

## HOUSE BILL No. 2333

By Committee on Education

2-7

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9 AN ACT relating to out-of-state pupils; amending K.S.A. 72-6757 and  
10 K.S.A. 2004 Supp. 72-6407 and repealing the existing sections.

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

13 New Section 1. (a) This section applies to the board of education of  
14 any school district that has, or knows that it will have in the next school  
15 year, one or more pupils enrolled who do not live in Kansas. Such school  
16 board shall utilize its good faith efforts to negotiate an agreement with  
17 the out-of-state school board of the school district in which the pupil  
18 resides. Such agreement shall address the payment of costs to the Kansas  
19 school district for educating any out-of-state pupils.

20 (b) The state board of education shall provide assistance and advice  
21 to Kansas school districts that are subject to the provisions of subsection  
22 (a).

23 New Sec. 2. (a) Any Kansas school district that is subject to section  
24 1, and amendments thereto, that has failed to reach agreement pursuant  
25 to section 1, and amendments thereto, may make a hardship application  
26 to the state board of education for the release of some or all of the funds  
27 attributable to out-of-state pupils attending school in such school district.  
28 Unless waived by the state board of education, the application shall  
29 include:

30 (1) A detailed description of the school districts efforts in negotiating  
31 with the out-of-state school district pursuant to section 1, and amend-  
32 ments thereto, including copies of related documents and a narrative  
33 describing each negotiating session;

34 (2) the amount of state funds the out-of-state school district would  
35 receive if the pupil attended the non-Kansas school district where the  
36 pupil resides;

37 (3) the amount of funds requested for each such pupil and the jus-  
38 tification therefor; and

39 (4) such other information as may be requested by the state board of  
40 education.

41 (b) The state board of education is authorized to approve, modify and  
42 approve as modified or reject any hardship application authorized by this  
43 section. No payment per out-of-state pupil shall exceed the state average

1 general fund budget per pupil amount.

2 Sec. 3. K.S.A. 2004 Supp. 72-6407 is hereby amended to read as  
3 follows: 72-6407. (a) (1) "Pupil" means any person who is regularly en-  
4 rolled in a district and attending kindergarten or any of the grades one  
5 through 12 maintained by the district or who is regularly enrolled in a  
6 district and attending kindergarten or any of the grades one through 12  
7 in another district in accordance with an agreement entered into under  
8 authority of K.S.A. 72-8233, and amendments thereto, or who is regularly  
9 enrolled in a district and attending special education services provided  
10 for preschool-aged exceptional children by the district. *Subject to the*  
11 *release of funds by the state board of education pursuant to section 2 and*  
12 *amendments thereto, a pupil enrolled in any school district in this state*  
13 *who does not live in Kansas shall not be counted as a pupil for state*  
14 *financial aid under the school district finance and quality performance*  
15 *act.*

16 (2) Except as otherwise provided in paragraph (3) of this subsection,  
17 a pupil in attendance full time shall be counted as one pupil. A pupil in  
18 attendance part time shall be counted as that proportion of one pupil (to  
19 the nearest  $\frac{1}{10}$ ) that the pupil's attendance bears to full-time attendance.  
20 A pupil attending kindergarten shall be counted as  $\frac{1}{2}$  pupil. A pupil en-  
21 rolled in and attending an institution of postsecondary education which  
22 is authorized under the laws of this state to award academic degrees shall  
23 be counted as one pupil if the pupil's postsecondary education enrollment  
24 and attendance together with the pupil's attendance in either of the  
25 grades 11 or 12 is at least  $\frac{5}{6}$  time, otherwise the pupil shall be counted  
26 as that proportion of one pupil (to the nearest  $\frac{1}{10}$ ) that the total time of  
27 the pupil's postsecondary education attendance and attendance in grade  
28 11 or 12, as applicable, bears to full-time attendance. A pupil enrolled in  
29 and attending an area vocational school, area vocational-technical school  
30 or approved vocational education program shall be counted as one pupil  
31 if the pupil's vocational education enrollment and attendance together  
32 with the pupil's attendance in any of grades nine through 12 is at least  $\frac{5}{6}$   
33 time, otherwise the pupil shall be counted as that proportion of one pupil  
34 (to the nearest  $\frac{1}{10}$ ) that the total time of the pupil's vocational education  
35 attendance and attendance in any of grades nine through 12 bears to full-  
36 time attendance. A pupil enrolled in a district and attending special ed-  
37 ucation and related services, except special education and related services  
38 for preschool-aged exceptional children, provided for by the district shall  
39 be counted as one pupil. A pupil enrolled in a district and attending  
40 special education and related services for preschool-aged exceptional chil-  
41 dren provided for by the district shall be counted as  $\frac{1}{2}$  pupil. A preschool-  
42 aged at-risk pupil enrolled in a district and receiving services under an  
43 approved at-risk pupil assistance plan maintained by the district shall be

1 counted as  $\frac{1}{2}$  pupil. A pupil in the custody of the secretary of social and  
2 rehabilitation services and enrolled in unified school district No. 259,  
3 Sedgwick county, Kansas, but housed, maintained, and receiving educa-  
4 tional services at the Judge James V. Riddel Boys Ranch, shall be counted  
5 as two pupils.

6 (3) A pupil residing at the Flint Hills job corps center shall not be  
7 counted. A pupil confined in and receiving educational services provided  
8 for by a district at a juvenile detention facility shall not be counted. A  
9 pupil enrolled in a district but housed, maintained, and receiving edu-  
10 cational services at a state institution shall not be counted. A pupil en-  
11 rolled in a virtual school in a district but who is not a resident of the state  
12 of Kansas shall not be counted.

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

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

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

26 (e) "Enrollment" means: (1) For districts scheduling the school days  
27 or school hours of the school term on a trimestral or quarterly basis, the  
28 number of pupils regularly enrolled in the district on September 20 plus  
29 the number of pupils regularly enrolled in the district on February 20  
30 less the number of pupils regularly enrolled on February 20 who were  
31 counted in the enrollment of the district on September 20; and for dis-  
32 tricts not specified in this clause (1), the number of pupils regularly en-  
33 rolled in the district on September 20; (2) if enrollment in a district in  
34 any school year has decreased from enrollment in the preceding school  
35 year, enrollment of the district in the current school year means which-  
36 ever is the greater of (A) enrollment in the preceding school year minus  
37 enrollment in such school year of preschool-aged at-risk pupils, if any  
38 such pupils were enrolled, plus enrollment in the current school year of  
39 preschool-aged at-risk pupils, if any such pupils are enrolled, or (B) the  
40 sum of enrollment in the current school year of preschool-aged at-risk  
41 pupils, if any such pupils are enrolled and the average (mean) of the sum  
42 of (i) enrollment of the district in the current school year minus enroll-  
43 ment in such school year of preschool-aged at-risk pupils, if any such

1 pupils are enrolled and (ii) 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 and (iii) enrollment in the school year next  
4 preceding the preceding school year minus enrollment in such school year  
5 of preschool-aged at-risk pupils, if any such pupils were enrolled; or (3)  
6 the number of pupils as determined under K.S.A. 72-6447, and amend-  
7 ments thereto.

8 (f) "Adjusted enrollment" means enrollment adjusted by adding at-  
9 risk pupil weighting, program weighting, low enrollment weighting, if any,  
10 correlation weighting, if any, school facilities weighting, if any, ancillary  
11 school facilities weighting, if any, special education and related services  
12 weighting, and transportation weighting to enrollment.

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

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

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

23 (j) "School facilities weighting" means an addend component as-  
24 signed to enrollment of districts on the basis of costs attributable to com-  
25 mencing operation of new school facilities. School facilities weighting may  
26 be assigned to enrollment of a district only if the district has adopted a  
27 local option budget and budgeted therein the total amount authorized for  
28 the school year. School facilities weighting may be assigned to enrollment  
29 of the district only in the school year in which operation of a new school  
30 facility is commenced and in the next succeeding school year.

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

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

39 (m) "Ancillary school facilities weighting" means an addend compo-  
40 nent assigned to enrollment of districts to which the provisions of K.S.A.  
41 72-6441, and amendments thereto, apply on the basis of costs attributable  
42 to commencing operation of new school facilities. Ancillary school facil-  
43 ities weighting may be assigned to enrollment of a district only if the

1 district has levied a tax under authority of K.S.A. 72-6441, and amend-  
2 ments thereto, and remitted the proceeds from such tax to the state trea-  
3 surer. Ancillary school facilities weighting is in addition to assignment of  
4 school facilities weighting to enrollment of any district eligible for such  
5 weighting.

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

9 (2) any level VI treatment facility licensed by the Kansas department  
10 of health and environment which is a psychiatric residential treatment  
11 facility for individuals under the age of 21 which conforms with the reg-  
12 ulations of the centers for medicare/medicaid services and the joint com-  
13 mission on accreditation of health care organizations governing such fa-  
14 cilities; and

15 (3) the Forbes Juvenile Attention Facility, the Sappa Valley Youth  
16 Ranch of Oberlin, Salvation Army/Koch Center Youth Services, the Clar-  
17 ence M. Kelley Youth Center, the Clarence M. Kelley Transitional Living  
18 Center, Trego County Secure Care Center, St. Francis Academy at At-  
19 chison, St. Francis Academy at Ellsworth, St. Francis Academy at Salina,  
20 St. Francis Center at Salina, King’s Achievement Center, and Liberty  
21 Juvenile Services and Treatment.

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

26 (p) “Virtual school” means any kindergarten or grades one through  
27 12 course offered for credit that uses distance-learning technologies  
28 which predominantly use internet-based methods to deliver instruction  
29 and for which the course content is available on an “anytime, anyplace”  
30 basis, but the instruction occurs asynchronously with the teacher and  
31 pupil in separate locations, not necessarily located within a local education  
32 agency.

33 Sec. 4. K.S.A. 72-6757 is hereby amended to read as follows: 72-  
34 6757. (a) As used in this section:

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

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

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

43 (c) The board of education of any school district may make and enter

1 into contracts with the governing authority of any accredited school dis-  
2 trict located in another state for the purpose of providing for the attend-  
3 ance of pupils from this state at school in such other state or for the  
4 attendance of pupils from such other state at school in this state.

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

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

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

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

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

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

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

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

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

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

41 Sec. 5. K.S.A. 72-6757 and K.S.A. 2004 Supp. 72-6407 are hereby  
42 repealed.

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