

## HOUSE BILL No. 2608

By Committee on Education

1-28

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AN ACT relating to education; concerning the definition of at-risk pupils; amending K.S.A. 2003 Supp. 72-6407 and repealing the existing section.

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

Section 1. K.S.A. 2003 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 vocational-technical school or approved vocational education program shall be counted as one pupil if the pupil's vocational education enrollment and attendance together with the pupil's attendance in any of grades nine through 12 is at least  $\frac{5}{6}$  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 vocational education attendance and attendance in any of grades nine through 12 bears to full-time attendance. A pupil enrolled in a district and attending special education and related services, except special

1 education and related services for preschool-aged exceptional children,  
2 provided for by the district shall be counted as one pupil. A pupil enrolled  
3 in a district and attending special education and related services for pre-  
4 school-aged exceptional children provided for by the district shall be  
5 counted as  $\frac{1}{2}$  pupil. A preschool-aged at-risk pupil enrolled in a district  
6 and receiving services under an approved at-risk pupil assistance plan  
7 maintained by the district shall be counted as  $\frac{1}{2}$  pupil. A pupil in the  
8 custody of the secretary of social and rehabilitation services and enrolled  
9 in unified school district No. 259, Sedgwick county, Kansas, but housed,  
10 maintained, and receiving educational services at the Judge James V. Rid-  
11 del Boys Ranch, shall be counted as two pupils. A pupil residing at the  
12 Flint Hills job corps center shall not be counted. A pupil confined in and  
13 receiving educational services provided for by a district at a juvenile de-  
14 tention facility shall not be counted. A pupil enrolled in a district but  
15 housed, maintained, and receiving educational services at a state institu-  
16 tion shall not be counted.

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

20 (c) "At-risk pupils" means pupils who are ~~eligible for free meals un-~~  
21 ~~der the national school lunch act and who are enrolled in a district which~~  
22 ~~maintains~~ an approved at-risk pupil assistance plan *and who are eligible*  
23 *for free meals under the national school lunch act or who are character-*  
24 *ized by any two or more of the following indicators: (1) A rate of absen-*  
25 *teeism from school attendance that exceeds 50% for the preceding semes-*  
26 *ter; (2) failure in two or more subjects or courses of study; (3) retention*  
27 *at grade level one or more times; (4) pregnancy or parenthood, or both;*  
28 *(5) identified chemically or alcohol dependent; or (6) adjudicated juvenile*  
29 *offender.*

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

37 (e) "Enrollment" means: (1) For districts scheduling the school days  
38 or school hours of the school term on a trimestral or quarterly basis, the  
39 number of pupils regularly enrolled in the district on September 20 plus  
40 the number of pupils regularly enrolled in the district on February 20  
41 less the number of pupils regularly enrolled on February 20 who were  
42 counted in the enrollment of the district on September 20; and for dis-  
43 tricts not specified in this clause (1), the number of pupils regularly en-

1 rolled in the district on September 20; (2) if enrollment in a district in  
2 any school year has decreased from enrollment in the preceding school  
3 year, enrollment of the district in the current school year means which-  
4 ever is the greater of (A) enrollment in the preceding school year minus  
5 enrollment in such school year of preschool-aged at-risk pupils, if any  
6 such pupils were enrolled, plus enrollment in the current school year of  
7 preschool-aged at-risk pupils, if any such pupils are enrolled, or (B) the  
8 sum of enrollment in the current school year of preschool-aged at-risk  
9 pupils, if any such pupils are enrolled and the average (mean) of the sum  
10 of (i) enrollment of the district in the current school year minus enroll-  
11 ment in such school year of preschool-aged at-risk pupils, if any such  
12 pupils are enrolled and (ii) enrollment in the preceding school year minus  
13 enrollment in such school year of preschool-aged at-risk pupils, if any  
14 such pupils were enrolled and (iii) enrollment in the school year next  
15 preceding the preceding school year minus enrollment in such school year  
16 of preschool-aged at-risk pupils, if any such pupils were enrolled; or (3)  
17 the number of pupils as determined under K.S.A. 72-6447, and amend-  
18 ments thereto.

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

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

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

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

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

42 (k) "Transportation weighting" means an addend component as-  
43 signed to enrollment of districts on the basis of costs attributable to the

1 provision or furnishing of transportation.

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

7 (m) “Ancillary school facilities weighting” means an addend compo-  
8 nent assigned to enrollment of districts to which the provisions of K.S.A.  
9 72-6441, and amendments thereto, apply on the basis of costs attributable  
10 to commencing operation of new school facilities. Ancillary school facil-  
11 ities weighting may be assigned to enrollment of a district only if the  
12 district has levied a tax under authority of K.S.A. 72-6441, and amend-  
13 ments thereto, and remitted the proceeds from such tax to the state trea-  
14 surer. Ancillary school facilities weighting is in addition to assignment of  
15 school facilities weighting to enrollment of any district eligible for such  
16 weighting.

17 (n) “Juvenile detention facility” means: (1) Any secure public or pri-  
18 vate facility which is used for the lawful custody of accused or adjudicated  
19 juvenile offenders and which shall not be a jail;

20 (2) any level VI treatment facility licensed by the Kansas department  
21 of health and environment which is a psychiatric residential treatment  
22 facility for individuals under the age of 21 which conforms with the reg-  
23 ulations of the centers for medicare/medicaid services and the joint com-  
24 mission on accreditation of health care organizations governing such fac-  
25 ilities; and

26 (3) the Forbes Juvenile Attention Facility, the Sappa Valley Youth  
27 Ranch of Oberlin, Salvation Army/Koch Center Youth Services, the Clar-  
28 ence M. Kelley Youth Center, the Clarence M. Kelley Transitional Living  
29 Center, Trego County Secure Care Center, St. Francis Academy at At-  
30 chison, St. Francis Academy at Ellsworth, St. Francis Academy at Salina,  
31 St. Francis Center at Salina, King’s Achievement Center, and Liberty  
32 Juvenile Services and Treatment.

33 (o) “Special education and related services weighting” means an ad-  
34 dend component assigned to enrollment of districts on the basis of costs  
35 attributable to provision of special education and related services for pu-  
36 pils determined to be exceptional children.

37 Sec. 2. K.S.A. 2003 Supp. 72-6407 is hereby repealed.

38 Sec. 3. This act shall take effect and be in force from and after its  
39 publication in the statute book.

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