

HOUSE BILL No. 2985

By Committee on Education

2-15

AN ACT concerning school finance; relating to special education and related services for exceptional children; amending K.S.A. 72-6413 and K.S.A. 2001 Supp. 72-978 and 72-6407 and repealing the existing sections.

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

New Section 1. (a) There is hereby established a special education budget committee. Members of the committee shall be appointed by the state board of education. Members of the committee shall be school board members, superintendents and special education directors.

(b) The special education budget committee shall:

(1) Monitor the effects of the revisions by this act to the program weighting for the enrollment of exceptional children;

(2) review the funding resources for special education; and

(3) review and make recommendations regarding categories of disabilities that qualify for an exceptional child.

(c) Members of the special education budget committee attending meetings of such committee, or attending a subcommittee meeting thereof authorized by the state board, shall be paid subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223, and amendments thereto.

(d) The state board shall call the members of the committee to meet at least once each year, at which meeting the committee shall organize by electing a chairperson and a vice-chairperson. The person in the department specified to be the principal administrator of special education and related services shall be the secretary of the committee. The committee shall meet upon the call of the chairperson or upon the call of the state board as often as may be necessary at times and places designated by the chairperson or by the state board in order to fulfill the duties prescribed under the provisions of this section.

Sec. 2. K.S.A. 2001 Supp. 72-978 is hereby amended to read as follows: 72-978. (a) ~~(1)~~ In each school year, in accordance with appropriations for special education and related services provided under this act, each school district which has provided special education and related services in compliance with the provisions of this act shall be entitled to

1 receive:

2 ~~(A)~~ (1) Reimbursement for actual travel allowances paid to special
3 teachers at not to exceed the rate specified under K.S.A. 75-3203, and
4 amendments thereto, for each mile actually traveled during the school
5 year in connection with duties in providing special education or related
6 services for exceptional children; such reimbursement shall be computed
7 by the state board by ascertaining the actual travel allowances paid to
8 special teachers by the school district for the school year and shall be in
9 an amount equal to 80% of such actual travel allowances;

10 ~~(B)~~ (2) reimbursement in an amount equal to 80% of the actual travel
11 expenses incurred for providing transportation for exceptional children to
12 special education or related services; such reimbursement shall not be
13 paid if such child has been counted in determining the transportation
14 weighting of the district under the provisions of the school district finance
15 and quality performance act;

16 ~~(C)~~ (3) reimbursement in an amount equal to 80% of the actual ex-
17 penses incurred for the maintenance of an exceptional child at some place
18 other than the residence of such child for the purpose of providing special
19 education or related services; such reimbursement shall not exceed \$600
20 per exceptional child per school year; and

21 ~~(D) after subtracting the amounts of reimbursement under (A), (B)~~
22 ~~and (C) from the total amount appropriated for special education and~~
23 ~~related services under this act, an amount which bears the same propor-~~
24 ~~tion to the remaining amount appropriated as the number of full-time~~
25 ~~equivalent special teachers who are qualified to provide special education~~
26 ~~or related services to exceptional children and are employed by the school~~
27 ~~district for approved special education or related services bears to the~~
28 ~~total number of such qualified full-time equivalent special teachers em-~~
29 ~~ployed by all school districts for approved special education or related~~
30 ~~services.~~

31 ~~—(2) Each special teacher who is qualified to assist in the provision of~~
32 ~~special education or related services to exceptional children shall be~~
33 ~~counted as $\frac{2}{3}$ full-time equivalent special teacher who is qualified to pro-~~
34 ~~vide special education or related services to exceptional children.~~

35 (b) No time spent by a special teacher in connection with duties
36 performed under a contract entered into by the Atchison juvenile cor-
37 rectional facility, the Beloit juvenile correctional facility, the Larned ju-
38 venile correctional facility, or the Topeka juvenile correctional facility and
39 a school district for the provision of special education services by such
40 state institution shall be counted in making computations under this
41 section.

42 Sec. 3. K.S.A. 2001 Supp. 72-6407 is hereby amended to read as
43 follows: 72-6407. (a) "Pupil" means any person who is regularly enrolled

1 in a district and attending kindergarten or any of the grades one through
2 12 maintained by the district or who is regularly enrolled in a district and
3 attending kindergarten or any of the grades one through 12 in another
4 district in accordance with an agreement entered into under authority of
5 K.S.A. 72-8233, and amendments thereto, or who is regularly enrolled in
6 a district and attending special education services provided for preschool-
7 aged exceptional children by the district. Except as otherwise provided
8 in this subsection, a pupil in attendance full time shall be counted as one
9 pupil. A pupil in attendance part time shall be counted as that proportion
10 of one pupil (to the nearest $\frac{1}{10}$) that the pupil's attendance bears to full-
11 time attendance. A pupil attending kindergarten shall be counted as $\frac{1}{2}$
12 pupil. A pupil enrolled in and attending an institution of postsecondary
13 education which is authorized under the laws of this state to award aca-
14 demic degrees shall be counted as one pupil if the pupil's postsecondary
15 education enrollment and attendance together with the pupil's attend-
16 ance in either of the grades 11 or 12 is at least $\frac{5}{6}$ time, otherwise the
17 pupil shall be counted as that proportion of one pupil (to the nearest $\frac{1}{10}$)
18 that the total time of the pupil's postsecondary education attendance and
19 attendance in grade 11 or 12, as applicable, bears to full-time attendance.
20 A pupil enrolled in and attending an area vocational school, area voca-
21 tional-technical school or approved vocational education program shall be
22 counted as one pupil if the pupil's vocational education enrollment and
23 attendance together with the pupil's attendance in any of grades nine
24 through 12 is at least $\frac{5}{6}$ time, otherwise the pupil shall be counted as that
25 proportion of one pupil (to the nearest $\frac{1}{10}$) that the total time of the
26 pupil's vocational education attendance and attendance in any of grades
27 nine through 12 bears to full-time attendance. A pupil enrolled in a dis-
28 trict and attending special education and related services, except special
29 education and related services for preschool-aged exceptional children *or*
30 *for exceptional infants or toddlers*, provided for by the district shall be
31 counted as one pupil. A pupil enrolled in a district and attending special
32 education and related services for preschool-aged exceptional children
33 provided for by the district shall be counted as $\frac{1}{2}$ pupil. *A pupil enrolled*
34 *in a district and attending special education and related services for ex-*
35 *ceptional infants or toddlers provided for by the district shall not be*
36 *counted, but shall be included in enrollment of the district for the purpose*
37 *of determining assignment of program weighting on the basis of costs*
38 *attributable to the provision of special education and related services.* A
39 preschool-aged at-risk pupil enrolled in a district and receiving services
40 under an approved at-risk pupil assistance plan maintained by the district
41 shall be counted as $\frac{1}{2}$ pupil. A pupil in the custody of the secretary of
42 social and rehabilitation services and enrolled in unified school district
43 No. 259, Sedgwick county, Kansas, but housed, maintained, and receiving

1 educational services at the Judge James V. Riddel Boys Ranch, shall be
2 counted as two pupils. A pupil residing at the Flint Hills job corps center
3 shall not be counted. A pupil confined in and receiving educational serv-
4 ices provided for by a district at a juvenile detention facility shall not be
5 counted. A pupil enrolled in a district but housed, maintained, and re-
6 ceiving educational services at a state institution shall not be counted.

7 (b) “Preschool-aged exceptional children” means exceptional chil-
8 dren, except gifted children, who have attained the age of three years but
9 are under the age of eligibility for attendance at kindergarten.

10 (c) “*Exceptional infants or toddlers*” means exceptional children who
11 have not attained the age of three years.

12 ~~(d)~~ (d) “At-risk pupils” means pupils who are eligible for free meals
13 under the national school lunch act and who are enrolled in a district
14 which maintains an approved at-risk pupil assistance plan.

15 ~~(e)~~ (e) “Preschool-aged at-risk pupil” means an at-risk pupil who has
16 attained the age of four years, is under the age of eligibility for attendance
17 at kindergarten, and has been selected by the state board in accordance
18 with guidelines consonant with guidelines governing the selection of pu-
19 pils for participation in head start programs. The state board shall select
20 not more than ~~3,756 preschool-aged at-risk pupils to be counted in the~~
21 ~~2001-02 school year and not more than 5,500 preschool-aged at-risk pu-~~
22 ~~pils to be counted in any school year thereafter.~~

23 ~~(f)~~ (f) “Enrollment” means, for districts scheduling the school days
24 or school hours of the school term on a trimestral or quarterly basis, the
25 number of pupils regularly enrolled in the district on September 20 plus
26 the number of pupils regularly enrolled in the district on February 20
27 less the number of pupils regularly enrolled on February 20 who were
28 counted in the enrollment of the district on September 20; and for dist-
29 ricts not hereinbefore specified, the number of pupils regularly enrolled
30 in the district on September 20. Notwithstanding the foregoing, if en-
31 rollment in a district in any school year has decreased from enrollment
32 in the preceding school year, enrollment of the district in the current
33 school year means whichever is the greater of (1) enrollment in the pre-
34 ceeding school year minus enrollment in such school year of preschool-
35 aged at-risk pupils, if any such pupils were enrolled, plus enrollment in
36 the current school year of preschool-aged at-risk pupils, if any such pupils
37 are enrolled, or (2) the sum of enrollment in the current school year of
38 preschool-aged at-risk pupils, if any such pupils are enrolled and the av-
39 erage (mean) of the sum of (A) enrollment of the district in the current
40 school year minus enrollment in such school year of preschool-aged at-
41 risk pupils, if any such pupils are enrolled and (B) enrollment in the
42 preceding school year minus enrollment in such school year of preschool-
43 aged at-risk pupils, if any such pupils were enrolled and (C) enrollment

1 in the school year next preceding the preceding school year minus en-
2 rollment in such school year of preschool-aged at-risk pupils, if any such
3 pupils were enrolled.

4 ~~(f)~~ (g) “Adjusted enrollment” means enrollment adjusted by adding
5 at-risk pupil weighting, program weighting, low enrollment weighting, if
6 any, correlation weighting, if any, school facilities weighting, if any, an-
7 cillary school facilities weighting, if any, special education and related
8 services weighting, and transportation weighting to enrollment.

9 ~~(g)~~ (h) “At-risk pupil weighting” means an addend component as-
10 signed to enrollment of districts on the basis of enrollment of at-risk
11 pupils.

12 ~~(h)~~ (i) “Program weighting” means an addend component assigned
13 to enrollment of districts on the basis of pupil attendance in educational
14 programs which differ in cost from regular educational programs.

15 ~~(i)~~ (j) “Low enrollment weighting” means an addend component as-
16 signed to enrollment of districts having under 1,725 enrollment on the
17 basis of costs attributable to maintenance of educational programs by such
18 districts in comparison with costs attributable to maintenance of educa-
19 tional programs by districts having 1,725 or over enrollment.

20 ~~(j)~~ (k) “School facilities weighting” means an addend component as-
21 signed to enrollment of districts on the basis of costs attributable to com-
22 mencing operation of new school facilities. School facilities weighting may
23 be assigned to enrollment of a district only if the district has adopted a
24 local option budget and budgeted therein the total amount authorized for
25 the school year. School facilities weighting may be assigned to enrollment
26 of the district only in the school year in which operation of a new school
27 facility is commenced and in the next succeeding school year.

28 ~~(k)~~ (l) “Transportation weighting” means an addend component as-
29 signed to enrollment of districts on the basis of costs attributable to the
30 provision or furnishing of transportation.

31 ~~(l)~~ (m) “Correlation weighting” means an addend component as-
32 signed to enrollment of districts having 1,725 or over enrollment on the
33 basis of costs attributable to maintenance of educational programs by such
34 districts as a correlate to low enrollment weighting assigned to enrollment
35 of districts having under 1,725 enrollment.

36 ~~(m)~~ (n) “Ancillary school facilities weighting” means an addend com-
37 ponent assigned to enrollment of districts to which the provisions of
38 K.S.A. 2001 Supp. 72-6441, and amendments thereto, apply on the basis
39 of costs attributable to commencing operation of new school facilities.
40 Ancillary school facilities weighting may be assigned to enrollment of a
41 district only if the district has levied a tax under authority of K.S.A. 2001
42 Supp. 72-6441, and amendments thereto, and remitted the proceeds from
43 such tax to the state treasurer. Ancillary school facilities weighting is in

1 addition to assignment of school facilities weighting to enrollment of any
2 district eligible for such weighting.

3 ~~(n)~~ (o) “Juvenile detention facility” means any community juvenile
4 corrections center or facility, the Forbes Juvenile Attention Facility, the
5 Sappa Valley Youth Ranch of Oberlin, Salvation Army/Koch Center Youth
6 Services, the Clarence M. Kelley Youth Center, the Clarence M. Kelley
7 Transitional Living Center, Trego County Secure Care Center, St. Francis
8 Academy at Atchison, St. Francis Academy at Ellsworth, St. Francis
9 Academy at Salina, St. Francis Center at Salina, King’s Achievement Cen-
10 ter, and Liberty Juvenile Services and Treatment.

11 ~~(o)~~ (p) “Special education and related services weighting” means an
12 addend component assigned to enrollment of districts on the basis of costs
13 attributable to provision of special education and related services for pu-
14 pils determined to be exceptional children.

15 Sec. 4. K.S.A. 72-6413 is hereby amended to read as follows: 72-
16 6413. The program weighting of each district shall be determined by the
17 state board as follows:

18 (a) Compute full time equivalent enrollment in programs of bilingual
19 education and multiply the computed enrollment by 0.2;

20 (b) compute full time equivalent enrollment in approved vocational
21 education programs and multiply the computed enrollment by 0.5;

22 (c) *compute full time equivalent enrollment of exceptional children*
23 *with severe disabilities in special education and related services provided*
24 *in compliance with the special education for exceptional children act and*
25 *multiply the computed enrollment by 3.7;*

26 (d) *compute full time equivalent enrollment of exceptional children,*
27 *other than exceptional children with severe disabilities, in special educa-*
28 *tion and related services provided in compliance with the special educa-*
29 *tion for exceptional children act and multiply the computed enrollment*
30 *by 0.9;*

31 ~~(e)~~ (e) add the products obtained under *subsections (a) and (b), (b),*
32 *(c) and (d).* The sum is the program weighting of the district.

33 ~~(d) The provisions of this section shall take effect and be in force~~
34 ~~from and after July 1, 1992.~~

35 Sec. 5. K.S.A. 72-6413 and K.S.A. 2001 Supp. 72-978 and 72-6407
36 are hereby repealed.

37 Sec. 6. This act shall take effect and be in force from and after its
38 publication in the statute book.

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