

As Amended by House Committee

Session of 2004

HOUSE BILL No. 2630

By Representatives Merrick, Judy Morrison and Patterson

1-28

10 AN ACT relating to education; concerning local option budgets; amend-
11 ing K.S.A. 72-6433 and **72-6441 and K.S.A. 2003 Supp. 72-6407**
12 **and** repealing the existing ~~section~~ **sections**.

13
14 *Be it enacted by the Legislature of the State of Kansas:*

15 Section 1. K.S.A. 72-6433 is hereby amended to read as follows: 72-
16 6433. (a) (1) The board of any district may adopt a local option budget
17 in each school year in an amount not to exceed an amount equal to the
18 district prescribed percentage of the amount of state financial aid deter-
19 mined for the district in the school year. As used in this section, “district
20 prescribed percentage” means:

21 (A) For any district that was authorized to adopt and that adopted a
22 local option budget in the 1996-97 school year and to which the provisions
23 of K.S.A. 72-6444, and amendments thereto, do not apply in the current
24 school year, in the ~~2001-02~~ 2004-05 school year and in each school year
25 thereafter, a percentage that is equal to 80% of the percentage specified
26 in the resolution under which the district was authorized to adopt a local
27 option budget in the 1996-97 school year;

28 (B) for any district that was authorized to adopt and that adopted a
29 local option budget in the 1996-97 school year and to which the provisions
30 of K.S.A. 72-6444, and amendments thereto, apply in the current school
31 year, a percentage in the ~~2001-02~~ 2004-05 school year and each school
32 year thereafter that is equal to the sum of the percentage of the amount
33 of state financial aid the district was authorized to budget in the preceding
34 school year and the percentage computed for the district by the state
35 board under the provisions of K.S.A. 72-6444, and amendments thereto;

36 (C) for any district that was not authorized to adopt a local option
37 budget in the 1996-97 school year and to which the provisions of K.S.A.
38 72-6444, and amendments thereto, apply in the current school year, a
39 percentage in the ~~2001-02~~ 2004-05 school year and each school year
40 thereafter that is equal to the sum of the percentage of the amount of
41 state financial aid the district was authorized to budget in the preceding
42 school year and the percentage computed for the district by the state
43 board under the provisions of K.S.A. 72-6444, and amendments thereto;

1 (D) for any district to which the provisions of K.S.A. 72-6444, and
2 amendments thereto, applied in the 1997-98 school year and to which
3 the provisions of K.S.A. 72-6444, and amendments thereto, do not apply
4 in the current school year because an increase in the amount budgeted
5 by the district in its local option budget as authorized by a resolution
6 adopted under the provisions of subsection (b) causes the actual amount
7 per pupil budgeted by the district in the preceding school year as deter-
8 mined for the district under provision (1) of subsection (a) of K.S.A. 72-
9 6444, and amendments thereto, to equal or exceed the average amount
10 per pupil of general fund budgets and local option budgets computed by
11 the state board under whichever of the provisions (7) through (10) of
12 subsection (a) of K.S.A. 72-6444, and amendments thereto, is applicable
13 to the district's enrollment group, a percentage that is equal to the per-
14 centage of the amount of state financial aid the district was authorized to
15 budget in the preceding school year if the resolution authorized the dis-
16 trict to increase its local option budget on a continuous and permanent
17 basis. If the resolution that authorized the district to increase its local
18 option budget specified a definite period of time for which the district
19 would retain its authority to increase the local option budget and such
20 authority lapses at the conclusion of such period and is not renewed, the
21 term district prescribed percentage means a percentage that is equal to
22 the percentage of the amount of state financial aid the district was au-
23 thorized to budget in the preceding school year less the percentage of
24 increase that was authorized by the resolution unless the loss of the per-
25 centage of increase that was authorized by the resolution would cause the
26 actual amount per pupil budgeted by the district to be less than the av-
27 erage amount per pupil of general fund budgets and local option budgets
28 computed by the state board under whichever of the provisions (7)
29 through (10) of subsection (a) of K.S.A. 72-6444, and amendments
30 thereto, is applicable to the district's enrollment group, in which case, the
31 term district prescribed percentage means a percentage that is equal to
32 the percentage of the amount of state financial aid the district was au-
33 thorized to budget in the preceding school year less the percentage of
34 increase that was authorized by the resolution plus a percentage which
35 shall be computed for the district by the state board in accordance with
36 the provisions of K.S.A. 72-6444, and amendments thereto, except that,
37 in making the determination of the actual amount per pupil budgeted by
38 the district in the preceding school year, the state board shall exclude the
39 percentage of increase that was authorized by the resolution.

40 (2) (A) Subject to the provisions of subpart (B), the adoption of a
41 local option budget under authority of this subsection shall require a
42 majority vote of the members of the board and shall require no other
43 procedure, authorization or approval.

1 (B) In lieu of utilizing the authority granted by subpart (A) for adop-
2 tion of a local option budget, the board of a district may pass a resolution
3 authorizing adoption of such a budget and publish such resolution once
4 in a newspaper having general circulation in the district. The resolution
5 shall be published in substantial compliance with the following form:

6 Unified School District No. _____,
7 _____ County, Kansas.

8 RESOLUTION

9 Be It Resolved that:

10 The board of education of the above-named school district shall be authorized to adopt
11 a local option budget in each school year for a period of time not to exceed _____ years
12 in an amount not to exceed _____% of the amount of state financial aid determined
13 for the current school year. The local option budget authorized by this resolution may be
14 adopted, unless a petition in opposition to the same, signed by not less than 5% of the
15 qualified electors of the school district, is filed with the county election officer of the home
16 county of the school district within 30 days after publication of this resolution. In the event
17 a petition is filed, the county election officer shall submit the question of whether adoption
18 of the local option budget shall be authorized to the electors of the school district at an
19 election called for the purpose or at the next general election, as is specified by the board
20 of education of the school district.

21 CERTIFICATE

22 This is to certify that the above resolution was duly adopted by the board of education
23 of Unified School District No. _____, _____ County, Kansas, on
24 the _____ day of _____, _____

25 _____
26 Clerk of the board of education.

27 All of the blanks in the resolution shall be appropriately filled. The
28 blank preceding the word “years” shall be filled with a specific number,
29 and the blank preceding the percentage symbol shall be filled with a
30 specific number. No word shall be inserted in either of the blanks. The
31 percentage specified in the resolution shall not exceed the district pre-
32 scribed percentage. The resolution shall be published once in a news-
33 paper having general circulation in the school district. If no petition as
34 specified above is filed in accordance with the provisions of the resolution,
35 the board may adopt a local option budget. If a petition is filed as provided
36 in the resolution, the board may notify the county election officer of the
37 date of an election to be held to submit the question of whether adoption
38 of a local option budget shall be authorized. If the board fails to notify
39 the county election officer within 30 days after a petition is filed, the
40 resolution shall be deemed abandoned and no like resolution shall be
41 adopted by the board within the nine months following publication of the
42 resolution. If any district is authorized to adopt a local option budget
43 under this subpart, but the board of such district chooses, in any school

1 year, not to adopt such a budget or chooses, in any school year, to adopt
2 such budget in an amount less than the amount of the district prescribed
3 percentage of the amount of state financial aid in any school year, such
4 board of education may so choose. If the board of any district refrains
5 from adopting a local option budget in any one or more school years or
6 refrains from budgeting the total amount authorized for any one or more
7 school years, the authority of such district to adopt a local option budget
8 shall not be extended by such refrainment beyond the period specified
9 in the resolution authorizing adoption of such budget, nor shall the
10 amount authorized to be budgeted in any succeeding school year be in-
11 creased by such refrainment. Whenever an initial resolution has been
12 adopted under this subpart, and such resolution specified a lesser per-
13 centage than the district prescribed percentage, the board of the district
14 may adopt one or more subsequent resolutions under the same procedure
15 as provided for the initial resolution and subject to the same conditions,
16 and shall be authorized to increase the percentage as specified in any
17 such subsequent resolution for the remainder of the period of time spec-
18 ified in the initial resolution. Any percentage specified in a subsequent
19 resolution or in subsequent resolutions shall be limited so that the sum
20 of the percentage authorized in the initial resolution and the percentage
21 authorized in the subsequent resolution or in subsequent resolutions is
22 not in excess of the district prescribed percentage in any school year. The
23 board of any district that has been authorized to adopt a local option
24 budget under this subpart and levied a tax under authority of K.S.A. 72-
25 6435, and amendments thereto, may initiate, at any time after the final
26 levy is certified to the county clerk under any current authorization, pro-
27 cedures to renew its authority to adopt a local option budget in the man-
28 ner specified in this subpart or may utilize the authority granted by sub-
29 part (A). As used in this subpart, the term “authorized to adopt a local
30 option budget” means that a district has adopted a resolution under this
31 subpart, has published the same, and either that the resolution was not
32 protested or that it was protested and an election was held by which the
33 adoption of a local option budget was approved.

34 (3) The provisions of this subsection are subject to the provisions of
35 subsections (b) and (c).

36 (b) The provisions of this subsection (b) shall be subject to the pro-
37 visions of K.S.A. 72-6433a, and amendments thereto.

38 (1) The board of any district that adopts a local option budget under
39 subsection (a) may increase the amount of such budget in each school
40 year in an amount which together with the percentage of the amount of
41 state financial aid budgeted under subsection (a) does not exceed the state
42 prescribed percentage of the amount of state financial aid determined for
43 the district in the school year if the board of the district determines that

1 an increase in such budget would be in the best interests of the district.
2 (2) No district may increase a local option budget under authority of
3 this subsection until: (A) A resolution authorizing such an increase is
4 passed by the board and published once in a newspaper having general
5 circulation in the district; or (B) the question of whether the board shall
6 be authorized to increase the local option budget has been submitted to
7 and approved by the qualified electors of the district at a special election
8 called for the purpose. Any such election shall be noticed, called and held
9 in the manner provided by K.S.A. 10-120, and amendments thereto, for
10 the noticing, calling and holding of elections upon the question of issuing
11 bonds under the general bond law. The notice of such election shall state
12 the purpose for and time of the election, and the ballot shall be designed
13 with the question of whether the board of education of the district shall
14 be continuously and permanently authorized to increase the local option
15 budget of the district in each school year by a percentage which together
16 with the percentage of the amount of state financial aid budgeted under
17 subsection (a) does not exceed the state prescribed percentage in any
18 school year. If a majority of the qualified electors voting at the election
19 approve authorization of the board to increase the local option budget,
20 the board shall have such authority. If a majority of the qualified electors
21 voting at the election are opposed to authorization of the board to increase
22 the local option budget, the board shall not have such authority and no
23 like question shall be submitted to the qualified electors of the district
24 within the nine months following the election.
25 (3) (A) Subject to the provisions of subpart (B), a resolution author-
26 izing an increase in the local option budget of a district shall state that
27 the board of education of the district shall be authorized to increase the
28 local option budget of the district in each school year in an amount not
29 to exceed _____% of the amount of state financial aid determined for
30 the current school year and that the percentage of increase may be re-
31 duced so that the sum of the percentage of the amount of state financial
32 aid budgeted under subsection (a) and the percentage of increase spec-
33 ified in the resolution does not exceed the state prescribed percentage in
34 any school year. The blank preceding the percentage symbol shall be filled
35 with a specific number. No word shall be inserted in the blank. The
36 resolution shall specify a definite period of time for which the board shall
37 be authorized to increase the local option budget and such period of time
38 shall be expressed by the specific number of school years for which the
39 board shall retain its authority to increase the local option budget. No
40 word shall be used to express the number of years for which the board
41 shall be authorized to increase the local option budget.
42 (B) In lieu of the requirements of subpart (A) and at the discretion
43 of the board, a resolution authorizing an increase in the local option

1 budget of a district may state that the board of education of the district
2 shall be continuously and permanently authorized to increase the local
3 option budget of the district in each school year by a percentage which
4 together with the percentage of the amount of state financial aid budgeted
5 under subsection (a) does not exceed the state prescribed percentage in
6 any school year.

7 (4) A resolution authorizing an increase in the local option budget of
8 a district shall state that the amount of the local option budget may be
9 increased as authorized by the resolution unless a petition in opposition
10 to such increase, signed by not less than 5% of the qualified electors of
11 the school district, is filed with the county election officer of the home
12 county of the school district within 30 days after publication. If no petition
13 is filed in accordance with the provisions of the resolution, the board is
14 authorized to increase the local option budget of the district. If a petition
15 is filed as provided in the resolution, the board may notify the county
16 election officer of the date of an election to be held to submit the question
17 of whether the board shall be authorized to increase the local option
18 budget of the district. If the board fails to notify the county election officer
19 within 30 days after a petition is filed, the resolution shall be deemed
20 abandoned and no like resolution shall be adopted by the board within
21 the nine months following publication of the resolution.

22 (5) The requirements of provision (2) do not apply to any district that
23 is continuously and permanently authorized to increase the local option
24 budget of the district. An increase in the amount of a local option budget
25 by such a district shall require a majority vote of the members of the
26 board and shall require no other procedure, authorization or approval.

27 (6) If any district is authorized to increase a local option budget, but
28 the board of such district chooses, in any school year, not to adopt or
29 increase such budget or chooses, in any school year, to adopt or increase
30 such budget in an amount less than the amount authorized, such board
31 of education may so choose. If the board of any district refrains from
32 adopting or increasing a local option budget in any one or more school
33 years or refrains from budgeting the total amount authorized for any one
34 or more school years, the amount authorized to be budgeted in any suc-
35 ceeding school year shall not be increased by such refrainment, nor shall
36 the authority of the district to increase its local option budget be extended
37 by such refrainment beyond the period of time specified in the resolution
38 authorizing an increase in the local option budget if the resolution spec-
39 ified such a period of time.

40 (7) Whenever an initial resolution has been adopted under this sub-
41 section, and such resolution specified a percentage which together with
42 the percentage of the amount of state financial aid budgeted under sub-
43 section (a) is less than the state prescribed percentage, the board of the

1 district may adopt one or more subsequent resolutions under the same
2 procedure as provided for the initial resolution and shall be authorized
3 to increase the percentage as specified in any such subsequent resolution.
4 If the initial resolution specified a definite period of time for which the
5 district is authorized to increase its local option budget, the authority to
6 increase such budget by the percentage specified in any subsequent res-
7 olution shall be limited to the remainder of the period of time specified
8 in the initial resolution. Any percentage specified in a subsequent reso-
9 lution or in subsequent resolutions shall be limited so that the sum of the
10 percentage authorized in the initial resolution and the percentage au-
11 thorized in the subsequent resolution or in subsequent resolutions to-
12 gether with the percentage of the amount of state financial aid budgeted
13 under subsection (a) is not in excess of the state prescribed percentage
14 in any school year.

15 (8) (A) Subject to the provisions of subpart (B), the board of any
16 district that has adopted a local option budget under subsection (a), has
17 been authorized to increase such budget under a resolution which spec-
18 ified a definite period of time for retention of such authorization, and has
19 levied a tax under authority of K.S.A. 72-6435, and amendments thereto,
20 may initiate, at any time after the final levy is certified to the county clerk
21 under any current authorization, procedures to renew the authority to
22 increase the local option budget subject to the conditions and in the
23 manner specified in provisions (2) and (3) of this subsection.

24 (B) The provisions of subpart (A) do not apply to the board of any
25 district that is continuously and permanently authorized to increase the
26 local option budget of the district.

27 (9) As used in this subsection:

28 (A) “Authorized to increase a local option budget” means either that
29 a district has held a special election under provision (2)(B) by which au-
30 thority of the board to increase a local option budget was approved, or
31 that a district has adopted a resolution under provision (2) (A), has pub-
32 lished the same, and either that the resolution was not protested or that
33 it was protested and an election was held by which the authority of the
34 board to increase a local option budget was approved.

35 (B) “State prescribed percentage” means ~~25%~~ 30%.

36 (c) To the extent the provisions of the foregoing subsections conflict
37 with this subsection, this subsection shall control. Any district that is au-
38 thorized to adopt a local option budget in the 1997-98 school year under
39 a resolution which authorized the adoption of such budget in accordance
40 with the provisions of this section prior to its amendment by this act may
41 continue to operate under such resolution for the period of time specified
42 in the resolution or may abandon the resolution and operate under the
43 provisions of this section as amended by this act. Any such district shall

1 operate under the provisions of this section as amended by this act after
2 the period of time specified in the resolution has expired.

3 (d) (1) There is hereby established in every district that adopts a local
4 option budget a fund which shall be called the supplemental general fund.
5 The fund shall consist of all amounts deposited therein or credited thereto
6 according to law.

7 (2) Subject to the limitation imposed under provision (3), amounts in
8 the supplemental general fund may be expended for any purpose for
9 which expenditures from the general fund are authorized or may be trans-
10 ferred to the general fund of the district or to any program weighted fund
11 or categorical fund of the district.

12 (3) Amounts in the supplemental general fund may not be expended
13 nor transferred to the general fund of the district for the purpose of
14 making payments under any lease-purchase agreement involving the ac-
15 quisition of land or buildings which is entered into pursuant to the pro-
16 visions of K.S.A. 72-8225, and amendments thereto.

17 (4) Any unexpended and unencumbered cash balance remaining in
18 the supplemental general fund of a district at the conclusion of any school
19 year in which a local option budget is adopted shall be disposed of as
20 provided in this subsection. If the district did not receive supplemental
21 general state aid in the school year and the board of the district deter-
22 mines that it will be necessary to adopt a local option budget in the en-
23 suing school year, the total amount of the cash balance remaining in the
24 supplemental general fund shall be maintained in such fund or trans-
25 ferred to the general fund of the district. If the board of such a district
26 determines that it will not be necessary to adopt a local option budget in
27 the ensuing school year, the total amount of the cash balance remaining
28 in the supplemental general fund shall be transferred to the general fund
29 of the district. If the district received supplemental general state aid in
30 the school year, transferred or expended the entire amount budgeted in
31 the local option budget for the school year, and determines that it will be
32 necessary to adopt a local option budget in the ensuing school year, the
33 total amount of the cash balance remaining in the supplemental general
34 fund shall be maintained in such fund or transferred to the general fund
35 of the district. If such a district determines that it will not be necessary
36 to adopt a local option budget in the ensuing school year, the total amount
37 of the cash balance remaining in the supplemental general fund shall be
38 transferred to the general fund of the district. If the district received
39 supplemental general state aid in the school year, did not transfer or
40 expend the entire amount budgeted in the local option budget for the
41 school year, and determines that it will not be necessary to adopt a local
42 option budget in the ensuing school year, the total amount of the cash
43 balance remaining in the supplemental general fund shall be transferred

1 to the general fund of the district. If the district received supplemental
2 general state aid in the school year, did not transfer or expend the entire
3 amount budgeted in the local option budget for the school year, and
4 determines that it will be necessary to adopt a local option budget in the
5 ensuing school year, the state board shall determine the ratio of the
6 amount of supplemental general state aid received to the amount of the
7 local option budget of the district for the school year and multiply the
8 total amount of the cash balance remaining in the supplemental general
9 fund by such ratio. An amount equal to the amount of the product shall
10 be transferred to the general fund of the district. The amount remaining
11 in the supplemental general fund may be maintained in such fund or
12 transferred to the general fund of the district.

13 **Sec. 2. K.S.A. 72-6441 is hereby amended to read as follows:**
14 **72-6441. (a) (1) The board of any district to which the provisions**
15 **of this subsection apply may levy an ad valorem tax on the taxable**
16 **tangible property of the district each year for a period of time not**
17 **to exceed two years in an amount not to exceed the amount au-**
18 **thorized by the state board of tax appeals under this subsection**
19 **for the purpose of financing the costs incurred by the state that**
20 **are directly attributable to assignment of ancillary school facilities**
21 **weighting to enrollment of the district. The state board of tax ap-**
22 **peals may authorize the district to make a levy which will produce**
23 **an amount that is not greater than the difference between the**
24 **amount of costs directly attributable to commencing operation of**
25 **one or more new school facilities and the amount that is financed**
26 **from any other source provided by law for such purpose, including**
27 **any amount attributable to assignment of school facilities weight-**
28 **ing to enrollment of the district for each school year in which the**
29 **district is eligible for such weighting. If the district is not eligible,**
30 **or will be ineligible, for school facilities weighting in any one or**
31 **more years during the two-year period for which the district is**
32 **authorized to levy a tax under this subsection, the state board of**
33 **tax appeals may authorize the district to make a levy, in such year**
34 **or years of ineligibility, which will produce an amount that is not**
35 **greater than the actual amount of costs attributable to commenc-**
36 **ing operation of the facility or facilities.**

37 (2) The board of tax appeals shall certify to the state board of
38 education the amount authorized to be produced by the levy of a
39 tax under subsection (a).

40 (3) The state board of tax appeals may adopt rules and regu-
41 lations necessary to properly effectuate the provisions of this sub-
42 section, including rules relating to the evidence required in sup-
43 port of a district's claim that the costs attributable to commencing

1 operation of one or more new school facilities are in excess of the
2 amount that is financed from any other source provided by law for
3 such purpose.

4 (4) The provisions of this subsection apply to any district that
5 (A) commenced operation of one or more new school facilities in
6 the school year preceding the current school year or has com-
7 menced or will commence operation of one or more new school
8 facilities in the current school year or any or all of the foregoing,
9 and (B) is authorized to adopt and has adopted a local option
10 budget in an amount ~~equal to the state prescribed percentage~~ that is:
11 (i) *At least 25% of the amount of state financial aid determined for*
12 *the district in the current school year if the new school facilities were*
13 *completed, contracted for or financed by bonds issued prior to July 1,*
14 *2004; or (ii) at least 30% of the amount of state financial aid determined*
15 *for the current school year if the new school facilities were completed,*
16 *contracted for or financed by bonds issued on or after July 1, 2004, and*
17 (C) is experiencing extraordinary enrollment growth as deter-
18 mined by the state board of education.

19 (b) The board of any district that has levied an ad valorem tax
20 on the taxable tangible property of the district each year for a
21 period of two years under authority of subsection (a) may continue
22 to levy such tax under authority of this subsection each year for an
23 additional period of time not to exceed three years in an amount
24 not to exceed the amount computed by the state board of educa-
25 tion as provided in this subsection if the board of the district de-
26 termines that the costs attributable to commencing operation of
27 one or more new school facilities are significantly greater than the
28 costs attributable to the operation of other school facilities in the
29 district. The tax authorized under this subsection may be levied at
30 a rate which will produce an amount that is not greater than the
31 amount computed by the state board of education as provided in
32 this subsection. In computing such amount, the state board shall
33 (1) determine the amount produced by the tax levied by the district
34 under authority of subsection (a) in the second year for which such
35 tax was levied and add to such amount the amount of general state
36 aid directly attributable to school facilities weighting that was re-
37 ceived by the district in the same year, and (2) compute 75% of
38 the amount of the sum obtained under (1), which computed
39 amount is the amount the district may levy in the first year of the
40 three-year period for which the district may levy a tax under au-
41 thority of this subsection, and (3) compute 50% of the amount of
42 the sum obtained under (1), which computed amount is the amount
43 the district may levy in the second year of the three-year period

1 for which the district may levy a tax under authority of this sub-
2 section, and (4) compute 25% of the amount of the sum obtained
3 under (1), which computed amount is the amount the district may
4 levy in the third year of the three-year period for which the district
5 may levy a tax under authority of this subsection.

6 (c) The proceeds from the tax levied by a district under au-
7 thority of this section shall be remitted to the state treasurer in
8 accordance with the provisions of K.S.A. 75-4215, and amend-
9 ments thereto. Upon receipt of each such remittance, the state
10 treasurer shall deposit the entire amount in the state treasury to
11 the credit of the state school district finance fund.

12 Sec. 3. K.S.A. 2003 Supp. 72-6407 is hereby amended to read
13 as follows: 72-6407. (a) “Pupil” means any person who is regularly
14 enrolled in a district and attending kindergarten or any of the
15 grades one through 12 maintained by the district or who is regu-
16 larly enrolled in a district and attending kindergarten or any of
17 the grades one through 12 in another district in accordance with
18 an agreement entered into under authority of K.S.A. 72-8233, and
19 amendments thereto, or who is regularly enrolled in a district and
20 attending special education services provided for preschool-aged
21 exceptional children by the district. Except as otherwise provided
22 in this subsection, a pupil in attendance full time shall be counted
23 as one pupil. A pupil in attendance part time shall be counted as
24 that proportion of one pupil (to the nearest $\frac{1}{10}$) that the pupil’s
25 attendance bears to full-time attendance. A pupil attending kin-
26 dergarten shall be counted as $\frac{1}{2}$ pupil. A pupil enrolled in and
27 attending an institution of postsecondary education which is au-
28 thorized under the laws of this state to award academic degrees
29 shall be counted as one pupil if the pupil’s postsecondary educa-
30 tion enrollment and attendance together with the pupil’s attend-
31 ance in either of the grades 11 or 12 is at least $\frac{5}{6}$ time, otherwise
32 the pupil shall be counted as that proportion of one pupil (to the
33 nearest $\frac{1}{10}$) that the total time of the pupil’s postsecondary edu-
34 cation attendance and attendance in grade 11 or 12, as applicable,
35 bears to full-time attendance. A pupil enrolled in and attending an
36 area vocational school, area vocational-technical school or ap-
37 proved vocational education program shall be counted as one pupil
38 if the pupil’s vocational education enrollment and attendance to-
39 gether with the pupil’s attendance in any of grades nine through
40 12 is at least $\frac{5}{6}$ time, otherwise the pupil shall be counted as that
41 proportion of one pupil (to the nearest $\frac{1}{10}$) that the total time of
42 the pupil’s vocational education attendance and attendance in any
43 of grades nine through 12 bears to full-time attendance. A pupil

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

20 (b) “Preschool-aged exceptional children” means exceptional
21 children, except gifted children, who have attained the age of
22 three years but are under the age of eligibility for attendance at
23 kindergarten.

24 (c) “At-risk pupils” means pupils who are eligible for free
25 meals under the national school lunch act and who are enrolled in
26 a district which maintains an approved at-risk pupil assistance
27 plan.

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

35 (e) “Enrollment” means: (1) For districts scheduling the school
36 days or school hours of the school term on a trimestral or quarterly
37 basis, the number of pupils regularly enrolled in the district on
38 September 20 plus the number of pupils regularly enrolled in the
39 district on February 20 less the number of pupils regularly en-
40 rolled on February 20 who were counted in the enrollment of the
41 district on September 20; and for districts not specified in this
42 clause (1), the number of pupils regularly enrolled in the district
43 on September 20; (2) if enrollment in a district in any school year

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

18
19 (f) “Adjusted enrollment” means enrollment adjusted by add-
20 ing at-risk pupil weighting, program weighting, low enrollment
21 weighting, if any, correlation weighting, if any, school facilities
22 weighting, if any, ancillary school facilities weighting, if any, spe-
23 cial education and related services weighting, and transportation
24 weighting to enrollment.

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

28 (h) “Program weighting” means an addend component as-
29 signed to enrollment of districts on the basis of pupil attendance
30 in educational programs which differ in cost from regular educa-
31 tional programs.

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

38 (j) “School facilities weighting” means an addend component
39 assigned to enrollment of districts on the basis of costs attributable
40 to commencing operation of new school facilities. School facilities
41 weighting may be assigned to enrollment of a district only if the
42 district has adopted a local option budget and budgeted therein the
43 total amount authorized for the school year in an amount that is: (1) At

1 *least 25% of the amount of state financial aid determined for the district*
2 *in the current school year if the new school facilities were completed,*
3 *contracted for or financed by bonds issued prior to July 1, 2004; or (2) at*
4 *least 30% of the amount of state financial aid determined for the current*
5 *school year if the new school facilities were completed, contracted for or*
6 *financed by bonds issued on or after July 1, 2004. **School facilities***
7 **weighting may be assigned to enrollment of the district only in the**
8 **school year in which operation of a new school facility is com-**
9 **menced and in the next succeeding school year.**

10 (k) **“Transportation weighting” means an addend component**
11 **assigned to enrollment of districts on the basis of costs attributable**
12 **to the provision or furnishing of transportation.**

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

19 (m) **“Ancillary school facilities weighting” means an addend**
20 **component assigned to enrollment of districts to which the provi-**
21 **sions of K.S.A. 72-6441, and amendments thereto, apply on the**
22 **basis of costs attributable to commencing operation of new school**
23 **facilities. Ancillary school facilities weighting may be assigned to**
24 **enrollment of a district only if the district has levied a tax under**
25 **authority of K.S.A. 72-6441, and amendments thereto, and remit-**
26 **ted the proceeds from such tax to the state treasurer. Ancillary**
27 **school facilities weighting is in addition to assignment of school**
28 **facilities weighting to enrollment of any district eligible for such**
29 **weighting.**

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

33 (2) **any level VI treatment facility licensed by the Kansas de-**
34 **partment of health and environment which is a psychiatric resi-**
35 **dential treatment facility for individuals under the age of 21 which**
36 **conforms with the regulations of the centers for medicare/medi-**
37 **caid services and the joint commission on accreditation of health**
38 **care organizations governing such facilities; and**

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

1 **St. Francis Academy at Salina, St. Francis Center at Salina, King’s**
2 **Achievement Center, and Liberty Juvenile Services and Treat-**
3 **ment.**

4 (o) **“Special education and related services weighting” means**
5 **an addend component assigned to enrollment of districts on the**
6 **basis of costs attributable to provision of special education and**
7 **related services for pupils determined to be exceptional children.**

8 ~~Sec. 4.~~ **K.S.A. 72-6433 is and 72-6441 and K.S.A. 2003 Supp.**
9 **72-6407 are hereby repealed.**

10 ~~Sec. 5.~~ **This act shall take effect and be in force from and after its**
11 **publication in the statute book.**