selected by the state**
34 **board in accordance with guidelines consonant with guidelines**
35 **governing the selection of pupils for participation in head start**
36 **programs. For the 2001-02 school year, the state board shall select**
37 **not more than 1,794 preschool-aged at risk pupils to be counted in the**
38 **1999-2000 school year and not more than ~~2,230~~ 3,974 preschool-aged**
39 **at-risk pupils to be counted in any school year thereafter. The provi-**
40 **sions of the foregoing sentence shall expire on June 30, 2002. For the 2002-**
41 **03 school year and each school year thereafter, the state board shall select**
42 **not more than 5,500 preschool-aged at-risk pupils to be counted.**

43 **(e) "Enrollment" means, for districts scheduling the school days**

1 or school hours of the school term on a trimestral or quarterly
2 basis, the number of pupils regularly enrolled in the district on
3 September 20 plus the number of pupils regularly enrolled in the
4 district on February 20 less the number of pupils regularly en-
5 rolled on February 20 who were counted in the enrollment of the
6 district on September 20; and for districts not hereinbefore spec-
7 ified, the number of pupils regularly enrolled in the district on
8 September 20. Notwithstanding the foregoing, if enrollment in a
9 district in any school year has decreased from enrollment in the
10 preceding school year, enrollment of the district in the current
11 school year means whichever is the greater of (1) enrollment in
12 the preceding school year minus enrollment in such school year of
13 preschool-aged at-risk pupils, if any such pupils are enrolled, or
14 (2) the sum of enrollment in the current school year of preschool-
15 aged at-risk pupils, if any such pupils are enrolled and the average
16 (mean) of the sum of (A) enrollment of the district in the current
17 school year minus enrollment in such school year of preschool-
18 aged at-risk pupils, if any such pupils are enrolled and (B) enroll-
19 ment in the preceding school year minus enrollment in such school
20 year of preschool-aged at-risk pupils, if any such pupils were en-
21 rolled and (C) enrollment in the school year next preceding the
22 preceding school year minus enrollment in such school year of
23 preschool-aged at-risk pupils, if any such pupils were enrolled.

24 (f) “Adjusted enrollment” means enrollment adjusted by adding
25 at-risk pupil weighting, program weighting, low enrollment
26 weighting, if any, correlation weighting, if any, school facilities
27 weighting, if any, ancillary school facilities weighting, if any, and
28 transportation weighting to enrollment.

29 (g) “At-risk pupil weighting” means an addend component as-
30 signed to enrollment of districts on the basis of enrollment of at-
31 risk pupils.

32 (h) “Program weighting” means an addend component assigned
33 to enrollment of districts on the basis of pupil attendance in edu-
34 cational programs which differ in cost from regular educational
35 programs.

36 (i) “Low enrollment weighting” means an addend component
37 assigned to enrollment of districts having under 1,725 enrollment
38 on the basis of costs attributable to maintenance of educational
39 programs by such districts in comparison with costs attributable to
40 maintenance of educational programs by districts having 1,725 or
41 over enrollment.

42 (j) “School facilities weighting” means an addend component
43 assigned to enrollment of districts on the basis of costs attributable

1 to commencing operation of new school facilities. School facilities
2 weighting may be assigned to enrollment of a district only if the
3 district has adopted a local option budget and budgeted therein
4 the total amount authorized for the school year. School facilities
5 weighting may be assigned to enrollment of the district only in the
6 school year in which operation of a new school facility is com-
7 menced and in the next succeeding school year.

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

11 (l) “Correlation weighting” means an addend component as-
12 signed to enrollment of districts having 1,725 or over enrollment
13 on the basis of costs attributable to maintenance of educational
14 programs by such districts as a correlate to low enrollment weight-
15 ing assigned to enrollment of districts having under 1,725
16 enrollment.

17 (m) “Ancillary school facilities weighting” means an addend
18 component assigned to enrollment of districts to which the provi-
19 sions of K.S.A. 2000 Supp. 72-6441, and amendments thereto, ap-
20 ply on the basis of costs attributable to commencing operation of
21 new school facilities. Ancillary school facilities weighting may be
22 assigned to enrollment of a district only if the district has levied a
23 tax under authority of K.S.A. 2000 Supp. 72-6441, and amend-
24 ments thereto, and remitted the proceeds from such tax to the state
25 treasurer. Ancillary school facilities weighting is in addition to as-
26 signment of school facilities weighting to enrollment of any district
27 eligible for such weighting.

28 (n) “Juvenile detention facility” means any community juvenile
29 corrections center or facility, the Forbes Juvenile Attention Facil-
30 ity, the Sappa Valley Youth Ranch of Oberlin, Salvation Army/Koch
31 Center Youth Services, the Clarence M. Kelley Youth Center,
32 Trego County Secure Care Center, St. Francis Academy at Atchi-
33 son, St. Francis Academy at Ellsworth, St. Francis Academy at Sa-
34 lina, and St. Francis Center at Salina.

35 New Sec. 9. (a) In each school year, commencing with the 2002-
36 03 school year, each school district which has established a plan of
37 interventions for pupils needing assistance with acquisition of the
38 reading, writing and mathematics skill sets designed by the state
39 department of education under the Kansas skills for success in
40 school program shall be entitled to receive a grant of state moneys
41 to supplement amounts expended by the school district for main-
42 tenance of such plan of interventions.

43 (b) To be eligible to receive a grant of state moneys for main-

1 **tenance of a plan of interventions under the Kansas skills for suc-**
2 **cess in school program, a board of education shall submit to the**
3 **state board of education an application for a grant and a descrip-**
4 **tion of the plan. The application and description shall be prepared**
5 **in such form and manner as the state board shall require and shall**
6 **be submitted at a time to be determined and specified by the state**
7 **board. Approval by the state board of the plan and the application**
8 **is prerequisite to the award of a grant.**

9 **(c) Upon receipt of a grant of state moneys for maintenance of**
10 **a plan of interventions under the Kansas skills for success in school**
11 **program, the amount of the grant shall be deposited in the general**
12 **fund of the school district. Moneys deposited in the general fund**
13 **of a school district under this subsection shall be considered re-**
14 **imbursements for the purpose of the school district finance and**
15 **quality performance act.**

16 **(d) Each board of education which is awarded a grant for main-**
17 **tenance of a plan of interventions under the Kansas skills for suc-**
18 **cess in school program shall make such periodic and special re-**
19 **ports to the state board of education as it may request.**

20 **New Sec. 10. (a) On or before January 1, 2002, the state board**
21 **of education shall adopt rules and regulations for administration**
22 **of grants of state moneys to school districts for maintenance of**
23 **plans of interventions under the Kansas skills for success in school**
24 **program and shall:**

25 **(1) Establish standards and criteria for reviewing, evaluating and**
26 **approving plans of interventions and applications of school dis-**
27 **tricts for grants;**

28 **(2) conduct a needs-assessment survey of school districts apply-**
29 **ing for grants;**

30 **(3) evaluate and approve plans of interventions;**

31 **(4) establish priorities in accordance with the findings of the**
32 **needs-assessment survey for the award of grants to school districts**
33 **and for determination of the amount of such grants;**

34 **(5) be responsible for awarding grants to school districts; and**

35 **(6) request of and receive from each school district which is**
36 **awarded a grant for maintenance of a plan of interventions reports**
37 **containing information with regard to the effectiveness of the plan.**

38 **(b) In evaluating and approving plans of interventions main-**
39 **tained under the Kansas skills for success in school program for**
40 **the award of grants to school districts, the state board shall**
41 **consider:**

42 **(1) The level of effort exhibited by school districts in the estab-**
43 **lishment and maintenance of plans of interventions;**

1 (2) the amounts budgeted by school districts for the establish-
2 ment and maintenance of plans of interventions; and

3 (3) the potential effectiveness of the plans of interventions for
4 which applications for the grant of state moneys are made.

5 (c) The amount of a grant to a school district shall be determined
6 by the state board in accordance with established priorities, but in
7 no event shall such amount exceed the amount of actual expenses
8 incurred by the school district in the establishment and mainte-
9 nance of a plan of interventions.

10 (d) In determining the amount of the appropriation for the Kan-
11 sas skills for success in school program grants awarded school dis-
12 tricts under this section, no more than 10% of the first grade pupils
13 across the state shall be counted in plans providing for a one-on-
14 one research-based reading intervention method.

15 (e) The state board of education shall provide any board, upon
16 request, with technical advice and assistance regarding the estab-
17 lishment and maintenance of a plan of skills for success in school
18 interventions or an application for a grant of state moneys.

19 New Sec. 11. Within the limits of appropriations therefor, the
20 state department of education shall provide for teacher training
21 to implement the interventions authorized by this act.

22 Sec. 12.

23 DEPARTMENT OF EDUCATION

24 (a) There is appropriated for the above agency from the state
25 general fund for the fiscal year or years specified, the following:

26 Operating expenditures (including official hospitality)

27 For the fiscal year ending June 30, 2003..... \$400,000

28 *Provided, That expenditures shall be made by the department of*
29 *education from the operating expenditures (including official hos-*
30 *pitality) account for the purpose of implementing the third grade*
31 *accomplishment examination: Provided further, That expenditures*
32 *from this account for such purposes shall not exceed \$400,000.*

33 Kansas skills for success in school plans for interventions

34 For the fiscal year ending June 30, 2003..... \$15,666,725

35 (b) There is appropriated for the above agency from the chil-
36 dren’s initiatives fund for the fiscal year or years specified, the
37 following:

38 General state aid preschool-aged at-risk pupils

39 For the fiscal year ending June 30, 2002..... \$3,000,000

40 For the fiscal year ending June 30, 2003..... \$3,500,000

41 Operating expenditures (including official hospitality)

42 For the fiscal year ending June 30, 2002..... \$2,000,000

43 *Provided, That expenditures shall be made by the department of*

1 **education from the children's initiatives fund—operaitng expend-**
 2 **itures (including official hospitality) account for the purpose of**
 3 **development of skill sets, development and piloting of the third**
 4 **grade accomplishment examination, and teacher training for in-**
 5 **terventions: *Provided further, That expenditures from this account***
 6 **for such purposes shall not exceed \$2,000,000.**

7 **Third grade summer school**

8 **For the fiscal year ending June 30, 2002..... \$2,500,000**

9 *Provided, That all expenditures from the third grade summer*
 10 **school account of the children's initiatives fund shall be for ex-**
 11 **ended learning summer school programs for third grade pupils**
 12 **across the state: *Provided further, That such funds shall be provided***
 13 **for not to exceed 25% of third grade students across the state.**

14 **Kansas skills for success in school plans for interventions**

15 **For the fiscal year ending June 30, 2003..... \$2,306,738**

16 ~~Section 1.~~**Sec. 13** K.S.A. 72-1106 is hereby amended to read as fol-
 17 lows: 72-1106. (a) Subject to the other provisions of this section, a school
 18 term during which public school shall be maintained in ~~the 1992-93~~ *each*
 19 school year by each school district organized under the laws of this state
 20 shall consist of: (1) ~~For pupils attending kindergarten, not less than 181~~
 21 ~~school days and each such school day shall consist of not less than 2½~~
 22 ~~hours; and (2) for pupils attending any of the grades one through 11, not~~
 23 ~~less than 181 school days and each such school day shall consist of not~~
 24 ~~less than six hours; and (3) for pupils attending grade 12, not less than~~
 25 ~~176 school days and each such school day shall consist of not less than six~~
 26 ~~hours. The minimum number of school days in a school term shall be~~
 27 ~~increased by two school days in the 1993-94 school year. The school term~~
 28 ~~in school years commencing after June 30, 1994, shall consist of not less~~
 29 ~~than 186 school days for pupils attending kindergarten or any of the~~
 30 ~~grades one through 11 and not less than 181 school days for pupils at-~~
 31 ~~tending grade 12.~~

32 (b) Subject to a policy developed and adopted by it, the board of any
 33 school district may provide for a school term consisting of school hours.
 34 A school term provided for in a policy adopted under this subsection shall
 35 consist of: (1) For pupils attending kindergarten, not less than ~~452½~~
 36 ~~school hours in the 1992-93 school year, not less than 457½ school hours~~
 37 ~~in the 1993-94 school year, and not less than 465 school hours in each~~
 38 ~~school year commencing after June 30, 1994; and (2) for pupils attending~~
 39 ~~any of the grades one through 11, not less than 1,086 school hours in the~~
 40 ~~1992-93 school year, not less than 1,098 school hours in the 1993-94~~
 41 ~~school year, and not less than 1,116 school hours in each school year~~
 42 ~~commencing after June 30, 1994; and (3) for pupils attending grade 12,~~
 43 ~~not less than 1,056 school hours in the 1992-93 school year, not less than~~

1 ~~1,068 school hours in the 1993-94 school year, and not less than 1,086~~
2 ~~school hours in each school year commencing after June 30, 1994.~~ Each
3 board of education which develops and adopts a policy providing for a
4 school term in accordance with this subsection shall notify the state board
5 of education thereof on or before September 15 in each school year for
6 which the policy is to be in effect.

7 (c) Subject to a plan developed and adopted by it, the board of any
8 school district may schedule the school days required for a school term
9 provided for under subsection (a), or the school hours required for a
10 school term provided for in a policy adopted under subsection (b), on a
11 trimestral or quarterly basis. Each board of education which develops and
12 adopts a plan providing for the scheduling of the school days or school
13 hours of the school term on a trimestral or quarterly basis shall submit
14 the plan to the state board of education for approval prior to implemen-
15 tation. The plan shall be prepared in such form and manner as the state
16 board shall require and shall be submitted at a time or times to be de-
17 termined and specified by the state board.

18 (d) *Subject to a policy developed and adopted by the board of any*
19 *district as a part of the district's disciplinary policy or school improvement*
20 *plan, the board may schedule school days in addition to the school days*
21 *scheduled for a school term provided for under subsection (a), or school*
22 *hours in addition to the school hours scheduled for a school term provided*
23 *for in a policy adopted under subsection (b), or both such additional*
24 *school days and school hours for pupils who are in need of remedial*
25 *education or who are subject to disciplinary measures imposed under the*
26 *district's disciplinary policy. Any school day or school hour scheduled for*
27 *a pupil under a policy adopted under this subsection may be scheduled*
28 *on weekends, before or after regular school hours, and during the summer*
29 *months. Inexcusable absence from school on any school day or during any*
30 *school hour by any pupil for whom additional school days or school hours*
31 *have been scheduled under a policy adopted under this subsection shall*
32 *be counted as an inexcusable absence from school for the purposes of*
33 *K.S.A. 72-1113, and amendments thereto.*

34 ~~(e)~~ (e) If the board of any school district, or its designee, shall deter-
35 mine that inclement weather will cause hazardous driving conditions, the
36 board, or its designee, may close any or all of the schools within the
37 district. The amount of time pupils have been in attendance when such
38 determination is made shall be considered a school day of a school term
39 or shall be considered the number of school hours for pupils to be in
40 attendance at school in a day, whichever is applicable. Consonant with
41 the other provisions of this section, a board may schedule any number of
42 days or hours in excess of the regularly scheduled school days or school
43 hours which the board determines will be necessary to compensate for

1 those school days or school hours that schools of the district will remain
2 closed during the school term due to hazardous driving conditions. If the
3 number of days or hours schools remain closed due to hazardous driving
4 conditions exceeds the number of days or hours scheduled by the board
5 to compensate for such school days or school hours, the excess number
6 of days or hours, not to exceed whichever is the lesser of (1) the number
7 of compensatory days or hours scheduled by the board or (2) five days or
8 the number of school hours regularly scheduled in five days, that schools
9 remain closed due to such conditions shall be considered school days or
10 school hours.

11 ~~(e)~~ (f) The state board of education may waive the requirements of
12 law relating to the duration of the school term upon application for such
13 waiver by a school district. Such waiver may be granted by the state board
14 of education upon: (1) Certification by a board that, due to the persistence
15 of inclement weather, hazardous driving conditions have existed in the
16 school district for an inordinate period of time; and (2) a determination
17 by the state board that the school district cannot reasonably adjust its
18 schedule to comply with statutory requirements. Such waiver shall not
19 exempt a school district from providing a school offering for each pupil
20 which is substantially equivalent to that required by law.

21 ~~(f)~~ (g) Time reserved for parent-teacher conferences for discussions
22 on the progress of pupils may be considered part of the school term.

23 ~~(g)~~ (h) Time reserved for staff development or inservice training pro-
24 grams for the purpose of improving staff skills, developing competency
25 in new or highly specialized fields, improving instructional techniques, or
26 curriculum planning and study may be considered part of the school term
27 for an aggregate amount of time equal to the amount of time in excess
28 of the school term which is scheduled by a board of education for similar
29 activities.

30 ~~(h)~~ (i) Boards of education may employ noncertificated personnel to
31 supervise pupils for noninstructional activities.

32 ~~Sec. 2. K.S.A. 72-1106 is hereby repealed.~~

33 **Sec. 14. K.S.A. 2000 Supp. 72-1113 is hereby amended to read**
34 **as follows: 72-1113. (a) Each board of education shall designate**
35 **one or more employees who shall report to the secretary of social**
36 **and rehabilitation services, or a designee thereof, or to the appro-**
37 **priate county or district attorney pursuant to an agreement as pro-**
38 **vided in this section, all cases of children who are less than 13 years**
39 **of age, enrolled in a school under the jurisdiction of the board of edu-**
40 **cation, and are not attending school as required by law, and to the**
41 **appropriate county or district attorney, or a designee thereof, all**
42 **cases of children who are 13 or more years of age but less than 18**
43 **years of age, enrolled in a school under the jurisdiction of the board of**

1 *education, and are not attending school as required by law. The*
2 *designation shall be made no later than September 1 of each school*
3 *year and shall be certified no later than 10 days thereafter by the*
4 *board of education to the secretary of social and rehabilitation*
5 *services, or the designee thereof, to the county or district attorney,*
6 *or the designee thereof, and to the commissioner of education. The*
7 *commissioner of education shall compile and maintain a list of the*
8 *designated employees of each board of education. The local area*
9 *office of the department of social and rehabilitation services may*
10 *enter into an agreement with the appropriate county or district*
11 *attorney to provide that the designated employees of such board*
12 *of education shall make the report as provided in this section for*
13 *all cases of children who are less than 13 years of age and are not*
14 *attending school as provided by law to the county or district attor-*
15 *ney in lieu of the secretary, or the secretary's designee. If such*
16 *agreement is made, the county or district attorney shall carry out*
17 *all duties as otherwise provided by this subsection conferred on*
18 *the secretary or the secretary's designee. A copy of such agree-*
19 *ment shall be provided to the director of such area office of the*
20 *department of social and rehabilitation services and to the school*
21 *districts affected by the agreement.*

22 **(b) Whenever a child is required by law to attend school, and**
23 **the board of education of the school district in which the child resides**
24 **has knowledge that the child is not enrolled in a public or nonpublic**
25 **school, the child shall be considered to be not attending school as**
26 **required by law and a report thereof shall be made in accordance**
27 **with the provisions of subsection (a) by a designated employee of**
28 **the board of education of the school district in which the child**
29 **resides. The provisions of this subsection are subject to the pro-**
30 **visions of subsection (d).**

31 **(c)(1) Whenever a child is required by law to attend school and**
32 **is enrolled in school, and the child is inexcusably absent therefrom**
33 **on either three consecutive school days or five school days in any**
34 **semester or seven school days in any school year, whichever of the**
35 **foregoing occurs first, the child shall be considered to be not at-**
36 **tending school as required by law. A child is inexcusably absent**
37 **from school if the child is absent therefrom all or a significant part**
38 **of a school day without a valid excuse acceptable to the school**
39 **employee designed by the board of education to have responsibility**
40 **for the school attendance of such child.**

41 **(2) Each board of education shall adopt rules for determination**
42 **of valid excuse for absence from school and for determination of**
43 **what shall constitute a "significant part of a school day" for the**

1 **purpose of this section.**

2 (3) Each board of education shall designate one or more em-
3 ployees, who shall each be responsible for determining the ac-
4 ceptability and validity of offered excuses for absence from school
5 of specified children, so that a designee is responsible for making
6 such determination for each child enrolled in school.

7 (4) Whenever a determination is made in accordance with the
8 provisions of this subsection that a child is not attending school as
9 required by law, the designated employee who is responsible for
10 such determination shall make a report thereof in accordance with
11 the provisions of subsection (a).

12 (5) The provisions of this subsection are subject to the provisions
13 of subsection (d).

14 (d)(1) Prior to making any report under this section that a child
15 is not attending school as required by law, the designated em-
16 ployee of the board of education shall serve written notice thereof,
17 by personal delivery or by first class mail, upon a parent or person
18 acting as parent of the child. The notice shall inform the parent or
19 person acting as parent that continued failure of the child to attend
20 school without a valid excuse will result in a report being made to
21 the secretary of social and rehabilitation services or to the county
22 or district attorney. Upon failure, on the school day next succeed-
23 ing personal delivery of the notice or within three school days after
24 the notice was mailed, of attendance at school by the child or of
25 an acceptable response, as determined by the designated em-
26 ployee, to the notice by a parent or person acting as parent of the
27 child, the designated employee shall make a report thereof in ac-
28 cordance with the provisions of subsection (a). The designated em-
29 ployee shall submit with the report a certificate verifying the man-
30 ner in which notice was provided to the parent or person acting as
31 parent.

32 (2) Whenever a law enforcement officer assumes temporary cus-
33 tody of a child who is found away from home or school without a
34 valid excuse during the hours school is actually in session, and the
35 law enforcement officer delivers the child to the school in which
36 the child is enrolled or to a location designated by the school in
37 which the child is enrolled to address truancy issues, the desig-
38 nated employee of the board of education shall serve notice therof
39 upon a parent or person acting as parent of the child that the child
40 was absent from school without a valid excuse and was delivered
41 to school by a law enforcement officer.

42 (e) Whenever the secretary of social and rehabilitation services
43 receives a report required under this section, the secretary shall

1 investigate the matter. If, during the investigation, the secretary
2 determines that the reported child is not attending school as re-
3 quired by law, the secretary shall institute proceedings under the
4 code for care of children. If, during the investigation, the secretary
5 determines that a criminal prosecution should be considered, the
6 secretary shall make a report of the case to the appropriate law
7 enforcement agency.

8 (f) Whenever a county or district attorney receives a report re-
9 quired under this section, the county or district attorney shall in-
10 vestigate the matter. If, during the investigation, the county or
11 district attorney determines that the reported child is not attend-
12 ing school as required by law, the county or district attorney shall
13 prepare and file a petition alleging that the child is a child in need
14 of care. If, during the investigation, the county or district attorney
15 determines that a criminal prosecution is necessary, the county or
16 district attorney shall commence such action.

17 (g) As used in this section, “board of education” means the board
18 of education of a school district or the governing authority of a
19 nonpublic school. The provisions of this act shall apply to both
20 public and nonpublic schools.”;

21 **Sec. 15. K.S.A. 46-1208a and 72-1106 and K.S.A. 2000 Supp. 72-**
22 **1113 and 72-6407 are hereby repealed.**

23 **Sec. ~~3~~ 16.** This act shall take effect and be in force from and after
24 its publication in the statute book.

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