

## HOUSE BILL No. 2194

By Representative Mason

2-5

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AN ACT concerning school districts; disallowing the counting of certain pupils for purposes of computations under the school district finance and quality performance act; entering into reciprocal agreements; amending K.S.A. 72-1046a, 72-6407 and 72-6757 and repealing the existing sections; also repealing K.S.A. 72-6407a.

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

New Section. 1. The state board of education may enter into and implement reciprocal agreements with the boards or agencies having control and supervision over local education located in other states. Such agreements shall provide that residents of the state of Kansas may be admitted to education institutions located in other states, such institutions being under the control of the contracting parties, for the purpose of pursuing elementary or secondary education and that residents of such other states may be admitted to education institutions under the control of the state board to pursue elementary or secondary education of such other contracting party or parties. The state board of education may be such other acts as may be necessary to carry out provisions of agreements entered into pursuant to this section. The state board of education shall attempt to have these agreements in place by July 1, 2006.

Sec. 2. K.S.A. 72-1046a is hereby amended to read as follows: 72-1046a. (a) The board of education of any school district is hereby authorized to permit pupils who are not residents of the school district to enroll in and attend the schools of the district. The board of education may permit such pupils to attend school without charge or, subject to the provisions of subsection (b), may charge such pupils for attendance at school to offset, totally or in part, the costs of providing for such attendance. Amounts received under this subsection by the board of education of a school district for enrollment and attendance of pupils at school in regular educational programs shall be deposited in the general fund of the school district.

(b) Pupils who are not residents of a school district and are attending the schools of the school district in accordance with the provisions of an agreement entered into under authority of K.S.A. 72-8233, and amendments thereto, shall not be charged for attendance at school. The costs

1 of providing for the attendance of such pupils at school shall be paid by  
2 the school district of residence of the pupils in accordance with the pro-  
3 visions of the agreement. *Amounts received under this subsection by the*  
4 *board of education of a school district for attendance of pupils at school*  
5 *in regular educational programs shall be deposited in the general fund of*  
6 *the school district.*

7 (c) *On and after July 1, 2006, pupils who do not meet any of the*  
8 *requirements of K.S.A. 72-1046, and amendments thereto, for school at-*  
9 *tendance in a school district located in this state shall not be counted for*  
10 *the purpose of computations under the school district finance and quality*  
11 *performance act unless such pupil is a part of a reciprocal agreement*  
12 *entered into pursuant to section 1, and amendments thereto.*

13 Sec. 3. K.S.A. 72-6757 is hereby amended to read as follows: 72-  
14 6757. (a) As used in this section:

15 (1) "Receiving school district" means a school district of nonresi-  
16 dence of a pupil who attends school in such school district.

17 (2) "Sending school district" means a school district of residence of  
18 a pupil who attends school in a school district not of the pupil's residence.

19 (b) The board of education of any school district may make and enter  
20 into contracts with the board of education of any receiving school district  
21 located in this state for the purpose of providing for the attendance of  
22 pupils at school in the receiving school district.

23 (c) The board of education of any school district may make and enter  
24 into contracts with the governing authority of any accredited school dis-  
25 trict located in another state for the purpose of providing for the attend-  
26 ance of pupils from this state at school in such other state or for the  
27 attendance of pupils from such other state at school in this state.

28 (d) *For the purpose of computations under the school district finance*  
29 *and quality performance act, on and after July 1, 2006, pupils attending*  
30 *school in a receiving school district in accordance with a contract author-*  
31 *ized by this section and shall not be counted as regularly enrolled in and*  
32 *attending school in the receiving school district unless such pupil is a part*  
33 *of a reciprocal agreement entered into pursuant to section 1, and amend-*  
34 *ments thereto. Pupils attending school in a receiving school district in*  
35 *accordance with a contract made and entered into by such receiving*  
36 *school district with a sending school district located in this state shall be*  
37 *counted as regularly enrolled in and attending school in the sending*  
38 *school district for the purpose of computations under the school district*  
39 *finance and quality performance act.*

40 (e) Any contract made and entered into under authority of this sec-  
41 tion is subject to the following conditions:

42 (1) The contract shall be for the benefit of pupils who reside at in-  
43 convenient or unreasonable distances from the schools maintained by the

1 sending school district or for pupils who, for any other reason deemed  
2 sufficient by the board of education of the sending school district, should  
3 attend school in a receiving school district;

4 (2) the contract shall make provision for the payment of tuition by  
5 the sending school district to the receiving school district;

6 (3) if a sending school district is located in this state and the receiving  
7 school district is located in another state, the amount of tuition provided  
8 to be paid for the attendance of a pupil or pupils at school in the receiving  
9 school district shall not exceed  $\frac{1}{2}$  of the amount of the budget per pupil  
10 of the sending school district under the school district finance and quality  
11 performance act for the current school year; and

12 (4) the contract shall make provision for transportation of pupils to  
13 and from the school attended on every school day.

14 (f) Amounts received pursuant to contracts made and entered into  
15 under authority of this section by a school district located in this state for  
16 enrollment and attendance of pupils at school in regular educational pro-  
17 grams shall be deposited in the general fund of the school district.

18 (g) The provisions of subsection (e)(3) do not apply to unified school  
19 district No. 104, Jewell county.

20 (h) The provisions of this section do not apply to contracts made and  
21 entered into under authority of the special education for exceptional chil-  
22 dren act.

23 (i) The provisions of this section are deemed to be alternative to the  
24 provisions of K.S.A. 72-8233, and amendments thereto, and no procedure  
25 or authorization under K.S.A. 72-8233, and amendments thereto, shall be  
26 limited by the provisions of this section.

27 Sec. 4. K.S.A. 72-6407 is hereby amended to read as follows: 72-  
28 6407. (a) "Pupil" means any person who is regularly enrolled in a district  
29 and attending kindergarten or any of the grades one through 12 main-  
30 tained by the district or who is regularly enrolled in a district and attend-  
31 ing kindergarten or any of the grades one through 12 in another district  
32 in accordance with an agreement entered into under authority of K.S.A.  
33 72-8233, and amendments thereto, or who is regularly enrolled in a dis-  
34 trict and attending special education services provided for preschool-aged  
35 exceptional children by the district. Except as otherwise provided in this  
36 subsection, a pupil in attendance full time shall be counted as one pupil.  
37 A pupil in attendance part time shall be counted as that proportion of  
38 one pupil (to the nearest  $\frac{1}{10}$ ) that the pupil's attendance bears to full-  
39 time attendance. A pupil attending kindergarten shall be counted as  $\frac{1}{2}$   
40 pupil. A pupil enrolled in and attending an institution of postsecondary  
41 education which is authorized under the laws of this state to award aca-  
42 demic degrees shall be counted as one pupil if the pupil's postsecondary  
43 education enrollment and attendance together with the pupil's attend-

1   ance in either of the grades 11 or 12 is at least  $\frac{5}{6}$  time, otherwise the  
2   pupil shall be counted as that proportion of one pupil (to the nearest  $\frac{1}{10}$ )  
3   that the total time of the pupil's postsecondary education attendance and  
4   attendance in grade 11 or 12, as applicable, bears to full-time attendance.  
5   A pupil enrolled in and attending an area vocational school, area voca-  
6   tional-technical school or approved vocational education program shall be  
7   counted as one pupil if the pupil's vocational education enrollment and  
8   attendance together with the pupil's attendance in any of grades nine  
9   through 12 is at least  $\frac{5}{6}$  time, otherwise the pupil shall be counted as that  
10   proportion of one pupil (to the nearest  $\frac{1}{10}$ ) that the total time of the  
11   pupil's vocational education attendance and attendance in any of grades  
12   nine through 12 bears to full-time attendance. A pupil enrolled in a dis-  
13   trict and attending special education and related services, except special  
14   education and related services for preschool-aged exceptional children,  
15   provided for by the district shall be counted as one pupil. A pupil enrolled  
16   in a district and attending special education and related services for pre-  
17   school-aged exceptional children provided for by the district shall be  
18   counted as  $\frac{1}{2}$  pupil. A preschool-aged at-risk pupil enrolled in a district  
19   and receiving services under an approved at-risk pupil assistance plan  
20   maintained by the district shall be counted as  $\frac{1}{2}$  pupil. A pupil in the  
21   custody of the secretary of social and rehabilitation services and enrolled  
22   in unified school district No. 259, Sedgwick county, Kansas, but housed,  
23   maintained, and receiving educational services at the Judge James V. Rid-  
24   del Boys Ranch, shall be counted as two pupils. A pupil residing at the  
25   Flint Hills job corps center shall not be counted. A pupil confined in and  
26   receiving educational services provided for by a district at a juvenile de-  
27   tention facility shall not be counted. A pupil enrolled in a district but  
28   housed, maintained, and receiving educational services at a state institu-  
29   tion shall not be counted. *On and after July 1, 2006, a pupil enrolled in*  
30   *a district, but not meeting any of the requirements of K.S.A. 72-1046, and*  
31   *amendments thereto, for school attendance in any district located in this*  
32   *state shall not be counted unless such pupil is a part of a reciprocal agree-*  
33   *ment entered into pursuant to section 1, and amendments thereto.*

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

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

40   (d) "Preschool-aged at-risk pupil" means an at-risk pupil who has  
41   attained the age of four years, is under the age of eligibility for attendance  
42   at kindergarten, and has been selected by the state board in accordance  
43   with guidelines consonant with guidelines governing the selection of pu-

1 pupils for participation in head start programs. The state board shall select  
2 not more than ~~3,756 preschool-aged at-risk pupils to be counted in the~~  
3 ~~2001-02 school year and not more than~~ 5,500 preschool-aged at-risk pu-  
4 pils to be counted in any school year thereafter.

5 (e) "Enrollment" means: (1) For districts scheduling the school days  
6 or school hours of the school term on a trimestral or quarterly basis, the  
7 number of pupils regularly enrolled in the district on September 20 plus  
8 the number of pupils regularly enrolled in the district on February 20  
9 less the number of pupils regularly enrolled on February 20 who were  
10 counted in the enrollment of the district on September 20; and for dis-  
11 tricts not specified in this clause (1), the number of pupils regularly en-  
12 rolled in the district on September 20; (2) if enrollment in a district in  
13 any school year has decreased from enrollment in the preceding school  
14 year, enrollment of the district in the current school year means which-  
15 ever is the greater of (A) enrollment in the preceding school year minus  
16 enrollment in such school year of preschool-aged at-risk pupils, if any  
17 such pupils were enrolled, plus enrollment in the current school year of  
18 preschool-aged at-risk pupils, if any such pupils are enrolled, or (B) the  
19 sum of enrollment in the current school year of preschool-aged at-risk  
20 pupils, if any such pupils are enrolled and the average (mean) of the sum  
21 of (i) enrollment of the district in the current school year minus enroll-  
22 ment in such school year of preschool-aged at-risk pupils, if any such  
23 pupils are enrolled and (ii) enrollment in the preceding school year minus  
24 enrollment in such school year of preschool-aged at-risk pupils, if any  
25 such pupils were enrolled and (iii) enrollment in the school year next  
26 preceding the preceding school year minus enrollment in such school year  
27 of preschool-aged at-risk pupils, if any such pupils were enrolled; or (3)  
28 the number of pupils as determined under K.S.A. 72-6447, and amend-  
29 ments thereto.

30 (f) "Adjusted enrollment" means enrollment adjusted by adding at-  
31 risk pupil weighting, program weighting, low enrollment weighting, if any,  
32 correlation weighting, if any, school facilities weighting, if any, ancillary  
33 school facilities weighting, if any, special education and related services  
34 weighting, and transportation weighting to enrollment.

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

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

40 (i) "Low enrollment weighting" means an addend component as-  
41 signed to enrollment of districts having under 1,725 enrollment on the  
42 basis of costs attributable to maintenance of educational programs by such  
43 districts in comparison with costs attributable to maintenance of educa-

1 tional programs by districts having 1,725 or over enrollment.

2 (j) "School facilities weighting" means an addend component as-  
3 signed to enrollment of districts on the basis of costs attributable to com-  
4 mencing operation of new school facilities. School facilities weighting may  
5 be assigned to enrollment of a district only if the district has adopted a  
6 local option budget and budgeted therein the total amount authorized for  
7 the school year. School facilities weighting may be assigned to enrollment  
8 of the district only in the school year in which operation of a new school  
9 facility is commenced and in the next succeeding school year.

10 (k) "Transportation weighting" means an addend component as-  
11 signed to enrollment of districts on the basis of costs attributable to the  
12 provision or furnishing of transportation.

13 (l) "Correlation weighting" means an addend component assigned to  
14 enrollment of districts having 1,725 or over enrollment on the basis of  
15 costs attributable to maintenance of educational programs by such dis-  
16 tricts as a correlate to low enrollment weighting assigned to enrollment  
17 of districts having under 1,725 enrollment.

18 (m) "Ancillary school facilities weighting" means an addend compo-  
19 nent assigned to enrollment of districts to which the provisions of K.S.A.  
20 72-6441, and amendments thereto, apply on the basis of costs attributable  
21 to commencing operation of new school facilities. Ancillary school facil-  
22 ities weighting may be assigned to enrollment of a district only if the  
23 district has levied a tax under authority of K.S.A. 72-6441, and amend-  
24 ments thereto, and remitted the proceeds from such tax to the state trea-  
25 surer. Ancillary school facilities weighting is in addition to assignment of  
26 school facilities weighting to enrollment of any district eligible for such  
27 weighting.

28 (n) "Juvenile detention facility" means ~~any community juvenile cor-~~  
29 ~~rections center or facility;~~

30 (1) *Any secure public or private facility which is used for the lawful*  
31 *custody of accused or adjudicated juvenile offenders and which shall not*  
32 *be a jail;*

33 (2) *any level VI treatment facility licensed by the Kansas department*  
34 *of health and environment which is a psychiatric residential treatment*  
35 *facility for individuals under the age of 21 which conforms with the reg-*  
36 *ulations of the centers for medicare/medicaid services and the joint com-*  
37 *mission on accreditation of health care organizations governing such fa-*  
38 *cilities; and*

39 (3) the Forbes Juvenile Attention Facility, the Sappa Valley Youth  
40 Ranch of Oberlin, Salvation Army/Koch Center Youth Services, the Clar-  
41 ence M. Kelley Youth Center, the Clarence M. Kelley Transitional Living  
42 Center, Trego County Secure Care Center, St. Francis Academy at At-  
43 chison, St. Francis Academy at Ellsworth, St. Francis Academy at Salina,

1 St. Francis Center at Salina, King's Achievement Center, and Liberty  
2 Juvenile Services and Treatment.

3 (o) "Special education and related services weighting" means an ad-  
4 dend component assigned to enrollment of districts on the basis of costs  
5 attributable to provision of special education and related services for pu-  
6 pils determined to be exceptional children.

7 Sec. 5. K.S.A. 72-1046a, 72-6407, 72-6407a and 72-6757 are hereby  
8 repealed.

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

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