

SENATE BILL No. 591

By Senator Brownlee

2-13

AN ACT concerning school finance; relating to certain weightings and base state aid per pupil; amending K.S.A. 72-6405, 72-6427 and 72-6428 and K.S.A. 2001 Supp. 72-6407, 72-6409 and 72-6410 and repealing the existing sections; also repealing K.S.A. 72-6411 and 72-6413 and K.S.A. 2001 Supp. 72-6414.

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

Section 1. K.S.A. 72-6405 is hereby amended to read as follows: 72-6405. ~~(a) K.S.A. 72-6405 through 72-6440 and K.S.A. 2001 Supp. 72-6441 through 72-6446,~~ and amendments thereto, shall be known and may be cited as the school district finance and quality performance act.

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

Sec. 2. K.S.A. 2001 Supp. 72-6407 is hereby amended to read as follows: 72-6407. (a) "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. Except as otherwise provided in 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 voca-

1 tional-technical school or approved vocational education program shall be
2 counted as one pupil if the pupil's vocational education enrollment and
3 attendance together with the pupil's attendance in any of grades nine
4 through 12 is at least $\frac{5}{6}$ time, otherwise the pupil shall be counted as that
5 proportion of one pupil (to the nearest $\frac{1}{10}$) that the total time of the
6 pupil's vocational education attendance and attendance in any of grades
7 nine through 12 bears to full-time attendance. A pupil enrolled in a dis-
8 trict and attending special education and related services, except special
9 education and related services for preschool-aged exceptional children,
10 provided for by the district shall be counted as one pupil. A pupil enrolled
11 in a district and attending special education and related services for pre-
12 school-aged exceptional children provided for by the district shall be
13 counted as $\frac{1}{2}$ pupil. A preschool-aged at-risk pupil enrolled in a district
14 and receiving services under an approved at-risk pupil assistance plan
15 maintained by the district shall be counted as $\frac{1}{2}$ pupil. A pupil in the
16 custody of the secretary of social and rehabilitation services and enrolled
17 in unified school district No. 259, Sedgwick county, Kansas, but housed,
18 maintained, and receiving educational services at the Judge James V. Rid-
19 del Boys Ranch, shall be counted as two pupils. A pupil residing at the
20 Flint Hills job corps center shall not be counted. A pupil confined in and
21 receiving educational services provided for by a district at a juvenile de-
22 tention facility shall not be counted. A pupil enrolled in a district but
23 housed, maintained, and receiving educational services at a state institu-
24 tion shall not be counted.

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

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

31 (d) "Preschool-aged at-risk pupil" means an at-risk pupil who has
32 attained the age of four years, is under the age of eligibility for attendance
33 at kindergarten, and has been selected by the state board in accordance
34 with guidelines consonant with guidelines governing the selection of pu-
35 pils for participation in head start programs. The state board shall select
36 not more than 3,756 preschool-aged at-risk pupils to be counted in the
37 2001-02 school year and not more than 5,500 preschool-aged at-risk pu-
38 pils to be counted in any school year thereafter.

39 (e) "Enrollment" means, for districts scheduling the school days or
40 school hours of the school term on a trimestral or quarterly basis, the
41 number of pupils regularly enrolled in the district on September 20 plus
42 the number of pupils regularly enrolled in the district on February 20
43 less the number of pupils regularly enrolled on February 20 who were

1 counted in the enrollment of the district on September 20; and for dis-
2 tricts not hereinbefore specified, the number of pupils regularly enrolled
3 in the district on September 20. Notwithstanding the foregoing, if en-
4 rollment in a district in any school year has decreased from enrollment
5 in the preceding school year, enrollment of the district in the current
6 school year means whichever is the greater of (1) enrollment in the pre-
7 ceding school year minus enrollment in such school year of preschool-
8 aged at-risk pupils, if any such pupils were enrolled, plus enrollment in
9 the current school year of preschool-aged at-risk pupils, if any such pupils
10 are enrolled, or (2) the sum of enrollment in the current school year of
11 preschool-aged at-risk pupils, if any such pupils are enrolled and the av-
12 erage (mean) of the sum of (A) enrollment of the district in the current
13 school year minus enrollment in such school year of preschool-aged at-
14 risk pupils, if any such pupils are enrolled and (B) enrollment in the
15 preceding school year minus enrollment in such school year of preschool-
16 aged at-risk pupils, if any such pupils were enrolled and (C) enrollment
17 in the school year next preceding the preceding school year minus en-
18 rollment in such school year of preschool-aged at-risk pupils, if any such
19 pupils were enrolled.

20 (f) “Adjusted enrollment” means enrollment adjusted by adding ~~at-~~
21 ~~risk pupil weighting, program weighting,~~ low enrollment weighting, if any,
22 correlation weighting, if any, school facilities weighting, if any, ancillary
23 school facilities weighting, if any, special education and related services
24 weighting, ~~and transportation weighting~~ to enrollment.

25 (g) ~~“At risk pupil weighting” means an addend component assigned~~
26 ~~to enrollment of districts on the basis of enrollment of at-risk pupils.~~

27 ~~—(h) “Program weighting” means an addend component assigned to~~
28 ~~enrollment of districts on the basis of pupil attendance in educational~~
29 ~~programs which differ in cost from regular educational programs.~~

30 ~~(i) (g)~~ “Low enrollment weighting” means an addend component as-
31 signed to enrollment of districts having under 1,725 enrollment on the
32 basis of costs attributable to maintenance of educational programs by such
33 districts in comparison with costs attributable to maintenance of educa-
34 tional programs by districts having 1,725 or over enrollment.

35 ~~(j) (h)~~ “School facilities weighting” means an addend component as-
36 signed to enrollment of districts on the basis of costs attributable to com-
37 mencing operation of new school facilities. School facilities weighting may
38 be assigned to enrollment of a district only if the district has adopted a
39 local option budget and budgeted therein the total amount authorized for
40 the school year. School facilities weighting may be assigned to enrollment
41 of the district only in the school year in which operation of a new school
42 facility is commenced and in the next succeeding school year.

43 ~~(k) “Transportation weighting” means an addend component as-~~

1 ~~signed to enrollment of districts on the basis of costs attributable to the~~
2 ~~provision or furnishing of transportation.~~

3 ~~(i)~~ (i) “Correlation weighting” means an addend component assigned
4 to enrollment of districts having 1,725 or over enrollment on the basis of
5 costs attributable to maintenance of educational programs by such dis-
6 tricts as a correlate to low enrollment weighting assigned to enrollment
7 of districts having under 1,725 enrollment.

8 ~~(j)~~ (j) “Ancillary school facilities weighting” means an addend com-
9 ponent assigned to enrollment of districts to which the provisions of
10 K.S.A. 2001 Supp. 72-6441, and amendments thereto, apply on the basis
11 of costs attributable to commencing operation of new school facilities.
12 Ancillary school facilities weighting may be assigned to enrollment of a
13 district only if the district has levied a tax under authority of K.S.A. 2001
14 Supp. 72-6441, and amendments thereto, and remitted the proceeds from
15 such tax to the state treasurer. Ancillary school facilities weighting is in
16 addition to assignment of school facilities weighting to enrollment of any
17 district eligible for such weighting.

18 ~~(k)~~ (k) “Juvenile detention facility” means any community juvenile
19 corrections center or facility, the Forbes Juvenile Attention Facility, the
20 Sappa Valley Youth Ranch of Oberlin, Salvation Army/Koch Center Youth
21 Services, the Clarence M. Kelley Youth Center, the Clarence M. Kelley
22 Transitional Living Center, Trego County Secure Care Center, St. Fran-
23 cis Academy at Atchison, St. Francis Academy at Ellsworth, St. Francis
24 Academy at Salina, St. Francis Center at Salina, King’s Achievement Cen-
25 ter, and Liberty Juvenile Services and Treatment.

26 ~~(l)~~ (l) “Special education and related services weighting” means an
27 addend component assigned to enrollment of districts on the basis of costs
28 attributable to provision of special education and related services for pu-
29 pils determined to be exceptional children.

30 Sec. 3. K.S.A. 2001 Supp. 72-6409 is hereby amended to read as
31 follows: 72-6409. (a) “General fund” means the fund of a district from
32 which operating expenses are paid and in which is deposited the proceeds
33 from the tax levied under K.S.A. 72-6431, and amendments thereto, all
34 amounts of general state aid under this act, payments under K.S.A. 72-
35 7105a, and amendments thereto, payments of federal funds made avail-
36 able under the provisions of title I of public law 874, except amounts
37 received for assistance in cases of major disaster and amounts received
38 under the low-rent housing program, and such other moneys as are pro-
39 vided by law.

40 (b) “Operating expenses” means the total expenditures and lawful
41 transfers from the general fund of a district during a school year for all
42 purposes, except expenditures for the purposes specified in K.S.A. 72-
43 6430, and amendments thereto.

1 (c) “General fund budget” means the amount budgeted for operating
2 expenses in the general fund of a district.

3 (d) “Budget per pupil” means the general fund budget of a district
4 divided by the enrollment of the district.

5 ~~(e) “Program weighted fund” means and includes the following funds
6 of a district: Transportation fund, vocational education fund, and bilingual
7 education fund.~~

8 ~~(f)~~ (e) “Categorical fund” means and includes the following funds of
9 a district: Special education fund, food service fund, driver training fund,
10 adult education fund, adult supplementary education fund, area voca-
11 tional school fund, inservice education fund, parent education program
12 fund, summer program fund, extraordinary school program fund, *bilin-*
13 *gual education fund, vocational education fund, technology education*
14 *fund, transportation fund* and educational excellence grant program fund.

15 Sec. 4. K.S.A. 2001 Supp. 72-6410 is hereby amended to read as
16 follows: 72-6410. (a) “State financial aid” means an amount equal to the
17 product obtained by multiplying base state aid per pupil by the adjusted
18 enrollment of a district.

19 (b) “Base state aid per pupil” means an amount of state financial aid
20 per pupil. Subject to the other provisions of this subsection, the amount
21 of base state aid per pupil is ~~\$3,870~~ \$4,140. The amount of base state aid
22 per pupil is subject to reduction commensurate with any reduction under
23 K.S.A. 75-6704, and amendments thereto, in the amount of the appro-
24 priation from the state general fund for general state aid. If the amount
25 of appropriations for general state aid is insufficient to pay in full the
26 amount each district is entitled to receive for any school year, the amount
27 of base state aid per pupil for such school year is subject to reduction
28 commensurate with the amount of the insufficiency.

29 (c) “Local effort” means the sum of an amount equal to the proceeds
30 from the tax levied under authority of K.S.A. 72-6431, and amendments
31 thereto, and an amount equal to any unexpended and unencumbered
32 balance remaining in the general fund of the district, except amounts
33 received by the district and authorized to be expended for the purposes
34 specified in K.S.A. 72-6430, and amendments thereto, ~~and an amount~~
35 ~~equal to any unexpended and unencumbered balances remaining in the~~
36 ~~program weighted funds of the district, except any amount in the voca-~~
37 ~~tional education fund of the district if the district is operating an area~~
38 ~~vocational school, and an amount equal to any remaining proceeds from~~
39 taxes levied under authority of K.S.A. 72-7056 and 72-7072, and amend-
40 ments thereto, prior to the repeal of such statutory sections, and an
41 amount equal to the amount deposited in the general fund in the current
42 school year from amounts received in such year by the district under the
43 provisions of subsection (a) of K.S.A. 72-1046a, and amendments thereto,

1 and an amount equal to the amount deposited in the general fund in the
2 current school year from amounts received in such year by the district
3 pursuant to contracts made and entered into under authority of K.S.A.
4 72-6757, and amendments thereto, and an amount equal to the amount
5 credited to the general fund in the current school year from amounts
6 distributed in such year to the district under the provisions of articles 17
7 and 34 of chapter 12 of Kansas Statutes Annotated and under the pro-
8 visions of articles 42 and 51 of chapter 79 of Kansas Statutes Annotated,
9 and an amount equal to the amount of payments received by the district
10 under the provisions of K.S.A. 72-979, and amendments thereto, and an
11 amount equal to the amount of a grant, if any, received by the district
12 under the provisions of K.S.A. 2001 Supp. 72-983, and amendments
13 thereto, and an amount equal to 75% of the federal impact aid of the
14 district.

15 (d) "Federal impact aid" means an amount equal to the federally
16 qualified percentage of the amount of moneys a district receives in the
17 current school year under the provisions of title I of public law 874 and
18 congressional appropriations therefor, excluding amounts received for as-
19 sistance in cases of major disaster and amounts received under the low-
20 rent housing program. The amount of federal impact aid defined herein
21 as an amount equal to the federally qualified percentage of the amount
22 of moneys provided for the district under title I of public law 874 shall
23 be determined by the state board in accordance with terms and conditions
24 imposed under the provisions of the public law and rules and regulations
25 thereunder.

26 Sec. 5. K.S.A. 72-6427 is hereby amended to read as follows: 72-
27 6427. (a) Except as otherwise provided in this section, any revenues of a
28 district, not required by law to be deposited in or credited to a specific
29 fund, shall be deposited in or credited to ~~any program weighted fund or~~
30 any categorical fund of the district or to the capital outlay fund of the
31 district.

32 (b) At the discretion of the board of any district, revenues earned
33 from the investment of an activity fund of the district in accordance with
34 the provisions of K.S.A. 12-1675, and amendments thereto, may be de-
35 posited in or credited to such activity fund.

36 (c) (1) At the discretion of the board of any district and subject to
37 provision (2), any revenues specified in subsections (a) and (b) may be
38 deposited in or credited to the general fund of the district in any school
39 year for which the allotment system authorized under K.S.A. 75-3722,
40 and amendments thereto, has been inaugurated and applied to appro-
41 priations made for general state aid or in any school year for which any
42 portion of the appropriations made for general state aid are lapsed by act
43 of the legislature.

1 (2) In no event may the amount of revenues deposited in or credited
2 to the general fund of the district under authority of provision (1) exceed
3 an amount equal to the amount of the reduction in general state aid
4 entitlement of the district determined by the state board to be the result
5 of application of the allotment system to the appropriations made for
6 general state aid or of the lapse of any portion thereof by act of the
7 legislature.

8 (d) At the discretion of the board of any district, revenues received
9 by the district from the federal government as the district's share of the
10 proceeds derived from sale by the federal government of its rights to oil,
11 gas and other minerals located beneath the surface of lands within the
12 district's boundaries may be deposited in the bond and interest fund of
13 the district and used for the purposes of such fund. If at any time all
14 indebtedness and obligations of such fund have been fully paid and can-
15 celed, the revenues authorized by this subsection to be deposited in such
16 fund shall be disposed of as provided in subsection (a).

17 (e) To the extent that K.S.A. 72-1623, 72-8804 and 79-2958, and
18 amendments to such sections, conflict with this section, this section shall
19 control.

20 ~~(f) The provisions of this section shall take effect and be in force from
21 and after July 1, 1992.~~

22 Sec. 6. K.S.A. 72-6428 is hereby amended to read as follows: 72-
23 6428. (a) Any lawful transfer of moneys from the general fund of a district
24 to any other fund shall be an operating expense in the year the transfer
25 is made. The board of any district may transfer moneys from the general
26 fund to any categorical fund of the district in any school year. ~~The board
27 of any district may transfer moneys from the general fund to any program
28 weighted fund of the district in any school year, subject to the following
29 conditions:~~

30 ~~—(1) No board shall transfer moneys in any amount from the general
31 fund to a program weighted fund prior to maturation of the obligation of
32 the fund necessitating the transfer.~~

33 ~~—(2) The board may transfer moneys in an amount not to exceed the
34 amount of the obligation of the program weighted fund necessitating the
35 transfer.~~

36 ~~—(b) The board of any district may transfer moneys from the general
37 fund to the technology education fund of the district in any school year,
38 subject to the conditions imposed upon transferability of moneys from
39 the general fund to program weighted funds of the district.~~

40 ~~(c)~~ (b) The board of any district may transfer moneys from the general
41 fund to the contingency reserve fund of the district in any school year,
42 subject to the limitations imposed upon the amount authorized to be
43 maintained in the contingency reserve fund under K.S.A. 72-6426, and

1 amendments thereto.

2 ~~(c)~~ (c) The board of any district may transfer moneys from the general
3 fund to the capital outlay fund of the district in any school year, subject
4 to the following conditions:

5 (1) No board shall transfer moneys in any amount from the general
6 fund to the capital outlay fund prior to June 1 in any school year.

7 (2) The board of any of the districts with 10,000 or more enrollment
8 may transfer moneys in an amount not to exceed an amount equal to 1%
9 of the general fund budget.

10 (3) The board of any district, other than the districts with 10,000 or
11 more enrollment, may transfer moneys in an amount not to exceed an
12 amount equal to 2% of the general fund budget.

13 (4) No board shall transfer moneys in any amount from the general
14 fund to the capital outlay fund in any school year ~~commencing after June~~
15 ~~30, 1993~~, unless such board, in its adopted budget for such year, shall
16 have budgeted a capital outlay levy at (A) not less than a 3.5 mill rate or
17 (B) not less than the mill rate necessary to produce the same amount of
18 money that would have been produced by a 3.5 mill rate in the 1988-89
19 school year, whichever of (A) or (B) is the greater mill rate.

20 ~~(e)~~ (d) Any district may make capital outlay expenditures from the
21 general fund for acquisition of equipment and repair of school buildings.

22 ~~(f) The provisions of this section shall take effect and be in force from~~
23 ~~and after July 1, 1992.~~

24 New Sec. 7. School districts shall continue to provide, as otherwise
25 required by law, and nothing in this act shall be construed as eliminating
26 or affecting school districts' duties to provide, as otherwise required by
27 law, services for transportation, bilingual education, vocational education
28 and at-risk pupils.

29 Sec. 8. K.S.A. 72-6405, 72-6411, 72-6413, 72-6427 and 72-6428 and
30 K.S.A. 2001 Supp. 72-6407, 72-6409, 72-6410 and 72-6414 are hereby
31 repealed.

32 Sec. 9. This act shall take effect and be in force from and after its
33 publication in the statute book.

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