

HOUSE BILL No. 2631

By Representative Mason

1-28

AN ACT relating to schools; concerning state financial aid for certain education purposes relating to pupils who do not live in Kansas; amending K.S.A. 72-6757 and K.S.A. 2003 Supp. 72-6407 and repealing the existing sections.

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 dis-

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

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

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

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

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

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

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

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

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

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

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

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

42 (l) "Correlation weighting" means an addend component assigned to
43 enrollment of districts having 1,725 or over enrollment on the basis of

1 costs attributable to maintenance of educational programs by such dis-
2 tricts as a correlate to low enrollment weighting assigned to enrollment
3 of districts having under 1,725 enrollment.

4 (m) “Ancillary school facilities weighting” means an addend compo-
5 nent assigned to enrollment of districts to which the provisions of K.S.A.
6 72-6441, and amendments thereto, apply on the basis of costs attributable
7 to commencing operation of new school facilities. Ancillary school facil-
8 ities weighting may be assigned to enrollment of a district only if the
9 district has levied a tax under authority of K.S.A. 72-6441, and amend-
10 ments thereto, and remitted the proceeds from such tax to the state trea-
11 surer. Ancillary school facilities weighting is in addition to assignment of
12 school facilities weighting to enrollment of any district eligible for such
13 weighting.

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

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

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

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

34 Sec. 2. K.S.A. 72-6757 is hereby amended to read as follows: 72-
35 6757. (a) As used in this section:

36 (1) “Receiving school district” means a school district of nonresi-
37 dence of a pupil who attends school in such school district.

38 (2) “Sending school district” means a school district of residence of
39 a pupil who attends school in a school district not of the pupil’s residence.

40 (b) The board of education of any school district may make and enter
41 into contracts with the board of education of any receiving school district
42 located in this state for the purpose of providing for the attendance of
43 pupils at school in the receiving school district.

1 (c) The board of education of any school district *located in this state*
2 may make and enter into contracts with the governing authority of any
3 accredited school district located in another state for the purpose of pro-
4 viding for the attendance of pupils from this state at school in such other
5 state or for the attendance of pupils from such other state at school in
6 this state.

7 (d) Pupils attending school in a receiving school district in accordance
8 with a contract authorized by this section and made and entered into by
9 such receiving school district with a sending school district located in this
10 state shall be counted as regularly enrolled in and attending school in the
11 sending school district for the purpose of computations under the school
12 district finance and quality performance act.

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

15 (1) The contract shall be for the benefit of pupils who reside at in-
16 convenient or unreasonable distances from the schools maintained by the
17 sending school district or for pupils who, for any other reason deemed
18 sufficient by the board of education of the sending school district, should
19 attend school in a receiving school district;

20 (2) the contract shall make provision for the payment of tuition by
21 the sending school district to the receiving school district; *and*

22 ~~(3) if a sending school district is located in this state and the receiving~~
23 ~~school district is located in another state, the amount of tuition provided~~
24 ~~to be paid for the attendance of a pupil or pupils at school in the receiving~~
25 ~~school district shall not exceed 1/2 of the amount of the budget per pupil~~
26 ~~of the sending school district under the school district finance and quality~~
27 ~~performance act for the current school year; and~~

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

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

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

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

39 ~~(i) (h)~~ (h) The provisions of this section are deemed to be alternative to
40 the provisions of K.S.A. 72-8233, and amendments thereto, and no pro-
41 cedure or authorization under K.S.A. 72-8233, and amendments thereto,
42 shall be limited by the provisions of this section.

43 Sec. 3. K.S.A. 72-6757 and K.S.A. 2003 Supp. 72-6407 are hereby

1 repealed.

2 Sec. 4. This act shall take effect and be in force from and after its
3 publication in the statute book.

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